

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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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 July 6, 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, July 6, 2010. Attendance was  
3 recorded as follows:  
4

Board Members Present	Board Members Absent	Counsel Present	Town Staff Present
George Leveille	Thomas Coffey	Keith Silliman	Michael Morelli
Nicholas Behuniak			Robert Leslie
Christine Motta			Deborah Kitchen
Kate Powers			Terrence Ritz
Stephen Rice			Sam Messina
John Smolinsky			Paul Penman

#### Others Present

Barbara Carkner	Martha Kissinger	Chuck Radliff, Sr.	Clement Fernandez
Ernest Carkner	John Stevens	Edmund Cancellare	Chris Frueh
Fred Richter	J. Dougherty	Shannon Smith	Linda Jasinski
Valerie Newell	Ed Kleinke	Nancy Neff	Nancy Neff
Tom Newell	Francis Bossolini	Charles Preska	Ken Neff
Dennis Northrup	Lee Rosen	Thomas Butler	Tom Butler
Michael Waldenmaier	Trudie Waldenmaier	Jim Loder	James Loder
Anthony DeThomasis	David Kissinger	Tom Fessinger	
John Mead	Charles Waldenmaier	Charles Dawson	

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

#### 7 8 **Public Comment on Regular Agenda Items**

- 9
- 10 • Kendall Square (Site Plan) (SPA 162)
- 11 • 48-50 Hudson Avenue (Site Plan Amendment) (SPA 146)
- 12 • ESCO Towers - Telecommunication Facility (Site Plan)
- 13 • Independent Tower (Site Plan / SUP)

14  
15 Dennis Northrup, 27 Elm Street, Selkirk, NY

16  
17 Kendall Square: Mr. Northrup stated that he is in favor of the Kendall Square project and would like to  
18 encourage the Board to approve it. He understands that the proposed project might not fit with the  
19 neighbors idea of what they would like to see happen to the property but he believes the project is in

20 keeping with the Town's Comprehensive Plan and it meets the Town Zoning Law requirements. He is  
21 aware that traffic concerns have been raised but does not believe, based on his personal experiences, that  
22 there is merit to substantiate the arguments. He cannot think of a reason why the project should not be  
23 approved and would encourage the Board to do so.

24  
25 David Kissinger, 21 Walden Field Drive, Delmar, NY

26  
27 Kendall Square: Mr. Kissinger stated that he is speaking on behalf of a large portion of the community  
28 surrounding the proposed Kendall Square project. A major concern is increased traffic. Not aware of a  
29 master plan for the area and believes there should be some collaboration between the developers, Town  
30 and State with regard to traffic. He does not believe pedestrian traffic flow will be improved until there is  
31 a plan. The proposed project needs to be designed to fit into the big picture. The streetscape along  
32 Elsmere Avenue will be a key factor in generating public acceptance. The proposed project will  
33 compound the existing problems and the public will blame the developer. Mr. Kissinger stated that there  
34 are also concerns about compatibility. The developer plans to provide living space for more than 200  
35 people on 13 acres of land. Noting that only 100 people live on 30 acres in Walden Fields. The project  
36 would more than double the population of the ½ mile radius surrounding the project. The structures in  
37 Walden Fields are 1.5 story opposed to the 2.5 story in Kendall Square. He is encouraging every effort to  
38 increase setbacks and develop pedestrian friendly walkways. The amount of tax dollars should be  
39 considered. He is appreciative of the proposed common areas but the individuals he represents have  
40 reservations about the location and size which should also be considered.

