

**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**  
**June 15, 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, June 15, 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 Nicholas Behuniak Thomas Coffey Christine Motta Kate Powers Stephen Rice John Smolinsky		Keith Silliman	Michael Morelli Jeffrey Lipnicky Robert Leslie Deborah Kitchen Terrence Ritz
<u>Others Present</u>			
Paul Hite Amy Blanch Tom Burzesi	Sergie Isabelle Margaret Hauerwas	Edmund Marinstein Rich Dubin	Jacqueline Watsky Amy Musiker

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 • 10 Forest Hill Road & 97 Thorndale Road (Lot Line Revision)
- 11 • 48-50 Hudson Avenue (Site Plan Approval 146 – Amendment 3)
- 12

13 There was no public comment on regular agenda items.

14  
15 **Public Hearing – Hauerwas Subdivision, 50, 56, 62 Blessing Road, Slingerlands, NY**

16  
17 Chairman Leveille noted that the Planning Board has elected to hold a public hearing to provide the  
18 community with an opportunity to express an opinion about the project. Information gathered by the  
19 Planning Board will be taken into consideration. Individuals who wish to make a statement regarding the  
20 project are welcome to do so. Comments will be limited to 3-5 minutes.

21  
22 Chairman Leveille asked for a motion to forgo the reading of the public hearing notice and indent the  
23 notice into the minutes. A motion was offered by Mr. Behuniak, seconded by Mr. Rice, and approved by  
24 all Members present.

25

26 NOTICE OF PUBLIC HEARING, TOWN OF BETHLEHEM, ALBANY COUNTY, NY Notice is  
27 hereby given that the Planning Board of the Town of Bethlehem, will hold a Public Hearing on  
28 Tuesday, June 15, 2010 at 6:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on  
29 the application of Hauerwas Subdivision, shown on map of "Hauerwas 2 Subdivision" Lands of  
30 Margaret L. Hauerwas, Serge Isabelle, Amelia Blanch & Bridget Marie Lenaghan, Town of  
31 Bethlehem, dated August 27, 2009, revised April 12, 2010; prepared by Paul E. Hite, LLS, 230  
32 Delaware Avenue, Delmar, NY. Individuals with disabilities who are in need of an accommodation  
33 in order to participate should contact the Town Clerk's Office at 439-4955, Ext. 1183. Advanced  
34 notice is requested. (June 9, 2010)  
35

36 Mr. Hite of Paul E. Hite, L.L.S. was present on behalf of the applicants (Margaret L. Hauerwas, Serge  
37 Isabelle, Amelia Blanch and Bridget Marie Lenaghan) to provide information and answer questions. He  
38 stated that the application is for a re-subdivision of three lots located at 50, 56, and 62 Blessing Road.  
39 The lots would be reconfigured so that a portion of each lot would be utilized to create a fourth lot. The  
40 project is located in a Residential A Zoning District and contains 2.7+/- acres of land with three single  
41 family homes situated on each lot. The original subdivision received Final Plat Approval from the  
42 Planning Board on August 31, 1998. At that time there were two existing single family homes on the  
43 property. The 1998 subdivision placed the two existing homes on separate lots and created a third  
44 building lot. The current project last appeared before the Board in May 2010 at which time a SEQR  
45 Resolution Negative Declaration was issued. The current application would create a fourth lot (flag lot)  
46 behind lots 50 and 56. The majority of the land for the new lot would come from lot 62 owned by Mrs.  
47 Hauerwas. Access to the fourth lot would be via a 30 foot wide easement. The reconfigured lots would  
48 meet all of the Town's zoning requirements. The forth lot, however, would meet the minimum lot size  
49 requirement but not the minimum 200 foot depth requirement for the flag pole portion of the lot (see  
50 §128-48.A.10) because the flag pole portion is only 148 feet deep. The applicants obtained a variance  
51 from the Zoning Board of Appeals for the depth requirement, which was issued on December 16, 2009.  
52 All utilities are available to the site including Town water and sanitary sewer. A review of the Town's  
53 environmental inventory files did not reveal any significant environmental issues associated with the  
54 proposed re-subdivision. A Grading Plan has been approved by the Town and drainage issues have been  
55 addressed.  
56

