

**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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(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**  
**November 16, 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, November 16, 2010. Attendance  
3 was 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		Keith Silliman	Michael Morelli
Nicholas Behuniak			Jeffrey Lipnicky
Thomas Coffey			Robert Leslie
Christine Motta			Terrence Ritz
Kate Powers			Deborah Kitchen
Stephen Rice			
John Smolinsky			

5

<u>Others Present</u>			
Ken Gonyea	Connie O'Neil	Francis Bossolini	Larry Becker
John Yolles	David Sussman	Marian Schwager	Fred Strauss
Kim Vining	Nick Costas	Roman Hedges	Skip Francis
Diane Woodward	Heidi Strasser	Chuck Radliff, Sr.	Tom Butler
Al Hofaker	Sam Strasser	Morgan G. Graham	Adam Lenard
Harvey Hofaker	John Shipherd	Dan Coffey	Nia Cholakis
Lydia Kosinski	Judith Shipherd	Jim Loder	Dave Leon
David Williams	Jonathan Carrol	Mike Cosmar	Steve Bolduc
Pastor Mae Boyer	Kenny Umina	David Bryant	Robert Bolduc
Bob O'Neill	Daniel Hershberg	Daniel Coffey	Kenneth Umina

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

9 **Public Hearing**

- 10 • The Pines at Normanside

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 Ms. Motta, and approved by all Members present.

15  
16 NOTICE OF PUBLIC HEARING, TOWN OF BETHLEHEM, ALBANY COUNTY, NY Notice is  
17 hereby given that the Planning Board of the Town of Bethlehem, will hold a Public Hearing on  
18 Tuesday, November 16, 2010 at 6:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, NY, for

19 a proposed project, shown on a map entitled The Pines at Normanside Subdivision, Leonard Place,  
20 Town of Bethlehem, Albany County, NY, Subdivision Plan, prepared for the applicant, Richard Bohl,  
21 by Infinigy Engineering & Surveying, 11 Herbert Drive, Latham, NY 12110, dated February 10, 2009,  
22 last revised September 30, 2010. Disabled individuals who are in need of assistance in order to  
23 participate should contact the Town Clerk's Office at 439-4955 Ext. 1183. Advanced notice is  
24 requested.  
25

26 Michael Tucker of Infinigy Engineering was present on behalf of the applicant, Richard Bohl, to provide  
27 information and answer questions. He noted that the project includes construction of eight (8) single family  
28 homes on Leonard Place, two (2) single family homes on Salisbury Road and one (1) commercial property  
29 on Delaware Avenue. The applicant has obtained two variances from the Zoning Board of Appeals; an  
30 Area Variance to reduce the minimum lot width for the multi-use property and a Use Variance to access the  
31 commercial portion of the site from a residentially zoned property. The commercial development will  
32 consist of 3,000 square feet of professional office space on the first floor and three apartments above it. It  
33 was noted that Keystone Builders would be taking over the project once it is approved. It was noted that  
34 the project last appeared before the Planning Board on October 19, 2010.  
35

### 36 **Lydia Kosinski, 2 Leonard Place**

- 37 • Concerned about the existing vegetation
- 38 • Wondering how proposed changes to the existing topography will impact slope stability and buffer  
39 areas  
40

41 Mr. Tucker stated that the top of the slope (approximately 10 feet) will be removed in accordance with  
42 recommendations from a Geotechnical Engineer. Existing vegetation will be maintained as much as  
43 possible depending on the grading that will need to take place in order to provide slope stability. The  
44 homes will be constructed with walk out basements. The proposed cul-de-sac will be installed at the same  
45 elevation of the existing road. Additional screening will be installed along Leonard Place across from the  
46 ingress/egress for the commercial property.  
47

48 Chairman Leveille noted that the Planning Board intends to review the proposed buffer before the project is  
49 approved and Ms. Kosinski's concerns will be taken into consideration.  
50

### 51 **David Bryant, 4 Leonard Place**

- 52 • Believes the trees at the top of slope are providing stability
- 53 • Wondered what happened to proposal to install riprap
- 54 • Wondered if the stand of trees on his father's property will be impacted
- 55 • Noted that the layout of the project has changed  
56

57 Mr. Tucker stated that the developer will not be installing riprap and the only trees that will be impacted by  
58 the development are those owned by the applicant. With regard to the layout, Mr. Tucker stated that the  
59 original proposal was for a Planned Development District where the structures were similar, larger and  
60 closer to the tops of the existing slope. During the permitting process the Geotechnical Engineer  
61 recommended that the applicant stabilize the existing swale that runs along the proposed development and  
62 carries drainage from Delaware Avenue. These improvements could not be made because the applicant  
63 was unable to obtain easements from adjoining property owners.  
64

