

**PLANNING BOARD
TOWN OF BETHLEHEM**

June 17, 2008

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on June 17, 2008, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:00 pm.

Present: Parker Mathusa, Planning Board Chairman
Keith Silliman, Planning Board Counsel
Nick Behuniak, Planning Board Member
Kathy McCarthy, Planning Board Member
Howard Engel, Planning Board Member
Christine Motta, Planning Board Member
John Smolinsky, Planning Board Member
Kate Powers, Planning Board Member

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

Audrey Watson, 31 Harding Avenue
Kerrilynn Rooney, 4 Merrifield Pl.
Debra Parker, 2 Meerifield Pl.
Shirley and Bill Seyler, 3 Burtonwood
Regina Wagner
John Mennfeto, Jr., 493 Delaware Ave.
Jarett Carroll, Spotlight
Sean Ahern, Spotlight
Phyllis VanDemark, 2 marion Rd.
John & Lois Vadney, 30 Marvin Ave.
Mariellen and Joel Vadney, 81 Vadney Rd.

Agenda: McCormack's Hollow Subdivision
Delmar Full Gospel church
Hudson Glen Subdivision
Verstandig's Florist
Van Dyke Spinney

Chairman Mathusa called the meeting to order at 7:00pm and noted the presence of a quorum.

McCormack's Hollow Section 1 Subdivision Amendment

The project was last before the Board on June 3, 2008. Mr. Hite presented for the applicant. He stated there were a few minor revisions to the plan since the last meeting. The proposed path was widened at the North Street side with a small island in the middle and five (5) foot paths on either side. Other areas of the path would also have the islands and five (5) foot paths on wither side. The remainder of the path would continue to be ten (10) feet wide

with seeding and some landscaping. Chairman Mathusa wanted the path to be started by August 1, 2008 and completed by October 1, 2008. Mr. Hite said the developer was willing to complete the path.

The Board reviewed the draft SEQR Document prepared by staff.

A motion to approve the SEQR document as drafted was offered by Mr. Smolinsky, seconded by Mr. Behuniak and approved by all Board members present.

The Board reviewed Draft 2 Amendment 167-S1-CF-M prepared by staff.

A motion to approve the Amendment 167-S1-CF-M as drafted was offered by Mr. Smolinsky, seconded by Mr. Engel and approved by all Board members present.

Delmar Full Gospel Church

The Church, located at 282 Elsmere Avenue, proposes to add a storage area to the rear of the existing structure. Mr. Shafer, Shafer Engineering Associates, presented for the applicant. He said they currently have a small detached shed on the property. The Church now wants a storage room attached to the building that could be accessed from the inside. The detached shed would be removed. The proposed addition meets all the setback requirements. There is a storm line that runs parallel to the back of the building. The storm line currently runs along the side of the existing shed and will continue to do so without the necessity of moving the line. That line discharges to an open channel to the rear of the property. He said as a structural engineer, he checked to make sure the building would not impact the storm line and the storm line would not impact the building. He said the excavation for the building can take place inside the existing building. The siding of the addition would match the existing structure.

Chairman Mathusa said the project is a Type II action under SEQR regulation and does not need further environmental review.

A motion to table the project was offered by Ms. Powers, seconded by Mr. Behuniak and approved by all Board members present.

Hudson Glen Subdivision

This project was last before the Board on September 5, 2006. Mr. Kleinke, Kleinke Associates, presented for the applicant. He said the approximately thirty-five (35) acre parcel is located between Hudson Avenue, Gardener Terrace and Albright Place. There are some steep slopes on the parcel. The proposal is for three (3) lots to be buildable lots and the fourth lot to be left as remaining lands. The buildable lots have had geotechnical review done on them. Two (2) of the lots will front on Hudson Avenue and one (1) will be located at the end of Albright Place. The large thirty (30) acre lot will be retained by the current owner. Mr. Kleinke said there is some developable land on the parcel that is a plateau area amounting to about four (4) or five (5) acres. Something could be done in the future but the owner is not interested in the development of that space at this time. The remainder of that parcel couldn't be developed because of steeper slopes, a large ravine area and drainage areas.