41  
42 Edward Kleinke, 62 Maher Road, Slingerlands, NY

43  
44 Comments related to the Kendall Square project: Mr. Kleinke stated that he is a landscape architect with  
45 an office in Delmar who has been involved with thousands of municipal projects throughout his  
46 professional career. His experience includes Comprehensive Planning, Zoning Codes as well as project  
47 review associated with design of residential, commercial, industrial, institutional and recreational  
48 projects. He has extensive experience with Hamlets and believes they are a vital and necessary  
49 component of the overall land use fabric of a community. Upon his review of the Kendall Square project  
50 he noticed that the project is surrounded by individual lots with mostly single family homes. He believes  
51 that it is important to provide diversity in uses to support the residential community. The Town code  
52 addresses over 20 design criteria for Hamlets. A goal of the Hamlet is to service the wider community on  
53 a walkable basis. Traffic generation for Hamlets is different than it is for typical developments. He  
54 welcomes the opportunity to look at the mixed use, pedestrian access, incorporation of federal wetlands,  
55 and highway access. He believes there has been sufficient interaction between the Board, developer and  
56 the community at large, noting that the developer has already made several revisions to the plans which  
57 were not taken lightly and required a significant amount of work. Mr. Kleinke believes the project is at a  
58 point where significant areas of concern have been addressed and it is an opportunity for the Board to take  
59 a step forward for the benefit of the Town to approve the project and move forward with final details in  
60 terms of construction. On a personal note, he stated that he is familiar with the Town's concept plan for a  
61 proposed New Scotland Road Hamlet in Slingerlands. His residence is within an arms length of the  
62 proposed Hamlet and he embraces the proposal wholeheartedly because he believes it is an important part  
63 of the community. He also believes it will be a benefit to him in terms of his property and residence.

64  
65 Barbara Carkner, 83 Elsmere Avenue, Delmar, NY

66  
67 Kendall Square: Mrs. Carkner noted that she resides on Elsmere Avenue and she is looking forward to  
68 being able to walk to a new destination. She noted that changes can be beneficial to a community and  
69 diversity is extremely important. Residents should expect change because forever wild is not a mandate  
70 for private property. The Town is comprised of many different types of people, not one socio economic  
71 class. With regard to concerns raised about transient occupancy, Mrs. Carkner noted that there has been a

72 10% turnover in the occupants in Walden Fields in the past three years. Mrs. Carkner stated that she likes  
73 the design of the project. She believes the project will benefit the Town by providing a place for families,  
74 diversity of culture and a point of interest/destination.  
75

76 Valerie Newell, 25, Wemple Road, Glenmont, NY  
77

78 Kendall Square: Mrs. Newell stated that she and her family live close by to the proposed Kendall Square  
79 project. She believes the Town needs a project like this because there is a real need for the type of  
80 housing that will be made available, especially for seniors who are not interested in owning a townhome.  
81 She believes a community needs to be accessible, diverse and welcoming. With regard to traffic  
82 concerns, she stated that she travels through the intersection of Elsmere Avenue and Feura Bush Road on  
83 a daily basis and finds it to be reasonable except on Saturdays during soccer season. If residents of  
84 nearby developments are concerned about traffic impacts, it might be time for the Town to open up “land  
85 locked” developments, like Colonial Acres, and alleviate some of those concerns. Mrs. Newell stated that  
86 she is aware that the proposed Hamlet will impact her life on a daily basis but she is in support of the  
87 project because of the benefits that it will provide to the community.  
88

89 The public comment period was closed at 6:22 p.m.  
90

#### 91 **Kendall Square (Site Plan) (SPA 162)** 92

93 Mr. Morelli stated that the applicant, Rosen Development Company, Inc., is seeking site plan approval to  
94 construct up to 40,000 sq. ft. of commercial space and up to 110 residential dwelling units on a vacant  
95 16.96+/- acre parcel located on the northeast corner of Elsmere Avenue and Feura Bush Road. The  
96 property is located in a Hamlet zoning district and the proposed mixed use project as proposed is  
97 permitted subject to site plan approval by the Planning Board. The project last appeared before the  
98 Planning Board on May 4, 2010, a public hearing/informational meeting was held on May 11, 2010. In a  
99 memo to the Planning Board, dated June 29, 2010, Mr. Morelli described the land use review process for  
100 this project over the past 18 months and noted that the project has been well vetted. He stated that the  
101 developer is very reputable and the Town has received a lot of positive feedback from the public.  
102

