

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**June 19, 2007**

The Planning Board, Town of Bethlehem, Albany County, New York held **Public Hearings and a Regular Meeting**, on June 19, 2007, 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  
Daniel Odell, Planning Board Member  
Kathy McCarthy, Planning Board Member  
Chris Motta, Planning Board Member  
Howard Engel, Planning Board Member  
John Smolinsky, Planning Board Member  
Kate Powers, Planning Board Member

Michael Morelli, Deputy Director of Economic Development & Planning  
Terry Ritz, Assistant Town Engineer

Kevin Helm	Ray O'Brien	Tom McGrath
Dennis Radliff	James & Virginia Foley	Donald Hernandez
Ursula Bauer	Tony Califano	Dave Becker
Lisa Morton	Thomas Reinisch	Dave Carpenter
Jeffrey Morton	Mike & Joan Thorpe	Roberta Glatz
Thomas Morton	Anne Frey	Ron Tweedie
Cate Bohn	Dan Diamond	Aidan Diamond
C. Kontogiannis	Guthrie Diamond	Marsha Williams
Tom Justin	Bruce Raver	Judith Steiner
Don Fletcher	John Tobison	Susan Taylor
Jill Adams	Russell Williams	Robert Edler
Amy Ludick	Pat & Frank Stiffen	Jim Leonardo
Donna & Tony Lounello		

Agenda: **Public Hearings:**  
Ursula Bauer  
Elm Avenue Subdivision  
Meadowbrook III  
**Regular Agenda:**  
Econolodge  
Millwood Estates  
Vista Technology Park

Chairman Mathusa called the meeting to order and welcomed the new Board member, Kate Powers.

**Ursula Bauer**

The first item on the agenda was the Public Hearing on the proposed site plan for Ms. Bauer to place two (2) bee

hives on her property located at 200 Winne Road in Delmar.

A motion to indent the public hearing was offered by Mr. Smolinsky, seconded by Mr. Odell 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, June 19, 2007 at 7:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the Site Plan application of Ursula Bauer for the placement of two (2) bee hives on property located at 200 Winne Road, Delmar, Town of Bethlehem, Albany County, State of New York.

Chairman Mathusa asked the applicant to make a short presentation focusing on the physical layout of the project, the maintenance of the hives and public health and safety precautions offered by the design of the project.

Ms. Bauer presented. She said that the property is approximately twelve thousand (12,000) square feet, eighty-five feet by one hundred forty-one feet (85 x 141). The property is surrounded by neighbors and fronts on Winne Road. Her proposal is to site the bees in the rear yard. The site plan was designed to conform to regulations that Towns across the country have established. The City of Vancouver's was the set of regulations that she proposed to follow. It requires good management practices, the provision of water and artificial or manmade barriers to push the flight of the bees above head height and out of the yard. She said the bees would forage up to two (2) to three (3) miles from the home. The maximum number of bees in a hive at the peak of the season is forty thousand (40,000) to sixty thousand (60,000) and about one third (1/3) of those leave the hive during the foraging period. They are in and out all day; they do not leave in a group.

Mr. Smolinsky asked what Ms. Bauer's homeowner's insurance company required for coverage to allow bee keeping. She said that her company told her that if liability were found that was the protection they would provide. Additional insurance is available for an individual to purchase for beehives that she would consider purchasing. Mr. Smolinsky said the Vancouver guidelines left options as to compliance with the regulations as to setbacks from the property line. Ms. Bauer said that one option was to place the hive twenty-five (25) feet from the line; another was to place a barrier in front of the hive to push them up. She said she would use a combination of both. She would place barriers all around the property and she would place the hives forty (40) feet from the property line.

The meeting was opened to the public for their comments. Chairman Mathusa said that the public hearing was not for questioning the applicant but to make points to the Board to use in their deliberation. He asked that the public limit their comments to five (5) minutes or submit them in written format.

Kate Bohn, 127 Jordan Blvd., Delmar. She said she gardened as a hobby. It was repetitive but she enjoyed the fruits of her labor. She thought bee keeping was a hobby also and a service to the community. She was in favor of the hives.