### 65 **Fred Strauss, 22 Salisbury Road**

- 66 • Why the developer is clearing the land on lot 5 where no construction is taking place
- 67 • If there will be any access from Salisbury Rd to Delaware Ave through the proposed development
- 68 • How will proposed grading of lot 8 impact the adjoining property owner
- 69 • What does the developer plan to do with the soil that is excavated  
70

71 Mr. Tucker stated that there will be no access from Salisbury to Delaware via this development. He  
72 agreed that the grading area for lot 5 appears to be extensive so he will check into it to see if it is a graphic

73 error. The grading is necessary in order to accommodate a walk-out basement. The fronts of the homes  
74 will be constructed at road level. The backs of the homes will have walk out basements. Excess soil will  
75 not be placed in the ravine.

76

77 **Marian Schwager, 60 Salisbury Road**

- 78 • Described the condition of the steep slopes after inclement weather
- 79 • Expressed concern about the impact of water runoff on the two streams that border this development
- 80 • Noted that both streams empty into the Normans Kill Creek, and ultimately the Hudson River
- 81 • Would like further information about the stormwater management system

82

83 Mr. Tucker stated that the stormwater management plan for this development has been designed to meet the  
84 NYS Department of Environmental Conservation standards. The runoff from the site will be reduced  
85 through the use of the proposed stormwater management pond and the amount of water entering the stream  
86 would not increase from the level that exists today.

87

88 **John Yolles, 2 Leonard Place**

- 89 • Inquired about installation of utilities along Leonard Place
- 90 • Will electric be installed underground?
- 91 • Will the roadway have curbs?
- 92 • Objects to the landscaping on his property because he parks in front of his house
- 93 • Ingress/egress for commercial building is directly opposite his home
- 94 • Concerned about headlight disturbance from vehicles exiting the commercial building onto Leonard  
95 Place
- 96 • Can the ingress/egress be angled to prevent headlights from shining directly into his home
- 97 • Can the houses be shifted to provide room for the ingress/egress to be angled

98

99 Mr. Tucker stated that the proposed plan calls for the installation of water and sewer along the entire length  
100 of Leonard Place. The installation of the electric has not yet been coordinated. Existing curb cuts will be  
101 replaced. There is no room to angle the ingress/egress on the current plan but he will follow up on Mr.  
102 Yolles' request. The option to obtain an access easement through 229 Delaware Avenue (the adjacent lot)  
103 for ingress/egress to the mixed use lot (lot 11) does not exist.

104

105 **Roman Hedges, 60 Salisbury Road**

- 106 • What will happen with excess soil that is being removed from the top of the slope
- 107 • Is concerned about run-off once the soil is disturbed
- 108 • Also concerned about slope stability
- 109 • Looking for further explanation of how the slope drains will impact the stream or improve the current  
110 situation
- 111 • Believes that installing a conduit for water to run will enable it to run faster than it does over soils with  
112 plants on it
- 113 • Looking for details regarding the detention pond, i.e. (size, depth, safety of children in the  
114 neighborhood, hazards)

115

116 Mr. Tucker noted that the existing streams and soils have been taken into consideration since day one. The  
117 project has undergone and extensive geotechnical engineer review which included samples and borings.  
118 The applicant is following the engineer's recommendation for developing the site. The plan calls for  
119 removal of soil at the top of the ravine and installation of slope drains in an effort to keep the water table  
120 down. The groundwater currently ends up in the stream. The proposed plan will reduce the amount of  
121 ground water on the plateau. The run-off from the site will increase but it will also be captured by roof  
122 drains and roadway drains that will divert the run-off to the detention pond. The run-off that is captured in  
123 the detention pond will then be released at a slower rate than what makes it to the streams today. This will  
124 reduce the flow downstream. Details regarding the detention pond are included on the plans. The  
125 stormwater detention pond and the lot that it is on will be deeded over to the Town. The Town will be

126 responsible for maintaining the detention pond. As of this time, there is no fence surrounding the pond.  
127 The pond has been designed in accordance with NYS standards and includes a safety bench on the high  
128 water table. Excess soil will be removed from the site.  
129

130 Chairman Leveille stated that the Town of Bethlehem's SWM Program Coordinator has also reviewed the  
131 proposed plan. The Town and the applicant are required to meet stringent stormwater management  
132 requirements to retain or detain run-off and make sure that the level of run-off is equal to or less than the  
133 amount that currently exists. It is an exhaustive process.  
134

135 **Lydia Kosinski, 2 Leonard Place**

- 136 • For the record it should be noted that one large tree, approximately 2 feet in diameter, can soak up to  
137 20,000 gallons of water per day.
- 138 • The removal of many of the old growth trees will add additional burden to the run-off  
139

