

**PLANNING BOARD
TOWN OF BETHLEHEM
July 7, 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
Nick Behuniak, Planning Board Member
Kathy McCarthy, Planning Board Member
Kate Powers, Planning Board Member
John Smolinsky, Planning Board Member

Jeff Lipnicky, Town Planner
Rob Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Eric Larner	Ted Zabinski
Melissa Arconpaugh	Walter Kubow
Chuck Jesmain	Daniel Desjardins
Melanie Calzone	Jarrett Carroll, Spotlight Newspaper

Agenda: Horne Subdivision
Tractor Supply
South Albany Airport
Meadowview II
Elm Avenue East Subdivision

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

Public Comment Period

Chairman Leveille opened the floor for Public comment on agenda items. There were no comments from the public.

Chairman Leveille closed the public comment period.

Horne Subdivision

Chairman Leveille said the first item on the agenda was the four (4) lot subdivision located on Maple Avenue in Selkirk. Mr. Leslie provided the Board with background information. Mr. Leslie said the four (4) lot subdivision has access to water but not sewer.

The Board reviewed the draft Classification of Action/ SEQR Determination prepared by staff.

A motion to accept the SEQR Determination/ Negative Declaration as drafted was offered by Mr. Smolinsky, seconded by Ms. McCarthy and approved by all Board members present.

A motion to set the public hearing for July 21, 2009 at 6:00pm was offered by Mr. Behuniak, seconded by Mr. Smolinsky and approved by all Board members present.

Tractor Supply

Chairman Leveille said the next item on the agenda was an amendment to the Town Squire Site Plan.

Mr. Tucker from Infinigy Engineering presented. They have made some changes to the plans in response to the comments received from the Board. They have added stone columns along the front of the fencing and the fencing will be black vinyl coated. They have added landscaping to the islands in front of the store and a six (6) foot high stockade fence along the back property line to give some screening to the residential properties to the rear. The comments from the engineering department have been addressed. Mr. Ritz said the only comment from the engineering department dealt with the base of the sidewalk to be installed. Mr. Smolinsky said he appreciated the applicant's and Schuyler's changes to the plans and thought those changes would add to the aesthetics of the plaza. Chairman Leveille said Mr. Morelli reported that this applicant has been very responsive to the suggestions from both staff and the Board.

The Board reviewed the draft SEQR Resolution prepared by staff.

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

The Board reviewed the draft Site Plan Amendment SPA 110-Amendment C prepared by staff.

A motion to approve Site Plan Amendment SPA 110-Amendment C as drafted was offered by Mr. Smolinsky, seconded by Ms. Powers and approved by all Board members present.

South Albany Airport

Chairman Leveille introduced the next item on the agenda, a site plan and special use permit for South Albany Airport on Old School Rd. in Selkirk. Mr. Lipnicky said the applicant is proposing to build a ten (10) bay T hanger and a concrete apron for the T hanger. The T hanger is proposed for the area that currently holds airplanes. They have the possibility for an additional two (2) planes to be housed at the facility with the new hanger. The public hearing has been held for this project. He said Albany County Planning Board reviewed the project and recommended review by Albany County Public Works for the design of highway access, road capacity and drainage. He said he's been in contact with that department and they don't have any issues that need to be dealt with. There are a few conditions that need to be satisfied prior to the stamping and signing of the plans; one dealing with finalizing the stormwater plans. The applicant is working with engineering on this issue.

The Board reviewed the draft Special use Permit SUP-10 prepared by staff.

A motion to approve Special Use Permit SUP-10 as drafted was offered by Ms. Powers, seconded by Mr. Smolinsky and approved by all Board members present.

The Board reviewed the draft Site Plan Approval SPA 155 prepared by staff.

A motion to approve Site Plan SPA 155 as drafted was offered by Ms. McCarthy, seconded by Mr. Behuniak and approved by all Board members present.

Meadowview II

The next item on the agenda is Meadowview II a seven (7) lot subdivision located at the end of Jasmine Dr. The public hearing has been held for this project.

Mr. Ingalls from Ingalls and Associates was present as the representative of the applicant to answer questions. Mr. Smolinsky asked when the applicant would submit the proposed planting plan. M. Lipnicky said this project will need to come back to the Board for a final plat approval. The landscaping will be addressed with their next submission for the Board to review.