57 In a memo to the Board, dated April 19, 2010, Mr. Lipnicky noted that the variance granted by the Zoning  
58 Board of Appeals conditioned the approval on the repositioning of the new home to increase the side yard  
59 setback and reorient the building so that the front can be seen from Blessing Road between the existing  
60 homes. The variance was also conditioned on the applicant constructing a landscape buffer of non-  
61 deciduous trees or shrubs along the side and rear property lines of the flag lot to screen the new house  
62 from the adjoining lots on Stafford's Crossing. The proposed new plantings will consist of white pine  
63 and spruce trees. An existing hedgerow of deciduous trees along the eastern property line, and existing  
64 vegetation and topographic relief along the southern property line currently provide a fair degree of  
65 screening between neighboring properties and the new lot. The proposed plantings would enhance the  
66 existing vegetative screen. It was suggested that the applicant be given flexibility to modify the planting  
67 locations so as to minimize disturbance to existing trees and maximize screening effect. In his memo to  
68 the Planning Board, dated June 8, 2010, Mr. Lipnicky stated that if the project is approved, the applicant  
69 would need to prepare and submit a Final Plat containing the required modification as outlined in Item 9  
70 of the Approval Document, Certificate No. 199-CFA and adhere to the "start of construction" restrictions  
71 outlined in Item 10 as well as an additional notation in Item 13-D which will state that the house on the  
72 lot will be oriented so as to generally face Blessing Road.  
73

#### 74 **Public Hearing Comments**

75

76 Ed Merinstein, 23 Stafford's Crossing, Slingerlands, stated that he resides on the hill behind the proposed  
77 project and he appreciates the landscaping changes that were made to maintain the aesthetics of the

78 neighborhood. He also asked Mr. Hite to explain the proposed drainage pattern and maturity level of  
79 trees that will be planted for screening. Mr. Hite stated that drainage currently flows into the existing  
80 culvert which crosses under Blessing Road and diverts toward a ravine that feeds into the Normans Kill.  
81 The drainage pattern will not be disrupted and has actually been improved. The proposed screening will  
82 consist of 10 Austrian and white pine trees, 8-10 ft in height, planted 20 ft. a part.  
83

84 There were no additional comments. Chairman Leveille asked for a motion to close the Public Hearing  
85 and consider the Parkland Resolution and Conditional Final Plat Approval documents that had been  
86 drafted by Town staff.  
87

88 A motion was made by Mr. Smolinsky, seconded by Mr. Rice and carried by all Members present to close  
89 the Public Hearing.  
90

91 Upon motion by Mr. Rice, seconded by Mr. Smolinsky, and unanimously approved by all Members  
92 present, the Parkland Resolution was approved.  
93

94 Upon motion by Ms. Powers, seconded by Mr. Smolinsky, and unanimously approved by all Members  
95 present, the Conditional Final Approval, Certificate No. 199-CFA was approved.  
96

#### 97 **10 Forest Hill Road & 97 Thorndale Road, Slingerlands (Lot Line Revision Southwoods Ext. 1)**

98

99 Mr. Lipnicky stated that the owners of lots 10 Forest Hill Road (Thomas and Sandra J. Burzesi) and 97  
100 Thorndale Road (Paul F. and Patricia A. Kiernan) have submitted an application for a lot line revision to  
101 amend the existing boundary line between these properties. The proposal is to split off a 0.1 acre strip of  
102 land from the lot at 97 Thorndale Road and merge it with the lot at 10 Forest Hill Road. The strip of land  
103 is currently being maintained by the non-owner at 10 Forest Hill Road. The properties are located in a  
104 subdivision known as Southwoods Extension 1, which was approved by the Planning Board in June 1968.  
105 Each lot contains a single family home and measures well over an acre in area.  
106