140 **John Shipherd, 72 Salisbury Road**

- 141 • Expressed concern about construction vehicles and equipment obstructing Salisbury Road  
142

143 Mr. Tucker stated that, there has been no discussion related to accessing the lots on Salisbury Road from  
144 Leonard Place.  
145

146 Chairman Leveille asked if anyone else would like to comment on the proposed project. He also noted that  
147 written comments will be taken into consideration.  
148

149 Mr. Smolinsky asked what the difference in elevation will be between lot #8 and the 4 Leonard Place. Mr.  
150 Tucker stated that the plans show the basement at 195 feet and first floor at 204 feet. He is not certain what  
151 the finished floor elevation is at 4 Leonard Place but estimates that the new lot will be between 18 – 24  
152 inches lower than the existing home.  
153

154 Upon motion of Mr. Smolinsky, seconded by Mr. Rice, and approved by all Members present, further  
155 discussion related to The Pines at Normanside project was tabled.  
156

157 **Public Comment on Regular Agenda Items**

- 158 • Carriage Hill (Subdivision)
- 159 • Hague Boulevard Apartments (Site Plan)
- 160 • Chainyk – Accessory Apartment (Site Plan / SUP)
- 161 • The Gables at Delmar (Site Plan Amendment)
- 162 • Trinity Manor – Phase 5 (Subdivision)
- 163 • ESCO Towers – Telecommunication Facility (Site Plan / SUP)
- 164 • Town Squire – Planet Fitness Façade (Site Plan Amendment)
- 165 • Adirondack FPI (Site Plan Amendment)
- 166 • The Hamlet – Windsor Development (Site Plan)  
167

168 **Kim Vining, 163C Hague Boulevard**

- 169 • Comments related the Hague Boulevard Apartments were read aloud at the meeting and also provided  
170 in writing

171 “As I’m sure most of you are aware from communications that took place yesterday, our group of  
172 concerned neighborhood citizens has not yet met with Mr. Hershberg to hear the updated plans that he is  
173 presenting today. We are working with him to schedule a date to view the plans in more detail and be able  
174 to respond with our questions, concerns, and suggestions. I hope that Mr. Hershberg will hear those  
175 comments and that the developers will take them into consideration. That said, if they do, the plans being  
176 presented tonight will be changing again on some level. With that in mind, I do not think any votes should  
177 take place on going forward with any kind of SEQR review or any steps in that direction, including  
178 assigning a governing body or lead agency to the project. I still believe the project is in its early stages and

179 that it's too soon to take such steps. Based on the suggested dates of Mr. Hershberg himself, we anticipate  
180 a meeting no later than early December. Certainly, any forward progress that the Planning Board needs to  
181 vote on could be delayed till after such meeting to allow for Mr. Hershberg to present our suggestions to  
182 the developers and modify their plans as necessary.

183  
184 We hope that as Mr. Hershberg works with us further he'll come to understand we have the best interests of  
185 the community and the Town at heart and that while those interests may mean our viewpoints differ from  
186 his, working together is what's best for everyone involved. Personally, almost 200 of us would much  
187 rather these apartments not be built at all, that is no secret. However, we are trying to negotiate in good  
188 faith for the betterment of all involved."

189  
190 There were no other public comments and the comment period was closed.

191  
192 **Carriage Hill Subdivision – Lot Line Revision – 16 & 20 Trotter Road**

193 Mr. Lipnicky provided a brief overview about the proposed application as described in his memo to the  
194 Board dated November 8, 2010. The project concerns a lot line revision for a previously approved  
195 subdivision. Both lots are currently undeveloped. The proposal includes the conveyance of 364 sq. foot of  
196 lot area from Lot 20 to Lot 16 to meet the 20% maximum lot coverage requirement for the home proposed  
197 on Lot 16.

198  
199 Skip Francis of C.T. Male was present on behalf of the applicant, Charlew Builders, to provide information  
200 and answer questions. He indicated that the sale of Lot 16 is contingent upon approval of the proposed lot  
201 line revision. The plan offers no other amendments to the previously approved subdivision.

202  
203 Chairman Leveille asked the Board Members if they had any comments or questions. Hearing none, he  
204 called for a motion to consider the SEQR Resolution and approval document.

205  
206 Upon motion by Mr. Smolinsky, seconded by Mr. Rice, and unanimously approved by all Members  
207 present, the SEQR Resolution - Classification of Action and Negative Declaration was approved.

208  
209 Upon motion by Ms. Powers, seconded by Mr. Behuniak and unanimously approved by all Members  
210 present, the Certificate of Approval - Lot Line Revision – Carriage Hill Subdivision (Certificate No.164-  
211 CF-M-LL2) was approved.

