

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 February 2, 2010

- 1
- 2 The Regular meeting of the Town of Bethlehem Planning Board was convened in public session in the
- 3 Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY at 6:00 p.m., on Tuesday, February 2, 2010.
- 4 Attendance was recorded as follows:
- 5

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			

6

Others Present			
Jakov Crnkovic	Corey V. Lamica	William Sabbag	Jim Martley
Athleen Stilsing	Frank J. Commisso	Nan Jezierski	Brian Jerry
Lloyd Stilsing	Jeff Cohen	Carlo Crlinso	Darlene Jerry
Tom Cardassone	Marie Goldtel	Daniel Hershberg	Joseph Berdar
Joan Shack	Magaret L. Hauerwas	Bill Mafrici	Pete Recore-Migerditch
Jerry Witkop	Scott Hollander	Stewart Hughes	Ken Hahn
James Higgins	Cathy Kaszlug	Marianne Hughes	Pat Hahn
Sean McCloskey	Cindy Ryan	Michael Correia	Joseph Arnold
Michael Graham	Matt McCloskey	Laura Correia	Jon Brunks
Joseph Pasquini	Burnadette Terry	Robert Correia	Pat Gertze
J. Mark Cantwell	Yuri Lvov	NancyHurd	Nancy Schulman
Brian Phelan	Alina Spectorov	Jim Grady	Greg Tee
Pat Clair	Colleen Sander	Stephanie Bruhn	Andrew Goldslager
Eric Smith	Neil Sander	June Zych	Bob Hanglier
Mike Gulonka	Rick Dubin	Michael Zych	Frank Verrelli
Paul Fuizo	Anthony Cassaro	Phyllis Drew	Tim McGrath
Jacqueline Watsky	Diane Rosenbaum	Louisa Anderson	Chris McGrath
Deb Schenkel	Maurice Garvey	Ellsworth Amidon	Renea Pullack
Melissa Dubin	Roland Graves	Arlene Martley	Ellen Hollander
Godon McLean	Anthony DeThomasis	Joe Bolognino	Dawn Amsler- Nunziato
Samer Eldeiry	Michele Ciccone	Scott Hollander	Melissa Dubin
Mike Crib	Elaina Bruno	Neil Sanders	

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

9
10 **Planning Board Members**

11
12 Chairman Leveille welcomed new Planning Board Members Thomas Coffey and Stephen Rice.

13
14 **Public Comment on Regular Agenda Item**

- 15
16 • 333 Delaware Avenue

17
18 Chairman Leveille noted that there was no public comment on the regular agenda item.

19
20 **Public Hearing – Blessings Corner at 572 Russell Road – Planned Development District**

21
22 Chairman Leveille stated that the Planning Board has elected to hold a public hearing to provide the
23 community with an opportunity to express an opinion about the project, and the information gathered by
24 the Planning Board will be taken into consideration when making a recommendation to the Town Board.
25 Individuals who wish to make a statement regarding the project are welcome to do so. Comments will be
26 limited to 3-5 minutes.

27
28 A motion to indent the public hearing notice into the minutes was offered by Mr. Smolinsky, seconded by
29 Ms. Motta, and approved by all Members present.

30
31 NOTICE OF PUBLIC HEARING, TOWN OF BETHLEHEM, ALBANY COUNTY, NY Notice is
32 hereby given that the Planning Board of the Town of Bethlehem, will hold a Public Hearing on
33 Tuesday, February 2, 2010 at 6:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New
34 York, on the application of Russell Road Partners for a proposed Planned Development District
35 known as Blessings Corner at 572 Russell Road as shown on map entitled Proposed PDD
36 Development Plan, Blessings Corner at No. 572 Russell Road, Town of Bethlehem, Albany County,
37 State of New York, dated February 15, 2008, last revised October 12, 2009; prepared by Hershberg &
38 Hershberg, 18 Locust Street, Albany, NY. Disabled individuals who are in need of assistance in
39 order to participate should contact the Town Clerk's Office at 439-4955 Ext. 1183. Advanced notice
40 is requested. (January 27, 2010)

41
42 It was noted that the applicant, Russell Road Partners, has also hosted two informational meetings at the
43 North Bethlehem firehouse in an effort to keep the public informed (11/11/2009 and 02/01/2010).

44
45 The applicant is seeking to rezone an 11 acre parcel, located at the corner of Russell Road and Krumkill
46 Road, in North Bethlehem, to allow for construction of a Stewarts store with gas pumps and 44
47 condominium units (five / 8-unit buildings and one 4-unit building). It is anticipated that some of the
48 condominium buildings will have utility, exercise and community rooms as well.