107 The proposed revision would comply with all applicable zoning requirements and there are no known  
108 issues associated with the amendment. The Board is being asked to consider the approval of draft  
109 documents including a SEQR Negative Declaration which would authorize the revision. Mr. Lipnicky  
110 noted that the approved map would need to be signed by the Planning Board Chairman and filed with the  
111 Albany County Clerk's Office. And a copy of the filing receipt will need to be submitted to the Planning  
112 Board Secretary.  
113

114 Tom Burzesi, property owner at 10 Forest Hill Road, stated that there is a natural tree line that separates  
115 the parcels and he has been maintaining the strip of land for years and believes the previous home owners  
116 did as well.  
117

118 Upon motion by Ms. Motta, seconded by Mr. Rice, and unanimously approved by all Members present,  
119 the SEQR Resolution - Classification of Action and Negative Declaration was approved.  
120

121 Upon motion by Mr. Smolinsky, seconded by Mr. Behuniak and unanimously approved by all Members  
122 present, the Conditional Final Plat Approval was approved.  
123

#### 124 **48-50 Hudson Avenue, Delmar (Site Plan 146 - Amendment 3)**

125

126 The applicant, Anthony DeThomasis of ARL Land Development LLC, is seeking approval to amend a  
127 previously approved site plan for 48 & 50 Hudson Avenue. The proposed changes require a site plan  
128 amendment because the constructed buildings differ from the approved plan. A temporary certificate of  
129 occupancy has been granted for the building at 50 Hudson Avenue and all three units are rented to

130 tenants. The building at 48 Hudson is now under construction. The project last appeared before the  
131 Board on June 1, 2010. The following changes are proposed:

132  
133 48 Hudson Avenue

- 134 • Remove lintel and keystone window treatments on the rear of the building
- 135 • Replace lintel and keystone window treatments on the front of the building with white shutters and  
136 white-header to cover keystone – no treatment on doors
- 137 • Replace lintel and keystone window treatments on left side of the building with keystone only
- 138 • Replace the rear and center portion of the site sidewalk which runs parallel with the driveway with a  
139 handicap ramp at the rear of the building
- 140 • Replace four (4) arborvitae shrubs along the right edge of the parking lot with a 6-foot high wood-  
141 stockade fence to maintain screening
- 142 • Install one (1) Norway Spruce tree along the property line to the right of the building to maintain  
143 screening
- 144 • Install six (6) spirea shrubs along the left side of the building adjacent to the handicap ramp in place  
145 of a proposed sidewalk
- 146 • Remove three (3) spirea shrubs along the back/left corner of the building and install a 12 x 18 foot  
147 paver patio

148  
149 50 Hudson Avenue

- 150 • Remove lintel and keystone window treatments on the rear of the building
- 151 • Replace lintel and keystone window treatments on the front of the building with white shutters and  
152 white-header to cover keystone – no treatment on doors
- 153 • Remove lintel and keystone window treatments on right side of the building
- 154 • Replace four (4) arborvitae shrubs along western side of parking lot with two (2) Norway Spruce  
155 trees to maintain screening
- 156 • Remove three (3) spirea shrubs along the back/right corner of the building and install a 11 x 17 foot  
157 paver patio

158  
159 48-50 Hudson Avenue - Garage

- 160 • Replace brick masonry veneer on gable with vinyl shakes to match gables on buildings at 48 & 50  
161 Hudson
- 162 • Replace individual brick soldier course over garage doors with continuous row of 8” brick “soldier  
163 course” above garage doors

164  
165 Mr. Smolinsky stated that he would like the front façades on both buildings to match. It was noted that  
166 the Planning Board would reserve the right to reexamine the operation and function of the handicap ramp  
167 if uses of the commercial space at 48 Hudson Avenue warrant such action. In addition, all provisions,  
168 requirements, and conditions stated within Site Plan Approval Certificate No. 146, 146-A1 and 146-A2  
169 would remain in full force and effect except as modified by the Amendment.

170  
171 Upon motion by Mr. Smolinsky, seconded by Mr. Coffey and unanimously approved by all Members  
172 present, further discussion related to the project was tabled.

