

**PLANNING BOARD
TOWN OF BETHLEHEM
November 3, 2003**

A **regular meeting** of the Planning Board, Town of Bethlehem, Albany County, New York, was held on Monday November 3, 2003, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Douglas C. Hasbrouck presided and called the meeting to order at 7:30PM.

Agenda Items: The Hammocks – Milltowne Plaza Inc.
Bethlehem Technology Park – Milltowne Plaza Inc.
Van Dyke Spinney – Vollmer Associates
Town Squire Phase II – Schuyler Companies

Present:

Jeffrey Lipnicky, Town Planner
Janine Saatman, Deputy Town Planner
Randall Passmann, Town Senior Engineer
Douglas Hasbrouck, Chairman of the Planning Board
Keith Silliman, Counsel to the Planning Board
Howard Engel, Planning Board Member
Brian Collier, Planning Board Member
Daniel Odell, Planning Board Member
Katherine McCarthy, Planning Board Member
Parker Mathusa, Planning Board Member
John Madden, 29 Penn Lane, Glenmont
George Williams, Bethlehem Technology Park
Rex Ruthman, Van Dyke Spinney
Ed Feinberg, Van Dyke Spinney
Dominic Arico, The Hammocks; Bethlehem Technology Park
Mark Gregory, Bethlehem Technology Park
Bruce Ginsburg, Town Squire Phase II
Robert Spiak, Town Squire Phase II
Mark Demph, Van Dyke Spinney
Ed Kleinke, Town Squire Phase II

THE HAMMOCKS – Milltowne Plaza Inc. – Wemple Road

Mr. Hasbrouck stated that the Board would be looking at the internal street configuration of the Hammocks and the exit alignment onto Wemple Road with the proposed Bethlehem Technology Park exit on the opposite side of Wemple Road. Mr. Arico stated he had renumbered the buildings and added internal signage on the recommendation of 911. Mr. Hasbrouck stated that the Board had decided to leave the exit onto Wemple

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Road where it was last configured and examine the exits during the Technology Park review. He and staff had reviewed the Hammocks and the Bethlehem Technology Park plans and concluded that moving the exit for the Technology Park would be difficult. There was not enough room to misalign the exits without losing one of the lots. Some of the Board was concerned with people using The Hammocks as a cut thru from the Tech Park. Mr. Hasbrouck had thought that Mr. Arico would be coming back with another configuration for the Board to look at. Mr. Arico was under the impression that the Board would be deciding between 2 Alternatives for the internal road structure. He had looked at moving the Hammocks exit and it would involve moving more wetlands and storm water mitigation property. He didn't feel that it was feasible. Ms. Saatman wanted to know if that movement would put them over the wetlands threshold. Mr. Arico stated they were very close. The Army Corp had walked that property and identified the wetland areas. The applicant had tried to minimize the effect on the wetlands without losing any buildings. They had not formally submitted the plans to the Army Corp because they were waiting for a decision from the Board on the exit issue. They were considering having wetlands in a storm water management area and not have them calculated into the disturbed wetland area. The Army Corp wanted this method to be proposed to them so can be addressed by the higher echelon in relation to the new Storm Water Regulations. The local people of the Corp were not in a position to make a final determination on this issue. Mr. Hasbrouck stated that if the exits remain aligned it would be difficult to minimize cut thru traffic. The police department does not have jurisdiction on private property. Mr. Arico showed the 2 Alternatives that had been discussed previously. Their recommendation was Alternate 1 for the purposes of naming the streets, 911 had suggested keeping it to 2 names, and that configuration fit better. Also one of the buildings would have a safer exit from their driveways instead of into the intersection. They had also put in traffic control devices internally such as speed and stop signs, no thru traffic and private road signs. Mr. Collier suggested an entry gate with a card system. Ms. McCarthy was strongly opposed to any gate. Mr. Mathusa was not convinced that the short cutting was an issue. He felt that a better signalization at 9W to improve traffic movement and a good internal road structure would be enough to discourage cut thru. Mr. Odell agreed with Mr. Mathusa. He didn't feel that it would be visually appealing to cut thru traffic. It would look too dense. Mr. Hasbrouck stated that they could elicit input from the police department to see if cut thru's had been a problem in other areas of the Town. Mr. Lipnicky stated that if there were a potential for a problem, then it should be designed to avoid that problem. Mr. Mathusa felt that if the developer thought they could handle the issue on the Tech side of the road, they should be allowed to do so. Mr. Arico stated that it would be difficult to move the entrance on the Tech Park side without reconfiguring the lots. They did not believe that the alignment of the entrances was as detrimental as the Board felt. They would still prefer to handle the issue on the Tech side. The Hammocks was much further along in the planning. Mr. Arico suggested making part of one of the streets a one-way, it would be a little inconvenient for the residents. Mr. Mathusa thought that should be done only if the traffic necessitated it in the future. Mr. Engel thought that the internal traffic was a developer's problem not a Town problem. Mr. Odell wanted to know if the traffic regulation that governed cutting across private property to avoid a signal would apply. Mr. Silliman stated that it isn't practical to enforce because there isn't a clear sight line from one the exit point to the other. Mr.