49
50 Daniel Hershberg was present on behalf of the applicant to provide details and answer questions about the
51 project. A power point presentation was used to display information including design, layout, size,
52 elevations, grading, wetland impacts, density, parking, landscaping, ingress/egress, dumpster enclosures
53 and floor plans. Mr. Hershberg noted that the Condominium Association would be responsible for
54 maintaining the landscaping, roadways, sidewalks, and stormwater facilities which will help to reduce the
55 amount of Town services that will be needed in the proposed Planned Development District.

57 Mr. Hershberg stated that a fiscal impact analysis report was prepared and submitted to the Town that
58 shows there is a need for this type of housing in the community. He also pointed out that the project is in
59 an ideal location because it is near the College of Nanoscale Science and Engineering in Albany and the
60 Vista Technology Campus in Slingerlands and this type of housing is desirable for young professionals, It
61 is estimated that the condominiums will sell for approximately \$300,000 with a mortgage of \$2,250 per
62 month, including homeowner fees and taxes. Each unit will have its own garage and they will be
63 handicap entrances that are accessible via the garage. Anticipated build out for the condominiums is two
64 to three years. Anticipated build out for the Stewarts store would be six months after receiving approval.
65

66 The existing parcel pays \$3,218 in total taxes. It is estimated that a typical subdivision would generate
67 \$86,794 in taxes for 11 lots and a PDD would generate a minimum \$154,029 based on the full value of
68 the condominium units multiplied by the NYS reduction of 45% and the estimated commercial tax that
69 would be paid by the Stewarts. A typical subdivision requires services that reduce tax revenues. The
70 PDD would not require the same level of services. Therefore, it was estimated that tax revenue generated
71 from developing the site as a PDD would be \$32,000 higher than the amount that would be generated if
72 the site were developed as a subdivision. Mr. Hershberg cited the CDTC fact sheet as a source of
73 obtaining data for the calculations used in the fiscal impact analysis.
74

75 Immediately following the presentation, Chairman Leveille invited the public to come forward to
76 comment on the project.
77

78 Nancy Schulman, 35 Olympian Drive, Slingerlands
79

- 80 -Attended the informational meeting held February 1, 2010 at the North Bethlehem Fire House
- 81 -Was originally in favor of the project but is now opposed
- 82 -Asking two questions - why do we need the development and who will benefit from it
- 83 -Stewarts is a convenient asset, however, there are already two stores within miles away from the site
- 84 -The Town and North Bethlehem, in particular, does not need this development
- 85 -The additional \$32,000 in tax revenue for a PDD is based on 100% occupancy
- 86 -Development requires additional police personnel to address retail & traffic issues
- 87 -Traffic levels will increase
- 88 -No public transportation available
- 89 -Sees problems with the ingress and egress to the gas station
- 90 -Environmental issues profound ... wetlands located on the parcel will be adjacent to a gas station
- 91 -Stormwater run off is a concern from neighbors on Beverly Lane
- 92 -Concerned about light pollution and visual impact of the overhead canopy
- 93 -Concerned about deliveries of retail products and gasoline
- 94 -What happens if the site is cleared and the project fails to advance
- 95 -Why didn't the developer conduct a formal market study
- 96 -Sidewalk will be installed between Stewarts and Googas – what about children beyond Googas
- 97 -Stewarts could become an attractive nuisance – ice cream, candy, cigarettes, beer
- 98 -What is the benefit to the Town and its residents
- 99 -Simply because the developer has made a financial investment does not mean the Planning Board is
100 obligated to support or approve the project
- 101 -Thoroughly opposed to Stewart's
- 102 -Has issues with the condominiums
- 103 -If the developer is marketing primarily to 21-39 year and 50 years and older, it can be expected that there
104 will be school children so she feels the nearby schools should be made aware of the proposed project and
105 notified about upcoming meetings
- 106 -Invited the Planning Board to visit the area in order to gain a better appreciation for the comments raised
107 by the residents of North Bethlehem

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111
112 Kenneth Hahn, 10 Pine Street, Albany
113
114 -Resident for 55 years
115 -Has supported quality of life improvements for the residents of North Bethlehem
116 -Helped to bring in a public water system, town sewer, street lights in portions of the Hamlet, a pocket
117 park and a new fire station.
118 -Supports a convenient store because it would improve the quality of life for residents in the community
119 -A place where parents of small children and teenagers can go after spending time at the park
120 -A place for fire personnel to gather after responding to a fire call
121 -Employment opportunity within walking distance to some residents
122 -Convenient to have a local store when you run out of a household staple
123