The Board reviewed the draft Parkland Resolution for Meadowview II prepared by staff.

A motion to approve the Parkland Resolution for Meadowview II as drafted was offered by Mr. Behuniak, seconded by Ms. McCarthy and approved by all Board members present.

The Board reviewed the draft Preliminary Plat Approval, 241-P, as prepared by staff.

A motion to approve Preliminary Plat Approval 241-P as drafted was offered by Ms. McCarthy, seconded by Mr. Behuniak and approved by all Board members present.

Elm Avenue East Subdivision

This project is on the agenda requesting an amendment to their previously approved subdivision.

Mr. Kubow from Chazen Engineering, representative for the applicant presented. He said the project had received Conditional Plat Approval in the fall of 2008. They have met all the conditions in the approval document except one (1) that deals with the Army Corp of Engineers. The applicant has been working with the Army Corp for months and has decided that they will not obtain the approvals needed before the applicant will need another extension of their approval. The applicant decided to re-grade a few of the rear lots and add retaining walls to avoid any disturbance of the wetlands. They have submitted the plans showing the difference between the approved and the proposed rear lot configurations. Deed restrictions and post and rail fencing will be used to prohibit homeowners from encroaching into other wetland areas. They were requesting the Planning Board remove the condition requiring ACOE approval.

Mr. Smolinsky said the ten (10) foot high wall was a substantial structure and he asked how they would stay out of the wetland while the retaining wall was being constructed. Mr. Kubow said the retaining walls can be built from the back side and not disturb the wetlands on the front side. They use a block style wall re-enforced with soil. Mr. Smolinsky asked staff if there were any restrictions imposed with that type of construction such as erosion control protection. Mr. Ritz said typically the rules followed for any retaining wall over four (4) feet has to be signed off by a professional engineer and the installation has to be certified by a P.E. before a C.O. will be issued by the building department. Fencing will also be installed along the top of the retaining wall. Mr. Kubow said they would use an erosion control fabric fence and an orange warning fence to protect the wetlands during construction. Mr. Lipnicky said the final plat before them will be amended to satisfy the conditions in the amendment approval.

Chairman Leveille asked if the grade from the back of the proposed building lots to the wall were flat. Mr. Kubow said they had been designed to have a walk out basement. Chairman Leveille said the other option was to wait an indeterminate amount of time for the ACOE approval. Mr. Lipnicky said they have already received the maximum extension, so they cannot get another extension on the original approval.

Ms. Powers thought it was a positive to avoid wetland impact. She asked what the setback from the proposed houses to the wetlands would be. Mr. Kubow said one of the lots would be setback thirty-five (35) feet to the retaining wall and

about another five (5) feet to the wetlands. Mr. Lipnicky said the ACOE's generally wants to see some form of barrier if the setback is less than fifty (50) feet. The retaining wall would be that barrier.

Mr. Behuniak asked what assurance the Town had that the wall will not fail. Mr. Ritz said the Town's insurance is the engineer's license. The individual property owner would seek relief from the developer if anything happened.

The Board reviewed the draft SEQR Resolution/ Negative Declaration prepared by staff.

A motion to approve the SEQR Resolution/ Negative Declaration as drafted was offered by Ms. McCarthy, seconded by Mr. Smolinsky and approved by all Board members present.

The Board reviewed the draft Conditional Final Plat Approval Amendment, 232-CF-A1, prepared by staff.

A motion to approve the Conditional Final Plat Approval Amendment, 232-CF-A1, as drafted was offered by Mr. Smolinsky, seconded by Mr. Behuniak and approved by all Board members present.

The Board reviewed the draft minutes of June 2, 2009 prepared by staff.

A motion to approve the minutes of June 2, 2009 as amended was offered by Ms. McCarthy, seconded by Mr. Behuniak and approved by all Board members present.

The Board reviewed the draft minutes of June 16, 2009 prepared by staff.

A motion to approve the minutes of June 16, 2009 as drafted was offered by Mr. Smolinsky, seconded by Ms. Powers and with Chairman Leveille abstaining, the minutes were approved by all other Board members present.

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

The meeting adjourned at 6:25 PM.

Respectfully Submitted,

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