212  
213 **Hague Boulevard Apartments – Hague Boulevard**

214 Chairman Leveille stated that the items listed under the heading "Next Steps" on page 7 of Mr. Lipnicky's  
215 memo to the Planning Board, dated November 9, 2010, should be considered during the discussion. Mr.  
216 Lipnicky stated that he would be happy to answer questions.

217  
218 Daniel Hershberg, of Hershberg and Hershberg, was present on behalf of the applicant, Gordon Residential  
219 LLC, and the owner, DMV Commercial, to provide information and answer questions. He noted that the  
220 application concerns a proposal for 53 apartment units located on the west side of Route 9W at its  
221 intersection with Hague Boulevard. The project last appeared before the Board on September 7, 2010.

222  
223 Mr. Hershberg indicated that he had met with the neighborhood association for approximately 2.5 hours to  
224 address the member's concerns. Several items were discussed, including an easement to accommodate the  
225 Dowerskill Neighborhood sign that is currently located on the applicant's property, a berm and landscaping  
226 to screen the stormwater detention pond, the orientation of the buildings, traffic circulation and a nearby  
227 cemetery. Subsequent to Mr. Hershberg's initial meeting with the neighborhood association the developer  
228 made changes to the building elevations, building orientation, traffic pattern and location of the detention  
229 pond. The current plan calls for increasing the number of outdoor parking spaces in order to provide  
230 garage space for tenant storage and improving the overall layout of the project in an effort to reduce the  
231 amount of fill, impervious surface area and size of the Stormwater Management System while improving  
232 traffic flow and increasing the amount of green space. The developer also contacted the NYS Office of

233 Parks, Recreation and Historic Presentation, regarding the nearby cemetery, to make sure the project is not  
234 encroaching on any setback requirements.

235  
236 Chairman Leveille noted that the Board had previously asked the applicant to provide more architectural  
237 detail for the rear elevations if the applicant decided to reorient the buildings so the rear faces Route 9W.  
238 Mr. Hershberg indicated that applicant intends to submit revised elevation drawings that reflect differences  
239 in color, trim and treatments that will help to define the units. He also stated that it is not economically  
240 feasible to include the level of detail needed to make the rear of the buildings look like the front.  
241 Landscaping could be installed to provide screening between the rear of the building and Route 9W. A  
242 berm could be placed in this area as well. Plantings within the right-of-way would require NYS Dept. of  
243 Transportation (NYSDOT) approval.

244  
245 The length of the dead end street (Sage Street) has raised concern because it does not comply with the  
246 Town's general standard for length of the dead end streets (900 feet) and does not provide for  
247 interconnection for emergency and secondary access. Mr. Hershberg stated that the adjoining landowner's  
248 pavement currently encroaches over the applicant's property line so there may be potential for negotiating  
249 emergency / secondary access via Jericho Road.

250  
251 Tentative plans to construct storage units on the parcel reserved for commercial use have been rescinded. It  
252 was recommended that the applicant articulate something on the site to represent the scale and magnitude  
253 of what might be constructed in the future. Mr. Hershberg stated that this could be done for the purposes of  
254 evaluating the impacts, but it should be noted that the developer has no plans to develop the parcel at the  
255 present time.

256  
257 Chairman Leveille stated that a question was raised as to whether or not coordinated SEQR review is  
258 warranted given the fact that it does not appear that NYS Office of Parks Recreation and Historic  
259 Preservation or NYS Dept. of Transportation will have significant involvement in the application, and  
260 other agency involvement (NYS Dept. of Environmental Conservation, Albany County Planning Board and  
261 Albany County Department of Health) appears to be routine.

262  
263 Chairman Leveille noted that the Members have indicated that they are satisfied with the direction that has  
264 been given the applicant with regard to design and they also support staff's recommended with regard to  
265 SEQR that coordinated review is not needed so long as there will be a complete file before the Board takes  
266 action..

267  
268 Mr. Hershberg stated that the applicant will respond to comments provided in Mr. Lipnicky's memo. The  
269 applicant will also provide information related to secondary / emergency access, stormwater management  
270 details, pavement details, elevation improvements, landscaping plan in the rear of the buildings that face  
271 Route 9W, vegetation enhancements within the NYSDOT right-of-way.

272  
273 Chairman Leveille asked the Board Members if they had any further questions or comments. Hearing  
274 none, he called for a motion to table the application.

275  
276 Upon motion of Mr. Rice, seconded by Mr. Coffey, and approved by all Members present, further  
277 discussion related to the Hague Boulevard Apartments project was tabled.

