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**TOWN OF BETHLEHEM  
BOARD OF APPEALS**

**November 3, 2010**

A regular meeting of the Board of Appeals, of the Town of Bethlehem, Albany County, New York, was held on the above date at the Town Offices, 445 Delaware Ave, Delmar New York.

**PRESENT:** Daniel Coffey, Chairman  
Michael Moore, Board of Appeals Counsel  
Lennie Micelli, Board of Appeals Member  
Kenneth Umina, Board of Appeals Member  
David DeCancio, Board of Appeals Member  
Matthew Watson, Board of Appeals Member  
Justin Harbinger, Assistant Building Inspector

Tim Haskins, Applicant

Viktor & Trina Kustov, Glenmont  
Richard & Lynne Hummel, Glenmont

Chairman Coffey called the meeting to order at 7:00pm noting that there is a quorum with all members being present as well as Attorney Michael Moore.

**DISCUSSION:**

**Glenwood Village, Glenmont Rd, Glenmont** for area variances under Article 128-100, rear yard setback, maximum height, maximum density, Section 128-33 D) Specific regulations for the District, building footprint, and Section 128-56, Off Street Parking and Loading for the construction of a 148 unit senior housing complex, continuation of the public hearing and SEQR discussion. The property is zoned Hamlet.

Chairman Coffey noted that at the public hearing on October 6, 2010, the board requested data on how United Group determines its parking formula, as well as any traffic studies available for the site. Mr. Haskins reviewed the additional information provided via email on October 18, 2010. The total average of all United Group's senior apartment complexes is .72 spaces per unit. Based on the average, the proposed number of spaces includes 56 extra surface spaces. The traffic study provided was conducted in January 2008 at Hearthstone Village in Colonie. The local study was done as an independent local correlation of available national study data. The study concluded the trip rate for senior housing is between 2.5 and 6 times lower than the trip rate for other residential land uses.

The Albany County Planning Board's recommendation was to defer to local consideration. The board found that the proposed action will have no significant countywide or inter-municipal impact. There will be recommended modifications on the site plan application.

At the October 20 meeting, the board voted to do an uncoordinated review in regards to SEQR. Chairman Coffey asked Mr. Haskins to address the items under Part II, item C of the short Environmental Assessment Form. Mr. Haskins advised there would be no adverse effects of the action associated with existing air quality, surface or ground water quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems. He noted as an effort to develop the site, dumped items have already been removed, and the storm water runoff and wetlands will be improved. The Army Corps of Engineers will oversee the wetland mitigation and monitor for five years after construction. Solid waste production is expected to be a fairly net negative as most residents will come from a 5 mile radius. The addition of landscaping will help arrest erosion at the site.

Mr. Haskins further advised there have already been extensive archeological studies done at the site resulting in a data recovery plan by the State Historic Preservation Officer. At one time, the New York State National Heritage Program had identified a list of eight endangered plants in Town. United Group hired a biologist to catalog the plants in the area over a six month period

59 and there was no indication of the existence of any of the endangered plants.  
60 The proposed project is consistent with the Town's Comprehensive Plan relevant to the need for  
61 senior housing and development of underutilized space. There may be a boost to the economy,  
62 specifically to the shopping center across the street, due to the apartment complex.  
63

64 Chairman Coffey asked if there were any questions or concerns regarding SEQR.  
65 Mr. Hummel of Glenmont asked about the swale that extends out from the area of Cumberland  
66 Farms and how the proposed project might affect it. Mr. Haskins advised that the apartment  
67 complex plans don't call for any construction in the specified area. Once the waterway is  
68 cleaned and restored, he anticipates a positive impact upstream of the wetlands.  
69 The board determined that the proposed action will not result in any significant adverse  
70 environmental impacts. Mr. Umina moved to authorize Chairman Coffey to complete the SEQR  
71 form as reviewed, seconded by Mr. Watson, and the motion passed with all members in favor.  
72

73 Chairman Coffey discussed the variances requested. Chairman Coffey stated his conclusion that  
74 a footprint variance is required by town code since the façade of the building does not articulate  
75 as separate buildings. The board felt the proposed 163 surface spaces, not including the 36  
76 garage spaces available for rent, are adequate. The height variance is 7 feet less than the  
77 previously granted variance. The rear yard setback variance is the same as the previously  
78 granted variance. The number of units is two less than the previously granted variance. As the  
79 relief being sought is less than what was granted in 2008 with the exception of the parking,  
80 Chairman Coffey is in favor of granting all the variances.

81 Mr. Micelli asked what would happen if the proposed senior apartment complex did not meet  
82 rental expectations or failed. Mr. Haskins explained that under HUD funding, there are strict  
83 criteria that need to be met for underwriting. If the property was foreclosed and offered for sale  
84 by HUD, it would not change the use of the property as a senior apartment complex.

85 On a motion by Mr. Umina, seconded by Mr. Watson, the variance passed with all members in  
86 favor. Chairman Coffey directed counsel to draft the resolution.  
87

88 **RESOLUTION:**

89 **Michael & Tina Fabe 28 McMillen Place, Delmar** for area variances under article XIII, Use  
90 and area Schedules, Section 128-100, Schedule of Yard and Bulk requirements, Lot Occupancy  
91 and Front Yard Setback. On a motion from Mr. Micelli, seconded by Mr. DeCancio, the  
92 resolution was approved with all members in favor.  
93

94 **Project Updates:**

95 Chairman Coffey noted he distributed the Board Rules of Procedure to all members to review at  
96 a future meeting to allow adequate time for all members to review.

97 The applicant representing Cumberland Farms is expected to be back before the board with  
98 requested information at the November 17 meeting.

99 The Planning Board will hear a presentation by the Holbek Group on monopine designs for  
100 ESCO Tower, tentatively scheduled for November 16 at 6pm.  
101

102 **MINUTES:**

103 The minutes of the October 20, 2010 meeting were approved as amended on a motion from Mr.  
104 Micelli, seconded by Mr. Watson, with all members present in favor.  
105

106 The meeting was adjourned on a motion from Mr. Umina and seconded by Mr. Micelli with all  
107 in favor at 8pm.  
108

109 Respectfully submitted,  
110 Robin Nagengast