Passmann stated that engineering had met with representatives from the police and fire departments to discuss Alternate 1 and 2. They didn't raise objections to either layout. The Engineering Department prefers Alternate 1. Their memo had proposed a numbering system for the buildings after review by a 911 representative. Mr. Passmann agreed with the applicant that Alternate 1 would allow a straighter path for the utilities that the Town would require. Mr. Mathusa suggested accepting an Alternate now and review the alignment of the roads later. The Board preferred Alternate 1 on a 4 to 2 ratio but it's not a final determination. Mr. Arico would like an answer soon in order to submit a proposed subdivision plan. It was determined that choosing one Alternative over the other would not change the boundary lines, so he would be able to submit the proposed subdivision plan. Ms. Saatman wanted to know if the one-way street proposal was still an alternative to the traffic issue. Mr. Arico stated that it was possible to put in a curbed island at the first intersection to direct traffic. After a discussion as to the inconvenience to the tenants, it was determined that they would appreciate the reduced traffic. Mr. Passmann suggested proceeding with Alternate 1 with the curbing installed and submitting it to the Engineering Division for review. Mr. Collier felt Mr. Arico was looking for a green light to go ahead with his plans. Mr. Passmann stated that Mr. Cirillo said it was a mutual fire department in that area and apparatuses were shared so the three story buildings were not a problem.

A motion to table was made by Mr. Mathusa and seconded by Mr. Odell. All were in favor none opposed.

BETHLEHEM TECHNOLOGY PARK – Milltowne Plaza Inc. – Wemple Road

This was an initial look at this project for the Board. Mr. Williams, the president of Bethlehem Development Corporation, applicant for the project, stated that there had been progress on environmental permitting and civil engineering design work. He introduced some of the other individuals involved in the project. Mr. Gregory, the traffic consultant, stated they had started the traffic analysis of the area. One of the aspects was sight distance at all the intersections that are within proximity of the project. The criteria that were taken into consideration for sight distance were safe stopping sight distance, intersection sight distance and left turn sight distance. The Wemple Road exit fit all of those criteria. The roadway was very undulating in that area, to move the exits on either side of the road would cause the safe sight distance to be lost. His suggestion would have been to align them as close to the crest of the Road as possible, for safety and sight distance. They looked at Wemple Road as far as Rt. 144 for their analysis. Their analysis was started last year before construction had begun on Town Center but while school was in session. The trip generation model used was the RPI Technology Park in Rensselaer on Rt. 4. It had approximately one million square feet of office space, comparable to the proposed project. The trip generation for the proposed project should be about ? to $\frac{3}{4}$ of the traffic estimates for the Town Center Project. They understand that the intersection of Wemple Road and Rt. 9W would need improvement. Mr. Gregory felt that the cut thru concern with the Hammocks project was directly related to how well the intersection would be designed to allow efficient traffic flow. A good design would make the main route more attractive than a bypass route.

