

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
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Sam Messina
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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
December 7, 2010

1 A meeting of the Town of Bethlehem Planning Board was convened in public session in the Bethlehem
2 Town Hall, 445 Delaware Ave., Delmar, NY at 6:00 p.m., on Tuesday, December 7, 2010. Attendance was
3 recorded as follows:
4

<u>Board Members Present</u>	<u>Board Members Absent</u>	<u>Counsel Present</u>	<u>Town Staff Present</u>
George Leveille Nicholas Behuniak Thomas Coffey Christine Motta Kate Powers Stephen Rice John Smolinsky		Keith Silliman	Michael Morelli Robert Leslie Terrence Ritz Deborah Kitchen

5

<u>Others Present</u>		
David Chainyk Chuck Radliff, Sr. Mae Boyer	Fred Strauss Doug Mosall John Shipherd	Steve Bolduc Bob Bolduc Mike Tucker

6
7 Chairman Leveille called the meeting to order and noted the presence of a quorum:
8

9 **Public Hearing**

- 10 • Chainyk – Accessory Apartment (SUP / Site Plan)

11
12 Chairman Leveille opened the public hearing at 6:00 p.m. and called for a motion to forgo the reading of
13 the public hearing notice and indent it into the meeting record. A motion was offered by Mr. Behuniak,
14 seconded by Mr. Smolinsky, and approved by all Members present.
15

16 NOTICE OF PUBLIC HEARING, TOWN OF BETHLEHEM, ALBANY COUNTY, NY
17 Notice is hereby given that the Planning Board of the Town of Bethlehem, will hold a Public
18 Hearing on Tuesday, December 7, 2010 at 6:00 p.m., at the Town Offices, 445 Delaware Ave.,
19 Delmar, NY, for a proposed Special Use Permit / Accessory Apartment project, shown on a map
20 entitled Chainyk Residence, 447 Krumkill Road, Town of Bethlehem, Albany County, NY,
21 prepared for the applicant, David Chainyk, by Moore Architecture, 12 Highland Drive, East
22 Greenbush, NY 12061, dated September 17, 2010, issued October 29, 2010. Disabled
23 individuals who are in need of assistance in order to participate should contact the Town Clerk's
24 Office at 439-4955 Ext. 1183. Advanced notice is requested.

25
26 David Chainyk, property owner/applicant, stated that he purchased 447 Krumkill Road because he liked the
27 size of the lot and the house already had two dwelling units in it. The plan was to remodel the existing
28 house and apartment but the structure was in poor condition. He decided to redesign the home and rebuild
29 the home. It is his intention to live in the home after it is reconstructed.

30
31 It was noted that the proposed accessory apartment represents a Type II action pursuant to SEQR and
32 therefore, does not require further environmental review.

33
34 Chairman Leveille asked the Board Members if they had any comments or questions. Hearing none, he
35 called for a motion to close the public hearing and consider the approval documents.

36
37 Upon motion by Mr. Behuniak, seconded by Mr. Coffey, and unanimously approved by all Members
38 present, the hearing was closed

39
40 Upon motion by Mr. Rice, seconded by Mr. Smolinsky, and unanimously approved by all Members
41 present, Special Use Permit 13 was approved.

42
43 Upon motion by Ms. Powers, seconded by Mr. Smolinsky, and unanimously approved by all Members
44 present, Site Plan Approval 167 was approved.

45
46

47 **Public Comment on Regular Agenda Items**

48

- 49 • The Gables at Delmar (Site Plan Amendment)
- 50 • God's Heart of Refuge (Site Plan)
- 51 • The Pines at Normanside (Subdivision)
- 52 • ESCO Towers – Telecommunication Facility (Site Plan / SUP)

53

54 **John Shipherd, 72 Salisbury Road**

- 55 • Stated that in spite of the critical letters he has written about the existing conditions, he supports the
56 project
- 57 • He is concerned about the existing stormwater and erosion problems in the area and wants to make sure
58 they are fully addressed
- 59 • He was impressed by a letter his neighbor wrote to the Town which expressed concern about the
60 quantity of soil that will be removed from the site
- 61 • He would like the developer to preserve as much of the site as possible, including trees, so that the
62 development does not add to erosion problems that currently exist

63

64 There were no other public comments and the comment period was closed.

65

66 **The Gables at Delmar – 454 Delaware Avenue, Delmar (Site Plan Amendment)**

67 Mr. Morelli stated that applicant is seeking approval to amend a previously approved Site Plan (SPA 153)
68 by reducing the number of units from forty (40) condominiums (formerly known as Verstandig's
69 Condominiums) to twenty-seven (27) townhomes. The original site plan was approved by the Planning
70 Board on March 17, 2009. A SEQR Negative Declaration was issued on November 16, 2010. Mr. Morelli
71 indicated that staff believes the project is ready for conditional approval as noted in his memo to the Board
72 dated December 2, 2010.