Aiden Diamond, 200 Winne Road, Delmar. She was in favor of keeping bees in her yard. When the bees were in the yard, the family was able to use the yard as usual. She said that when approaching the hives, they needed to go behind the hive as to not get in the path of the bees. She said that it appeared as if the neighbors continued to use the yards as well. She said that even without the hives in the yard, she has noticed a large number of bees in their yard. She thought that if you had food that bees liked, they would come to your yard.

Mr. John Tobison, 201 Westchester South, Delmar. His property shares a property line with the Diamonds. He felt he was most placed in jeopardy by the hives. He said he was opposed to approving the site plan application.

He named degrees he held and places he worked in relation to the outdoors. He said he was a hiker and had an appreciation of science, the biology of insects and the role of bees. He said he felt no animosity towards his neighbors; they have a cordial relationship. He believes that a residential area with many people in close proximity is not the place for commercial size hives. He thinks that people are afraid of bees and are concerned with natural hives near their home and generally act to remove them. He said they are wild creatures with the ability to do harm. He thinks the risk associated with the hives are significant, especially because he has children on his property. He has a sister-in-law that has a severe allergy to bees. He did not like the logic used by Ms. Bauer that more people were injured by pools and trampolines than bees. The pools and trampolines do not go into other people's back yards. The risk of sting and allergic reaction are not the same as death, it is significantly higher. The bees by her own statement would forage for up to five (5) miles and he believed that the risk of stings would rise dramatically the closer one is to the hive. He said that beekeepers wear protective gear when they approach the hive and the proposal was to place the hive as far from Ms. Bauer's home as possible. He did not feel that the protections in Ms. Bauer's proposal were adequate or up to the standards that were in the regulations of the municipalities she had submitted. The Vancouver model wants the hive behind a solid fence or hedge or at least twenty-five (25) feet from the property line. Other municipalities wanted higher barriers and further distance from the property line. He said that only a single row of young arbor vitae separates his property from Ms. Bauer's. He wants her to place the hive seventy-five (75) feet from the property line, which is in her living room. Of the government agencies that were contacted, a few merely stated that they did not have jurisdiction. They did not say they supported the practice. In conclusion, he felt that the Bauer Family had a choice in pursuing this hobby somewhere else. He said if the Board allows the hives, that he would suffer the risk, including the potential impact on the property value of his home. He asked the Board to deny the site plan application. Mr. Tobison submitted his comments in writing.

Mr. Gil Mollala, 196 Winne Road, Delmar. He said he lives next door to the Bauer home and had a high risk of exposure. He said he worked in the insurance business since 1961 as a claims representative. He also works part time as an evaluator for several law firms concerning liability, pain and suffering and special damages. He had contacted several insurance carriers about writing a homeowners policy for a home having hives on the property. He listed a number of insurance carriers that said they would not write a policy because the exposure was too great based on the premium. He then called some surrounding Towns and asked if they would allow hives and he said they had told him they would not. He also spoke with an attorney that works for insurance companies and listed a number of legal terms that are associated with claims. He said that if the Board allowed the hives, he was putting the Town and the Bauer's on notice that if he was stung, in addition to pain and suffering damages, he would want punitive damages. He thought that it would be an attractive nuisance to children. He was against approving the site plan. Mr. Mollala had submitted his comments to the Board.

Mr. Eric Baretta, 163 Winne Road, Delmar. He said he had been a beekeeper for about ten (10) years. He had seen others keep bees in suburban areas, urban areas and on farms. He thought that with good management skills, the risks could be minimized. He said that bees are everywhere. Honey bees are generally not aggressive. He said that when they are foraging they are concentrating on that activity and they will leave you alone. Unless you step on them or act in such a way as to trigger aggressive behavior, they will not sting. He has been right next to his hives without a bee suit and not had any problems. He thought that if there were barriers and the hives were kept a certain distance from the property line, the risks would be minimized. He said that these bees do not come out in a mass, it's usually one (1) to three (3) at a time. They go up and disperse into a wide area. He said he understood the fear of bees. He knows bees and has kept bees for ten (10) years and that fear is not necessarily founded in the reality of one (1) or two (2) hives of honey bees. He said that during the swarming season, there are ways to control swarms. He said that could happen with wild bees. He said a pest management company told him that they deal with bees that are located in a variety of areas. He said he was an attorney by profession and the applications dealing with bees should be looked at on a case by case basis. Though he was not an expert on insurance, he thought that there would be additional riders that homeowners could purchase that dealt with the keeping of bees.

