

**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  
(518) 439-4955, Ext. 1159  
(518) 439-5808 Fax

**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 March 16, 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, March 16, 2010.
- 3 Attendance was recorded as follows:
- 4

Board Members Present	Board Members Absent	Counsel Present	Town Staff Present
George Leveille		Keith Silliman	Michael Morelli
Nicholas Behuniak			Robert Leslie
Thomas Coffey			Terrence Ritz
Christine Motta			Deborah Kitchen
Kate Powers			
Stephen Rice			
John Smolinsky			
Others Present			
Rosemary Tucci	David Tromp	Ritz Bell	Marcia Wendth
Judy Parry	Sandra Barrett	Mary Richards	Frank Hickey
Laraine DelBelso	Timothy Barrett	John Oates	Joe Benoit
Ann DiGiulio	Tim Nimmer	Linda Nimmer	Sharon Fisher
Kathy Katz	Chris Gatchell	Jean Kern	Kim Fisher
Dave Kissinger	Ethel Duchna	Bill Joynt	Will Parry
Sheila McGarrahan	Sue Zick	Kathryn Schimanski	Ellen Bernier
Jim O'Neil	Amy Musiker	Muriel Marin	Donna Holmes
Paul Philo	Sharon Rider	Bill Marin	Java Traivia
Trudie Waldenmaier	Shirleigh Post	Jane O'Neill	Jennifer Givner
Janet Rose	Paul Hite	Lee Rosen	Ann Kopf
Clayton Rose	Sue Killgallon	Barbara Lynn	Mark Foster
Donald Bourque	Kevin Killgallon	Anne Sauer	Corinne Carlson
Christy Ryder	Edmund Cancellare	Reg Sauer	Marsela Kissinger
Irene Kilcoyne	Joan Cancellare	Rose Fernandez	Marge Joynt
Deborah Sopczyk	Rosemary Lyons	Clement Fernandez	Gerald Schimanski
Jonathan Newell	Anne Cheeseman	Carol Metevia	Alvin Rosenblum
John Dupier	Barbara Smith	Rostiss Clark	Norma Shiatte
Robert Leslie	Mel Katz	Wayne Williams	Sally Abriel Rook
Ramona Leslie	Kevin Reilly	Kathleen Hogan	Mary Elizabeth Jones
Joana Tschinkel	Lorraine Reilly	David Cohen	Fred Dimaggio
Jim Tschinkel	Murray Block	Joan Cohen	Dana Offerman
Gerry Oestreich	Iris Rosenblum	Melody Burns	Richard Hartnett
Marilyn Oestreich	Richard Mazzafero	Irene Kirby	Joseph Bianchine
	Laurie Mazzafero		Francis Bossolini

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

6

7 **Public Comment on Regular Agenda Items**

8

- 9 • Kendall Square
- 10 • Traeger Subdivision
- 11 • Delmar Pointe

12

13 Public comments were recorded as follows:

14

15 Bill Joynt, 17 Walden Fields Drive, Delmar

16

17 -thanked the Board in advance for listening to thoughts and ideas related to the Kendall Square project

18 -noted that a petition containing 168 signatures of people opposed to the project had been submitted

19

20 David Kissinger, 21 Walden Fields Dr, Delmar

21

22 -Comments related to project known as Kendall Square

23 -Reject current proposal & request redesign

24 -plans needs to have greater adherence to the traditional hamlet concept as defined in the code

25 -greater compatibility with the immediate neighborhood

26 -less density

27 -greater mix of housing styles

28 -increased setbacks / berms

29 -less gang parking

30 -concerned about turnarounds and dead end streets – particularly for fire apparatus

31 -concerned about pedestrian accommodations

32 -thinks it is essential to schedule a public hearing

33 -willing to form a small group within the Walden Fields development to meet with the design team to  
34 work through their differences

35 -recognizes that development will occur and welcomes the type of Hamlet design described in the code

