

**George Leveille**  
*Chairman*

**Nicholas Behuniak**  
*Member*

**Thomas Coffey**  
*Member*

**Christine Motta**  
*Member*

**Kate Powers**  
*Member*

**Stephen Rice**  
*Member*

**John Smolinsky**  
*Member*

# TOWN OF BETHLEHEM

*Albany County - New York*

## PLANNING BOARD

445 DELAWARE AVENUE  
DELMAR, NEW YORK 12054  
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**Sam Messina**  
*Town Supervisor*

**Michael Morelli**  
*Director of DEDP*

**Jeffrey Lipnicky**  
*Town Planner*

**Robert Leslie**  
*Senior Planner*

**Terrence W. Ritz**  
*Asst. Engineer, L.S.*

**Keith Silliman**  
*Counsel*

**Deborah Kitchen**  
*Assistant to the Board*

### MINUTES April 6, 2010

- 1 The Regular meeting of the Town of Bethlehem Planning Board was convened in public session in the
- 2 Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY at 6:00 p.m., on Tuesday, April 6, 2010.
- 3 Attendance was recorded as follows:
- 4

Board Members Present	Board Members Absent	Counsel Present	Town Staff Present
George Leveille Nicholas Behuniak Thomas Coffey Kate Powers Stephen Rice John Smolinsky	Christine Motta		Michael Morelli Robert Leslie Terrence Ritz Deborah Kitchen
Others Present			
Eric Scharr Tom Fesinger Paul Braam Kimberly Vining Edward Vining Jim Martley Tom Hobles	Jim Cusick L. Tapp S. Hollander G. Tice Cara Zell Bonnie Faley Ruth Testa	Dan Hershberg Nick Costa Chuck Radliff, Sr. Matt McCloskey Sean McCloskey Patricia Giglio Elizabeth Smith	Rita Lichoreven Jeff Seckiyer Rich Mendick Adam Leonardo Stephanie Pierce Ed Pierce Ralph Pezzulo

- 5
- 6 Chairman Leveille called the meeting to order and noted the presence of a quorum.
- 7

#### Public Comment on Regular Agenda Items

- 8
- 9
- 10 • 35 Hamilton Lane / Warehouse / Malm Realty
- 11 • Trinity Manor Phase 5
- 12 • Blessings Corner at 572 Russell Road
- 13 • Hague Boulevard Apartments / Gordon Development Company
- 14
- 15 Kim Vining, 163C Hague Boulevard, Glenmont, NY
- 16
- 17 -Comments related to project known as Hague Boulevard Apartments
- 18 -Submitted a letter to the Town, dated March 30, 2010, opposing the project
- 19 -Submitted a petition, dated March 30, 2010, with 143 signatures of residents opposed to the project
- 20 -Concerned about traffic flow, sidewalks, street lights, wetlands, stormwater run-off & occupancy levels
- 21 -Submitted a letter to the Town, dated April 2, 1010, requesting a public hearing on the project
- 22 -Concerned about impact on emergency services, schools, and quality of life due to density of population
- 23 -Submitted a letter to the Town, dated April 6, 2010, as addendum to March 30, 2010 letter

- 24 -Submitted petition, dated April 6, 2010, with 32 additional signatures of residents opposed to the project
- 25 -Formally requesting the Planning Board to hold a public hearing
- 26 -Has agreed to meet with the developer to discuss concerns

27  
28 Tom Fiesinger, President, Village Square Homeowner's Association (VSHA) 155 B Hague Boulevard,  
29 Glenmont, NY

- 30
- 31 -Comments related to project known as Hague Boulevard Apartments
- 32 -Noted that the Village Square Homeowner's Association is aware of the proposed project and has some
- 33 concerns
- 34 -In favor of the Town holding a public hearing so that members of the Dowerskill Preservation
- 35 Committee can express their concerns
- 36 -Noted that the VSHA previously weighed in on the following projects: Village Square recreational
- 37 facility, apartments across from the recreation facility, Town transfer station and pig farm.

