

**PLANNING BOARD
TOWN OF BETHLEHEM
December 15, 2009**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting on the above mentioned date, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY.

Present: George Leveille, Planning Board Chairman
Keith Silliman, Planning Board Counsel
Nicholas Behuniak, Planning Board Member
Daniel Coffey, Planning Board Member
Kathy McCarthy, Planning Board Member
Chris Motta, Planning Board Member
Kate Powers, Planning Board Member
John Smolinsky, Planning Board Member

Michael Morelli, Director DEDP
Jeffrey Lipnicky, Town Planner
Rob Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

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| Bill Hennessey | Richard Sanderson |
| Chaz Furman | R. Wilson |
| David Caesar | Doug Miller |
| Charles Wiff | Skip Francis |
| Danny Patel | Richard Green |
| David Wendth | Dan Hershberg |
| Paul Losavio | Joy O'Day |
| James Martley | June Zych |

Public Hearing: 500 Kenwood Avenue SP/SUP

Regular Agenda: Carriage Hill Subdivision
Russell Road Partners - Blessings Corner at 572 Russell Road
Phillipin Kill Manor
Beverwyck Phase V
Econolodge

Chairman Leveille called the meeting to order and noted the presence of a quorum.

PUBLIC HEARING

500 Kenwood Avenue – Site Plan / Special Use Permit

Chairman Leveille introduced the proposed site plan / special use permit on Kenwood Avenue.

A motion to indent the public hearing notice was offered by Ms. McCarthy, seconded by Ms. Motta and approved by all Board members present.

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, December 15, 2009 at 6:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application of

Michael Parker for a Special Use Permit to lease to Journey United Church a portion of 500 Kenwood Avenue, Delmar, NY, Albany County, N.Y., as shown on map entitled: Site Plan, Tenant Space for Journey United Church, 500 Kenwood Avenue, Town of Bethlehem, County of Albany. Map prepared by Hennessy Engineering & Consulting.

Mr. Hennessey presented for the applicant. He said the building is currently occupied by Dr. Parker, an orthodontist, who also owns the building. He's been at this location since 1997. The building is about 4,300 square feet and he occupies about 3,000 square feet in the front. The rear is unoccupied. It had been office space. The rear parking area had been paved for several years prior to Dr. Parker owning the property. The adjacent undeveloped property is also owned by Dr. Parker. The proposed tenant of the rear portion of the building is Journey United Church. They're currently renting space in New Scotland. The church is proposing 70 seats. The layout is in compliance with NYS Building Code. There is adequate space in the parking area for sufficient parking for both Dr. Parker's use and the church's use per the Zoning Code. The curb cut onto Kenwood Avenue is existing. The front of the property is landscaped. The vacant space on the east side of the rear is wooded and undeveloped. Ornamental grasses are along another of the property boundary points. The applicant is proposing lighting for the parking lot. A wall pack light will be changed out to a cut off fixture and there will be one pole light. The lights will not flood off of the property as per code. The traffic generation was discussed and Journey United Church had submitted letters regarding their use. On an average they have between 15 to 20 cars and about twice that number of worshippers. They have figured about 1.8 people per car. If that data is used they would need more spaces than is required by the Zoning Code. But the five year growth plan for the church will not reach those levels.

Mr. Behuniak asked how the lighting would be controlled. Mr. Hennessey said one would work on a timer and the other would turn it on with a switch.

There were no comments from the audience.

Mr. Silliman said a special use permit is a cross between a site plan and the way a zoning board would look at an applicant that wanted to do something a little out of the ordinary. Special use permits used to be approved by the Zoning Board but now that responsibility lies with the Planning Board. The purpose of a special use permit is for the Board to take a look at certain uses and make sure they are consistent with the land use in the vicinity. Things such as traffic, noise, etc. are looked at.

PUBLIC COMMENT PERIOD

Mr. Martley, 5 Blessing Road, on the corner of Blessing & Krumkill Roads, stated that he realized it was not the official "Public Hearing" for the proposed Russell Road Partners Project but he felt that the Board needed to hear something directly from the residents affected by the proposed project.