278  
279 **Chainyk – Accessory Apartment – 447 Krumkill Road, Albany (Site Plan / SUP)**

280 It was noted that the applicant was not present at the Planning Board meeting.

281  
282 Mr. Leslie referred to his memo to the Planning Board dated, November 5, 2010, which states that the  
283 applicant, David Chainyk, is seeking approval to construct a 2,550 square foot, single family home with a  
284 1,000 square foot accessory apartment at 447 Krumkill Road. The new house will replace a previously  
285 existing single family home with an in-law apartment which was removed because of structural issues. The  
286 proposed accessory apartment represents a Type II action pursuant to SEQR and therefore, does not require

287 further environmental review. The Zoning Law requires the Planning Board to hold a public hearing on all  
288 Special Use Permit applications before taking action on the Site Plan / Special Use Permit Application.  
289

290 Chairman Leveille asked the Board Members if they had any comments or questions. Hearing none, he  
291 called for a motion to set the date of the Public Hearing.  
292

293 Upon motion by Mr. Rice, seconded by Mr. Coffey and unanimously approved by all Members present, the  
294 date of the Public Hearing was set for Tuesday, December 7, 2010 at 6:00 p.m.  
295

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

297 Chairman Leveille referred to a memo from Mr. Morelli, dated November 9, 2010 which states that the  
298 applicant is seeking approval to amend a previously approved Site Plan (SPA 153) by reducing the number  
299 of units from forty (40) condominiums units to twenty-seven (27) townhome units. Each unit would have  
300 an attached two (2) car garage and master suite on the first floor. Much of the layout and style of the  
301 building architecture remains consistent with what was originally approved by the Planning Board on  
302 March 17, 2009. The revised application will require minor revisions to the utility plans and Stormwater  
303 Pollution Prevention Plan (SWPPP). The project last appeared before the Planning Board on August 17,  
304 2010.  
305

306 Michael Tucker of Infinigy Engineering, and Stephen Bolduc, applicant, were present to provide  
307 information and answer questions. Ms. Powers asked for an approximate start date for construction. Mr.  
308 Bolduc indicated that he is prepared to begin construction as soon as the project is approved and the current  
309 owner has vacated the premises. Mr. Bolduc plans to construct a model for the project. The financing is  
310 in place. Construction is expected to begin this winter. The Verstandig business will remain on site  
311 through the Christmas season. Mr. Smolinsky requested that he be provided with a complete list of the  
312 proposed changes, including the number of units, elimination of detached garages, elimination of guest  
313 parking, proposed landscaping, utilities, SWPPP, etc.  
314

315 Chairman Leveille asked the Board Members if they had any other comments or questions. Hearing none, he  
316 called for a motion to approve the SEQR Resolution.  
317

318 Upon motion by Mr. Smolinsky, seconded by Mr. Behuniak, and unanimously approved by all Members  
319 present, the SEQR Resolution – Determination of Significance / Negative Declaration – The Gables at  
320 Delmar (formerly known as Verstandig’s Condominiums) was approved.  
321

322 **Trinity Manor – Phase 5 – Reutter Drive, Selkirk (Subdivision)**

323 Chairman Leveille referred to a memorandum from Mr. Lipnicky, dated November 12, 2010, which states  
324 that the applicant, Rosewood Home Builders, LLC is seeking Conditional Final Approval for the proposed  
325 subdivision. The project includes construction of a 22 lot conservation subdivision with 22 duplex units on  
326 Reutter Drive in Selkirk. A public hearing was held on May 4, 2010. The project was last before the  
327 Planning Board on June 1, 2010.  
328

329 Mr. Lipnicky stated that the applicant has been working with the Engineering Division to deal with  
330 draining issues, finalize the Stormwater Pollution Prevention Plan (SWPPP) and work out details related to  
331 the sewer district, water district, utilities and Open Space Covenants. The stormwater detention area will  
332 be owned by the Homeowner’s Association. There will be a stormwater maintenance agreement in place  
333 and the Town will have some control over finances to assure that the agreement is being upheld. The  
334 blasting plan was review by Clough Harbour and Associates. The approval document recommends that  
335 pre-blasting surveys be provided to homeowner’s within 500 feet of the site. This would be done as a  
336 precautionary measure to document existing conditions before the blasting commences. The applicant  
337 would need to notify the homeowners and carry the appropriate insurance coverage.  
338

339 Nick Costas, L. Sipperly & Associates and Nia Cholakis, Counsel, were present on behalf of the applicant  
340 to provide information and answer questions. Mr. Costas reported that the studies show there may not be

341 as much rock in the area as originally thought and it is not known at this time if blasting will be necessary.  
342 He also noted that the applicant has responded to the Town's comments related to the SWPPP.

343  
344 Chairman Leveille asked the Board Members if they had any other comments or questions. Hearing none, he  
345 called for a motion to approve the Conditional Approval of Final Plat.