Mr. Arico gave a general overview of the project. The 92 acre parcel was for a 14 lot subdivision, 12 with access from an internal boulevard and 2 with access from Rt. 9W. The layout of the lots had been conformed by land configurations, slope areas and wetlands. They showed an eighty-foot wide boulevard with 2 accesses onto Wemple Road. There would be an additional 60-foot wide road to the lots furthest to the rear. Wemple Road in that area was a user road with ownership going to the centerline. The Town suggested a 60-foot right-of-way in the front of the properties. Both projects would be giving 30 feet to the Town. The size of the lots varies from 12 acres to 3.6 acres with some of the acreage unable to be developed due to ravines. Mr. Arico showed elevations of possible buildings that could be accommodated on the lots. The parking requirements of the Town had been met and they have had the Army Corp on site to identify the wetlands. The site does not have a lot of trees but the existing tree line would be maintained. The ravines assist in the drainage of the area. Mr. Mathusa asked the distance between the two accesses onto Wemple Road. Mr. Arico stated it was about 1,000 feet. Mr. Mathusa stated that if the access became a problem that the option of making it one-way was still there. Mr. Odell questioned the number of employees that would be on the site on any given day. Mr. Kleinke stated that it would be dependent on the types of businesses that would occupy the space. His design development plan tried to answer that question. The input for some of these answers came from working with North Greenbush on their Tech Park. The types of businesses that occupy the space would determine the amount of the employees and the hours in which they work. The RPI Tech Park ran 7 days a week, 24 hours a day. People that work unconventional hours staff a number of the companies that ran 24 hours a day. There were people coming and going at all times of the day. Peak hours of traffic were not traditional. His draft of the design development had begun to address some of these scenarios. They hoped the draft would help in working with the Board on thresholds of the number of employees, square footage, parking spaces and number of vehicles. Mr. Collier asked if the applicant was looking for concept approval with variable thresholds that could apply to future building permits. Mr. Lipnicky stated that the applicant had submitted an application for a subdivision, with was a necessity for SEQR to be addressed. To effectively complete that review, the Board needed information pertaining to layout of the subdivision. At a later time the type of business would determine if further action needed to be taken by the Town. For example warehouses did not need site plan approval but office buildings need to go through the process. Mr. Kleinke stated they were trying to obtain input as to what would be allowed on the parcels as far as environmental impact, then to use the evaluation for future tenants to determine if they would be above or below that impact threshold. Other communities have used these thresholds to determine the types of studies that a future business would need to produce in their approval process. Mr. Collier wanted to know if they were site-specific thresholds. Mr. Silliman stated that the Board would not want to segment the Environmental Analysis, yet at the same time it was not known what would be built. A fairly conservative approach would be taken with a generic environmental impact statement. There was a lot of flexibility to develop conditions and thresholds to determine if a developer needed to return to the Town for further environmental analysis. The idea was to do as much up front as possible when looking at the parcel as a whole. Mr. Odell stated that this approach would make it more desirable to a potential tenant. Mr. Lipnicky

stated that some businesses would need site plan approval on a case-by-case basis. The focus now was to do as much of the environmental analysis as possible. Mr. Odell wanted to know if there were special considerations that would be needed for certain businesses such as fiber optics, satellite downlinks, transmission towers, or other communication systems. Mr. Kleinke stated that RPI's Tech Park does have a switching station for telecommunications, they have a couple of towers onsite. They have tried to stay current with new technology to accommodate the potential businesses for the site. This project might have some of the same requirements. They could become part of the roof-top design of the buildings. Mr. Mathusa verified with Mr. Kleinke that the roads would be deeded back to the Town and the project would be using Town water and sewer. Mr. Arico stated that the Hammocks project was proposing a pump station to go up to the new system that was being installed for the Milltowne Plaza Subdivision. It would be Town pump station just for the Hammocks but it would have room for expansion. Mr. Mathusa stated that the RPI Tech Park had a light at their entrance on Rt. 4 & 40. Mr. Kleinke stated that the Park originally didn't have the light, but added it at a later time. It took 20 years for that Park to get to one million square feet of tenant space. The nature of the facility could attract different businesses than originally anticipated. It was confirmed that the Tech Park would be located in the RCS School District. Mr. Collier stated that the trip generation numbers did not seem to be high enough for the amount of square footage, considering what had been estimated from the Town Squire Project. Mr. Gregory explained that a retail plaza would have a much higher trip generation than a complex such as the Tech Park. The schedules of the workers in a Tech Park have a tendency to be varied, which spreads out the trips over the whole day instead of specific peak hours. Ms. Saatman wanted to know the breakdown of the types of businesses that were located in the RPI Tech Park. Mr. Kleinke stated that he would supply that data. Mr. Hasbrouck stated that after this first look at the project, the Board didn't seem to find any glaring problems. Mr. Williams stated that his attorney on the project was James Blackmore in Corporate Woods.