He noted that Russell Road Partners held an informational meeting at the North Bethlehem Firehouse on November 11, 2009 and there were in excess of 100 area residents in attendance. Quite a few questions were asked and a majority of those who asked questions were not in favor of the Stewart's portion of this project due to concerns about traffic volume, safety issues, alcohol & tobacco access to youths, hours of operation, environmental concerns from the sale and storage of gasoline, the size of the store and commercialization of the area. He added that it would be nice to have the condos but he does not believe the Stewarts store was in personality with the area.

Mr. Martley concluded by saying that he personally agrees with the concerns raised at the informational meeting and the proposed use of the property is not in the best interests of the area residents and should not be allowed.

REGULAR AGENDA ITEMS

Carriage Hill Subdivision – Lot Line Revision

The lot line revision was before the Board for an initial presentation. Ms. Currier, of C.T. Male, presented on behalf of the applicant. She stated that Charlew Builders submitted an application for a lot line revision to amend the existing lot line between Lots 88 and 90 Bridle Path in the Carriage Hill Subdivision. Both lots are undeveloped at this time and are owned by Charlew Builders. A building permit application has recently been submitted to the Building Division for Lot 88.

The proposed amendment would remove an odd configuration to lot 88 and provide additional side yard for the proposed home site on this lot. All zoning requirements, including side yard, would be met with or without the change. The amendment would also result in the transfer of 1,676 sq. ft. of land area from Lot 90 to Lot 88. The revision constitutes an insignificant change to the filed subdivision map, and would result in no other change to the Carriage Hill Subdivision.

The request for lot line revision to 88 and 90 Bridle Path was approved.

Blessings Corner at 572 Russell Road - PDD

The proposed Planned Development District (PDD) was before the Board to request approval for a 60 day extension of the SEQR review and a project update. Mr. Hershberg presented on behalf of the applicant who is seeking a PDD zoning classification for an 11.53+/- acre site located at the northwest corner of Krumkill and Russell Roads to allow for the construction of 44 residential condominium units on this land as well as a 2,990+/- sq. ft. Stewart's convenience store with gas pumps at the corner of the site. The applicant has also proposed to install 1,000 +/- ft. of sidewalk along Krumkill Road between Russell and Googas Roads that would provide a pedestrian link to the proposed Stewart's Shop and more importantly to the North Bethlehem Town Park.

Stewart's has agreed to limit access on Krumkill Road to right in/right out only with a full access curb-cut on Russell Road. Albany County, who has approval authority over the location and type of curb cuts for Blessing and Krumkill Roads, has provided written confirmation regarding this matter.

Mr. Behuniak noted that he would like to see more detailed features on the condos before considering the project further.

The applicant hosted an informational meeting at the North Bethlehem Fire House on November 11, 2009 to address concerns of surrounding property owners. Approximately 120 people attended the meeting and it was estimated that there were 10-12 people adamantly opposed to the project, a number of others wanted to make sure that there was adequate landscaping buffering, appropriate lighting etc. and, according to the applicant, a group of people expressed support for the convenience of a Stewart's Shop at the corner but wanted more information on the proposed condominiums. The applicant also sent out notices to surrounding property owners to let them know the project would appear before the Planning Board in December.

On September 15, 2009 the Planning Board granted a 120 day extension, retroactive from July 10, 2009, which extended the review time to November 7, 2009. On October 20, 2009 the Planning Board agreed with the applicant's request for a second extension to January 7, 2010. The most recent request would extend the review to March 7, 2010. It was noted that review of the project was delayed primarily due to the traffic study that was prepared for the applicant by Creighton Manning Engineering, LLP.

The project was awarded a 60 day extension for SEQR Review extending the Planning Board's review to March 7, 2010.

Phillipin Kill Manor - PDD

This proposed Planned Development District was before the Board to request approval for a time extension of the SEQR review.

