

**TOWN OF BETHLEHEM**  
**BOARD OF APPEALS**  
**January 17, 2007**

A regular meeting of the Board of Appeals, of the Town of Bethlehem, Albany County, New York was held on the above date at the Town Offices, 445 Delaware Avenue, Delmar, New York. Michael Hodom, Chairman, presiding.

PRESENT: Michael Hodom, Board of Appeals Chairman  
Gilbert Brookins Board of Appeals Member  
Anthony K. Umina, Board of Appeals Member  
Mark Hennessey, Board of Appeals Member  
Leonard Micelli, Board of Appeals Member  
Michael Moore, Attorney to the Board

Mark Platel, Assistant Building Inspector  
Karen Guastella, Assistant Building Inspector

Joe Van Deloo  
Dennis Battle  
Pat Scalzo  
Joe Scalzo  
Kim Willey  
Jim Reeks  
Keith Bennett  
Neal Brady  
John Mott  
Dan Gausp

AGENDA: Nathaniel Adams Blanchard Post  
Selkirk Warehouses  
Ron McLagan  
Paul Lyngard

Chairman Hodom called the meeting to order at 7:00 p.m.

**Nathaniel Adams Blanchard Post**

The first order of business was the public hearing for a Variance under Article VI, Supplementary Regulation, Section 128-59 E (1), Signs, requested by the Nathaniel Adams Blanchard Post located at 16 West Poplar Drive. The applicant proposed to erect a freestanding sign that exceeded the allowable square feet per side and the allowable height for the Core Residential District.

A motion to indent the public hearing notice was offered by Mr. Micelli, seconded by Mr. Hennessey and approved by all Board members present.

Notice is hereby given that the Board of Appeals of the Town of Bethlehem, Albany County, New York will hold a public hearing on Wednesday, January 17, 2007, at 7:00

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p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of the Nathaniel Adams Blanchard Post for a Variance under Article VI, Supplementary Regulations, Section 128-59 E (1), Signs, of the Code of the Town of Bethlehem for construction of, a sign at premises 16 West Poplar Drive, Delmar, New York.

Two (2) of the Board members, Mr. Umina and Mr. Brookins, recused themselves from the proceedings because they were both members of the Nathaniel Adams Blanchard Post.

Mr. Joe VanDeloo presented for the applicant. He is the Commander of the Blanchard Post 1040. He said that the members of the post wished to update the sign. There are many functions that are held at the Post, such as Boy Scout and Cub Scout events, events for the Lions Club, events for the Fire Company and they are the home base for the Town's annual Memorial Day Parade. They proposed a freestanding landscaped sign that they felt would enhance the corner and better serve the numerous events. The sign would not be lit in anyway and the design would follow the motif of the veterans of Foreign Wars on Delaware Avenue sign and the Memorial Park sign in Town. The bottom of the sign would be a locked message board and only used for non-profit organizations within the Town. The message would need to be approved by the Post. The Post has been in that location for thirty-seven (37) years. The sign would be used as a community service for the Town and advertisement for the events within the Post.

Chairman Hodom wanted to know how they arrived at the size of the sign they were requesting. Mr. VanDeloo said the parcel of land where the sign was being placed was quite large and for it to be noticed and not look out of place, they felt this size would keep it in proportion to the parcel. There used to be a roadway used by the railroad in case of emergency on the parcel, so they had never considered a sign. The railroad is no longer used, so the space was available. The one-sided sign would be in the colors and design as submitted.

Chairman Hodom wanted to know how often they advertised for non-profits. Mr. Vandeloo said it happened about once or twice a month. The lettering would be four (4) inch in height and black. There were three (3) lines of text proposed. Mr. Hennessey wanted to know if they could function with fewer lines. Mr. VanDeloo said they might be able to go down to two (2) lines but not one (1). They preferred to use the third line for the organization putting on the event.

Chairman Hodom wanted to know if the bingo sign would be taken down. Mr. VanDeloo said that if the proposed sign was approved they would take down the bingo sign. Chairman Hodom stated that the upper part of the sign was a duplicate of the signage already on the building. He said that the Zoning Code allowed a six (6) foot sign and the proposed sign was eight (8) feet four (4) inches. He wanted to know if that could be lowered. Mr. VanDeloo said it was that height so the part of the sign that was changeable copy could be seen when there was snow underneath. It also made it easier to mow and landscape underneath. They would install the sign as soon as possible but it would depend on the frost.

Mr. Neil Brady, Elsmere Avenue, he was concerned that if they allowed them changeable copy that CVS would come back and request a sign that had their "specials of the week". Chairman Hodom said that the sign CVS had proposed was for their old store and it was for a digital moving sign. That request was not approved by the Zoning Board.