A motion to table was made by Mr. Mathusa, seconded by Ms. McCarthy and approved by all present.

VAN DYKE SPINNEY – Van Dyke Road – Senior Citizen Residence District

Mr. Hasbrouck turned the Board's attention to the Van Dyke Spinney project and a memo from Mr. Lipnicky detailing the criteria contained in the regulations and a correlation between the application and those criteria. There was a letter submitted by Mr. Ruthman in response to that memo. The applicant felt that their project was appropriate under the regulations. He asked for the Board's opinion concerning the information submitted, especially the affordability question. Mr. Mathusa stated that though the number of senior households supported being able to fill the project with senior citizens, the question remained if those numbers included the income range of people that the intent of the legislation had been written for. The specific amount of rent was not addressed in the legislation so the question remained; what were the parameters of cost that the Board would consider affordable. Ms. McCarthy submitted a table with age and income breakdown. Mr. Feinberg submitted a letter from Community

Preservation, a lender that loans to these types of projects and they expressed an interest in the proposed project stating that it was within the guidelines they used. Mr. Feinberg stated that their mission statement was to provide affordable housing to New Yorkers. All of their loans were SONYMA insured. He referred to the table presented and again stated that there were enough households within the income and age range needed, that could afford the rents proposed. This project is for people that do not qualify for any housing assistance. It was established that there wasn't any rent control within the Code. Mr. Ruthman stated that they would like to arrive at a benchmark for their rentals, which could be based on median income information. It could be updated on a time basis set down by the Board. They would then work within those parameters. Mr. Feinberg stated that leases often have rents attached to CPI. Mr. Ruthman stated that even if they had wanted to work within the HUD structure there were not funds available for projects. Ms. McCarthy stated that yes there was a market in the Town for the proposed project, but the question of affordability with the intent of the Code considered was still unanswered. Mr. Feinberg felt that depending on what set of numbers you used would determine the bottom line of affordability. He stated that their project was aimed at senior citizens within in the income bracket of \$40,000 and up, who lived in Bethlehem and were basically in good health. Ms. McCarthy's concern was still whether the standard the applicant was using fit within the boundaries of the Code, she didn't dispute that they could build a nice facility and probably have enough residents. Mr. Feinberg stated that the Code used the term moderately priced. He felt this project was moderate. The reason they were interested in a Senior Citizen Resident District instead of a PDD was the legal opportunity to limit by age, the people who could live there. He believed that affordability had to be balanced out with quality of life, the amenities provided and the community being served. Mr. Hasbrouck stated that using the letter from the Community Preservation Group, they felt the project was affordable to resident households that were at or below 80% of the median income. That statement would translate into an income for the seniors of Bethlehem of about \$32,000 using the Census table. Mr. Lipnicky reminded the Board that the intent of the Code was for affordable housing for seniors. Mr. Feinberg stated that Marie Rose Manor rent for a one-bedroom apartment is \$725.00. The residents don't necessarily pay that because of subsidies. He felt that non-subsidized housing couldn't go by the same income criteria. Mr. Odell stated that there wasn't a formula for the Board to use to arrive at the income level of affordable in this circumstance. He wanted input from a public hearing. Mr. Silliman stated that after review of the documents his conclusion was the Board had a lot of flexibility in determining affordability pertaining to this Code. Precedent would be set with their decision. Mr. Hasbrouck stated that the Town Board would have a public hearing on this topic. Mr. Ruthman felt there was an assumption that rich people couldn't live there. They can, there wasn't an income ceiling. Mr. Lipnicky stated that the Code directs the Board to look at the criteria, as well as the purpose and intent of the ordinance, in defining terms such as affordable and moderately priced. Mr. Ruthman stated that regardless of the intent when the legislation was written, he was dealing with the law as it was filed. Mr. Hasbrouck commented that a public hearing, that had been suggested, would give more opinion but no concrete facts to help the Board decide if the project was appropriate under the Code. Mr. Feinberg stated that they were approaching this proposal with the question; does this project meet the wording in the statute as proposed. A