346  
347 Upon motion by Mr. Smolinsky, seconded by Ms. Powers and unanimously approved by all Members  
348 present, Conditional Approval of Final Plat for Trinity Manor – Phase 5 - Subdivision (Certificate No. 244-  
349 CF) was approved, as amended.

350  
351 **ESCO Towers - 75 Van Dyke Road, Delmar (Site Plan/Special Use Permit)**

352 Chairman Leveille acknowledged the presence of Daniel Coffey, Chairman of the Town's Zoning Board of  
353 Appeals (ZBA) and Kenneth Umina, Member of the ZBA. He then referred to Mr. Leslie's memo to the  
354 Planning Board, dated November 10, 2010, and a November 3, 2010 letter from the applicant's attorney,  
355 Adam Walters, of Phillips Lytle LLP to the Planning Board. It was noted that Mr. Walters' letter states that  
356 the applicant agrees to extend the Planning Board's timing obligation for review of the Special Use Permit  
357 application to December 21, 2010. The letter also provides a scope of services to be used by the applicant's  
358 consultant to address various monopine design options.

359  
360 Morgan Graham, Environmental Counsel, and Thomas Butler & James Loder, applicant, were present to  
361 provide information and answer questions. Mr. Leslie stated that the Board had asked the applicant to submit  
362 examples of existing monopines. He noted that the applicant had taken the request one step further and hired  
363 the Holbek Group to design the tower. Mr. Graham stated that Mr. Holbek was scheduled to present the  
364 information to the Board but he was not present for the meeting and his whereabouts were unknown.

365  
366 Mr. Graham stated that Mr. Holbek had provided photo simulations of various towers that his company had  
367 designed. The packet of materials included a document entitled: Natural and Architectural Concealment  
368 for Telecommunication Applications. The packet also contained examples of various styles and  
369 components of cell towers and photo simulations showing different types of towers at this site. The images  
370 were provided for concept purposes and to gather feedback. He noted that monopine towers can be painted  
371 to blend in with the surroundings. Mr. Leslie noted that the bottom branches on the medium density tree  
372 are 14 feet long and the bottom branches on the high density tree are 16 feet long. Chairman Leveille  
373 indicated that he prefers the medium density tree. He also noted that the height of the towers as shown in  
374 the photo simulations were no greater than 130 feet.

375  
376 Mr. Silliman noted that the design consultant's name is not shown on the handouts and the location map  
377 contains the L.A. Group's name. He also noted that the density level, and the specifications including  
378 T-Arm length, boom length, number of carriers, etc., were not provided. Mr. Smolinsky noted that the  
379 front and rear images of the high density monopine are shown at different heights. He wondered if the  
380 variation could have something to do with topography. Chairman Leveille stated that the Board was  
381 expecting to see images of real life installations that reflect what is being proposed for the site. Mr. Leslie  
382 stated that real life examples can be found in Pittsford, NY and Clay, NY. With regard to the photo  
383 simulations for the proposed site, the Members agreed that it would make sense to extend the bottom  
384 branches below the tree line to improve the blending capability, especially in the leaf-off season. Mr. Rice  
385 stated that it would be helpful to get a sense what the tower will look like in leaf-off conditions.

386  
387 Mr. Leslie distributed diagrams showing 4 Antenna and 3 Antenna sectors. The images also show how the  
388 T-Arms and Booms are positioned so that the antennas can be mounted on the tower. He stated that the  
389 Town's consultant has recommended that the T-Arms be small to reduce the size of the crown at the top of  
390 the tower. The suggested length is four feet. Mr. Butler stated that he and Mr. Holbek had discussed the  
391 length of the T-Arm and Mr. Holbek had indicated that the minimum length would need to be 10 feet –  
392 based on his experience with a monopine tower that is being constructed in the Adirondacks. It was  
393 determined that the Board should seek input from AT&T and Verizon before making a determination.

394

395 Chairman Leveille indicated that the applicant is seeking general direction with regard to the design of the  
396 tower and asked if any of the members had reconsidered their decision to require the applicant to construct  
397 a monopine tower. The Members indicated that they prefer the medium and high density monopine. It  
398 was noted that the Board would like to receive images of constructed medium and high density monopine  
399 towers including related characteristics such as density level, dimensions of the T-Arms, dimensions of the  
400 Booms, number of carriers, height at which antennas are located, colors, tower height, branch details such  
401 as length, location, etc.

402  
403 Mr. Graham stated that Mr. Holbek will be presenting updated information at the next meeting.

404  
405 Issues surrounding the applicant's willingness to allow the Town's Supervisory Control and Data Acquisition  
406 (SCADA) antenna to be placed at the top of the ESCO tower as a public benefit – at no cost to the Town –  
407 have been resolved. Mr. Leslie stated that Mr. Walters, of Phillips Lytle, LLP, had submitted an email to the  
408 Town confirming the Town's SCADA placement on the tower.