124 Ellsworth Amidon, 36 Stafford's Crossing, Slingerlands
125
126 -12 year resident of Stafford's Crossing
127 -Believes that 6:00 p.m. is a difficult time for neighbors with young children to attend a public meeting
128 -Concerned about leakage from gas pumps
129 -Concerned about beer sales within close proximity to a park
130 -What is the benefit for the residents who moved there because there was no commercial development
131 -How will property values be affected by commercial development in residential neighborhoods
132

133 Jeff Cohen, 24 Cayuga Court, Slingerlands
134
135 -Endorses Mr. Hahn's comments
136 -Proposed development provides an opportunity to build a sense of community
137 -A place where people can walk to – to buy a cup of coffee or a newspaper
138 -Thinks sidewalks are an asset
139 -Thankful the developer will be installing a sidewalk on Krumkill Road
140 -Thankful for sidewalks recently installed by the Town
141 -Sale of cigarettes and beer is 100% independent of who will be using the facility
142 -People sell beer all over the place and teenagers are all over the place – the two are not necessary
143 connected
144

145 Jakov Crnkovic, 4 Brookhill, Slingerlands
146
147 -Do not need a gas station in the neighborhood
148 -Thinks the project is an ecological catastrophe
149 -Many stations are not working
150 -Will not need gas stations in the future
151 -Stupid idea to install another gas station within a 5 mile radius of where 6 or 7 gas stations already exist
152 -Noise pollution will increase
153 -Believes deliveries will be made outside of normal operating hours
154 -If condominiums don't sell and the project turns out to be apartments – the Guilderland CSD will be
155 affected by the taxes
156

157 Anthony DeThomasis, 5 Eastland Circle, Slingerlands
158

- 159 -Previously built a 17 lot subdivision in North Bethlehem
160 -Supports the condominium component of the project
161 -Thinks the condominium price and build out time is too low
162 -Has nothing against Stewarts but believes the project is about pumping gas – not about convenience
163 -Town had previously taken a look at the zoning of this neighborhood and left it residential
164 -Not in favor of gas station - Town should consider another commercial use
165 -Gas station will change the neighborhood – it won't feel like the country
166 -Allowing a gas station might set a precedent
167 -The parcel across the street is owned by a Church – what happens if the church decides to sell their land
168 to a competitor like Mobil – who comes in with an identical plan or one that includes a Dunkin Donuts
169 -Suggest that the developer take the four unit buildings in the front and turn them to face the road to make
170 them look like the other units on the street, and the developer can then build more units in the back.

171
172 Brian Jerry, 10 Andover Road, Slingerlands

- 173
174 -Lives in the Town on the Town Line bordering Albany
175 -Submitted pictures of Krumkill Road – starting at Town line and heading toward Blessing Road
176 -There is weight limit on Krumkill and Blessing Roads of 4 ton (8,000 lbs) near intersection of Blessing
177 Road and Krumkill Road which will restrict the route of travel for delivery trucks
178 -The average weight of a fuel delivery truck 80,000 lbs
179 -Believes the Town highway department is attempting to limit road damage caused by heavy vehicles
180 -The Town should take a closer look at the damage being done by stormwater runoff that crosses Blessing
181 Road and runs into Krumkill Creek
182 -Fears only excess stormwater will enter the small creek that crosses County Rd 204 NE of Krumkill Rd.
183 -Project will add stormwater in the Krumkill Creek causing further erosion down stream
184 Opposed to the rezoning of this parcel

185
186 Michael Correia, 42 Henry Avenue, Albany

- 187
188 -Thanked the applicant/developer for being so forthcoming with information
189 -Questions the calculations provided in the applicant's presentation
190 -Valuation comparison does not include Indian Hills development
191 -Noted that fill needed to grade Stewart's will come from the condominium area and the site will change
192 -Concerned about the gas pumps at Stewart's
193 -Noted that traffic problems already exist at Blessing Road, Russell Road and Schoolhouse Road
194 -Skeptical about traffic study
195 -Concerned about traffic, specifically left turns to access the site if heading toward Albany in the a.m.
196 -Accidents will cause traffic jams
197 -Concerned that traffic will impede access to the firehouse when volunteers are responding to a fire call

198
199 Mike Graham, 31 Clifton Way, Slingerlands

- 200
201 -Submitted images of wetland areas along Krumkill Road and Russell Road
202 -Does not believe watershed in North Bethlehem is managed well
203 -Thinks the money projected as revenue for the Town is unrealistic
204 -Town should focus on shrinking the size of Town Government