36 -wants to know if the infrastructure can handle the proposed development

37 -wondering if there should be an independent traffic study

38 -curious to know if the developer responded to Planning Board questions and concerns related to point of  
39 access to the development

40 -have any alternate plans been submitted

41 -will pedestrian crossing be identified in the plans

42

43 Sue Killgallon, 38 Cambridge Drive, Glenmont

44

45 -Comments related to project known as Kendall Square

46 -is a registered architect and certified building inspector

47 -concerned about proposed project from homeowner and design professional perspective

48 -in favor of Hamlets which offer pedestrian friendly environment

49 -wrote the Hamlet presentation used by Bethlehem Tomorrow during Town's Comp Plan process

50 -has visited all of the Hamlets in Town

51 -opposed to proposed project because it does not mimic other hamlets in Town

52 -does not think that strolling through parking lots is pedestrian friendly design

53 -does not believe scale of project (110 apartments) is in keeping with the hamlet design

54 -goals of 2005 Comprehensive Plan speak to inviting streetscapes and pedestrian friendliness

55 -Hamlets are not typically created by a single developer

56 -Hamlet Planning Guidelines published by NY Planning Federation states that typical hamlet streets have  
57 a variety of lot sizes and small frontage dimensions preserve the walkability and spatial character

- 58 -does not think apartment buildings and parking lots create diversity and walkability
- 59 -hamlet should have mixed use, high density zones, with a variety of scales and designs
- 60 -does not think the plan is diverse in architectural style or housing or residents
- 61 -noted lack of architectural detailing
- 62 -apartment buildings in hamlets should contain changes in planes and architectural features to give the
- 63 appearance of smaller structures
- 64 -the plan shows only one gazebo at the corner of the parcel, no other park amenities
- 65 -traffic study is “unrealistic” and does not reflect accurate counts of anticipated residential activity
- 66 -data on NYS DOT’s website shows that almost 9,000 cars pass through this intersection each day and the
- 67 level of service is rated at failing and near failing grades
- 68 -adding 100 cars to the overtaxed intersection is disturbing
- 69 -thinks traffic may have been a reason the draft 2005 Comp Plan did not include a recommendation for a
- 70 hamlet at this location
- 71 -asking Planning Board to reduce the density and scale of the project so that it is more consistent with
- 72 typical hamlet design
- 73 -suggested that consideration be given to owner occupied housing
- 74 -would like the Planning Board to make sure the traffic study contains realistic numbers
- 75 -submitted written comments

76  
77 Richard Mazzaferro, Feura Bush Road, Delmar

- 78
- 79 -Comments related to project known as Kendall Square
- 80 -resides at intersection of Elsmere Avenue and Feura Bush Road
- 81 -impacted by traffic on a daily basis
- 82 -based on knowledge of the current traffic situation he does not think the current project will work
- 83 -apartments do not generate enough tax revenues to cover the cost of students

84  
85 Bob Zick, 11 W Bayberry, Glenmont

- 86
- 87 -Comments related to project known as Kendall Square
- 88 -resident of Colonial Acres for past 45 years
- 89 -has witnessed many changes caused by development and increased traffic
- 90 -thinks sidewalks are a plus
- 91 -traffic issues need to be addressed before someone gets hurt

92  
93 Joe Benoit, 4 Concord Road, Glenmont

- 94
- 95 -Comments related to project known as Kendall Square
- 96 -resident of Colonial Acres
- 97 -grew up in Town, moved away for a short while, then moved back 20 years ago
- 98 -loves the community
- 99 -this intersection is a gateway to Glenmont from Delmar
- 100 -controlled development should be allowed but volume should be a consideration

101  
102 There were no other public comments and the comment period was closed.