38  
39 James Martley, 5 Blessing Road, North Bethlehem, NY

- 40
- 41 -Comments related to project known as Blessings Corner at 572 Russell Road
- 42 -Why does the site need to be rezoned if just condos?
- 43 -What are the uses or restrictions for the new zoning?
- 44 -Can the site be used for commercial purposes?

### 45 46 **35 Hamilton Lane / Warehouse, Hamilton Lane, Glenmont**

47  
48 Malm Realty is proposing to construct a 20,000 square foot pre-fabricated, metal, multi-tenant warehouse  
49 building. The project is located in a Rural Light Industrial Zoning District where a warehouse use is  
50 subject to site plan approval. The plan calls for the installation of 22 parking spaces which is two more  
51 than required based on the type of use proposed. Utilities do not need to be extended because they  
52 already exist. A stormwater pollution prevention plan (SWPPP) was submitted to the Town and is  
53 currently under review. The project last before the board in the Fall of 2008.

54  
55 The proposed plan calls for porous pavement to be installed in accordance with the NYSDEC Stormwater  
56 Management Design Manual for green infrastructure. The porous pavement will be located along the  
57 front of the building in the parking area to reduce water run-off. Water will seep into the pavement and  
58 travel to an on-site retention pond. This stormwater management practice has not been utilized in the  
59 Town of Bethlehem before. The project engineer, John Cheslik P.E., and Town's Stormwater  
60 Coordinator, Josh Carvajal, are working through some minor revisions to the stormwater facility design.  
61 The minor revisions are not expected to affect the environmental review/determination.

62  
63 Joel Berben of Berben Construction and Management was present to answer questions on behalf of the  
64 applicant. It was noted that the applicant is working with the Town to finalize traffic patterns. The  
65 building will house up to five tenants, with up to 4,000 square feet per tenant. The location lends itself to  
66 small distribution facilities because its close proximity to the highway system. No specific market  
67 analysis done. Tenants are unknown at this time. The owner has a 20,000 square foot building across the  
68 street that is fully occupied. The current plan calls for five walk through doors in the front of the building  
69 and five overhead doors in the rear of the building. Building elevation drawings were shown to proposed  
70 facade. A geotechnical report has been submitted. 30% of the site will remain green.

71  
72 Upon motion by Mr. Smolinsky, seconded by Mr. Rice, and unanimously approved by all Members  
73 present, the SEQR Resolution - Classification of Action and Determination of Significance – Negative  
74 Declaration was approved.

75

76 **Trinity Manor – Phase 5, Reutter Drive, Selkirk**  
77

78 Nick Costas, of L. Sipperly & Associates, was present to provide information and answer questions on  
79 behalf of the applicant. The proposed subdivision is located at the end of Reutter Drive in Selkirk on  
80 land owned by Rosewood Home Builders LLC. The applicant is seeking approval to subdivide an  
81 existing 17.33 acre parcel into 22 lots which range in size from 4,520 to 7,981 square feet. The project  
82 includes construction of one duplex per lot. The project is located in a Residence A Zone. The lots will  
83 be served by municipal water and sewer. The project is proposed as a zero lot line development which  
84 means that one or more sides of a building can rest directly on the lot line. Approximately 12.31 acres (or  
85 71%) of the parcel would remain undeveloped and would be controlled by a homeowner’s association or  
86 deeded over to a land conservancy. The proposed layout would not disturb existing wetlands. Adjoining  
87 land uses include residential homes to the north and west, the NYS Thruway to the east, and 12.0 acre +/-  
88 conservation parcel to the south,. The project was last before the Board in December 2008 at which time  
89 the applicant was asked to address a number of environmental and site design issues. The development  
90 will target first time home owners and empty nesters. Town staff prepared a draft SEQR resolution that  
91 would issue a Negative Declaration for the project. If the Board decides to issue the Negative  
92 Declaration, it will also need to set a Public Hearing on the Preliminary Plat and refer the application to  
93 the Albany County Planning Board for GML review.  
94