205
206 Mike Crib

- 207
208 -Noted that catch basin improvements on School House, done by Albany County, are finally working
209 -Traffic will negatively impact the area

- 210 -Concerned about light pollution
 211 -Concerned about exhaust pollution
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 213
 214
 215
 216 Mark Cantwell, 23 Albert Drive, Albany
 217
 218 -49 year resident
 219 -Has watched the area change from rural to suburbs
 220 -Experienced a decrease in ability to navigate easily
 221 -Thinks area has reached its build out capacity
 222 -Does not want to see Stewarts building
 223 -Concerned about light pollution
 224 -Concerned about wear & tear on roads due to weight of delivery trucks and increase in traffic
 225 -Opposed to the project
 226
 227 Frank Commisso, 130 Cottage Avenue, Albany
 228
 229 -Albany County Legislator – 12th District – serving Albany and Bethlehem
 230 -Acknowledges weight limits on Russell Road
 231 -Does not think roads can handle weight of 18 wheelers
 232 -Concerned about safety for school children & residents
 233 -Noted that there are sidewalks along Russell Road in Bethlehem but not in Albany
 234 -Albany side of Russell Road would not be able to handle the traffic
 235 -Thinks Stewart's is a good neighbor but gas station would pose a problem
 236
 237 Joan Shack, 4 Beverly Drive, Albany
 238
 239 -Appreciates the developer for being willing to listen to and address the resident's concerns
 240 -Project would open a Pandora's box that might allow for further commercial development
 241 -Residents trusted that the Town had the proper zoning in place when they purchased their homes
 242 -Not opposed to diverse housing
 243 -Does not think condominiums will devalue her home
 244 -Values her community - where families interact and look out for one another
 245 -Does not think that condominiums promote a community neighborhood environment
 246 -Lives near the Town Park and is confident that police incidents will increase
 247
 248 Jerry Witkop, 35 Henry Avenue, Albany
 249
 250 -Concerned about environmental impacts
 251 -Noted that his children (ages 5, 9, 13) and the school district is impacted by the increased traffic because
 252 his children are no longer allowed to cross the street to get on and off the bus
 253 -Increased traffic would add to congestion
 254 -Takes twenty minutes to get to Glenmont
 255 -Appreciates the sidewalks but is still concerned about safety for children who need to cross the street
 256
 257 Jim Martley, 5 Blessing Road, Slingerlands
 258
 259 -20 year resident
 260 -Has expressed concerns about the project on two previous occasions – 12/15/2009 & 01/19/2010

- 261 -Noted that five existing gas stations are located within a range of 1.76 miles to 2.43 miles away
- 262 -Another gas station is not needed
- 263 -Asking the Planning Board to not recommend the project to the Town Board

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268 Michael Zych, 11 Blessing Road, North Bethlehem

269

- 270 -25 year resident
- 271 -Submitted a petition containing 168 signatures of people opposed to the project
- 272 -Submitted written copy of his comments
- 273 -Witnessed six developments & the loss of farm land
- 274 -Trusted the guidance of the Town in the past
- 275 -DEC has decided that this piece of property should become a convenient store and condominiums
- 276 -Noted that there are other developments being proposed in the area
- 277 -Traffic study presented by Mr. Hershberg does not consider other proposed developments
- 278 -Road improvements have enabled motorists to move more quickly through nearby intersections
- 279 -Residents already experiencing difficulty getting out of their driveways in the morning
- 280 -Thinks traffic volume will continue to increase
- 281 -Not sure how this project benefits the local community
- 282 -Concerned that Stewart's District Manager seems to be unfamiliar with limited access for delivery trucks
- 283 -Has filed 3 police reports for property damage at his home – resulting from his opposition to the project
- 284 -Stewart's will draw the type of people that don't respect private property or people's freedom of speech
- 285 -Thinks Stewart's parking lot could become a gathering place for people who are up to no good
- 286 -Has heard that Stewart's is collecting signatures of people in favor of the project – but believes the
- 287 people signing the petition have a passing interest in the North Bethlehem area
- 288 -Residents opposed to the project were asked to stand or raise their hand
- 289 -Noted that residents who signed the petition do not want commercial development, increased hazardous
- 290 traffic, contaminated ground water, wind-blown debris, horrific odorous smells, pre-dawn disturbances,
- 291 and a gathering place for vandals
- 292 -Does want more neighbors who can enjoy all the reasons he and his neighbors moved to the area
- 293 -Urged the Town to deny the applicant's request for a zone change