Ms. Powers asked why the large lot couldn't be developed. Mr. Kleinke said it was because of the steep slopes, the ravine area and the drainage course.

Mr. Behuniak asked what was involved in creating the homes, he asked if grading would be necessary to the existing land in order to build houses. Mr. Kleinke said if one looks at the topographic map, the reason the proposed homes are placed where they are is because those are the areas of level plateau. There would be relatively little grading necessary to construct the homes. The area that surrounds the proposed homes has the significant topography. Those areas will not be touched. Two (2) of the homes would have a walkout basements. The homes

would not require significant cuts or fill. Mr. Behuniak wanted to know the anticipated amount of fill. Mr. Kleinke said the soil excavated out for a basement could be used to finish grading on the lot. He said the geotechnical report recommends a trench drain to the bottom of the slope on the rear of two homes. Those drains are an extra precaution. Mr. Behuniak asked if the homes would be in a flood plain. Mr. Kleinke said no.

Mr. Smolinsky asked if the ownership of this property had anything to do with the federal investigation of Watkins Properties. Mr. Kleinke said no, the property was owned by Rose Watkins, who is not a part of that investigation.

The Board reviewed the draft SEQR document prepared by staff.

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

A motion to set the public hearing for July 15, 2008 at 7:00 PM was offered by Mr. Smolinsky, seconded by Mr. Engel and approved by all Board members present.

A motion to table the project was offered by Ms. McCarthy, seconded by Mr. Engel and approved by all Board members present.

Verstandig's Florist

This is an initial presentation to the Board. Mr. Verstandig said the proposal was for an additional building in the front of the present greenhouse operation. They started their wholesale operation on Creble Road in 1997. After the first set of buildings, they have been adding on a few structures every couple of years. They now want a building to the front of the greenhouses for sales and better office space. They are running into problems with humidity, keeping phones and computers in service in their present location. At about the same time, Mr. Buldoc became interested in the Verstandig property on Delaware Avenue and they now wanted both projects to move ahead together. Their operation from Delaware could be moved to Creble Road. One project is contingent on the other. Mr. Verstandig said a few years ago they became involved in green energy. They started by collecting all the water from the greenhouse roofs and piping it to catch basins and recycling it into the greenhouses to be used for watering. They have also picked up the natural drainage along the front of the building and pipe that to the pond in the rear. He said over the last few years they have received grants for a few of the buildings with the USDA for improving their heating situation. They have gone to radiant heat with high efficiency boilers to cut back on the fuel bill. The fuel bill for the three (3) +/- acres of greenhouses from October 1 to March 10 of this year was ninety thousand dollars (\$90,000). They are currently looking at proposals for solar and/or wind to produce electricity to further cut back on fossil fuel. Mr. Verstandig said there was a lot of natural drainage on the property. There is an existing swale that runs through the property. Mr. Buldoc has developed the plans for the new building.

Chairman Mathusa asked about the parking. Mr. Verstandig said the current gravel area has existing drainage, some towards Rt. 9W and some other drainage to the swale. The proposal for the new parking is to cut into the grass area in the front for parking in one direction, towards Creble Road. The new structure will service both the retail and the wholesale business. Mr. Verstandig's said the retail portion would be less. If it picks up a lot, they might want to expand the parking all across the front of the new structure. He said a large portion of the building was for a walk in cooler. They want to grow more of their own bulk crops.

Chairman Mathusa asked about truck traffic circulation on the site. Mr. Verstandig said there are three (3) entrances on the site and the proposal is to have one (1) of the entrances be the main entrances and have the truck traffic exit from the second driveway.

Mr. Buldoc, Keystone Builders, showed the two (2) main proposed elevations for the building. It would be a mix of cultured stone and vinyl siding. A dormer on the top would be for decoration.