103 Chairman stated that the Planning Board is being asked to consider approval of a SEQR Resolution,  
104 Parkland Resolution and Site Plan Approval for the proposed Kendall Square project. He noted that the  
105 Board is not evaluating the characteristics of the site plan application. The proposed uses are permitted  
106 under the code. The Board is not approval a request rezone. Mr. Leveille stated that he was involved in  
107 the comprehensive planning process which pointed the Town in a direction of Hamlet type development.  
108 This includes a more diverse type development that fosters a more walkable community by promoting  
109 interaction between neighborhoods and providing services on a neighborhood scale. Over the past 18  
110 months, the Town has learned that there are ways to improve the Hamlet review process. The pedestrian  
111 and green qualities of the project are consistent with the Town’s goals. The input from neighbors has  
112 helped to improve the project. The design now has greater number of smaller buildings, there is greater  
113 diversity in the look of the buildings, which enhance the Hamlet design. An apartment building has been  
114 replaced with an open space amenity that could be used as a focal point for on-site residents and visitors.  
115 Mr. Leveille stated that he is in agreement with Mr. Kissinger that a long range plan is needed with regard  
116 to long-term circulation in the area. It may be time for the Town to put pen to paper and create a map  
117 showing those residents who are directly impacted by the traffic in the area, how they will be able to  
118 navigate in the future.  
119

120 It was noted that the applicant has made two presentations to the Development Planning Committee, six  
121 presentations to the Planning Board and one presentation at an optional public hearing. The developer  
122 and staff have also met with concerned residents and neighborhood groups and received input from  
123 involved and interested agencies. The developer also submitted a fiscal impact analysis, a marketing

124 summary, and a summary of how the project complies with the Hamlet design standards. Decorative  
125 benches and streetlights were incorporated into the project. The sidewalks in front of the commercial  
126 buildings will be wider to provide for greater pedestrian use/access. Some of the passive open space  
127 areas, adjacent to protected wetlands, will be enhanced with benches and landscaping. A boulevard will  
128 be incorporated into the entrance of Kendall Drive opposite the entrance to Walden Fields Drive . With  
129 regard to the need for additional screening for residents along Elsmere Avenue, Mr. Rosen indicated that  
130 he would be willing to supplement the proposed planting plan so long as the Walden Field property owner  
131 is willing to provide access for him to do so.  
132

133 One of the 8-unit residential buildings located near the commercial portion of the project was eliminated  
134 and will remain undeveloped for use as a common area. Two 8-unit buildings originally proposed along  
135 Elsmere Avenue have been replaced with 4-unit, two story townhouse type units that could be sold as  
136 individual condominium units. The commercial buildings may include residential units on the second  
137 floor which would enhance the mixed use component of those buildings. At this time, the applicant does  
138 not know who the tenant is, hours of operation, style of architecture, etc. A condition of Site Plan  
139 Approval states that the applicant would be “required to re-appear before the Planning Board for site plan  
140 review of the commercial / mixed use structures prior to the building permit application. This  
141 requirement will provide the Board with the opportunity to review each specific building and its  
142 compliance with the Hamlet Zoning District design guidelines and consistency with the overall site plan.”  
143

144 A traffic study was approved by NYS Department of Transportation (NYSDOT), with a recommendation  
145 that a five foot strip of land along Elsmere Avenue and Feura Bush Road be deeded to NYSDOT for  
146 future roadway improvements. NYSDOT has also recommended that the entrance closest to Feura Bush  
147 Road and Elsmere Avenue intersection be limited to right in, right out only. It was noted that an  
148 additional condition of approval states that if “within two (2) years of the completion of the project,  
149 NYSDOT, in consultation with the Town, determines that the resulting operating conditions are  
150 significantly different from those stated in the conclusions of the traffic study, and that a post-construction  
151 after study is required, the applicant will be responsible for said study’s preparation and implementation  
152 of any recommended mitigation measures subsequent to review and approval by NYSDOT.” Mr.  
153 Leveille stated that signage could be installed on Elsmere Avenue to assist with making sure that side  
154 roads are not blocked.  
155