73

74 Michael Tucker of Infinigy Engineering, and Stephen Bolduc, applicant, were present to provide
75 information and answer questions. Mr. Tucker stated that the applicant submitted a site comparison table
76 showing the proposed changes between the previously approved project and the proposed project. The
77 applicant also submitted an improved landscaping plan and noted that architectural enhancements were

78 made to the rear of the buildings facing Delaware Avenue and the enhanced theme will be carried
79 throughout the project.

80
81 Following a discussion related to the proposed four (4) foot fence along Delaware Avenue, it was
82 determined that the applicant will install landscaping in place of a decorative fence. The six (6) foot
83 privacy fence between units will be constructed as proposed.

84
85 Chairman Leveille asked the Board Members if they had any other comments or questions. Hearing none, he
86 called for a motion to consider approval of the Parkland Resolution and Site Plan Amendment Approval for
87 the proposed project.

88
89 Upon motion by Mr. Smolinsky, seconded by Ms. Motta, and unanimously approved by all Members
90 present, the Parkland Resolution was approved.

91
92 Upon motion by Ms. Powers, seconded by Mr. Behuniak and unanimously approved by all Members
93 present, the Site Plan Amendment (SPA 153 A-2) was approved.

94
95 **God's Heart of Refuge – 339 Delaware Avenue, Delaware (Site Plan)**

96 Mr. Leslie stated that the applicant is looking to occupy a vacant space in the rear of the building. There
97 are no proposed changes to the existing building or parking lot. The hours of operation for the church do
98 not conflict with the hours of operation for the tenant who leases the front of the building. The project was
99 referred to the Department of Economic & Development & Planning by the Building Inspector because the
100 proposed use is different from the previous use and a house of worship is subject to site plan review in the
101 Hamlet zoning district. Mr. Leslie reviewed the project for consistency with the Zoning Law and has
102 recommended, in his memorandum dated December 1, 2010, that the Board consider a waiver of Site Plan
103 Approval for the proposed use.

104
105 Pastor Mae Boyer was present to provide information and answer questions. She stated that the process was
106 more involved than she had anticipated but she is grateful for the assistance provided by Town staff. She is
107 excited about the location because it is centrally located and confirmed that the hours of operation do not
108 conflict with the other tenant.

109
110 Following a discussion related to the type of review that should be required for a house of worship in a
111 Hamlet Zoning District the Board suggested that staff revisit this section of the code the next time the Zoning
112 Law is updated.

113
114 Chairman Leveille asked the Board Members if they had any other comments or questions. Hearing none, he
115 called for a motion to approve a draft letter to the Town's Building Inspector, dated December 7, 2010 which
116 states that the Planning Board grants an application waiver of site plan review and approval for the proposed
117 change in tenant at 339 Delaware Avenue – God's heart of Refuge. The applicant shall still apply for a Town
118 Building Permit and meet all NYS Building Code requirements for assembly space.

119
120 Upon motion by Mr. Smolinsky, seconded by Mr. Coffey, and unanimously approved by all Members
121 present, the letter authorizing site plan waiver was approved.

122
123 **The Pines at Normanside - Leonard Pl., Salisbury Rd. & Delaware Ave., Delmar (Subdivision)**

124 Chairman Leveille referenced a memorandum from Mr. Leslie, dated December 2, 2010, and asked him to
125 provide information about the project. Mr. Leslie stated that the Town received several letters following
126 the public hearing which was held on November 16, 2010. The letters express concern about tree removal,
127 stormwater issues and slope stability. The project representative, Michael Tucker, has prepared a letter of
128 response to comments and the Town's Engineer has reviewed the letter and has indicated that he is in
129 agreement with Mr. Tucker's response.

130
131

132 Steve Bolduc, builder, and Michael Tucker of Infinigy Engineering were present on behalf of the applicant,
133 Richard Bohl, to provide information and answer questions. Mr. Tucker stated that the areas of grading
134 have been tightened up wherever possible. The home on lot eight (8) has been repositioned in order to
135 increase the buffer area and reduce grading. The amount of disturbance proposed for lot five (5) will also
136 be reduced. The stormwater runoff rate will not increase. Trees will be saved whenever possible but some
137 will be lost when Leonard Place is extended. The applicant will continue to work with the property owner
138 at 2 Leonard Place to provide landscaping that will help to shield headlight disturbance from vehicles
139 existing the commercial lot at 229 Delaware Avenue.