103  
104 **Kendall Square, Feura Bush Road, Delmar, NY**

105  
106 Francis Bossolini of Ingalls & Associates and Lee Rosen, applicant, were present to provide information  
107 and answer questions. Mr. Rosen introduced himself as a resident of the Town and someone who has  
108 been involved in development for a long time, noting that his family was involved in the development of  
109 Colonial Acres, Chadwick Square, Haswell Farms and Walden Fields. He feels his track record is good,  
110 and he is proud to have been a part of the projects previously mentioned. He has a vested interest in the  
111 Town and commended the Town Board for having created the Hamlet Zoning because he believes he has

112 been given an opportunity to do something more creative and innovative that includes a commercial  
113 component but has a neighborhood feel. Previously he has been relegated to the single family  
114 development, noting that Chadwick Square and Walden Fields had to be rezoned in order to  
115 accommodate the type of housing that was constructed. Mr. Rosen feels that he has been responsive to  
116 comments generated by the public and Town staff.  
117

118 Mr. Bossolini stated that the applicant is proposing to develop a 16.96 acre parcel located at the northeast  
119 corner of the intersection of Feura Bush Road and Elsmere Avenue. The parcel is in a Hamlet Zoning  
120 District which allows for mixed use development. A power point presentation was used to display  
121 information about the project including location, design, layout, size, elevations, grading, wetland,  
122 stormwater management, density, parking, and ingress/egress. It was noted that Mangia's Restaurant on  
123 Kenwood Avenue and Keystone Builders office on Elm Avenue are examples of typical Hamlet design.  
124 The setback in a Hamlet zones is 10 feet. The project was last presented to the Planning Board at the  
125 June 2, 2009 meeting. Roughly 2/3 of the parcel will remain green.  
126

127 In response to comments being made by members of the audience, Chairman Leveille addressed the  
128 audience as follows: The Board wants to hear from you and values your opinions but a number of people  
129 are articulating their thoughts very well so please respect that process. He recognized that it can be  
130 frustrating to remain silent but it is a process that we all have to live by. He asked the audience to be  
131 respectful.  
132

133 The commercial component of the project consists of four (4) buildings with 20,000-40,000 square feet of  
134 neighborhood commercial located near the street. The maximum footprint for the commercial structures  
135 cannot exceed 5,000 square feet which is similar in size to the twin homes located in Walden Fields.  
136 Commercial tenants may include office space, cafes, small retail or other service type uses. The  
137 residential component of the project consists of 110 apartment dwelling units. The Hamlet design  
138 provides for diversity in the type of apartments that will be offered. It is believed that this type of housing  
139 will be attractive to senior citizens as well as young professionals. Most of the apartments will have one  
140 or two bedrooms and studies show that families with school age children typically want three bedroom  
141 apartments.  
142

143 The project is located in an existing water and sewer service areas. The site plan has been reviewed by  
144 the United States Army Corps of Engineers (USACE) and NYS Department of Environmental  
145 Conservation (NYSDEC). A permit was issued by the USACE in October 2009 for the placement of fill  
146 into 0.36 acres of federal wetlands, with mitigation in the form of a 4.60 preservation area and restrictive  
147 covenants. A Water Quality Certification approval was granted by NYS DEC in August 2009. A cultural  
148 resource assessment was completed by NYS Office of Parks Recreation and Historic Preservation  
149 (NYSOPHRRP) with a determination that the site is not eligible for listing on the National Register of  
150 Historic Places and the project will have "no effect" on historic properties listed or eligible for listing on  
151 the National Register. A threatened and endangered species review conducted by the US Department of  
152 Interior – Fish and Wildlife Service in February 2009 indicates that there are no potential impacts. The  
153 NYSDEC issued a letter in February 2009 stating that there are no known occurrences of rare or state-  
154 listed animals or plants, significant natural communities, or other significant habitats, on or in the  
155 immediate vicinity of the site.  
156

157 A traffic impact study was prepared and the study concludes that additional traffic generated by the  
158 proposed project will not impact the level-of-service on adjacent intersections. NYS Department of  
159 Transportation (NYSDOT) has accepted the trip generation report. NYSDOT responded with initial  
160 comments in December 2009 and additional comments are forthcoming. The applicant is proposing an  
161 entrance on Elsmere Avenue across from Walden Fields and one on Feura Bush Road near Hewitt's. It is  
162 believed that the majority of residents will not travel through the adjacent intersection.  
163

164 The project is subject to SEQR review because it is located in an existing agricultural district. SEQR  
165 review was initiated by the Planning Board in October 2009 and the Town is serving as Lead Agency.