95 As noted in Mr. Lipnicky’s memo to the Board, dated March 30, 2010, a Phase 1 Cultural Resource  
96 Survey, prepared by Arch Tech, was submitted to the NYS Office of Parks Recreation & Historic  
97 Preservation (NYSOPRHP) and a letter was issued by the NYSOPRHP, stating that the project would  
98 have “no effect” on cultural resources. A noise evaluation prepared by Creighton Manning Engineering,  
99 assesses potential Thruway noise impacts on the subdivision and concludes that the proposed residences  
100 closest to the Thruway will experience noise levels that are below the levels considered to be an impact  
101 by the NYS Department of Transportation, the Federal Highway Administration (FHWA) and the NYS  
102 Thruway Authority. A Blasting Plan prepared by L. Sipperly and Associates, reviewed by Clough-  
103 Harbor & Associates, indicates that the plan contains enough information to move forward with a  
104 SEQRA Determination of Significance, however, a more detailed plan should be submitted and approvals  
105 should be conditioned on the final design submission. A Rare and Endangered Species Review, prepared  
106 by North Country Ecological Associates, found no such occurrences on site and concluded that on-site  
107 habitats are unlikely to support such species. Revised Preliminary Plat drawings and engineering reports  
108 related to Water, Sewer, Stormwater, Operations/Maintenance, and Stormwater Pollution Prevention,  
109 prepared by L. Sipperly Associates, have been reviewed by Town staff and comments were previously  
110 generated and distributed to the Board.  
111

112 Ms. Powers indicated that she is comfortable with initiating the SEQR process based on the fact that the  
113 applicant has addressed the environmental issues/comments previously identified by staff. Mr.  
114 Smolinsky and Chairman Leveille stated that they were also comfortable with staff recommendation and  
115 in favor of approving the SEQR resolution.  
116

117 Upon motion by Ms. Powers, seconded by Mr. Rice, and unanimously approved by all Members present,  
118 the SEQR Resolution – Classification of Action and Negative Declaration was approved.  
119

120 Upon motion by Mr. Smolinsky, seconded by Ms. Powers, and unanimously approved by all Members  
121 present, the date of the Public Hearing was set for Tuesday, May 4, 2010 at 6:00 p.m.  
122

123 **Blessings Corner at 572 Russell Road,**  
124

125 Daniel Hershberg was present on behalf of the applicant to provide details and answer questions about the  
126 project. It was noted that the original Planned Development District (PDD) application included 44  
127 residential condominium units off Russell Road and a 2,900 +/- sq. ft. Stewart’s convenience store with

128 gas pumps at the corner of Russell and Krumkill Roads. A public hearing was held on February 2, 2010.  
129 Comments were taken into consideration and the applicant decided to replace the commercial store with  
130 additional condominium units. The applicant would be allowed to construct up to 56 units but is only  
131 seeking approval to construct 52.  
132

133 Mr. Morelli stated that a PDD is a land use tool that can be used to allow for some diversity of housing so  
134 long as it meets the goals of the Town's Comprehensive Plan. Certain types of commercial uses are  
135 allowed in PDD's in order to provide services to the surrounding neighborhood. It was noted that PDD's  
136 are rarely amended once they are approved and it is unlikely that a commercial use would be introduced  
137 by the applicant at a later date. If the Planning Board were to issue a SEQR Negative Declaration and  
138 make a recommendation to amend the current zoning to a PDD, the rezoning application would be  
139 forwarded to the Town Board for consideration. The Town Board would then consider the Planning  
140 Board's recommendation and schedule a public hearing within 62 days of receipt of the approval  
141 documents. If approved by the Town Board, the parcel would be rezoned from Residential A to PDD.  
142 The project would then need to come back to the Planning Board for Site Plan approval.  
143

144 Chairman Leveille stated that he felt that the public process was useful in helping the Planning Board to  
145 make a recommendation to the Town Board. He noted that even though the project was consistent with  
146 the Comprehensive Plan, many residents indicated that they were not in favor of the commercial  
147 component. Mr. Behuniak asked if the Board was still at liberty to reduce the size of the project. Mr.  
148 Leveille stated that the Town Board would establish the appropriate level of development within the  
149 District. The Planning Board could then refine the plan within the PDD parameters.  
150