He did believe that the Board should look at this application with caution but he felt some of the fears were overblown.

Ms. Linda Jasinski, Jericho Road. She said that Ms. Bauer's hives were currently on her property in a residential area. Hives are allowed in a residential area with site plan approval. The hives that were in the Town prior to the adoption of the Zoning Law in 2005 do not have to be grandfathered in because they are an allowed use. She said there were hives in the Town that many people do not know about. She had called her insurance company and they did not have a problem with hives. The manner in which this question is presented to the company might make a difference as to how they feel about it. She did not think that a hundred people would be applying for hives if the Board approved the site plan. If they didn't approve it, she thought people would just set up their hives without applying for site plan approval, so they wouldn't have to go through this situation. She did not consider hives a liability or a nuisance. If one of the neighbors got stung, it could be one of her bees or any other number of people's bees or wild bees. She has kept bees for many years on her property, with no problems and it is property that she rents out to tenants. If bees make a nest in your house, the homeowner could decide to keep that hive in the house. She said if you stand five (5) feet in front of the hive, you would be in the flight path of the bees. But they do not bother you. She said Ms. Bauer's hives are not commercial size and in her opinion Ms. Bauer is a responsible beekeeper that takes good care of her bees. Ms. Jasinski said that over the years she has heard a lot from the Town about green space and nature, this is part of nature. Understandably people who are allergic to bees, should not be beekeepers but she did not want to see all the hives done away with. She said that the hornets and the wasps that can sting multiple times are the real problem. She thinks a trampoline or a pool would be more of an attractive nuisance than a hive. She thinks that her old barn is more of a nuisance because kids would want to come to it. She did not think that a lot of kids would want to go near a hive to see what's going on. Most kids learn at an early age to stay away from bees. She was in favor of approving the site plan.

Mr. Robert Jasinski, Bender Lane, Glenmont. He said that his land is adjacent to his daughter's, Linda Jasinski. He mows her lawn and passes in front of the hives as close as two (2) feet. Years ago, Mr. Klan on Route 9W had quite a few hives. Ms. Bauer only wants two (2) hives. He said that the Town has always promoted the fact that we are an urban, rural area and he wants to keep it that way. He doesn't want to become Albany. Bees are part of the nature that he loves. He said that the bees are needed for the apples we eat. He asked if the Town wants to draw a circle of so many miles out and then have code enforcement knocking on doors of residences that might have hives or neighbors reporting neighbors? The flowers need the pollination too. He was in favor of the site plan application.

Mr. Ron Tweedie, 3 Carriage Road, Delmar. He said he has four (4) colonies of bees in his yard. He grew up not knowing the differences in types of bees. He married a beekeepers daughter and learned. His father-in-law was a commercial beekeeper. He had bees in a variety of states. He said that if you determine that bees travel three (3) miles from their hive to forage, his bees will travel the entire 2/3rds of the Town of Bethlehem. He knows there are several other beekeepers in the Town. He said that Five Rivers has two (2) colonies and you can walk right in front of one (1) of the hives and not have a problem. The Garden Club has a garden in front of Town Hall and he came down on Wednesday afternoon and there were easily three (3) to four (4) hundred honeybees on some of the flowers. People were walking very near to those flowers without any problems. He said that when bees are gathering nectar, they are not aggressive. He said that as a hobby beekeeper, he needs to be responsible and concerned about his neighbors. He said that he must be sure that the flight path of the bees does not interfere with his neighbors or himself. He said that his bees are located in a stand of trees, when they leave the hive they go straight up to about thirty feet before leaving his property. Ms. Bauer's plan to protect her hives sounds appropriate and the neighbors should be safe. He said that honey is not the most important thing that bees do, it's pollination. He said that a recent article in the Spotlight spoke about home and community gardens. Those gardens would not exist without pollination. Cornell University has done a study on this topic and concluded that honeybees pollinate over fifteen (15) billion dollars worth of crops annually. Up to one third (1/3) of all the food

that people consume is pollinated by honeybees. He said that people should be happy when they see a honeybee in their yard because the bees are doing their job.