The project was awarded a 60 day extension for SEQR Review extending the Planning Board's review to February 9, 2010.

Beverwyck Phase VA – Amendment to Existing PDD BPA 26, PRD 12

A Planned Development District application was submitted by Northeast Health, on behalf of Beverwyck Inc, to request approval for an amendment to an existing Planned Development District for Beverwyck Phase VA. The applicant is seeking approval to construct two 10,025 square foot buildings (totaling 20,050 square feet) to house 24 skilled nursing beds. The buildings would be located along Beverwyck Drive within the existing Beverwyck campus.

David Wendth, from Northeast Health, presented the project history and stated that the Town Board had previously awarded a SEQR negative declaration in September 2005, and an amendment to Phase V in August 2006 for construction of a 29,504 square foot addition to the existing Terrace at Beverwyck (assisted living facility) which included a 20-bed skilled nursing home wing and an 18-bed Alzheimer's wing. The proposed additions were never constructed.

The project plans are currently under review by the Town Public Works, Engineering and Planning Departments and include a review of the existing sewer system in the project area. The Town will seek assistance from the applicant to improve the existing sewer system (i.e., force main along Beverwyck Drive adjacent to the project site). On December 8, 2009, staff from the Planning and Engineering Departments met with the applicant to discuss the potential improvements to the sewer system.

At the December 9, 2009 Town Board meeting, the Town Board passed a resolution wherein the Town Board accepted the applicant's application for an amendment to a Planned Development District, and referred the application to the Planning Board for site plan review and recommendation (Zoning Code §128-40 F). The resolution also recognizes that after preliminary review, the project constitutes an Unlisted action, in accordance with SEQR, and the Town Board declared its intent to be lead agency for the project.

Further discussion regarding the proposed amendment was tabled.

Econolodge – Amendment to Previously Approved Site Plan

Richard Green presented the project history on behalf of the applicant, Daniel Patel, and stated that the project had previously received Site Plan Approval (SPA) from the Planning Board in June 2007 and a variance for setback to parking from the Zoning Board of Appeals (ZBA) in February 2006. Construction of the project was delayed due to the lending environment for hotel financing and the lack of liquidity in the over-all lending market. As a result, the previously obtained SPA and ZBA variance expired and the applicant needed to resubmit applications for both.

An area variance was granted by the ZBA in November 2009. The amended Site Plan application includes a minor reduction in the number of parking spaces as well as a revised building elevation on the side of the building closest to Frontage Road. Mr. Patel indicated that he plans to reside the existing

structure to match the three story addition. Member Smolinsky requested that the applicant submit a pallet of materials for the Board to review rather than ask the Board to make a decision based on the colored renderings. Mr. Smolinsky also raised concerns about parking space availability for tractor trailers. Mr. Platel stated that guests will not be allowed to stay if parking space is not available.

Discussion related to the SEQR Determination of Significance was tabled until the Members have had a chance to review the building materials and revised elevations.

Minutes

The Board reviewed the 2ND draft minutes of December 1, 2009 prepared by staff.

A motion to approve the minutes, as drafted, was offered by Mr. Smolinsky, seconded by Ms. McCarthy and approved by all Board members present.

Resolutions - Attached

Chairman Leveille read a Resolution issued to Katherine McCarthy recognizing her service as a Planning Board Member from January 2003 through December 31, 2009. Ms. McCarthy thanked the Town staff for their assistance and stated that it has been an honor to serve the public for the past seven years.

Chairman Leveille read a Resolution issued to Nanci Moquin recognizing her service to the Planning Board from July 15, 2003 through December 31, 2009. Ms. Moquin stated that it has been a pleasure to serve as Administrative Assistant to the Planning Board and to have had an opportunity to work with the staff members in the Planning Department.

Motion to Adjourn

A motion to adjourn was offered by Mr. Coffey, seconded by Ms. McCarthy and approved by all Board members present.

The meeting adjourned at 7:40 pm.

Respectfully submitted,

Nanci Moquin / Deborah Kitchen