Mr. Dennis Battle, a next door neighbor, asked for the location of the sign on the site. He was shown the plans for the location of the sign and the design. He wanted to know if this decision would set

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precedence for someone else to ask for a sign above scale. Chairman Hodom said that each application was looked at individually. Mr. Battle wanted to know if the large temporary sign with the arrow would go away. Mr. VanDeloo said it was not their sign and the Post never gave permission for it to be placed there. He said it belonged to the Elsmere Firehouse. He said that the Firehouse could use the new sign for their events, as they were a good neighbor.

The hearing was declared closed at 7:35.

### **Selkirk Warehouses**

The second item on the agenda was a request from Selkirk Warehouse Inc., located at 196 Maple Avenue, Selkirk, for a Variance under Article V, Districts, Use and Area Requirements, Section 128-39 D (4), Specific Regulations for the district, setbacks.

A motion to indent the public hearing notice was offered by Mr. Brookins, seconded by Mr. Hennessey and approved by all Board members present.

Notice is hereby given that the Board of Appeals of the Town of Bethlehem, Albany County, New York will hold a public hearing on Wednesday, January 17, 2007, at 7:15 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Selkirk Warehouses for a Variance under Article V, Section 128-39 (D) (4), Specific Regulations for the District, setbacks, of the Code of the Town of Bethlehem for construction of an addition to an existing warehouse, at 196 Maple Avenue, Selkirk, New York.

Mr. Platel stated that the applicant proposed to construct a two hundred (200) foot x two hundred (200) foot addition to the existing storage building that would not meet the required front and rear yard setbacks. They are required to have additional one hundred (100) foot buffer added to the fifty (50) foot setback from the adjoining residential zoning districts. They are eighty-seven point nine (87.9) feet short in the front and eighty-eight point one seven (88.17) feet shy in the rear yard setback. The parcel is zoned rural light industrial district and the project will need Planning Board approval.

Mr. John Mott, Architect, presented for the applicant. They are proposing a forty thousand (40,000) square foot addition for storage to accommodate the growth they have experienced and to place items currently stored outside to an inside space. The site is accessed from Maple Avenue. They currently have a twenty thousand (20,000) square foot storage building in the rear of the site. They want to make the proposed space contiguous with that structure with an access point between the two (2) structures. They need an area in the front of the structures for their trucks to maneuver around the site and for loading and unloading. The proposed placement of the structure gives them the best opportunity for a building of this size on the site. The issue they have is their parcel is zoned rural light industrial and the adjoining parcels are residential. There is an additional one hundred (100) foot buffer that is required between districts. They meet the setbacks for a rural light industrial zone but not the complete additional buffer requirements. The area that could be used on the site without the need for a variance would be very small. The setbacks would be encroached from every direction. They felt the advantages to having the structure was that it would internalize the present operations that go on at the site. The items stored outside would be placed inside and the proposed building would become a screen and a noise buffer for the truck traffic on the site. The proposed building was very large but as mitigation, they were proposing to leave the wooded area around the site. During the planning process they would address additional measures to mitigate the visual impact as much as possible. After reworking the

storm water management area, it would not encroach into the setback. The variance would be for the building itself. If they were not dealing with an additional district boundary, they would meet the setbacks for the rural light industrial district.

Mr. Bennett said prior to the new Zoning Law being adopted they had been allowed to construct buildings as close as twenty-five (25) feet to the property line.

Chairman Hodom asked how long the business was in operation. Mr. Bennett said since 1934. Chairman Hodom wanted to know if they had looked into purchasing some additional land to reduce the need for a variance. Mr. Bennett said he had asked Mr. Scalzo, their nearest neighbor but for about the past fifteen (15) years Mr. Scalzo had tried to purchase land from them. He was not interested.

Mr. Bennett said that over the years they had problems with 4x4's and other all terrain vehicles on their property. He thought that a building would stop that problem. Mr. Hennessey wanted to know if any new jobs would be created with the expansion. Mr. Bennett said no, they currently had a night shift, 4:30pm to 1:00am.

Mr. Kim Willey, Vice-President of Operations for Security Supply, said they were presently leasing ten thousand (10,000) square feet of space at Bethlehem Industrial Park and the activity of transporting product between the facilities would not be necessary. He said the fork truck activity between buildings would be eliminated. That type of activity occurred into the second shift.

Chairman Hodom wanted to know if any of the on site buildings would be eliminated and that stored material moved to the new structure. Mr. Willey said the stock would be moved but there weren't any plans at this time to eliminate any structures other than one (1) pole barn shed to free up yard space.

Mr. Bennett stated that a few items would continue to be stored outside. He wanted a building that could be heated heat and have a bathroom. The fact that the facility was not on a bus line made it more difficult to attract and keep employees. He hoped that the better facilities would help to keep employees.