Ms. Roberta Glass, Feura Bush Road. She is a retired teacher, a mother and a beekeeper of one hundred twenty-five (125) bee hives. She is a past president of the Empire State Honey Producers Association, a visiting fellow in apiculture at Cornell University, she works with the US Department of Agriculture on pollination problems and presently on the NYS AG Dept. Apiary Inspection Advisory Committee. She said there were over three hundred (300) species of bees in New York State and most of those species are present in the Town of Bethlehem. Most of bees go about their business without bothering people. They share yards, doing such things as pollinating and producing seeds. The stinging problem is not primarily due to bees, it's the wasps that cause the problem. She said that considering that the bees already live in Delmar, whether Ms. Bauer has two (2) hives in her yard, is not going to increase the risk of getting stung any place in the Town. The only way to stop bees from living here would be to eliminate all the plants; something no one wants. She said that having a hive of bees in the neighborhood might reduce the risk of stings because they are closely monitored and managed and efficiently use up a good portion of the food supply, which makes it difficult for wild un-managed bees to find enough food. The wild bees will move along. She thought it was a good idea to have beekeepers in the neighborhood because they volunteer to the fire department and police during emergency situations; they are available on call for bee situations through Cornell Cooperative Extension. She said that the fear of bees are hard to talk people out of. She is in favor of approving the site plan.

Guthery Diamond, 200 Winne Rd., Delmar. She said that she helps her mother take care of the bees. She has never been stung. When the hives are open they wear protective gear. Sometimes they just watch the bees without the extra gear. Her friends like to watch the bees also. She noticed that the bees don't go behind or to the side of the hive. They leave and enter in the direction of where the hive is pointed. She said that the bees do not leave the hive all at once only a few at a time. Sometimes they need to work around the hives and the bees do not become alarmed. She likes watching the bees and wants the hives back in the yard.

Bruce Raver, 4 Cayuga Court, Albany. He said that he lives in Albany and works in Bethlehem and he has bees in both places. His employer lets him keep bees on the business property. He said those hives were placed prior to the Zoning Law that included the new restrictions on the keeping of bees. The hives at the office are on top of a four (4) foot berm with a four (4) foot high stockade fence in the front of them to direct their flight path. They're about fifteen (15) feet from where people park their cars and there are about a quarter (¼) million bees, thirty-five (35) feet from the entrance to the building. There has never been a complaint. He said that bees travel a great distance and live in a variety of places. Yesterday he picked up a swarm of several thousand bees that were on a property on Route 9W. Cornell Cooperative Extension keeps a list of beekeepers that are willing to come to your assistance for swarms. He said that the bees at his home are two (2) feet from his deck. He said that the family sits on the deck and eats out there. The bees are not meat eaters like wasps so they do not bother them. They have never had a complaint from their neighbors and his lot is smaller than Ms. Bauer's. He said there were four (4) requirements that should be the main concern when looking at the site plan; 1) a limited number of hives for the size of the property; 2) barriers that will direct the flight path; 3) a provision for a water source; 4) will the beekeeper manage the hives closely so that when the numbers of bees increase, the bees can be controlled so swarming does not occur. He felt that if they were addressed, and he thought the application did address those issues, that the application should be approved. He thought the Zoning Law should be changed to take beekeeping out of the category of agricultural use and address it separately with a set of responsible standards.

Marcia Williams, 12 South Helderberg Parkway. She said she was a beekeeper in the Town. She said that the beekeepers that she knew safely and properly care for their bees and are very careful in the placement of their apiary. Most people do have difficulty telling the difference between a yellow jacket, which are aggressive, and a honeybee, which is a defensive insect. The honeybee dies if it stings. Banning hives will not prevent people from

being stung nor will it stop or prevent bees from nesting in hollow logs or trees. She thinks that a balance can be found. She has neighbors that thank her for the health of the gardens. Over the past few decades there have been a decrease in the number of beehives and there are many more crops that need pollination. She said that because every third bite of food is thanks to a honeybee, it is important in the Town that the health of the land is to be considered.