Mr. Engel asked if the future alternative energies would be tied into this new structure. Mr. Verstandig said if they pursue the solar energy, they would need to give up about a two (2) acre section of the property to be dedicated to the panels. He said most of the people dealing with wind are dealing in a one hundred (100) kilowatt tower, which is slightly more than they need at the moment. If they expand the greenhouses again, it wouldn't be adequate. He said it seemed that solar might be more cost effective for them. He hadn't decided on what area of the property would be used. He didn't think the roof area would be adequate for their needs. If they are to stay in business, they need another power source.

Ms. McCarthy said the only flaw she saw with the design was all the parking right up by the Road. Mr. Verstandig said there was a berm about three (3) or four (4) feet high along the road that would hide most of the cars. The new building would still be visible.

Mr. Smolinsky wanted to know if the combination of retail and wholesale use would make a difference in the amount of parking and traffic in and out of the site. Mr. Verstandig said most of the wholesale traffic would be through the center driveway. They have a lot of people come in the peak seasons to see the upcoming crops. He didn't see a conflict between the retail and the wholesale. Mr. Smolinsky thought a pedestrian crossing area should be marked or signs should be put up in the parking lot. He also suggested moving the handicapped parking space to the middle of the parking strip across from the building. Mr. Engel asked if the parking area would be paved. Mr. Verstandig said it would be done eventually to cut down on dust. Mr. Behuniak asked staff if they had any suggestions for the relocating the parking. Mr. Morelli said having the parking across from the building it's easier to load product into the rear of cars. Staff thought the cars would be hidden between the berm and the elevation between the road and the site. The number of the parking spaces was adequate for their needs and there was additional space if they needed to add more spaces in the future. Mr. Verstandig said the operation now was completely wholesale and with the business closing on Delaware they would be adding the flower business in the new building. The percentage of retail to wholesale was hard to determine. They would be developing the business as they go along. They were thinking of a farm market type store. The gift shop in the current Delaware store would be discontinued. Mr. Behuniak asked if the signage along Creble Road would be changed. Mr. Kleinke said the proposed signage along the road and on the building were allowed in that zone and the size was below the allowable square footage.

The project would be sent to the Albany County Planning Board for their review.

A motion to table the project was offered by Mr. Engel, seconded by Ms. McCarthy and approved by all Board members present.

Van Dyke Spinney

Chairman Mathusa introduced the next item on the agenda, the Van Dyke Spinney Planned Development District located on Van Dyke Road. The project was last before the Board on October 2, 2007.

Mr. Feinberg and Mr. Ruthman, principles of the project, presented. Mr. Feinberg said the Town Board has approved the age restricted PDD based on the Planning Board's recommendation. They brought in some of the elevations for the Board's review. The architect for the project is Hudson Design. The elevations showed front loading buildings in the craftsman style. The proposed interior design layout was left for the Board.

Mr. Feinberg said the project is designed for well elderly over the age of fifty-five (55). The proposal is for two hundred twenty-nine (229) units. He said it's a gently sloping site that has had wetlands delineated, archeological investigations done and those issues have been addressed.

Chairman Mathusa said one of his concerns was the intersection of Van Dyke Road and Meads Lane. Mr. Feinberg

said that their engineer, Mr. Dempf, has been in contact with the Town on numerous occasions to come up with a design to improve the intersection. Mr. Dempf said at the request of the Town, they have prepared a grant application for CDTC to design and possibly reconstruct that intersection. The application consisted of two (2) alternatives. They have asked for monies from CDTC to progress something forward in that location. Chairman Mathusa said his concern was the combination of school buses from the new Eagle School and High School as well as the traffic from this project going up through that intersection.

Mr. Morelli said staff was concerned with the three (3) buildings out along Van Dyke Road and the other building in the middle of the cul-de-sac. He thought if the three (3) buildings along Van Dyke Road were eliminated, the other two (2) buildings could be moved further away from the wetlands and reduce the impacts on the wetlands. Aesthetically the building in the middle of the cul-de-sac should be eliminated and that would allow the buildings on the north side of site to have a back yard. He thought a gazebo in the middle of that cul-de-sac would look much better.