Mr. Micelli wanted to know how much of the ten thousand (10,000) square foot building was occupied and whether tractor trailers came to the site during the night shift. Mr. Willey said the building he spoke of was full and the earliest that tractor trailers were unloaded was seven (7) in the morning, though the trucks left the yard at two (2) or three (3) in the morning to make deliveries. Mr. Micelli wanted to know if there were any windows. Mr. Mott said that other than the windows for the office space on one (1) side of the building, there would be no windows. Mr. Micelli asked the type of lighting that would be used on the outside of the building. Mr. Mott said there would only be lighting at the doors for exit with yard lighting on the side of the building with the truck traffic where the loading dock was located. Mr. Micelli said that when he visited the site, the neighbors did not voice an opinion that they were opposed to the expansion.

When asked by Chairman Hodom, they said they would comply with the planting guide in the section of the code that dealt with buffers. That would include a mix of evergreen and deciduous trees.

Mr. Mott said they had charted the site with the required setbacks and during that review tried other alternatives but decided that everything on the site would have to be located within the area where the trucks maneuvered on the site. It didn't leave any room except for an area where an existing building was located to place the new one.

Chairman Hodom had placed similarly sized buildings on the site in such a way as to minimize the encroachment into the buffer. He asked Mr. Mott to tell him why those ideas would not work. Mr. Mott said during the construction period, Chairman Hodom's design would make the existing warehouse and loading docks unusable. The layout also put the truck traffic to the edge and at least three buildings would need to be removed. Mr. Mott felt that those configurations would interfere with the operations of the business and cause undue hardship to the applicant. Chairman Hodom asked how long the construction of the proposed building would take. Mr. Mott said optimistically it would take about three (3) to four (4) months or as long as six (6) months. Mr. Mott felt the proposed design, with plantings along the edge of the property mitigating the visual impact and the placement of the building itself mitigating the noise, could be achieved without compromising the functioning of the business during the construction phase. They had decided on the size of the building for current levels of business and storage needs and to plan for future growth without having to build again. When asked by Chairman Hodom, Mr. Bennett said they had contacted the neighbors about their plans and a few had stopped by and viewed them.

It was mentioned that paper streets ran throughout the property that were a part of an old subdivision named Hackett Gardens. Mr. Bennett had supplied deeds to the Town and they were currently being reviewed by the Planning Board counsel. He would make a determination as to what, if anything, needed to be done.

Mr. Dan Gausp, Operations Manager for Security Supply, said that the first tractor trailer left the site around 3:00 or 3:30am, five (5) days a week. He locks the gate and it's not unlocked again until 5:00am. The second shift works from 4:30pm until 1:00am. Deliveries are made throughout the state, to their own branches and other contractors.

Chairman Hodom said they had received a letter from a neighbor stating they stored unlicensed vehicles on the property. Mr. Bennett said when a company vehicle is replaced and not used anymore, they place it out front for sale, as many of the neighbors do.

Mr. Umina wanted to know if trucks had to stay outside the gates waiting for them to open. Mr. Bennett said it has been a problem over the years. They have blocked the employee's parking lot so trucks cannot go in there and run the trucks all night. The police have had them move when they tried to wait on the street.

Mr. Brookins asked if they had any security problems or theft on the site. Mr. Bennett said that it has not been a problem, they have a camera system on the yard, more lights have been installed for the second shift.

Mr. Pat Scalzo, a neighbor, said his only concern was mitigating the lights and the noise much as possible. Mr. Bennett said he would look into possible ways to mitigate, such as moving the yard lights to another building and shining them in a different direction. He said the noise would be reduced by moving work to the inside of the proposed structure.

Mr. Joe Scalzo, wanted to know the issue with the paper streets. Mr. Moore said that the Planning Board attorney was looking at the deeds to determine ownership and rights of the other parcel owners to those streets. He was in favor of the development because he felt that it would help eliminate the ATV's in the area.

A motion to adjourn the hearing until an undetermined date, due to the legal question of the paper streets was offered by Chairman Hodom, seconded by Mr. Micelli and approved by all Board members present.

The hearing adjourned at 8:35.

### **Ronald McLagan**

A motion to schedule the hearing for Ronald McLagan's four (4) applications for Variances under Article XIII, Section 128-100 minimum lot size, on March 7, 2007 starting at 7:00PM was offered by Chairman Hodom, seconded by Mr. Micelli and approved by all Board members present.

### **Paul Lyngard**

The Board reviewed the Resolution for Mr. Lyngard's variance at 33 Henry Avenue as prepared by Counsel.

A motion to approve the Resolution as amended was offered by Mr. Brookins seconded by Mr. Micelli, the vote was; Chairman Hodom against and all other Board members present for. The motion passed.

The Board reviewed the draft minutes of January 3, 2007.

A motion to approve the minutes as amended was offered by Mr. Micelli, seconded by Mr. Brookins and approved by all members present.

A motion to adjourn was offered by Mr. Micelli, seconded by Mr. Brookins and approved by all Board members present.

The meeting adjourned at 8:50pm.