Tom Justin, Schenectady. He said he has been an amateur beekeeper for about three (3) years. He lives directly in the city surrounded by neighbors and his lot is fifty (50) feet by one hundred (100) feet. There are two (2) alleyways that border his property and are used by children going back and forth from school. The hive is located about five (5) or six (6) feet from the intersection of those two (2) alleys in the back corner and faces into his property. He hasn't had any problems and no one has gotten stung. He had spoken to his neighbors when he placed the hives and at first they were concerned. He has continued to speak with the neighbors asking if the bees were bothering them and they have not had problems. He does not suit up to care for the hives unless he is going into the hive. He said that his roommate is afraid of bees; she has never been stung and she will now approach the hive. He said that the children in the neighborhood will ask questions about the bees and he takes those opportunities to educate them about bees. He wanted the Board to make their decision based on education and not on fear.

Dennis Radliff, 192 Winne Road. He spoke with Ms. Bauer when she had informed the neighbors of the hives. He had told her that he would support her but was not one hundred percent (100 %) in favor of the hives. He had come to the meeting to learn. He said at first he heard about scare tactics and law suits and then some common sense. He learned about the other hives in Town and the ones at Five Rivers. People are invited in to Five Rivers by the owners of the preserve and people walk right by bee hives. He didn't think if there was a hazard to the people that come to the preserve that the hives would be there. He said he was definitely in favor of the Ms. Bauer's request. The only downside he sees is that Ms. Bauer will have to tag her bees so that if someone in the neighborhood gets stung by a bee, she will be able to avoid a law suit.

Amy Ludick, 15 East Fernbank Avenue, Delmar. She said she is a gardener and appreciates the efforts of beekeepers and she does not see it as a problem. She is in favor of the application.

Judy Steiner, 201 Westchester Drive, Delmar. She has a common property line with the Bauers. She said when they had the bee hives last year it was directly against the property line. She has a young daughter and they have a play area with a swing set and a trampoline for her and her friends. This area is within feet of the proposed location of the hives. She said she was not opposed to bees, she grew up on a farm that had bees. Those hives were placed several acres from the home and the barns. She said that when the bees swarmed toward the home or one of the barns, they were told to go indoors until the bees left. She asked the Board to consider the safety of her daughter and the children that come to her home. Her sister is allergic to bee stings. She asked the Board to decline the proposal.

Dan Diamond, 200 Winne Road. He is Ms. Bauer's husband. He said that Ms. Bauer's interest in bees has grown over the past few years. She has read books, joined beekeeping organizations, attended beekeeping workshops, subscribed to beekeeping journals and she has become involved with other beekeepers in the area in order to increase her knowledge base. He said that for Ms. Bauer hobby beekeeping is something that she takes very seriously and is a responsible beekeeper. He said that a connection to the community enhances the quality of life for the individual. Being connected to the environment reminds us where our food comes from and beekeeping does both of these.

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

The public hearing adjourned at 8:05pm.

### **Elm Avenue East Subdivision**

The next item on the agenda was the Public Hearing for the Elm Avenue East Subdivision in Selkirk.

Chairman Mathusa opened the public hearing at 8:10pm.

A motion to indent the public hearing notice was offered by Ms. McCarthy, seconded by Mr. Smolinsky 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, June 19, 2007 at 7:30 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application of Amedore Homes for a major subdivision as shown on map titled "Elm Avenue East Residential Development, Preliminary Plat", Town of Bethlehem, Albany County, New York, dated December 19, 2003, last revised June 5, 2007, prepared by Chazen Engineering & Land Surveying Co., P.C., 547 River Street, Troy, NY 12180.

Mr. Joseph Lanaro from Chazen Companies presented for the applicant, Amedore Homes. He said that the applicant is proposing eighty-three (83) single family homes on about one hundred twenty-eight (128) acres of land. The average lot size is one point six (1.6) acres. The lots are consistent with the Residential A zoning district. The interior roads will be connected with Elm Avenue East as well as linking into an adjacent subdivision, Carriage Hill. They have secured an easement from Niagara Mohawk which facilitates the connection to Carriage Hill. There are a number of pedestrian friendly elements within the subdivision, such as sidewalks within the subdivision, sidewalk connections into Carriage Hill and pedestrian crossings at the three road intersections with Elm Avenue East. He said that they have advanced the technical studies looking at traffic. They've identified that levels of operating service would be acceptable. There were some site distance issues identified and some clearing is proposed to ensure safe travel along the roadway. There was a water supply report and a sanitary sewer report for facilitating extensions of municipal water and sewer. They have included storm water management facilities and collecting storm sewers. They are designed consistent with Town standards as well as the Phase II regulatory program implemented by NYSDEC. There are three (3) storm water management areas that help attenuate the rate and volume of storm water runoff as well as provide water quality. As part of the analysis, they conducted some sub service investigations and geotechnical analysis to support the location of the homes along the ravines of the Dowers Kill. As a result they moved the detention ponds further back to ensure stable conditions for development. They conducted environmental studies such as wetland delineations and there are federally regulated wetlands on the site. They have defined the Zone A flood district that is along the Dowers Kill and they've identified certain areas that are sensitive to archeology. There is an archeological finding in the northeast corner of the site. As part of the project they would pursue a Phase III recovery plan that would retrieve the artifacts for preservation. He said there were a series of detailed design plans that support the construction of the project in a phased manner that allows for consistent compliance with the Phase II regulatory program minimizing disturbance as the project is built out.