151 Upon motion by Mr. Rice, seconded by Mr. Smolinsky, and unanimously approved by all Members  
152 present, the Recommendation on SEQR Determination of Significance and Rezoning Application was  
153 approved.  
154

#### 155 **Hague Boulevard Apartments, Route 9W at Hague Boulevard, Selkirk**

156

157 The project has been placed on the Planning Board agenda for initial presentation and discussion. Daniel  
158 Hershberg, of Hershberg and Hershberg, was present on behalf of the applicant, Gordon Residential LLC,  
159 and the owner, DMV Commercial, to make an initial presentation and answer questions. He stated that  
160 the project is at a preliminary stage and the applicant is aware that the project does not meet the Town's  
161 site plan submission standards. The applicant is seeking site plan approval to construct seven apartment  
162 buildings at the corner of US Route 9W and Hague Boulevard. The project area is comprised of two  
163 parcels separated by Hague Boulevard. A portion of the northern parcel (1.33 acres) will be reserved for  
164 commercial use. The site is constrained by a gas easement which runs north and south through the site, a  
165 sewer easement runs east and west through the site and there are 10 +/- acres of wetlands. It was noted  
166 that a development plan has been laid out to avoid wetland impacts. By subtracting the constrained lands,  
167 and using the 4 units per acre allowed in the Hamlet Zone, it was determined that the development would  
168 consist of seven apartment buildings and a total of 53 dwelling units. Access to each parcel would be  
169 provided by a driveway from Hague Boulevard. A secondary driveway would serve the southern parcel  
170 with a right-in, right-out to Route 9W. It is believed that the majority of traffic will head north. A trip  
171 generation impact statement was not required by NYS Department of Transportation. The project does  
172 not require rezoning. Building elevation drawings are being drafted. A Stormwater Pollution Prevention  
173 Plan has been submitted. The applicant would be willing to use porous pavement (similar to what is  
174 found in the Great Oakes Office Park) if subsurface conditions are compatible. A geotechnical report is  
175 not completed yet. A wetland study is in the works.  
176

177 The applicant is interested in receiving public comment and might also be willing to consider a land swap  
178 with a nearby Homeowner's Association that is currently using his land for a ball field. The project could  
179 have been designed as condominiums or townhouses but the applicant believes the market can support the

180 apartment complex. The apartments will be flexible in size and style in an effort to maintain  
181 affordability. The size of each unit will be 1,400 sq. ft. +/- and the estimated cost will be \$1.10 to \$1.30  
182 per sq. ft. A recreational facility is not feasible with 53 units; however, the applicant may include a  
183 community room for large gatherings. The apartments would be located near Rt. 9W, leaving the  
184 wetlands to serve as a buffer between the proposed development and existing Dowerskill Village. As  
185 proposed, the buffer zone will be 300 feet. Adjoining land uses include Barkman Farms to the north, the  
186 Jericho Drive-In to the south, Dowerskill Village to the west and northwest, and Van Allen Apartments  
187 and a few small scale commercial uses to the east. The parcel also borders a cemetery, a Niagara  
188 Mohawk right-of-way, and the Village Square Club House.

189  
190 In a memo to the Board dated March 31, 2010, Mr. Lipnicky noted that two of the buildings will be  
191 located on a 5.02 acre parcel north of Hague Boulevard, and five of the buildings will be located on an  
192 18.92 acre parcel south of Hague Boulevard. The site is zoned Hamlet Commercial District. Both  
193 apartments and commercial uses are permitted in the district subject to site plan approval. The parcels are  
194 located in the water and sewer districts and have access to public utilities. Storm water management  
195 would be accommodated on-site and designed to meet current regulatory standards. Parking will be  
196 provided for each unit, with a one car garage and parking space in front of the garage. Ten additional  
197 parking spaces are provided on the southern lot. A detailed review of the initial submission can be found  
198 in a review letter to Mr. Hershberg, dated March 18, 2010. The application will require referral to  
199 Albany County Planning Board and a coordinated SEQR review.