156 Mr. Smolinsky stated that he believes the current project is a better project that what was originally  
157 proposed. He also stated that the project meets many of the requirements of a Hamlet including  
158 pedestrian access, green space, diversity of housing and neighborhood commercial. Hamlets need  
159 flexibility. He supports the plan and believes it will be successful. With regard to the commercial  
160 component, he would like more pedestrian safety measures incorporated into the plan. NYSDOT road  
161 signage should be considered where needed. The architecture of the commercial component should be  
162 compatible with the surrounding residential area. Mr. Behuniak stated that he is appreciates the  
163 substantial changes that have been made but he is still on the fence with regard to density.  
164

165 Chairman Leveille called for a motion to consider the SEQR Determination of Non-Significance,  
166 Parkland Resolution and Site Plan Approval.  
167

168 Upon motion by Mr. Smolinsky, seconded by Ms. Motta, and unanimously approved by all Members  
169 present, the SEQR Determination of Non-Significance – Negative Declaration Resolution was approved.  
170

171 Upon motion by Mr. Rice, seconded by Mr. Behuniak, and unanimously approved by all Members  
172 present, the Parkland Resolution was approved.  
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174 Upon motion by Mr. Smolinsky, seconded by Ms. Powers and unanimously approved by all Members  
175 present, the Site Plan Approval (SPA 162) was approved.

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**48-50 Hudson Avenue, Delmar (Site Plan 146 - Amendment 3)**

The applicant, Anthony DeThomasis of ARL Land Development LLC, is seeking approval to amend a previously approved site plan for 48 & 50 Hudson Avenue. The project last appeared before the Board on June 15, 2010. The proposed site plan amendments require Planning Board approval because the overall project differs from the approved plan. The proposed amendments include changes to the landscaping, building elevations and pedestrian circulation. It was noted that most, if not all, of the Board Members have visited the site to consider the proposed amendments. All provisions, requirements, and conditions stated within Site Plan Approval Certificate No. 146, 146-A1 and 146-A2 would remain in full force and effect except as modified by the Amendment. The Planning Board will reexamine the operation and function of the handicap ramp if uses of the commercial space at 48 Hudson Avenue warrant such action.

Following a brief discussion related to landscaping, Chairman Leveille called for a motion to consider the SEQR Resolution and Site Plan Approval / Amendment.

Upon motion by Ms. Powers, seconded by Mr. Rice, and unanimously approved by all Members present, the SEQR Resolution – Classification of Action and Negative Declaration was approved.

Upon motion by Mr. Smolinsky, seconded by Ms. Motta and unanimously approved by all Members present, the Site Plan Approval (SPA 146 A-3) was approved.

**ESCO Towers - Telecommunication Facility (Site Plan / SUP)**

Jennifer Dougherty, Esq. of Phillips Lytle LLP was present on behalf of the applicants (Thomas Butler & James Loder, of ESCO Towers Inc.) to provide information and answer questions. Charles Preska, the property owner, was also present. Ms. Dougherty stated that ESCO Towers is seeking approval to construct a 120 foot telecommunications facility on the Preska Farm. The zoning for the parcel is Residential A. The proposed height of the tower is 120 feet, expandable to 150 feet. Verizon Wireless & ATT are listed as carriers on the proposed site. Co-location is allowed By-Right subject to a building permit. A fenced compound will surround the tower. There is a 20 foot easement/access drive off the existing road. Existing trees will provide screening. The site is not visible from a nearby home that is listed on the National Register of Historic Places. The distance between the site and the nearby schools is well over the minimum requirement. Traffic generation is estimated at two vehicles per month.

The proposed project last appeared before the Planning Board on May 18, 2010. Ms. Dougherty stated that the applicant is seeking a SEQR Negative Declaration, Special Use Permit and Site Plan Approval from the Planning Board. The applicant is also seeking a height variance from the Zoning Board of Appeals (ZBA). The Planning Board has assumed the role of Lead Agency for a coordinated SEQR review. Town staff and Town Designated Engineer, Ronald Graiff, P.E. - a Radio Frequency Consultant / Engineer are reviewing the project. Mr. Leslie will continue to serve as staff liaison for the ZBA and Planning Board. The ZBA will not make a decision related to the applicant's variance application until the Planning Board has made a determination of significance.

