

George Leveille
Chairman

Nicholas Behuniak
Member

Thomas Coffey
Member

Christine Motta
Member

Kate Powers
Member

Stephen Rice
Member

John Smolinsky
Member

TOWN OF BETHLEHEM
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Jeffrey Lipnicky
Town Planner

Robert Leslie
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Terrence W. Ritz
Asst. Engineer, L.S.

Keith Silliman
Counsel

Deborah Kitchen
Assistant to the Board

MINUTES
October 19, 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, October 19, 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		Keith Silliman	Michael Morelli
Nicholas Behuniak			Jeffrey Lipnicky
Thomas Coffey			Robert Leslie
Christine Motta			Terrence Ritz
Kate Powers			Deborah Kitchen
Stephen Rice			Sam Messina
John Smolinsky			

5

<u>Others Present</u>			
Chuck Radliff, Sr.	Steve Bolduc	Chuck Preska	Bruce Secor
James Tobin	Robert Bolduc	Tom Butler	Mark Dempf
Michael Tucker	Sarah Schoof	James Loder	Alex Ruthman
			Jill Knapp

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

9 **Public Comment on Regular Agenda Items**

- 10 • Safari Health
- 11 • Van Dyke Spinney
- 12 • The Pines at Normanside
- 13 • Yasemin Fuels

14
15 There were no public comments.

16
17 **Safari Health, 48 McCormack Road, Slingerlands – (Site Plan)**

18 Mr. Morelli provided a brief overview about the proposed application as described in his memo to the
19 Board dated October 13, 2010. Mr. Morelli stated that applicant, Sarah Schoof, is seeking site plan
20 approval to operate a small business from within her home in order to provide pre-travel medical visits
21 including education, immunizations and prescriptions for people embarking on international travel. The
22 applicant, Sarah Schoof, was present to provide information and answer questions.
23

24 Chairman Leveille noted that the project is listed as a Type II action and is not subject to further
25 environmental review. He then asked the Board Members if they had any comments or questions. Hearing
26 none, he called for a motion to consider the Site Plan approval document.
27

28 Upon motion by Mr. Smolinsky, seconded by Mr. Coffey and unanimously approved by all Members
29 present, the Site Plan Approval (SPA 166) document was approved.
30

31 **Van Dyke Spinney – Phase 1, Van Dyke Road, Delmar – (Site Plan)**

32 Mr. Morelli provided the Board with a brief overview about the project and stated that the applicant is
33 seeking site plan approval to begin construction of Phase 1 of a previously approved Planned Development
34 District (PDD). Mr. Morelli stated, that his memo to the Board, dated October 13, 2010, contains a list of
35 dates and sequence of events related to the review of the project since the Town Board accepted the
36 original PDD application in August of 2006. The Town Board approved the PDD application in May 2008.
37 The site is not located within the boundary of the Town's Water District #1 and will require an extension.
38 It is partially located within the boundary of the Town's Sewer District but will also need to be extended.
39

40 Alex Ruthman, Mark Dempf and Bruce Secor of Stantec Consulting were present to provide information
41 and answer questions about the project. Mr. Ruthman stated that the approved PDD allows for construction
42 of up to 216 cottage style apartments on the east side of Van Dyke Road and the creation of eight (8)
43 individual lots for detached single family residences. The facility is an age restricted/senior living facility.
44 It is not an assisted living facility. The architecture would be craftsman style, similar to old Delmar. A
45 great deal of effort has gone into creating "a village feel" and the site will be very green and walkable. The
46 streets will be curved rather than long thoroughfares. There will be between three and six units per
47 building. The units will range in size from 1,000 to 1,250 square feet. The cost will be approximately
48 \$1.00 - \$1.25 per square foot which includes association and maintenance fees. A diversity of colors,
49 siding, textures and shingles will be used during construction. Public transportation is not available.
50 Shuttle bus services will be provided. Phase 4 of the project includes construction of a swimming pool.
51 The residents of the Van Dyke Spinney (VDS) will be given access to the Adams Station pool until the
52 VDS pool is constructed. Capacity at Adams Station is not an issue. The applicant has attempted to keep
53 the public informed by hosting three neighborhood meetings and three focus groups.
54

55 Mr. Dempf stated that the site consists of 90 acres but only 54 acres will be developed. Approximately 34
56 acres, bordering the Phillipin Kill creek, will be donated to the Hudson Mohawk Land Conservancy
57 (MHLC). The project will be constructed in five (5) phases. Phase 1 of the project involves 44 units to be
58 built on the north end of the site. The stormwater management plan enables each phase to stand on its own
59 and also to be integrated with the remaining phases. The stormwater management basins to be utilized for
60 Phases 1 and 2 will be constructed during Phase 1. The proposed development was designed to
61 complement the existing landscape. Wetland disturbance will be minimal. The majority of the buildings
62 will be one story in height. The minimum distance to the nearest neighbor will be 150 feet. Maintenance
63 issues and safety concerns were considered when selecting the type of plantings. Lighting will be mounted
64 onto the buildings or on posts near the driveways in an effort to make them non obtrusive to the neighbors.
65