Chairman Mathusa opened the floor of the public hearing for audience comment.

Frank Stiffen, 31 Crescent Creek Way. He said that his house was directly across from one (1) of the access roads. His concern was with traffic. He wanted the road moved so traffic light would not be coming into his backyard. He said they would only lose three (3) houses if the developer moved the road.

Pat Stiffen, 31 Crescent Creek Way. She had submitted a letter over a year ago and had spoken to the builder. She said that two (2) of the access roads in the proposed development were in line with the access roads to the development she lived in and she did not see why they needed the road directly across the street from her house. She said the road was close to the park and she thought the safety of children was an issue.

Jim Leonardo, 19 Crescent Creek Way. He said that his backyard was across the street from the proposed development. He said that there was already a row of trees along Elm Avenue East and he didn't think they should take them down to put up other trees as a buffer.

Jim Foley, 27 Crescent Creek. He said that there is a huge pine tree on the proposed development site that he didn't want to see taken down. He also didn't want any of the other trees taken down.

Mike Thorpe, 15 Crescent Creek Way. He said he was against the proposed access road that the Stiffen's were against. The Town had put in a new park and he didn't think that there should be road near the park.

Robert Edler, 4 Brinker Circle. He said he lived there about fifteen (15) years. He was concerned with the effect the proposed development will have on his neighborhood. He said that there has been an increase in traffic through his neighborhood over the years, cars are coming in one side of the development and going out the other side. He is concerned with the safety of the residents and the children that use the roads. He thinks additional roads should be built to channel the traffic away from the neighborhood. He saw a comment in the minutes that said that the planning staff wanted to make sure that the impact on existing neighborhoods was lessened. He wanted the impact on his neighborhood minimized.

Virginia Foley, 27 Crescent Creek Way. She said that another concern was the public works trucks that come down Elm Avenue East. She said that they would not be able to see children coming out of the road across from the park. She was not in favor of the road.

Susan Peters, 213 Elm Avenue East. She requested that the buffer that is proposed to end before her daughter's house across the road, be continued to block her daughter's vision of the proposed development.

A motion to close the public hearing was offered by Ms. Motta, seconded by Mr. Odell and approved by all Board members present.

The public hearing closed at 8:30.

### **Meadowbrook III**

The next item on the agenda was the Public Hearing for Meadowbrook III.

Chairman Mathusa opened the public hearing at 8:35.

A motion to indent the public hearing was offered by Mr. Smolinsky, seconded by Mr. Engel 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, June 19, 2007 at 8:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application of Gladstone Development Corporation for a Planned Development District as shown on map titled "Meadowbrook Section

3, Town of Bethlehem, Albany County, NY, dated August 10, 2006, last revised May 21, 2007, prepared by Spectra Engineering, Architecture & Surveying P.C., 19 British American Blvd., Latham, NY 12110.

Thomas McGrath, SPECTRA Engineering, presented for the applicant. He said that the project was located on the westerly side of Blessing Road. The site is approximately sixty-four (64) acres and twenty-four (24) acres would be developed into forty-eight (48) single-family lots. The site is located in a water and sewer district. Water would come from Blessing Road and the individual residences will have grinder pumps for their sewage. The storm drainage will be handled in a few different ways. Portions will discharge into the Normans Kill, in another area the drainage will be picked up by culverts and then drain to the Normans Kill, the remainder of the drainage will be collected by a storm sewer system into a storm water management basin. There will be a storm water district and a piece of property will be turned over to the Town, easements will be granted to the Town for access to the storm water basin. A five (5) foot wide strip of land along Blessing Road will be conveyed to the Town, which will allow a thirty (30) foot right of way to the centerline. They have submitted traffic reports and geotechnical engineering reports regarding the banks of the Normans Kill and they've worked with the TDE and engineering department to meet Town standards.