In a letter, dated June 14, 2010, the applicant provided additional information related to building elevations, erosion and sediment control, and an evaluation related to the health of existing trees. The applicant also addressed performance standards related to the special use permit and determined that there are no active, radioactive, hazardous wastes, sewage collection, or water collection issues. The build out plan for the carriers has been submitted. With regard to screening, Ms. Dougherty stated that the applicant met with Mr. Preska and expanded the lease area to include additional trees. The lease is in effect for 45 years and includes the preservation of trees. At present, the facility is 800 feet away from the closest developable property. Mr. Smolinsky stated that the Town is in favor of Mr. Preska

228 maintaining an agricultural use of his property, however, the developable land includes the Preska farm  
229 except for the 300 foot radius surrounding the proposed tower. There is no guarantee that the property  
230 would remain undeveloped. Ms. Dougherty stated that new homeowners would come after the fact and  
231 see an existing telecommunication facility. Mr. Behuniak stated that preservation of farmland is not a  
232 valid argument and the statement is misleading because the landowner can still develop the surrounding  
233 area. Chairman Leveille stated that someone could argue that, in the absence of a lease, a landowner  
234 might have no choice but to develop the land. There is no assurance that the Board can legally impose,  
235 however, expanding the lease area is a wise decision. Mr. Smolinsky stated that there would be a  
236 community benefit if the land were to remain undeveloped. He added that there are two applications for  
237 cell tower projects before the Planning Board and community benefit may be a deciding factor. A  
238 question was raised as to whether the Town could provide an incentive for the landowner not to develop.  
239

240 The applicant agreed to conduct a visual analysis via a balloon test. Original photo simulations were done  
241 using a crane. Wind speed cannot be greater than 5mph during a balloon test because it could affect the  
242 outcome of the test. Tests are typically done in the early morning hours (between 6:00 a.m. – 10:00 a.m.)  
243 because that is when wind speed is typically lower. Two balloons will be set – one at 120 feet the other at  
244 150 feet. Mr. Behuniak indicated that he would like the balloons to be left up longer than four hours. A  
245 notice regarding the balloon test will be posted in The Spotlight newspaper. A decision about whether or  
246 not to conduct the test will be made by 4:00 p.m. the day before the test based on weather and wind data  
247 from [www.weather.com](http://www.weather.com). Board Members will be notified via email. A notice about the balloon test will  
248 be posted in the Spotlight newspaper and the Town's website. The tentative test date was set for the  
249 weekend of July 30, 2010.  
250

251 A photograph of a monopine tower was provided to the Board. The applicant does not believe a  
252 monopine is a good example or fit for the site based on the fact that there are no other coniferous trees in  
253 the area. At present there are five transmission towers that run along Mr. Preska's property and the  
254 applicant believes the lattice tower would match what already exists on site. The applicant requested a  
255 waiver for providing additional monopine simulations. Mr. Behuniak was not in favor of granting the  
256 applicant's request. Mr. Smolinsky stated that the reason for requesting photo simulations of a stealth,  
257 monopole, lattice, and monopine designs is for comparison purposes. He does not believe the image that  
258 was submitted represents a good quality monopine and he would like the applicant to comply with the  
259 Board's request. Chairman Leveille stated that the Board will be considering the visual impacts of the  
260 project and the applicant should put their best foot forward and provide as many alternatives as it is  
261 reasonable for the Board to consider. Mr. Smolinsky would like to see photo simulations that were taken  
262 from nearby parks and playing fields. Photos should indicate where the pictures were taken. There is a  
263 handbook which defines visual analysis by user group, such as students.  
264