200  
201 Mr. Behuniak asked what the tax implications are for condominiums versus apartments. Mr. Hershberg  
202 stated that the assessed valuation is based upon the equalization rate and the apartments are estimated at  
203 \$4.5 million. The roadways, water, sewer, trash removal, plowing, maintenance and repairs will be the  
204 responsibility of the owner, thereby reducing public service costs. Mr. Leveille noted that the  
205 Comprehensive Plan focused on a variety of housing types and changing demographics of the Town. An  
206 analysis of the Town's tax base showed a disproportional burden on the residential tax payer for primary  
207 public service costs such as education. There is a concern about affordability. Research indicates that  
208 apartments, condominiums and townhouses, reduce the number of school aged children. It has also  
209 shown that there are not many available market rate apartments in Bethlehem.

210  
211 Ms. Powers inquired if a Full Environmental Impact Study would be required for this type of project. Mr.  
212 Morelli stated that a project of this size is typically classified as an unlisted action and a full blown  
213 Environmental Impact Study is not warranted. The project will be reviewed through SEQR to identify  
214 issues that need to be addressed.

215  
216 Chairman Leveille noted that Mr. Lipnicky had prepared a SEQR Resolution – Preliminary Classification  
217 of Action and Lead Agency Coordination document for the Board's consideration. He also noted that Mr.  
218 Lipnicky had indicated the application did not meet the Town's site plan submission standards. Chairman  
219 Leveille recommended that the Board table the application pending the completion of the application.  
220 Mr. Smolinsky agreed that it would be appropriate to wait to start the coordinated review process. He  
221 also stated that he would like to receive a fiscal analysis as part of the application. Mr. Hershberg stated  
222 that the complete application will not be ready for two months. He noted that the developer is in favor of  
223 a coordinated review.

224 Upon motion by Mr. Behuniak, seconded by Mr. Smolinsky, and unanimously approved by all Members  
225 present, to table the project until such time as the application meets the Town's site plan submission  
226 standards.

227  
228  
229  
230  
231

232 **Non Agenda Items**

233

234 **Phillipin Kill Manor PDD**

235

236 The Town Board accepted the Planning Board's recommendation to declare itself as Lead Agency on the  
237 Phillipin Kill Manor PDD application – with one member dissenting. The process is now underway. The  
238 Public Hearing is scheduled to take place on April 28, 2010.

239

240 **Kendall Square - Hamlet**

241

242 It was noted that Planning Board Members (Leveille, Coffey and Smolinsky), Town staff members  
243 (Morelli, Leslie, Ritz and Kitchen), met with the Developer & Project Engineer (Lee Rosen and Francis  
244 Bossolini) and citizen/representatives from Colonial Acres, Chadwick Square and Walden Fields (Bill  
245 Joynt, David Kissinger, Kevin Killgallon and Christy Ryder) on March 31, 2010 to discuss design  
246 concerns related to the Kendall Square project. The developer offered several opportunities for  
247 improvement to the design including the following:

- 248 - elimination of one of the eight unit residential buildings and relocating the units over the commercial  
249 property
- 250 - establishing park and common areas to create a focal point for the development
- 251 - incorporating park amenities in the wetland areas where people can go and enjoy passive recreation
- 252 - reducing the size of two of the buildings on Elsmere Avenue from eight unit to four unit buildings
- 253 - developing a landscaping plan
- 254 - installing sidewalks
- 255 - donating five feet of land along Elsmere Avenue and Feura Bush Road to NYS Department of  
256 Transportation for prospective future improvements

257 A project update is tentatively scheduled for the May 4, 2010 Planning Board meeting.

258

259 **Minutes**

260

261 Minutes from the February 2, 2010 and March 2, 2010 meetings will be considered at a future meeting.

262

263 **Meeting Schedule**

264

265 The next Planning Board meeting is scheduled to take place on Tuesday, April 20, 2010, at 6:00 p.m.

266

267

268 Respectfully submitted,

269 Deborah Kitchen