66 Mr. Secor stated that the utilities would be constructed in Phases. The existing water main on Van Dyke
67 Road would be extended to accommodate Phase 1. Phase 2 requires further extension of the water main
68 and connection to an existing main on the Delmar Bypass, thereby increasing the distribution strength of
69 the water system. The sanitary sewer line is currently served by a low-pressure system along Van Dyke
70 Road. Eventually a new forced main will be connected on Juniper Drive to alleviate the load from the
71 Delaware Avenue pump station. Extension of the proposed utilities will provide for future growth.
72 Existing residents will have the option to connect. The existing multi-use paths on Van Dyke Road will
73 also be constructed in phases. The multi-use path will be five foot wide initially, and will be expanded to
74 eight feet wide after all of the utilities are installed. The applicant has also committed to re-designing the
75 intersection at Meads Lane and Van Dyke Road prior to obtaining the first building permit. The Town's
76 Highway Superintendent, Gregg Sagendorph, has endorsed this approach. The cost of all improvements,
77 including redesigning the intersection will be borne by the applicant.

78
79 The applicant is seeking site plan approval for Phase 1 of the project and will come back to the Planning
80 Board for Phases 2 - 5. Mr. Morelli stated that the phased approach would provide staff with an
81 opportunity to look back on previous phases.

82
83 The role of the Albany County Planning Board and comments associated with this project were discussed.
84 Mr. Silliman noted that the County's role is advisory in nature, and is much more important when the
85 municipality does not have professional staff.

86
87 Mr. Smolinsky asked what measures, if any, were in place to ensure that the community benefit aspects of
88 the project will be carried out (i.e., installation of the multi-use path and access to the donated land) if
89 phases 2 through 5 are never constructed. Mr. Morelli stated that the Town could require a letter of credit
90 or performance bond. Dr. Jill Knapp, Executive Director of the MHLC, stated that the MHLC is mainly
91 concerned with making sure they will continue to have access/parking after the intersection is reconfigured.
92 Mr. Secor stated that the applicant intends to take these issues into consideration when designing the
93 intersection.

94
95 Chairman Leveille asked the Board Members if they had any further questions or comments. Hearing none,
96 he called for a motion to consider the Site Plan approval document.

97
98 Upon motion by Mr. Smolinsky, seconded by Mr. Coffey, and unanimously approved by all Members
99 present, the Site Plan Approval (SPA 165) was approved.

100
101 **The Pines at Normanside, Leonard Place, Delmar**

102
103 Michael Tucker of Infinigy Engineering was present on behalf of the applicant, Richard Bohl, to provide
104 information and answer questions. He noted that the project includes construction of eight (8) single family
105 homes on Leonard Place, two (2) single family homes on Salisbury Road and one (1) commercial property
106 on Delaware Avenue. The applicant has obtained two variances from the Zoning Board of Appeals; an
107 Area Variance to reduce the minimum lot width for the multi-use property from 100 feet to 75 feet and a
108 Use Variance to access the commercial portion of the site from a residentially zoned property. It was noted
109 that Keystone Builders would be taking over the project once it is approved.

110
111 Mr. Smolinsky noted that some commercial uses are less compatible with residential areas and he is
112 concerned about the intended use of the commercial property as well as the type of landscaping that will be
113 used to buffer the commercial/multi-use property from the residential property. Mr. Leslie stated that
114 language could be added to the approval document to clarify that the approval is for a professional office
115 with apartments above it. Mr. Smolinsky stated that he is also recommending that the applicant install
116 something other than arborvitae in the buffer area.

117
118 Chairman Leveille asked the Board Members if they had any further questions or comments. Hearing none,
119 he called for a motion to consider the SEQR Resolution and set a date for the Public Hearing for Tuesday,
120 November 16, 2010 at 6:00 p.m.

121
122 Upon motion by Mr. Rice, seconded by Mr. Behuniak, and unanimously approved by all Members present,
123 the SEQR Resolution was approved and the Public Hearing date was set.

124
125 **Yasemin Fuels, 414 Route 9W, Glenmont**

126
127 James Tobin, of James Daly Tobin was present on behalf of the applicant to provide information and
128 answer questions. Mr. Tobin stated that the applicant is seeking approval to make minor modifications to
129 the previously approved site plan including the relocation of an existing door and use of existing windows.

130

131 Chairman Leveille referenced a memo that had been provided by Mr. Lipnicky and asked the Board Members
132 if they had any questions or comments. Hearing none, he called for a motion to consider the SEQR
133 Resolution and Site Plan approval document.

134
135 Upon motion by Mr. Smolinsky, seconded by Ms. Powers, and unanimously approved by all Members
136 present, the SEQR Resolution was approved.

137
138 Upon motion by Mr. Rice, seconded by Mr. Smolinsky, and unanimously approved by all Members
139 present, the Site Plan Amendment (SPA160-A) was approved.