265 At this time, there is inadequate information to entertain a SEQR determination of significance. The  
266 application remains incomplete until the information regarding site plan information, lease area, tower  
267 type, visual analysis and build out plan are accurately provided to the Planning Board and the Planning  
268 Board makes a SEQR determination of significance.  
269

270 Upon motion by Mr. Behuniak, seconded by Mr. Smolinsky and unanimously approved by all Members  
271 present, further discussion related to the project was tabled. Ms. Motta abstained.  
272

### 273 **Independent Towers (Site Plan / SUP)**

274  
275 Planning Board Member, Christine Motta, recused herself from participating in discussions and votes  
276 related to the proposed project.  
277

278 It was noted that the project was placed on the Agenda for an initial presentation. Mr. Leslie stated that  
279 the applicant, Independent Towers LLC Development, is seeking approval to construct a 90-foot

280 (monopole) cell tower, expandable to 120 feet, on Bethlehem Central High School (BCHS) property at 65  
281 Elm Avenue, Delmar. The tower would be 112 feet from the BCBS Operations and Maintenance  
282 Building which is one 188 feet shy of the minimum required setback of 300 feet. The tower would be  
283 approximately 370 feet from the nearest property line. Sprint PCS has expressed an interest in installing  
284 an antenna at 86 feet to provide service to customers in the surrounding area.  
285

286 Mr. Stevens of Infinigy Engineering was present on behalf of the applicant to provide information and  
287 answer questions. He stated that the applicant responded to a formal RFP by the BCSD School Board a  
288 year ago to create a lease on school property. The tower is part of the district's efforts to generate non-tax  
289 revenue. The school selected the location based on its desire to place the tower where it would not  
290 interfere with school related activities. The site is accessible via an existing access road. The applicant  
291 would consider a request for monopine. Mr. Stevens has not contacted Verizon or AT&T to determine  
292 the height they would need to be at if they were to co-locate on the same tower. The ground elevation is  
293 estimated at 214 feet. The footprint of the leased area is L shaped and is approximately 4,000 sq. ft. in  
294 size. Chairman Leveille asked for clarification as to where the tower would be placed in relation to the  
295 walking trails.  
296

297 Mr. Smolinsky stated that both cell tower projects should be submitting similar materials so the Board can  
298 compare them. He also raised a question related to microwave dishes. Mr. Stevens stated that all carriers  
299 need a T-line. If a T-line cannot be obtained carriers will need to use microwave dishes above the tree  
300 tops. The same question will be presented to ESCO Towers.  
301

302 The Zoning Board of Appeals (ZBA) is reviewing the application with regard to an area variance from the  
303 ZBA for setback. The proposed height of the tower is directly related to the coverage area that it can  
304 provide. The applicant has been asked by the ZBA to demonstrate the need for the facility. The applicant  
305 has indicated that the proposed 90 foot monopole tower can accommodate up to three additional cellular  
306 carriers at heights lower than 90 feet. The Town has questioned the practical extent to which other  
307 carriers would seek to collocate at heights lower than 86-feet. This is based on the Town's ongoing  
308 review of the ESCO Tower application for a proposed cell tower on Van Dyke Road where AT&T and  
309 Verizon have indicated their coverage needs cannot be achieved at heights lower than 100 feet. The ZBA  
310 is also reviewing the Radio Frequency plots prepared by the applicants to determine if the requested  
311 variances are justified. The Town has retained the services of Radio Frequency engineer Ronald Graiff to  
312 assist in its review of the need for the tower. Mr. Graiff has been asked to review the Radio Frequency  
313 (RF) plots (maps showing existing and proposed cellular coverage areas) submitted by Sprint since they  
314 are technical in nature.  
315

