

George Leveille
Chairman

Nicholas Behuniak
Member

Thomas Coffey
Member

Christine Motta
Member

Kate Powers
Member

Stephen Rice
Member

John Smolinsky
Member

TOWN OF BETHLEHEM

Albany County - New York
PLANNING BOARD
 445 DELAWARE AVENUE
 DELMAR, NEW YORK 12054
 (518) 439-4955, Ext. 1159
 (518) 439-5808 Fax

Sam Messina
Town Supervisor

Michael Morelli
Director of DEDP

Jeffrey Lipnicky
Town Planner

Robert Leslie
Senior Planner

Terrence W. Ritz
Asst. Engineer, L.S.

Keith Silliman
Counsel

Deborah Kitchen
Assistant to the Board

MINUTES April 20, 2010

1 The Regular meeting of the Town of Bethlehem Planning Board was convened in public session in the
 2 Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY at 6:00 p.m., on Tuesday, April 20, 2010.
 3 Attendance was recorded as follows:
 4

<u>Board Members Present</u>	<u>Board Members Absent</u>	<u>Counsel Present</u>	<u>Town Staff Present</u>
Christine Motta	George Leveille	Keith Silliman	Michael Morelli
Nicholas Behuniak			Robert Leslie
Thomas Coffey			Deborah Kitchen
Kate Powers			
Stephen Rice			
John Smolinsky			
<u>Others Present</u>			
August March	Michael Waldenmaier	Tom Fiesinger	Paul Hite
Bill Joynt	Kimberly Vining	Lillian Tapp	

5
 6 Acting Chairperson, Christine Motta, called the meeting to order and noted the presence of a quorum.

7
 8 **Public Comment on Regular Agenda Items**
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- 10 • Traeger Subdivision (Public Hearing)
 11 • Kendall Square
 12 • Verstandig's

13
 14 Bill Joynt, 17 Walden Fields Drive, Delmar
 15
 16 -comments related to Kendall Square project
 17 -supports Planning Board's decision to host a public hearing on May 11, 2010
 18

19 There were no other public comments and the comment period was closed.
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21 **Traeger Subdivision, NYS Rt. 396 (Bridge St) & Spawn(s) Hollow Road, South Bethlehem**
 22

23 Acting Chairperson Motta stated that the Planning Board has elected to hold a public hearing to provide
 24 the community with an opportunity to express an opinion about the project, and the information gathered
 25 by the Planning Board will be taken into consideration. Individuals who wish to make a statement
 26 regarding the project are welcome to do so. Comments will be limited to 3-5 minutes.
 27

28 A motion to indent the public hearing notice into the minutes was offered by Mr. Smolinsky, seconded by
 29 Mr. Behuniak, and approved by all Members present.

30 NOTICE OF PUBLIC HEARING, TOWN OF BETHLEHEM, ALBANY COUNTY, NY
31 Notice is hereby given that the Planning Board of the Town of Bethlehem, will hold a Public
32 Hearing on Tuesday, April 20, 2010 at 6:00 p.m., at the Town Offices, 445 Delaware Ave.,
33 Delmar, New York, on the application of Traeger Subdivision as shown on map entitled Map
34 of Proposed (3) Lot Subdivision, Lands of the Estate of Ruth B. Traeger, N.Y.S. Route 396
35 (a.k.a. Bridge Street) & Spawn Hollow Road (a.k.a. Spawns Hollow Road, Town of
36 Bethlehem, dated October 13, 2009, last revised February 17, 2010; prepared by Paul E. Hite,
37 Licensed Land Surveyor, 230 Delaware Avenue, Delmar, NY 12054. Disabled individuals
38 who are in need of assistance in order to participate should contact the Town Clerk's Office at
39 439-4955 Ext. 1183. Advanced notice is requested. (April 14, 2010)
40