140
141 **MINUTES**

142 Upon motion by Mr. Smolinsky, seconded by Mr. Behuniak, the Members voted to approve the minutes of
143 the September 21, 2010 meeting, as amended. Ms. Motta abstained because she was not present for the
144 meeting.

145
146 **DISCUSSION ITEMS**

147
148 Chairman Leveille stated that the Planning Board had received a letter from Daniel Coffey, Chairman of
149 the Zoning Board of Appeals (ZBA), dated October 15, 2010, with regard to the SEQR determination for
150 the ESCO Tower project. He noted that there is some controversy over the Planning Board's decision to
151 select a monopine tower. The ZBA has asked the Planning Board to reconsider its decision with regard to
152 selecting a monopine tower because the height variance is based on the type of tower selected and the
153 design concept does not currently exist. The other concern that was raised was the issue of expandability to
154 allow for co-location for additional carriers.

155
156 Mr. Silliman stated that the ZBA had raised several questions with regard to coordinated review under
157 SEQR. As counsel for both Boards, Mr. Silliman, advised the ZBA that they had to determine the
158 appropriate height variance based on the design that was approved by the Planning Board. He noted that
159 the Planning Board had met the burden under SEQR and there were adequate records to supports the
160 Board's decision. The ZBA felt strongly that the project should proceed and voted to approve the variance
161 in conjunction with sending a letter to the Planning Board asking for that the type of tower be reconsidered.
162 The Planning Board is under no obligation to do reconsider. The ZBA must approve the minimum crown
163 height needed for the variance. Mr. Silliman recommended that the Planning Board acknowledge the
164 ZBA's concerns and assure them that the Planning Board will do its best to minimize the height. Both
165 Boards are under time constraints to issue their decisions. The Planning Board has 62 days from the close
166 of the Public Hearing. The ZBA has 62 days from the date of the SEQR determination.

167
168 Chairman Leveille stated that the Planning Board should move quickly with regard to the design details so
169 the Zoning Board can make an educated decision. He asked if there was any consensus on the part of the
170 Board Members to reconsider the decision to select a monopine. The majority of members agreed that their
171 decision had been based on the information that was provided to them and nothing has been submitted
172 since to cause them to revisit the issue. Ms. Powers stated that it is very rare for another Board to ask the
173 Planning Board to reconsider their decision. She also noted that she had been told that there are some
174 communities who are not satisfied with quality of the monopine erected. Chairman Leveille stated that he
175 would generate a response letter to the ZBA to let them know that the Planning Board will do what it can to
176 address their concerns with regard to the design of the tower.

177
178 Mr. Silliman noted that the original application was for a SEQR determination at 150 feet to allow for
179 expansion of the tower. The Zoning Board acknowledged the potential for expansion/co-location and
180 approved the tower at 120 feet rather than 110 feet. At the present height, the tower would be able to
181 accommodate two additional carriers at 100 feet and 90 feet. The approved height is consistent with the
182 Town's policy with regard to co-location and an effort has been made to acknowledge the increased
183 expense of erecting a monopine. Expanding a monopine tower would require redesigning it.

184
185 The applicants, Tom Butler and James Loder, were present during the Board's discussion. Mr. Butler was
186 asked to answer a few questions related to the Board's discussion. Mr. Butler stated that he does not have
187 Radio Frequency studies to support the statement that co-location at 90 or 100 feet will work and it would
188 be cost prohibitive to extend the height of a monopine.

189
190 Chairman Leveille stated that the Planning Board is not prepared to reconsider its decision. Additional
191 monopine design information would need to be submitted before the next meeting. Information should
192 include examples of monopine towers constructed in other communities. This would be in the form of
193 images (photos) that may include the following information tower height, year of construction, cost, height
194 of crown, number of branches, height of lowest branch level, etc. Mr. Silliman stated that if the applicant
195 fails to submit the information in time for the Board to make a decision, the applicant would need to apply
196 for an extension. If the applicant does not apply for an extension and has not provided the information
197 requested by the Board, the application would need to be denied.

198
199 Chairman Leveille indicated it was his understanding that the applicant has recently reneged (verbally) on
200 the offer to allow the Town's SCADA antenna to be located on the ESCO tower at no cost to the Town. It
201 was noted that the offer to allow the Town's SCADA equipment to be placed on the tower was referenced
202 as part of the recommendation when the SEQR decision was made.

203
204 Mr. Butler indicated that the ability to obtain financing is based on obtaining site plan approval. The
205 burden is on the applicant to provide the information requested. Chairman Leveille suggested that the
206 applicant hire a consultant to provide the level of detail requested so a decision can be made that fits with
207 the Board's understanding of SEQR.

208
209 **MEETING SCHEDULE**

210 November 2, 2010 - Election Day – No Meeting
211 November 16, 2010 - Regular Meeting

212
213 **MEETING ADJOURNED**

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

216
217
218 Respectfully submitted,
219 Deborah Kitchen