409  
410 Chairman Leveille asked the Board Members if they had any comments or questions. Hearing none, he  
411 called for a motion to approve the time extension for Review of the SUP Application.

412  
413 Upon motion of Mr. Behuniak, seconded by Mr. Rice, the vote was recorded as follows: Five (6) for, zero  
414 (0) against, one (1) abstained, and zero (0) absent, the Members voted in favor of approving the Time  
415 Extension through December 21, 2010 as proposed. Ms. Motta abstained.

416  
417 **Town Squire – Planet Fitness Façade - 329 Glenmont Road**

418 Mr. Morelli stated that the owner/applicant, Schuyler Companies, is seeking approval to renovate a portion  
419 of the façade and 19,800 square feet of interior space at the Town Squire plaza for a new tenant, Planet  
420 Fitness. The proposed façade improvements would be considered a Type II action pursuant to SEQR and  
421 are therefore exempt from further environmental review. The renovations are minor in nature and do not  
422 require a referral to the Albany County Planning Board. A prior application for façade renovations, not  
423 including the Planet Fitness façade, was approved by the Planning Board on September 21, 2010.

424  
425 Tony D'ADamo, Capital Architecture, and Planet Fitness owner, Dave Leon, were present to provide  
426 information and answer questions. Mr. D'ADamo presented images showing the proposed changes. He  
427 noted that the colors will blend with the previously approved color scheme. The tenant's logo will be  
428 mounted with 30" channel letters. Mr. Smolinsky noted that details related to signage and the lighting plan  
429 should be provided before the final plans are signed.

430  
431 The hours of operation for Planet Fitness will be 24 hours a day Monday through Friday, and 7:00 a.m. to  
432 7:00 p.m. on Saturday and Sunday. Peak hours are Monday through Wednesday 5:00 p.m. – 7:00 p.m. and  
433 Saturday mornings. Ms. Motta asked if the fitness club was relocating? Mr. Leon stated that the business  
434 is expanding and the current facility located, at 28 Hudson Avenue, is operating at full capacity in a 10,055  
435 square foot building, with limited parking spaces.

436  
437 Mr. Behuniak asked if it is appropriate to require the applicant to make improvements to the existing parking  
438 lot as previously noted. Mr. Morelli stated that tenant will be occupying a vacant store front in an existing  
439 space. There will be no physical expansion of the building. The use will generate a need for the existing  
440 parking lot. Island will decrease the number of available parking spaces. Chairman Leveille stated that the  
441 scale of the application does not warrant parking lot improvements although he shares Mr. Behuniak's desire  
442 to make the plaza more attractive. Mr. Behuniak asked Mr. D'ADamo to keep the request in mind.

443  
444 Chairman Leveille asked the Board Members if they had any further questions or comments. Hearing none,  
445 he called for a motion to approve the Site Plan with the following modification: "Add a detail to the site plan  
446 noting that the proposed wall sign shall be individual channel letters."

447

448 Upon motion by Mr. Behuniak, seconded by Mr. Coffey and unanimously approved by all Members  
449 present, Site Plan (SPA 110-E) was approved, as amended.

450

451 **1182 Route 9W, Selkirk - Adirondack FPI (Site Plan Approval – Time Extension)**

452 Kenneth Gonyea, owner of Adirondack F.P.I. was present to provide information and answer questions.  
453 Mr. Gonyea stated that he is seeking approval for a one hundred eighty (180) day extension (two 90 day  
454 periods) for Site Plan Approval (SPA 149) granted by the Planning Board on October 21, 2008, to provide  
455 him with more time to complete the renovation project that he started two years ago. Mr. Gonyea provided  
456 images of improvements made to date. The downturn in the economy had a direct impact on his ability to  
457 complete the project.

458

459 Mr. Leslie's memo to the Planning Board, dated November 9, 2010, indicates that Mr. Gonyea submitted a  
460 request for the time extension on October 20, 2010. The approval was scheduled to expire on October 21,  
461 2010. If a time extension is granted, the expiration date will be extended to April 21, 2011.

462

463 Chairman Leveille asked the Board Members if they had any comments or questions. Hearing none, he  
464 called for a motion to approve the applicant's request for a 180 day extension.

465

466 Upon motion by Mr. Behuniak, seconded by Mr. Smolinsky and unanimously approved by all Members  
467 present, the expiration date for Site Plan Approval (SPA 149) was extended to April 21, 2011.