question of intent about the referral from the Town Board arose and it was clarified by Mr. Silliman that the applicant should not assume that the referral signified approval by the Town Board. The Planning Board had been asked for their recommendation, which was regularly done, on the matter of rezoning and SEQR. They would vote on those issues when their review of the materials before them was complete. He felt that the issue of zoning would be addressed first. Mr. Feinberg asked if the Board was going to make a decision about the zoning issue prior to SEQR. He did not want to spend additional funds on a project that wasn't viable. Mr. Ruthman stated that the concept plan was directly related to the affordability. They were willing to make adjustments necessary to the plan that would satisfy the Board. He listed a range of changes that would affect the affordability. They were looking for the Board's view of the intent of the statute so they could go forward. Mr. Mathusa felt that if they were willing to make the project fit into the Board's view of affordable then the next issue that the Board should be looking at was the site itself. Mr. Collier felt that the project did fit within the parameters of the Code. Mr. Silliman stated that the Board needed to look at all of the criteria in the Code before making a decision and moving on with SEQR. Mr. Odell stated that prior discussions in the Town about senior housing had revolved around having a range of options available, from high end to low end and choices in between. He felt that idea should be taken into consideration. Mr. Feinberg felt that this project addressed the in between. Mr. Stone, an audience member, expressed that the project was exactly the type of place that he would prefer to live. He liked the idea of a place strictly for seniors.

Mr. Hasbrouck turned the Board's attention to the access issue. The access statement in the Code points to the proximity of services. Mr. Odell stated that the only benchmark that they can point to was Marie Rose Manor, which was the only other Senior Citizen Resident District in the Town. Mr. Demph displayed a map that showed the proximity of the amenities within the Town. A number of them were within a 1-½ mile range. Mr. Ruthman pointed down the street to the High School and the proposed elementary school, both of which were noted for their centrality in a Town. The proximity of amenities to Marie Rose Manor was compared to this project. Mr. Ruthman stated that in the Town there was very little property with 5% or less grade that had the central location of this one. Mr. Engel thought that the sight distance on Van Dyke Road was not conducive to senior driving. He felt that road structures in the Town needed to be improved before projects were approved. DOT's thinking was to wait until there was a problem. He was not sure that this was the site for this project. Ms. McCarthy felt that the projects proximity to amenities was acceptable. It was confirmed that the proposed rents did not include utilities.

A motion to table was made by Mr. Collier, seconded by Mr. Odell and approved by all present.

TOWN SQUIRE PHASE II – Schuyler Companies – Rt. 9W

Mr. Hasbrouck turned the Board's attention to the Town Squire project. Mr. Spiak addressed the Board point by point from a memo they had received from Mr. Lipnicky. The first issue was the architecture of Hollywood Video. There had been a 2 foot 8 inch