316 With regard to SEQR, the Planning Board is considered an involved agency since it has review/approval  
317 authority for the site plan/special use permit of a telecommunication facility. At its June 16, 2010,  
318 meeting the ZBA determined that the application constitutes an action that is subject to SEQR; and,  
319 determined that the preliminary classification of the action shall be designated as "Unlisted"; and, that  
320 Coordinated Review of the action will be undertaken. In a letter from the ZBA, dated June 21, 2010, the  
321 Planning Board was identified as the appropriate body to serve as SEQR "Lead Agency" and was  
322 encouraged to assume "Lead Agency" status. It was noted that Planning Board attorney, Keith Silliman, is  
323 assisting the ZBA with this project because the ZBA attorney, Michael Moore, has a conflict of interest.  
324 The applicants will be working with both the ZBA and Planning Board simultaneously and Mr. Leslie  
325 will serve as liaison for both Boards. It should be noted that the ZBA will not be able to approve the  
326 requested variance until the Planning Board has made a determination of significance.  
327

328 Mr. Leslie recommends that the Planning Board accept the SEQR coordinated review letter from the ZBA  
329 and assume Lead Agency status with regard to SEQR review of the expandable 120 foot tower height. As  
330 Lead Agency, the Planning Board will review the environmental issues associated with the cell tower, and  
331 more specifically the visual impacts at the expandable 120 foot height. Recognizing the Planning Board's

332 review of the ESCO/Van Dyke Road cell tower, the cumulative impact criteria in regards to both towers  
333 located in the same area of the Town could be used by the Planning Board to justify a closer look at the  
334 combined impacts of these facilities on the local environment, resulting in the disapproval of one  
335 proposed facilities. The 0.6 mile +/- distance between the two proposed cell tower sites is well within the  
336 tolerance for search rings and the terrain between the two sites appears to be no different. The carrier will  
337 need to confirm whether or not the coverage from the proposed Van Dyke Road site would achieve the  
338 same coverage objective as their BCSD site. This would help the Planning Board in determining the best  
339 location for the tower (Van Dyke Road site or BCSD site) by removing any concern that one site provides  
340 better coverage over the other. If the Planning Board agrees to assume Lead Agency status, the Chairman  
341 will need to inform the ZBA and applicant's attorney. A letter should be forwarded to the ZBA for its  
342 July 7, 2010 meeting.

343  
344 The applicant will also need to conduct a visual analysis via a balloon test. Wind speed cannot be greater  
345 than 5mph during a balloon test because it could affect the outcome of the test. Tests are typically done  
346 in the early morning hours (between 6:00 a.m. – 10:00 a.m.) because that is when wind speed is typically  
347 lower. A notice regarding the balloon test will be posted in The Spotlight newspaper. A decision about  
348 whether or not to conduct the test will be made by 4:00 p.m. the day before the test based on weather and  
349 wind data from [www.weather.com](http://www.weather.com). Board Members will be notified via email. A notice about the  
350 balloon test will be posted in the Spotlight newspaper and the Town's website. A tentative test date has  
351 been set for the weekend of July 30, 2010. Residents will be able to get a better idea of the visual impact  
352 of the cell tower that is proposed for district property along Elm Avenue. Balloons will be floated at 90-  
353 feet high and 120-feet high. At the same time, they will be floated at 120-feet high and 150-feet high at  
354 nearby Sunnyside Farms on Van Dyke Road where the private property owner has also proposed a tower.  
355 The Town is expected to approve only one of the two sites.

356  
357 Upon motion by Mr. Smolinsky, seconded by Mr. Behuniak and unanimously approved by all Members  
358 present, further discussion related to the project was tabled. Ms. Motta abstained.

359  
360 **Minutes**

361  
362 Upon motion by Ms. Powers, seconded by Mr. Smolinsky, the Members voted to approve the minutes  
363 from the May 4, 2010, as amended. Mr. Rice abstained because he was not present for the May 4, 2010  
364 meeting.

365  
366 Upon motion by Mr. Rice, seconded by Ms. Motta, the Members voted to approve the minutes from the  
367 May 18, 2010.

368  
369 **Meeting Schedule**

370  
371 07/20/2010 - Town Hall - 6:00 p.m. - Regular Meeting  
372 08/03/2010 - Town Hall - 6:00 p.m. - Regular Meeting - CANCELLED

373  
374 Respectfully submitted,  
375 Deborah Kitchen