166 The project has been referred to the Albany County Planning Board (ACPB) for consideration and is  
167 expected to be placed on the March 18, 2010 ACPB Agenda.  
168

169 Mr. Rosen stated the parcel is zoned Hamlet and he is making every effort to comply with the existing  
170 zoning. He had originally looked at incorporating single family and twin town homes into the project but  
171 it would be difficult economically and practically to mix in different types of housing. It is possible that a  
172 condominium project could be done but not easily in today's economy. Mr. Rosen views this project as  
173 the last piece of puzzle, noting that single family homes were constructed in Colonial Acres and Haswell  
174 Farms, twin town homes were constructed in Chadwick Square and Walden Fields and the current plan  
175 calls for apartments. A common ownership régime provides for ongoing maintenance opportunities. If  
176 the project remains self-contained it will be easier to control its appearance, amenities and grounds. If the  
177 number of owners increases it will become more difficult to control and maintain the integrity of the  
178 project. Mr. Bossolini noted that single ownership will help to ensure that there will not be any  
179 encroachment on preserved wetlands.  
180

181 Again, in response to several outbursts from the audience, Chairman Leveille addressed the audience as  
182 follows: He reminded the audience to be silent and listen to the person that was speaking. He stated that  
183 the Board is willing to hear everything the public has to say, via email and public meetings. Mr. Rosen  
184 stated that he had previously met with residents of Walden Fields to discuss the project in September  
185 2009. Mr. Rosen noted that he has been responsive to comments generated by the public and Town staff.  
186 Mr. Morelli noted that a public hearing is not required for site plan approval.  
187

188 Mr. Behuniak asked if the applicant intends to contribute to finding a remedy for the existing traffic  
189 problem. Mr. Bossolini stated that the project was designed to direct the traffic away from the  
190 intersection. Capacity improvements at this intersection are beyond the scope of the project. The  
191 problems that currently exist at the intersection are the result of prior development. The Town and NYS  
192 DOT are aware that the intersection is problematic and has reached a breaking point. The Hamlet Zone  
193 speaks to pedestrian access, walkability, sidewalks. The developer will install sidewalks and pedestrian  
194 markers as required.  
195

196 Mr. Behuniak asked if there were other options to work with - architecturally. Mr. Rosen stated that he  
197 has already considered other options and feels that buildings, especially those that front along Elsmere,  
198 are similar to those found in old Delmar. He is open to suggestions but feels the rendering are compatible  
199 with other elements found within the Town. Mr. Leveille noted that it is difficult for the Board to get a  
200 sense of the commercial area and anything the applicant can do to help articulate how the area would feel  
201 would be appreciated. Mr. Rosen stated that the commercial users are not known at this time. The  
202 buildings are placeholders with regard to location, landscaping, parking, etc. Mr. Leveille asked Mr.  
203 Bossolini to provide the Board with the name and location of other developments that are similar in  
204 nature. Mr. Smolinsky suggested that the applicant provide an itemized list of how the project complies  
205 with the Hamlet guidelines. Mr. Bossolini will provide the Board with a checklist.  
206

207 Mr. Smolinsky asked how the traffic study was done if the applicant does not know what the uses are.  
208 He noted that he is aware of the fact that the NYS DOT comments have not been received. He suggested  
209 that the applicant use a range of numbers when generating the report, and since the intersection is already  
210 problematic, it might be best to factor in a worst case scenario. Mr. Bossolini stated that the applicant  
211 was conservative in their estimates for the residential component and the trip generation for the  
212 commercial component was high based on the type of uses that would be allowed. Mr. Leveille asked if  
213 the current site plan had factored in the comments generated by the NYS DOT Regional Traffic Engineer  
214 on December 30, 2009. Mr. Bossolini stated that the comments were taken into consideration.  
215