41 Mr. Leslie stated that there have been no modifications to the subdivision layout as shown on plans
42 previously distributed to the Planning Board; however, minor textural additions were made as noted in his
43 memo to the Board dated April 14, 2010. It was also noted that final plat approval is conditioned on
44 approval of the Stormwater Pollution Prevention Plan (SWPPP) by the Town's Stormwater Engineer.
45 The draft Parkland Resolution and draft Conditional Final Plat Approval documents were distributed for
46 the Board's review and consideration.
47

48 Paul Hite was present on behalf of the applicant(s)/executor(s) of the Ruth B. Traeger Estate and noted
49 that the project was last before the Planning Board on March 16, 2010. Mr. Hite stated that the parcel
50 was originally ten acres and had been divided into two lots through the land division process in July 2009.
51 The applicant is currently seeking approval to subdivide the remaining 7.48 acres into three lots. Access
52 to the lots will be provided via Spawn Hollow Road which is an existing highway. The lots were
53 designed so that existing draining patterns would not be disrupted. There are no Federal or State
54 regulated wetlands on the site. The grade for the driveway closest to Route 396 was designed to
55 minimize stormwater runoff. The project is located in a Rural Zoning District and single family homes
56 are a permitted use in that District. The property is also located within the Ravena-Coeymans-Selkirk
57 School District and Selkirk Fire District. The project calls for the use of private wells for water and septic
58 systems approved by the Albany County Health Department. The wells will be a minimum of 100 feet
59 away from any septic system. The project abuts Bridge Street on the north and Spawn Hollow Road on
60 the east. The surrounding area consists of large lot single family homes on Bridge Street, vacant land
61 across the Road, a cemetery and lands owned by a logging company. The applicant has submitted all of
62 the required documentation.
63

64 There were no other public comments and the comment period was closed. Acting Chairperson Motta
65 asked for a motion to close the Public Hearing and consider the Parkland Resolution and Conditional
66 Final Plat Approval documents that had been drafted by Town staff.
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68 A motion was made by Mr. Smolinsky, seconded by Mr. Rice and carried by all Members present to close
69 the Public Hearing.
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71 Upon motion by Mr. Smolinsky, seconded by Mr. Coffey, and unanimously approved by all Members
72 present, the Parkland Resolution was approved.
73

74 Upon motion by Mr. Smolinsky, seconded by Mr. Rice and unanimously approved by all Members
75 present, the Conditional Final Plat Approval was approved.
76

77 **Kendall Square, Feura Bush Road, Glenmont**

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79 The applicant is proposing to develop a 16.96 acre parcel located at the northeast corner of the
80 intersection of Feura Bush Road and Elsmere Avenue. The parcel is in a Hamlet Zoning District which
81 allows for mixed use development. Roughly 2/3 of the parcel will remain green. The project was last

82 presented to the Planning Board at the March 16, 2010 meeting and is tentatively scheduled for a project
83 update on May 4, 2010.

84
85 Ms Motta stated that the Board was being asked to consider a request to hold a special meeting/public
86 hearing for the proposed Kendall Square project. She noted that a public hearing is not required on the
87 project. It is a technical review of permitted uses; however, it is the first Hamlet plan of this size that has
88 come before the Board. Ms. Motta also noted that Chairman Leveille had expressed an opinion about
89 holding a public hearing in his memo to the Board, dated April 16, 2010, because he was not able to be
90 present for the discussion.

91
92 In his memo to the Board, Chairman Leveille noted that the project is located in a Hamlet district, there
93 are no variances or zoning changes required and the Board is conducting a technical review of a Site Plan
94 application for permitted uses. The Hamlet District regulations in the Town's Zoning Law are very
95 detailed and provide twenty-four design guidelines as well as several graphic illustrations to guide the
96 Board's in its decision making. The Zoning Law also contains very detailed Site Plan Review and
97 Approval regulations and standards. Chairman Leveille indicated that he does not believe in the necessity
98 of public hearing for site plan review of an application for permitted uses that do not require a variance.
99 The public is provided with an opportunity to comment during the public comment period at regularly
100 scheduled meetings. In addition, Members of the Board may participate in meetings with concerned
101 citizens, developers and Town staff to discuss projects that are under the Planning Board's consideration.
102 With regard to holding a public hearing on the Kendall Square project, Chairman Leveille is in favor of
103 holding the hearing for the following reasons:

- 104 - Many residents are not familiar with the hamlet related recommendations of the Comprehensive Plan
105 and a public hearing will provide an opportunity to discuss these in more detail
- 106 - Many residents are concerned about traffic issues and pedestrian safety and a public hearing will
107 provide them with an opportunity to share some of the long-term solutions the Town is working on to
108 address these concerns
- 109 - There are misunderstandings about the design and nature of the project that a broader public
110 presentation and discussion can help to alleviate

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112
113 Mr. Morelli noted that Town staff (Morelli, Leslie, Ritz and Kitchen), had met with Board Members
114 (Leveille, Coffey and Smolinsky), Developer & Project Engineer (Lee Rosen and Francis Bossolini) and
115 citizen/representatives from Colonial Acres, Chadwick Square and Walden Fields (Bill Joynt, David
116 Kissinger, Kevin Killgallon and Christy Ryder) on March 31, 2010 to discuss design concerns related to
117 the Kendall Square project. After the meeting concluded it was determined that it would be best to hold
118 the special meeting – separate from a regular meeting – because there may be several other items on the
119 regular agenda. A separate meeting would also provide Town staff with an opportunity to share
120 information about the Comprehensive Plan and Hamlets in general.

121
122 Upon motion by Mr. Smolinsky, seconded by Mr. Coffey and unanimously approved by all Members
123 present, it was determined that the Planning Board would hold a special meeting/public hearing on
124 Tuesday, May 11, 2010 at 6:00 p.m. Mr. Behuniak stated that he had a preexisting scheduled conflict out
125 of Town and would not be able to attend the Public Hearing.

126 **Verstandig's, 454 Delaware Avenue, Delmar**

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128
129 Acting Chairperson, Christine Motta, stated that the Board received a letter from Stephen Bolduc,
130 President of Keystone Builders, dated April 15, 2010 requesting a ninety (90) day extension to the site
131 plan approval pursuant to Section 128 – 71 L of the Zoning Code extending the start time of construction
132 to August 19, 2010. It was noted that the Board has previously granted Site Plan Approval on March 17,

133 2009 for construction of forty (40) residential condominium units and a minor revision to the approved
134 plan on May 19, 2009.

135
136 Mr. Morelli stated that a time extension was needed because the project was impacted by the downturn in
137 the economy and financing had to be in place before an offering plan could be submitted to the NYS
138 Attorney General's office. He also noted that a condition of the Town's approval was based on the
139 submission and approval of the offering plan. The offering plan had to be approved before the developer
140 could accept any contracts. Ms. Powers stated that she has not been pleased with the condition /
141 appearance of the site and she believes that the Town should condition the approval to require the
142 developer to give the property some attention. Mr. Morelli stated that he was under the impression that
143 Mr. Verstandig still owns the property and would address this concern. He is recommending that the
144 Board grant the ninety (90) day extension.

145
146 Acting Chairperson Motta asked the Board for a motion to consider the applicant's request for a time
147 extension.

148
149 Upon motion by Mr. Behuniak, seconded by Ms. Powers, and unanimously approved by all Members
150 present, the applicant was awarded a ninety (90) day extension for start of construction which would
151 extend the start date to August 19, 2010.

152
153 **Minutes**

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155 Upon motion by Mr. Rice, seconded by Ms. Motta, the Members voted to approve the February 2, 2010
156 minutes, as written.

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158 **Meeting Schedule**

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160 The next Planning Board meeting is scheduled to take place on Tuesday, May 4, 2010, at 6:00 p.m.

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162
163 Respectfully submitted,
164 Deborah Kitchen