173  
174 **Minutes**

175  
176 The minutes of the May 4, 2010, May 18, 2010 and June 1, 2010 meetings will be considered at a future  
177 meeting. Mr. Morelli pointed out that there has been a decrease in clerical staff in both the Planning and  
178 the Building Departments. He noted that the meetings are digitally recorded and are available to the  
179 public upon request. He also stated that the Board is not required to provide verbatim minutes. Staff is  
180 making an effort to find balance in the level of detail provided so that minutes can be posted in draft

181 format within 10 days after a meeting. Staff will continue to capture relevant comments and record  
182 actions, recommendations, and next steps.

183  
184 **Discussion / Training**  
185

186 Chairman Leveille stated that Michael Moore, Zoning Board Attorney & Keith Silliman, Planning Board  
187 Attorney would be making a presentation to Board Members and staff immediately following the  
188 Planning Board meeting. The presentation would provide information about State Environmental Quality  
189 Review (SEQR) Guidelines and Procedures in order to assist Board Members and staff in determining  
190 which local government decisions are subject to SEQR; and, how a municipality can integrate SEQR into  
191 its decision making process. An environmental impact review is mandated by NYS Environmental  
192 Quality Review Act, and its implementing regulations. The Act is known as SEQRA, the environmental  
193 impact review procedure is known as SEQR. There are strict procedures associated with the review of  
194 environmental impacts of proposed projects. If the procedures are not adhered to, citizens may challenge  
195 the agency's decision in court, and could seek to have the decision annulled and the environmental review  
196 process started over.

197  
198 The first step in the SEQR process is to make a determination whether one or more adverse impacts may  
199 result from a proposed action. Type II actions, such as lot line revisions, area variances, height variances,  
200 sign variances, and replacement structure variances are usually not significant enough to require  
201 consideration. Type I actions are larger projects such as subdivisions, change of use, sale of more than  
202 100 acres, connecting to Town sewer, alteration of 10 + acres, parking more than 1,000 vehicles, Site  
203 Plan and Special Use Permits. Unlisted actions are not found on a list. If an agency reviews a project and  
204 determines that it cannot find any adverse impacts that might result from its approval, the agency may  
205 issue a negative declaration (Neg.Dec.) with conditions imposed on the project. If a Neg. Dec. is issued,  
206 the SEQR review is over.

207  
208 If one or more adverse impacts could result from approval of the proposed project, a draft environmental  
209 impact statement (DEIS) is required and the municipality would need to provide an opportunity for  
210 additional public comment on the DEIS. The review may include the use of independent technical and  
211 legal consultants. Comments on a DEIS should include technical reports. Issues may include the effects  
212 that a project could have on the character of a neighborhood or how it might impact local wildlife,  
213 drainage and water quality. The Final EIS would identify potential adverse impacts and demonstrate that  
214 impacts have been avoided or mitigated, or that the impact is not within the power of the agency or the  
215 developer to avoid or minimize. The Final EIS is the agency's document, and must include responses to  
216 all public comments. Mr. Silliman noted that the municipality should consider the applicant and their  
217 resources when reviewing project and requiring an EIS. The process is not meant to be over burdensome  
218 to small businesses and staff should use discretion when requiring an in-depth EIS. A generic EIS may be  
219 used to access environmental impacts.

220  
221 When Planning Board and Zoning Board review is required for the same project, a municipality can  
222 conduct a coordinated review. The Board that receives the application is required to initiate the process to  
223 determine who will serve as lead agency. The lead agency must conclude its review before the non lead  
224 agency can make a determination or grant an approval. A coordinated review promotes efficiency and  
225 consistency and provides one statutory time line. An uncoordinated review would require the applicant to  
226 go through the SEQR process twice.

227  
228 Mr. Moore stated that the Town's staff and Board Members are very knowledgeable about the SEQR  
229 process and the templates that staff uses are some of the best that he has seen. It was noted that 22 people  
230 participated in the training/discussion.

231  
232

233 **Meeting Schedule**  
234  
235 07/06/2010 - Town Hall - 6:00 p.m. - Regular Meeting  
236 07/20/2010 - Town Hall - 6:00 p.m. - Regular Meeting  
237  
238 Respectfully submitted,  
239 Deborah Kitchen