Chairman Mathusa opened the floor to any audience member that wished to speak.

Don Hernandez, 53 Mahar Road. He said that he was concerned that the homes could be built too close to the slopes along the Normans Kill. He asked the Board to consider setting the set forward line further away from the Normans Kill. He asked if studies had been done related to pesticides or other kinds of chemicals that could be in the lawns of the homes and their impact on the Normans Kill. He said that on the other side of the Normans Kill several people have well water and he was concerned with the runoff of the chemicals. He thought the development had a high density for the area.

Kevin Helm, Mahar Road. He said that he owned one hundred sixty-five (165) acres to the west of the proposed development. He was not opposed to the development but wanted them to know that his was a farm operation and he heated with an outside wood fired boiler and caused a lot of smoke.

Tony Lounello, 5 Mahar Road. He said that his concern was traffic flow coming out of the development into Route 85. He said there was already a lot of traffic on that road.

A motion to close the public hearing was offered by Ms. McCarthy, seconded by Mr. Smolinsky and approved by all Board members present.

The hearing closed at 8:41pm.

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

### **Econolodge**

Chairman Mathusa turned the Board's attention to the next item on the agenda, Econolodge located on Frontage Road.

Mr. Peter Seidner, architect for the project, presented for the applicant. He said that they were in the working drawing stage of the project. He said they were ready to proceed with the project and begin construction if the Board approves the application. There hasn't been any changes made to the plans since the last time they had

presented before the Board.

Mr. Smolinsky asked how large truck parking would be handled on the site. Mr. Seidner said that there were sections on the site that would accommodate truck parking. The ultimate goal was to upgrade the site to appeal to more customers than just truck drivers. Mr. Smolinsky offered a condition for consideration by the Board that would be added to the approval limiting the occupancy of the facility to the available parking if trucks used multiple spaces.

Mr. Seidner said that the upgrades would include double rooms that is not the usual room request for truck drivers. He also said that the usual occupancy rate in the Capital District is about 80%. The whole purpose of the upgrade is to appeal to the traveling public. The franchising setup is also geared to that end. The applicant would rather rent to eight (8) double rooms at a higher rate than the trucking people are used to paying.

Mr. Odell said that the plan calls for a certain number of parking spaces that are demarcated on the plan. He said the Board had an expectation that parking would be used as indicated on the plans. He said that approvals were based on the adequate number of spaces for the type of application.

Mr. Seidan said the parking was not designed and not laid out to accommodate truck traffic. Mr. Odell asked if the applicant would have a problem with a condition that stated that parking would be in accordance with demarcated parking spaces. Mr. Seidan didn't think he would. Mr. Smolinsky said he would accept that condition.

Mr. Engel said it would be putting a condition on a business that no other business in New York State had. He said that camping trailers use parking spaces in motels and they park across more than one (1) space. He agreed that the facility was small but just down the road there was a motel where semi's pulled around the rear of the facility and parked across multiple spaces. He thought that the lot itself restricted tractor trailers from being in the lot. He did not want a condition put in the approval limiting the size of vehicles that could use the site.

Chairman Mathusa said he thought the business owner would regulate his parking to benefit his business. If he had the space he could let the larger vehicles into the lot.

Mr. Seidan said that he thought this was a business decision for Mr. Patel to handle.

Ms. Motta agreed that the layout of the lot would regulate who would park on the lot. Ms. McCarthy said that the Board should let the business man run his business, he knows what he needs to do and how to do it.

Mr. Smolinsky said he would agree with that as long as the applicant kept driving lanes open for emergency vehicles. Mr. Seiden said that would be done.

The Board reviewed the draft Site Plan Approval document #134 as prepared by staff.

A motion to approve Site Plan Approval #134 as amended was offered by Mr. Odell, seconded by Ms. McCarthy and approved by all Board members present.

### **Millwood Estates**

Chairman Mathusa turned the Board attention to the next item on the agenda.