216 Mr. Smolinsky asked about the fiscal impact on the Town, including taxes generated and costs of services  
217 required. He thinks this information would be useful and should be submitted. With regard to the fiscal  
218 impact, Mr. Bossolini stated that there is a table in the Comprehensive Plan which compares the benefits  
219 received from taxes vs. the cost to the Town. Mr. Smolinsky suggested that the applicant use more

220 current data when providing the fiscal analysis to the Planning Board – similar to the analysis submitted  
221 on behalf of project known as Blessings Corner at 572 Russell Road. Mr. Leveille added that this is the  
222 first Hamlet of this magnitude and the Planning Board will be looking at all issues associated with the  
223 project. The Members are aware that the applicant is not asking for the parcel to be rezoned. The  
224 reference is not to the type of project but to the type of analysis that was provided to the Board at its  
225 request. Mr. Bossolini said the analysis will be submitted using current numbers. Mr. Smolinsky stated  
226 that this will also help to support Mr. Bossolini’s previous statement about how the number of bedrooms  
227 in an apartment affects----- the projected number of students and the potential impact on the school  
228 district.

230 Ms. Powers asked if the applicant planned to host any other forums to obtain input from the community.  
231 She is in favor of the applicant hosting such an event especially given the size of the project. She believes  
232 it provides the public with an opportunity for the community to obtain more information, ask questions  
233 and make comments. Mr. Bossolini stated the applicant will consider it. Mr. Leveille restated that this  
234 is the first Hamlet of this magnitude and the Planning Board will be taking it for a test drive. The Board  
235 will want to find common ground. A lot of concerns have been raised. Mr. Rosen has been very willing  
236 to interact and it is important to keep that dialog going to make sure this is a proper format for this zone.  
237 Mr. Rosen stated that he is willing to meet with anyone individually or as a group. He is available for  
238 comment and believes that prior comments have been taken into consideration and incorporated to the  
239 extent that they could be. Mr. Rosen noted that he has been developing the project for quite some time  
240 with input from involved Agency’s and Town staff. Ms. Rosen also noted that a forum was held at Town  
241 Hall last fall to gather input and suggestions. Certain parts of the project are fixed, in that they are logical  
242 and cannot be changed. These include access points, wetlands and location and size of commercial  
243 structures. Comments that are not feasible will not be incorporated into the plan. The type of housing  
244 selected was chosen to achieve a desired goal and to maintain the aesthetics of the community.  
245 Mr. Rosen stated that there were many questions and concerns raised about town homes when Walden  
246 Fields was developed.

247  
248 There were no further questions from the Board. Chairman Leveille thanked the applicant and engineer  
249 for their time.

250  
251 Upon motion by Mr. Behuniak, seconded by Ms. Motta, and unanimously approved by all Members  
252 present, further discussion related to this project was tabled.

253  
254 **Traeger Subdivision, Route 396 (Bridge St) & Spawn(s) Hollow Road, So. Bethlehem, NY**

255  
256 Mr. Leslie provided the Board with a brief overview of the proposed subdivision and noted that the  
257 project was last presented to the Planning Board at the December 1, 2009 meeting. Since that time the  
258 project has been reviewed by the Albany County Planning Board and the applicant prepared an  
259 agricultural data statement because the project is located within 500 feet of an Agricultural District. A  
260 Stormwater Pollution Prevention Plan (SWPPP) has also been prepared and is under review by the  
261 Town’s Stormwater Engineer.