knee wall added the Hollywood Video had agreed to, the glass area had been reduced and the color of the block wall was changed to better blend with Chili's. The size of the signage on the building would be changed to come into compliance with the sign code. The letters were the only part of the sign that protruded. Mr. Lipnicky asked if the new businesses would be utilizing the monument sign that was at the 9W entrance. There was a requirement to keep that sign at the present height. Mr. Ginsburg stated they had no plans to go any lower. Mr. Spiak stated that the Chili's building signage would also come into compliance. It would include the 3-dimensional pepper, which was considered as part of the allowable signage. Mr. Hasbrouck polled the Board for their opinion of the pepper. Everyone liked the pepper. Mr. Spiak turned attention to illumination levels. Mr. Lipnicky's concern was the design of the wall pack units especially on the bank in the rear and the sides of the buildings and if they were designed to throw outward. Mr. Spiak stated that the information would be submitted to staff. Next the DOT response memo was addressed. DOT didn't have any comments other than installing a keep right sign for the island at the 9W entrance. Mr. Spiak stated that DEC was asked for their input on the design of the storm water management system. They do not have approval as of yet. Bagdon Environmental has submitted the wetlands documentation. Mr. Spiak felt that the concerns of staff had been addressed in that letter. Their assessment was that there weren't any wetlands on the property, so mitigation was not necessary. The residential boundary of a 20-foot no-cut buffer would be maintained as per the deed restrictions. There was a wet swale in the area. Mr. Kleinke stated that there were deed restrictions that specify one thing and conditions that might require a different approach. Mr. Lipnicky stated that in certain areas of the buffer there were very few plantings. The question was whether to go into the 20-foot buffer to plant, or maintain the 20-foot buffer untouched and plant along the perimeter. Another issue was the slope of the area. Mr. Kleinke stated that in order to do anything within that 20 foot buffer would require some disturbance, but it might provide the best screening for light and sound to be close to the back. The addition of a fence along the common line was considered to help with the noise and light deflection. There was only a small section of the property line that needed attention. The physical restraints of parking and the storm water detention narrow it down. Mr. Collier suggested increasing the greenway to 40 feet to allow more plantings. Mr. Kleinke stated the issue was the quality of the vegetation that is left on site. The challenge was the restrictions that stated they couldn't touch the buffer area. Within the 20 foot, they could do berming and planting that would accomplish the goal. Mr. Ginsburg stated that there was not a tenant for the back parcel yet. He wanted to proceed forward with the plantings they have proposed for now and when they come in with the final building they can address it in much greater detail. They would then know what the building would look like. Mr. Kleinke stated that the trees that could be saved would be. Mr. Spiak then addressed the storm water management area and the site lighting. They have placed the storm water management area to best compliment the area and function. The closest light pole was 45 feet from the property line and it had shields on it. Mr. Lipnicky stated that part of the concern was the actual visual from the light. Mr. Spiak stated that the pole was only 14 feet high. It no longer was an issue. Next was the Hollywood Video design, there wasn't any comment from the Board. Mr. Lipnicky stated that the plans needed to specify color and materials. The Board wanted to see the final elevations with all the corrections. Mr. Collier wanted to know if the architecture for

Hollywood Video had any flexibility. Mr. Ginsburg replied that they were the ones putting up the building and Hollywood had some specs that they wanted on the inside. Mr. Neuremberg stated that building had to remain within cost and in line with rents. The limit to what could be added had been reached. He believed that when the whole building was put together it would look nice. Mr. Hasbrouck still did not like the amount of the windows. Mr. Ginsburg stated that Hollywood would walk away if the windows were reduced. The sidewalk was the next item to be discussed. Mr. Spiak stated that they want to meet the work being done by DOT on the sidewalk and continue it to the left side of the 9W entrance. Mr. Passmann stated that the sidewalk would eventually go up to Bender Lane. The Engineering Division wanted the Board's input on the proposal to cross the driveway with the sidewalk. It would be a painted crosswalk in front of the island with the monument sign. Mr. Passmann stated that the sidewalk needed to continue to the edge of pavement and then go to the property line. There were plans to continue the sidewalk to the intersection in the future. Engineering was working with the applicant to get the necessary easements. Concerning the traffic issue, Mr. Ginsburg stated that the current escrow of \$70,000 would be increased to \$90,000 to help with future improvements needed to the road structure. The EAF was still in review by staff. Mr. Lipnicky stated that the cross easements submitted were not needed for the parking. Mr. Spiak stated they were still working on the utility easements for the Engineering Division. They would come back before the Board when the bank tenant was determined. Mr. Spiak expressed their desire to move ahead with the project. Mr. Hasbrouck and Mr. Lipnicky were in agreement that more information was needed on the issue of wetlands.

A motion to table was made by Mr. Odell seconded by Ms. McCarthy and approved by all present.

It was decided that the approval of the minutes would be handled at the next meeting.

A motion to adjourn was made by Mr. Odell seconded by Mr. Collier and approved by all present.

The meeting concluded at 12AM.

Respectfully submitted by,

Nanci Moquin
Planning Board Secretary