Mr. Morelli feels that the project is community scaled, with amenities such as walking paths, a community center, and guest rooms over the clubhouse that can be used for visiting relatives. There will be four (4) curb cuts and the buildings along Van Dyke Road would have the garages off of internal roads with fronts of buildings facing Van Dyke Road. Mr. Dempf said he would work with staff on rearranging the buildings and possibly removing some. Chairman Mathusa said he would prefer a few buildings to be eliminated. They wanted to save some of the more mature trees along Van Dyke Road.

Ms. McCarthy wanted to see the elevation that would face the street. Mr. Feinberg said the only plan the architect was working on was the front loading units. The back loading plans were still in process. He said the garages would be internal to the site; nothing would be visible from Van Dyke Road. They have varied the elevations of the buildings for interest.

Ms. Powers said there was a concern from the neighboring farm property for buffering between that property and this site. She asked if they had a buffering plan. Mr. Dempf said the plantings in the buffer area will be maintained and additional plantings would be put in the buffer. The buffering will be a mix of evergreen and deciduous trees. They had talked about fencing in the buffer zone. She asked if the sites and sounds of the farm would be buffered enough. Mr. Feinberg said most of the buildings in the project were away from the buffer. He said there was a water course along that edge of the property also.

Mr. Smolinsky agreed with the recommendations of staff for the north area of the site, as did Mr. Behuniak. Ms. Motta would also like to see Mr. Morelli's suggestions implemented.

Mr. Feinberg said because the project was age restricted it would not have any impact of the school system. Mr. Engel did not agree with that statement because when the older residents come into these facilities, they sell their homes which are purchased by families with children indirectly impacting the schools.

Ms. Powers asked if the stormwater concerns of neighbors had been addressed. Mr. Dempf said they have a series of area that convey water throughout the site. This plan tries to work the water around the site to clean it first, as per regulations, before it is discharged. There are two (2) discharge areas proposed. The rate of discharge will be equal to or less than predevelopment.

Mr. Smolinsky asked how much buildable land was on the lot on Meads Lane. Mr. Dempf said they have not gone into the subdivision part of this project yet but knew that lot had constrained land.

Mr. Morelli asked the Board to give the applicant direction on how they want the north end of the site to be handled. They could then proceed with the site plan details. Mr. Silliman said from comments from the Board, they supported the recommendations from staff to eliminate a few buildings. Mr. Dempf said they would start to work

with engineering on water and sewer and look at redesigning the north end of the site.

Mr. Engel asked if there were adjustments being done for the historical house on the property. Mr. Dempf said they were in the process of trying to minimize some of the impacts around the house. He said they may be forced to make the house less of an attraction. SHPO would prefer no parking near the house and people not to have the ability to visit the house. They are looking to rearrange the area around the house to get their final determination from SHPO. They have been working with Landmark Archeology.

Mr. Morelli said the Zoning Law specifically states that a PDD must have a fifty (50) foot buffer planted with a mix of evergreen and deciduous trees. The applicant will submit a landscaping plan as part of their site plan drawings. Mr. Engel said it was a farming area and though he agreed with reasonable buffering, people moving in must understand that there are farms in the vicinity which produce noise and odor sometimes. That is something the new residents will just have to accept. Mr. Engel said the proposal calls for one (1) parking space per unit in a garage or a covered space. He asked where the other covered parking would be located. Mr. Ruthman said they were working on one (1) bedroom apartments that would have detached garages to keep the apartment affordable. He said an inside garage was pricey. Without having the building locations finalized, they couldn't specify design choices.

Mr. Engel asked about the affordability of the units. Mr. Ruthman said they want to serve the middle sixty percent (60 %) income of the target population. They are trying to keep the cost to about one dollar (\$1.00) per square foot.

A motion to table the project was offered by Mr. Engel, seconded by Ms. Motta and approved by all Board members present.

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

The meeting adjourned at 8:50 PM.

Respectfully Submitted,

Nanci Moquin