262  
263 Paul Hite, LLS was present on behalf of the applicant to provide information and answer questions. Mr.  
264 Hite noted that the applicant is proposing to subdivide a 7.48 acre lot into three residential lots. Access to  
265 the lots will be provided via Spawn Hollow Road which is an existing highway. The proposed project  
266 calls for the use of private wells for water and septic systems approved by the Albany County Health  
267 Department. The project is located in a Rural Zoning District and single family homes are permitted in  
268 that District. The property is also located within the Ravena-Coeymans-Selkirk School District and  
269 Selkirk Fire District. There are no Federal or State regulated wetlands on the site. The lots were designed  
270 so that existing draining patterns would not be disrupted. The grade for the driveway closest to Route 396  
271 was designed so that there would not be large volumes of water flowing down the road and freezing in the  
272 winter. The applicant has submitted all of the required documentation.

273

274 Mr. Smolinsky asked if the lots were far enough away from the old landfill so there is no issue of methane  
275 gas. Mr. Hite stated that the lot furthest away from Route 396 had some issues many years ago but none  
276 exist today. The issues were resolved with the NYS DEC.

277  
278 Chairman Leveille called for a motion to consider a recommendation on SEQR Determination of  
279 Significance and a recommendation to schedule a Public Hearing for April 20, 2010.

280  
281 Upon motion by Mr. Smolinsky, seconded by Ms. Motta, and unanimously approved by all Members  
282 present, the SEQR Determination of Significance – Negative Declaration Resolution was approved.

283  
284 Upon motion by Ms. Motta, seconded by Mr. Behuniak and unanimously approved by all Members  
285 present, the date of the Public Hearing was set for April 20, 2010. Public hearing notices will be sent to  
286 19 landowners within 200 feet of the proposed project. The notice will also appear in the April 14, 2010  
287 issue of The Spotlight.

288  
289 **Delmar Pointe PDD - 785 Delaware Avenue, Delmar, NY**

290  
291 The applicant, Viscusi Builders, Inc, is seeking a PDD zoning classification for a 23.5 acre parcel located  
292 at 785 Delaware Avenue. The plan calls for construction of 11 buildings with a total of 66 residential  
293 condominiums. Comments from NYS Department of Transportation (DOT) are being addressed at this  
294 time and the applicant is working with the owner of the medical office building to satisfy DOT's  
295 recommendation to eliminate the westerly driveway and incorporate the entrance to the site via the  
296 proposed Town road.

297  
298 The applicant had submitted a letter to the Planning Board, dated March 2, 2010, requesting and agreeing  
299 to a 120 day extension period per section 128-40(6) of the Zoning Code to allow the Planning Board to  
300 complete its review and submit a SEQR and PDD recommendation to the Town Board regarding the PDD  
301 zoning application. This will be the third request for a time extension. The first 120 day extension was  
302 granted in July 2009, extending the review to November 21, 2009. The second 120 day extension was  
303 granted in November 2009, extending the review to March 17, 2010. The most recent request would  
304 extend the review period to July 17, 2010.

305  
306 Chairman Leveille asked the Board for a motion to consider the applicant's request for a time extension.  
307 Upon motion by Mr. Behuniak, seconded by Mr. Coffey, and unanimously approved by all Members  
308 present, the applicant was awarded a 120 day extension for SEQR Review extending the Planning  
309 Board's review period to July 17, 2010.

310  
311 Upon motion by Ms. Motta, seconded by Mr. Behuniak, and unanimously approved by all Members  
312 present, further discussion related to this project was tabled.

313  
314 **Minutes**

315  
316 Upon motion by Mr. Smolinsky, seconded by Mr. Behuniak, the Members voted to approve the minutes  
317 from the January 19, 2010, as amended. Members Coffey & Rice abstained because they were not  
318 present for the January 19, 2010 meeting.

319  
320 **Meeting Schedule**

321  
322 The next Planning Board meeting is scheduled to take place on Tuesday, April 6, 2010, at 6:00 p.m.

323  
324  
325 Respectfully submitted,

326  
327 Deborah Kitchen