468

469 **The Hamlet – Windsor Development – New Scotland Road, Slingerlands (Site Plan)**

470 It was noted that the project is before the Board for an initial presentation. The applicant, Windsor  
471 Development is seeking approval to construct multi-family residential units on a parcel of land located on  
472 the north side of New Scotland Road, east of the Slingerlands Price Chopper Plaza. Mr. Morelli stated that  
473 the parcel contains an area along New Scotland Road that cannot be developed due to wetland constraints.  
474 The proposed project is consistent with the use that was identified during the Town's design charrette that  
475 was held in August 2006 as noted in Mr. Morelli's memo to the Planning Board, dated November 10, 2010.

476

477 Francis Bossolini of Ingalls and Associates, and David Sussman of Windsor Development, were present to  
478 provide information and answer questions. Mr. Bossolini noted that the 9.0 parcel is severely constrained  
479 by wetlands and a natural gas pipeline easement. Approximately 3.66 acres are Federal Jurisdictional  
480 Wetlands. The buildable area is 6.33 acres. The maximum number of dwelling units allowed on the parcel  
481 is 51 units. The applicant is seeking approval to construct 50 luxury rental units. Each unit would have a  
482 one car garage. The Zoning Code requires 1.5 parking spaces per unit or a total of 75 spaces. The  
483 applicant is seeking approval to construct 2.0+ spaces per unit which includes 50 interior parking spaces  
484 and 65 external surface parking spaces. The project is located in a Hamlet Zone. Orientation of the  
485 building must be considered. The style of the building will allow for a variety of siding treatments to  
486 define and separate the units. The applicant will be responsible for providing utilities for the project. The  
487 single access road to New Scotland will cross the wetlands. Aesthetic treatments, such as signage and  
488 architectural lighting will be considered. A pedestrian connection to the nearby medical building will be  
489 installed. There will not be any vehicular access from the proposed development to the existing plaza.  
490 There may be an opportunity to extend the pedestrian connect over the existing gas main easement. A  
491 Stormwater Pollution Prevention Plan (SWPPP) will be developed in accordance with NYS regulations.  
492 The Stormwater Management facility will be maintained by the property owner. There are no issues with  
493 site distance or access along New Scotland Road. A traffic study has indicated that 50 units will generate  
494 45 trips during the p.m. peak hours. Based on anecdotal knowledge of the surrounding traffic infrastructure  
495 there is sufficient capacity to absorb the trips. Mr. Bossolini stated that he has reviewed the New Scotland  
496 Road Hamlet Master Plan and believes the proposed project is a healthy complement to the overall Plan.  
497 The size of the project does not warrant a recreational facility. There will be some opportunity for passive  
498 recreation, possibly outdoor sitting areas and benches. Public transportation is within walking distance to  
499 the proposed project. The distance between New Scotland Road and the closest building is approximately  
500 75-80 feet. It is believed that the project will attract young professionals. Rental fees are estimated at  
501 \$1.50 per square foot, and include one indoor parking space. There will be a total of 50 units, 10 one-

502 bedroom units and 40 two-bedroom units. It is anticipated that .25 acres of wetlands will be disturbed. The  
503 applicant has requested authorization from the Army Corps of Engineers. Wetland impacts will not take  
504 place in areas that are deed restricted.

505  
506 Chairman Leveille stated that he is pleased to hear that the applicant is willing to integrate the project into  
507 the Town's long range plan to improve connectivity. Mr. Behuniak stated that he would like to see  
508 variations in the roof line and an enhanced buffer area.

509  
510 Chairman Leveille asked the Board Members if they had any additional comments or questions. Hearing  
511 none, he called for a motion to approve the SEQR Resolution.

512  
513 Upon motion by Mr. Behuniak, seconded by Mr. Coffey, and unanimously approved by all Members  
514 present, the SEQR Resolution – Preliminary Classification of Action and Lead Agency Coordination was  
515 approved.

516  
517 Upon motion of Mr. Behuniak, seconded by Mr. Rice, and approved by all Members present, further  
518 discussion related to The Hamlet project was tabled.

519

## 520 **DISCUSSION ITEMS**

521

### 522 **Training**

523 Senior Planner, Robert Leslie, will present information about the PaTHs 4 Bethlehem Committee's Bicycle  
524 and Pedestrian Priority Network at the December 21, 2010 meeting. Attendance during the presentation  
525 will be credited toward Member training.

526

### 527 **Holiday Gathering**

528 Planning Board Members and Staff will be gathering together after the December 7, 2010 meeting to  
529 celebrate the holidays.

530

## 531 **MINUTES**

532 Upon motion by Mr. Coffey, seconded by Mr. Rice, the Members voted to approve the minutes of the  
533 October 19, 2010 meeting, as amended.

534

## 535 **MEETING SCHEDULE**

536 December 7, 2010 - Regular Meeting

537 December 21, 2010 - Regular Meeting

538

## 539 **MEETING ADJOURNED**

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

542

543 Respectfully submitted,

544 Deborah Kitchen