140
141 With regard to landscaping, Mr. Smolinsky requested that the grading limits be indentified in the approval
142 document and/or identified in the field so that excavation equipment operators know where the grading
143 limits are. Mr. Bolduc stated that builders typically need latitude in the field during the construction phase
144 and it is not always possible to save a mature tree. He also stated that more often than not, homeowners
145 prefer to choose their own landscaping. Mr. Smolinsky requested that the developer provide a planting
146 plan that brings back a mature character to the area. Mr. Bolduc stated that there will be a lot of character
147 left because the forest will remain around the perimeter. He will not remove trees unnecessarily.

148
149 With regard to slope drains, Mr. Smolinsky requested that a deed restriction be included for the lots that
150 contain slope drains. The homeowner will be responsible for cleaning out the drains.

151
152 With regard to screening between lots one (1) and 11, the approval document should include language
153 related to the screening **and the final plat shall show the location.**

154
155 With regard to the detention pond, Mr. Leslie stated that a similar pond was constructed in the Mystic
156 Woods subdivision. The pond will be screened with vegetation; there is no fence around it. Mr. Tucker
157 stated that the pond was designed in accordance with NYS standards and includes a safety bench on the
158 high water table. The pond is designed to hold six (6) to eight (8) inches of water during a 100 year storm.
159 He also stated that it is not overly visible from Salisbury Road or Leonard Place. Mr. Morelli stated that
160 NYS Dept. of Environmental Conservation does not require a fence around detention areas and that this
161 type of detention pond will be part of the landscape for future projects. An effort is being made to make it
162 a natural and attractive feature to the existing landscape and avoid making it an attractive nuisance. Placing
163 a six (6) foot fence around it will not necessarily keep people out. Fencing would also add to the cost of
164 maintaining it. Mr. Tucker stated that the grade is approximately eight (8) feet deep. The stormwater
165 detention pond and the lot that it is on will be deeded over to the Town. The Town will be responsible for
166 maintaining the detention pond.

167
168 Chairman Leveille stated that the project has been reviewed by a design engineer, town engineer,
169 consultant specializing in slope stability, and the Town's Stormwater Program Coordinator all concur that
170 the site will be more stable and drain better than it does now. With that level of analysis to date, he is
171 satisfied that the concerns raised by the neighbors have been addressed. Final design issues will be
172 reviewed.

173
174 Mr. Silliman noted that there have been dramatic changes since the project was first proposed which shows
175 the value of the Planning Board. This is a much better project than the one that was first proposed.

176
177 Chairman Leveille asked the Board Members if they had any other comments or questions. Hearing none, he
178 called for a motion to consider approval of the Parkland Resolution and Preliminary Plat Approval for The
179 Pines at Normanside Subdivision.

180
181 Upon motion by Mr. Smolinsky, seconded by Mr. Coffey, and unanimously approved by all Members
182 present, the Parkland Resolution was approved.

183
184 Upon motion by Mr. Rice, seconded by Mr. Behuniak and unanimously approved by all Members present,
185 the Preliminary Plat (Certificate No. 246-P) was approved, as amended.

186
187 **ESCO Towers - 75 Van Dyke Road, Delmar (Site Plan/Special Use Permit)**
188 Chairman Leveille stated that the applicant contacted Mr. Leslie and asked to be removed from the agenda.
189 The applicant is still working to prepare information that may impact the height of the tower.

190
191 Chairman Leveille asked the Board Members if they had any questions. Hearing none, he called for a
192 motion to table the application.

193
194 Upon motion of Mr. Behuniak, seconded by Mr. Rice, and approved by all Members present, further
195 discussion related to the project was tabled.

196
197 **MINUTES**

198 Upon motion by Mr. Behuniak, seconded by Mr. Rice, the Members voted to approve the minutes of the
199 November 16, 2010 meeting.

200
201 **DISCUSSION ITEMS**

- 202
203 • **Training – December 21, 2010 –**
204 Senior Planner, Robert Leslie, will present information about the PaTHs 4 Bethlehem Committee’s
205 Bicycle and Pedestrian Priority Network. Attendance will be credited toward Member training.

206
207 **MEETING SCHEDULE**

208 December 21, 2010 - Regular Meeting
209 January 4, 2011 - Regular Meeting

210
211 **MEETING ADJOURNED**

212 Upon motion by Mr. Smolinsky, seconded by Mr. Rice, and approved by all Members present, the meeting
213 was adjourned.

214
215
216 Respectfully submitted,
217 Deborah Kitchen