294

295 Stewart Hughes, 95 Iroquois Trail, Slingerlands

296

- 297 -Concerned about the Town setting a precedent for future commercial development
- 298 -Not in favor of the project

299

300 James Higgins, 35 Clifton Way, Slingerlands

301

- 302 -Opposed to placing a commercial use in a residential area
- 303 -Very concerned about the visual impacts
- 304 -Thinks it is an ugly, dirty, gas station that will be visible from nearby homes and a park
- 305 -Strongly urging the Planning Board to consider their actions

306

307 Elaina Bruno, 4 Bradhaven Road, Slingerlands

308

- 309 -15 year resident of the area
- 310 -Values all businesses but is thoroughly opposed to the proposed project
- 311 -Shares all objections previously mentioned

- 312 -Chose to live in the area because of its rural character
313 -Does not have a problem getting to nearby commercial places
314 -Walks every day and finds that it is becoming more dangerous due to the increase in traffic
315 -Blessing Road is a corridor from Bethlehem to Albany
316 -Additional traffic will negatively impact residents and the reasons they chose to live in the area

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Neil Sanders, 35 Marquis Drive, Slingerlands

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- Opposed to project
-Ecological concerns
-Traffic & safety concerns
-Chose to live in North Bethlehem because of non-commercial development & rural character

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Dawn Amsler-Nunziato, 12 Mosall Drive, Slingerlands

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331

- 25 year resident
-Built her dream home in the area
-Does not want to see commercial development
-Noted that this Stewarts store would be one of 327 stores that would not be built on a State Road
-Urged the Planning Board to put themselves in the shoes of the residents of the community

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Scott Hollander, 380 Krumkill Road, Albany

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- Appreciates having an opportunity to address the Planning Board
-Owns one of the 3 homes that would be across from the proposed site of the Stewart's gas station
-There is a slight bend in the road near his driveway
-Already experiencing difficulty exiting his driveway – especially during rush hour & inclement weather
-Traffic flows better since the roads were improved but traffic is also traveling faster
-Finds it easier to see oncoming cars at night because he can see headlights
-Opposed to the project

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

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Chairman Leveille thanked the development team for going above and beyond what was required of them in order to engage residents about things that might affect them. He also thanked the public for their input and civility and stated that Planning Board intends to take their comments into consideration before making a recommendation to the Town Board. He also noted that the Planning Board will be discussing the project again at a future meeting and residents will have another opportunity to comment on the project when the Town Board holds its public hearing. Meeting agendas can be found on the Town's website www.townofbethlehem.org on the Friday before the meeting.

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A motion was made by Mr. Smolinsky, seconded by Mr. Behuniak and carried by all members present to close the public meeting held on behalf of project known as Blessings Corner at 572 Russell Road.

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333 Delaware Avenue - Site Plan Amendment

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Mr. Morelli stated that project received Site Plan approval in February 2008 and an amendment was granted in June 2009. The applicant came back to the Planning Board in December 2009 to request a second amendment to allow for improved circulation in the parking lot and better access to an existing

363 overhead door. The amended Site Plan (SPA 143-A2) was conditionally approved by the Planning Board
364 at the January 19, 2010 with the understanding that the applicant would work with staff to enhance the
365 landscape plan and select a dumpster paint color that blends in with the landscaping. Mr. Morelli
366 reported that the applicant has submitted a revised planting plan and the color of the dumpster
367 will be dark green. The applicant has also agreed to use smaller dumpsters and arrange for trash
368 removal on a more frequent basis. The plan calls for two 7 x7 dumpsters and one 8 x 12
369 dumpster. These upgrades were acceptable to the Board. Mr. Smolinsky noted that the applicant
370 would need to come back to the Planning Board if additional dumpsters were needed. Mr.
371 Behuniak stated that he appreciates the spruce trees over the arborvitae trees.

372

373 **Minutes**

374

375 Upon motion from Mr. Smolinsky, seconded by Ms. Powers, the Minutes of the December 15, 2009
376 meeting were approved, as amended. Members Coffey and Rice abstained because they were not present
377 for the December 15, 2009 meeting.

378

379 **Meeting Schedule**

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381 The next Planning Board meeting is scheduled to take place on Tuesday, February 16, 2010, at 6:00 p.m.
382 It was noted that Members Behuniak and Smolinsky will not be present for the meeting.

383

384 **Training Opportunity**

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386 A Biodiversity Assessment Workshop will be held at Five Rivers Environmental Education Center on
387 February 19, 2010. Information about the training workshop will be provided to the Members.

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389

390 Respectfully submitted,

391 Deborah Kitchen