Mr. Tony Califano presented for the applicant, RDA Associates. He said that the project is a twenty-four (24) lot subdivision, located on Russell Road. The project had already installed the first three hundred (300) feet of sewer

line. He said that SWPPP had been completed and submitted to the Town. They were before the Board seeking a SEQR Determination.

Mr. Ritz said that Albany County was getting ready to rebuild Russell Road and he suggested that the applicant contact them and consider putting in the sewer laterals before the paving of Russell Road. Mr. Califano said that the cost was high and at this point they decided to let the builder handle that. He said the builder would need to tunnel under the road because the County would not allow cutting the road once the resurfacing was finished. He said if it was possible to do one (1) cut across instead of four (4) they might be able to afford it but engineering wise, he didn't know if it could be done. Mr. Ritz said that an eight (8) inch line could be put under Russell Road to serve those lots. He said a another line, run parallel to Russell Road would be necessary. Mr. Califano wanted to know if that could be done in the Town's right-of-way. Mr. Ritz said it would need to be a separate easement. Mr. Califano said he would follow up with the Town's Engineering Division.

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

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

Chairman Mathusa said the project would now be sent to the Albany County Planning Board for consideration.

A motion to set the public hearing for Millwood Estates on July 17, 2007 at 7:00pm was offered by Mr. Smolinsky, seconded by Ms. Motta and approved by all Board members present.

### **Vista Technology Park**

Chairman Mathusa turned the Board's attention to the last item on the agenda, a modification to the Master Plan for a relocation of the roundabout to the Technology Park.

Ms. Teresa Bakner, Esq. presented for the applicant. She said that the Town Board accepted a DEIS, FEIS and then adopted a statement of findings at the end of May. The public hearing had been started and then continued until the end of this month. She said that the applicant has requested a change in the Master Plan. The change is in the location of the roundabout access to the Park. The new location will eventually be completely within a NYSDOT right-of-way, owned by DOT. They are proposing to place the roundabout entirely on property that is owned or controlled by Dr. Jones and Vista Development. Initially the proposed roundabout was to be located at or near LaGrange Road. At the request of the Town the applicant discussed with an adjoining property owner, KKS Properties, and attempted to find a way to provide access to both properties. In the DEIS the roundabout was located on Vista property, adjoining the KKS property, at that location is a large Dominion transmission gas pipeline. Dominion would not approve the location of the roundabout on that pipeline. The roundabout was again shifted and was then entirely on KKS Properties. It became evident that after a long process, it would not be possible to reach an agreement with KKS Properties to use the property for the roundabout. The current proposal is now to go back to the initial location at La Grange Road. This location has the advantage of avoiding wetlands that would have been impacted. They are not proposing any other changes on the site except that roadways and utilities need to be realigned in order to met the new roundabout location. Internal changes are to have a right-in, right-out access point near the proposed hotel and the location of the hotel has been shifted slightly. There will no impact the gas line or the Windsor Properties; no change on landscaping or traffic and the most important aspect is that with this change they will be able to move forward more quickly in order to meet the time frame that they need to, to complete the construction of the roundabout prior to the Slingerlands bypass being finished. It has always been a primary concern of all involved that the roundabout be completed before the Slingerlands Bypass is rebuilt and opened because it would disrupt traffic. She said that the SEQR process has been complete with the

knowledge that there will be changes in the Master Plan. Whenever those changes occur, the applicant will need to come back to the Planning Board. She said that the changes will not effect the projects compliance with the Town's Comprehensive Plan. The Town Board will decide if a SEIS is necessary.

Mr. Gregg Ursprung, Saratoga Associates showed mapping to the Board that showed the new location of the proposed roundabout and the new location for the right-in, right-out access point near the proposed hotel.

The Board reviewed the draft Recommendation to the Town Board on the Revised Master Plan prepared by staff.

A motion to approve the Recommendation to the Town Board on the Revised Master Plan as amended was offered by Mr. Smolinsky, seconded by Ms. Motta and approved by Board members present.

The Board reviewed the minutes of June 5, 2007 as drafted.

A motion to approve the minutes as amended was offered by Mr. Engel, seconded by Ms. Motta and approved by all Board members present.

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

The meeting adjourned at 9:35 PM.

Respectfully Submitted,

Nanci Moquin