

**PLANNING BOARD  
TOWN OF BETHLEHEM  
May 5, 2009**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting on the above mentioned date, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY.

Present: George Leveille, Planning Board Chairman  
Keith Silliman, Planning Board Counsel  
Nicholas Behuniak, Planning Board Member  
Daniel Coffey, Planning Board Member  
Kathy McCarthy, Planning Board Member  
Chris Motta, Planning Board Member  
Kate Powers, Planning Board Member  
John Smolinsky, Planning Board Member

Michael Morelli, Director of DEDP  
Jeffrey Lipnicky, Town Planner  
Robert Leslie, Senior Planner  
Terry Ritz, Assistant Town Engineer

Dan Hershberg	Hal Berben
Tom Andress	Wade Coton
Jarrett Carroll	Matt, Sam & Ron McCloskey
Gregg Swift	Dave Ingalls
Sam Messina	

Agenda: Meadowview II  
Russell Road Partners  
Legends of Bethlehem

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

Chairman Leveille opened the floor for Public comment on agenda items. He reminded the public of the procedure for this public comment period. There were no comments from the public.

A motion to close the public comment period was offered by Mr. Smolinsky, seconded by Ms. McCarthy and approved by all Board members present.

**PUBLIC HEARING**

**Meadowview II**

Chairman Leveille introduced this seven (7) lot subdivision that will be located at the end of Jasmine Dr.

A motion to indent the public hearing notice into the record was offered by Ms. Powers, seconded by Mr. Behuniak and approved by all Board members present.

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, May 5, 2009 at 7:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application from Swift Group, Inc for Meadowview II, a seven (7) lot subdivision on property located at the end of Jasmine Dr., Glenmont, NY.

Mr. Ingalls presented for the applicant. He said the applicant has gone through the SEQR review for the project. The project is accessed by an extension of Jasmine Drive with a north/south road named Schoonmaker Rd. Five (5) of the seven (7) lots will be on the east side of the new road and two (2) on the westerly side. The utilities from the end of Jasmine Drive will be extended into the new subdivision. The storm water will be collected and directed to an existing drainage way down to the Dowerskill. All the lots are in compliance with the Residential A zone bulk requirements.

There were no questions or comments from the Board.

The public hearing was opened to the audience.

Tony Cardona, 86 Somerset Drive asked where the stream was in relation to the project. Mr. Ingalls pointed out the stream on the map. He said the nearest lot is several hundred feet from the Dowerskill. Mr. Cardona asked what the rear setback was in the new subdivision. Mr. Ingalls said the minimum rear yard setback is twenty-five (25) feet in Residential A. Mr. Cardona asked how the house behind him would be oriented. Mr. Ingalls said the house would face Schoonmaker Road; the homes would be rear yard to rear yard. He said the land rises up from the house to the common property line. He said the home would similar in elevation to Mr. Cardona's floor locations. Mr. Ingalls said there would be a natural divide between the two (2) homes. Mr. Cardona asked if any of the existing trees would be maintained. Mr. Ingalls said the intent was to preserve as much of the rear yard vegetation as possible. Some grading will be necessary to get the houses in so some vegetation will need to be cut.

Hal Berben, 94 Somerset Drive said his concern was privacy. He said he paid a premium for the corner lot and he wanted some vegetation between himself and the new subdivision. He wanted vegetation along Jasmine Dr. also because of construction and children playing there. He asked if there was an approximate time frame when construction would commence. Chairman Leveille said the applicant had to continue through the approval process and then it would be a construction question for the applicant. Mr. Berben asked if the applicant had obtained all their outside agency approvals and what they were. Mr. Lipnicky said neither NYSDEC nor the ACOE had jurisdiction over this project. Mr. Berben asked if that was in writing. Mr. Lipnicky said one of the conditions of approval will be that the applicant will comply with any requirements that may be put forth by the ACOE. Staff has received an email letter from the ACOE indicating that it appears they do not have jurisdiction. Mr. Berben thought that should be resolved before the project is approved by the Town. Chairman Leveille said the matter would need to be resolved prior to a building permit. Mr. Berben asked again what the time frame would be. Mr. Ingalls hoped to have the project started in late summer. Mr. Berben asked if the public would have another opportunity to voice their opinion on such things as privacy and buffers. Chairman Leveille said there was a public comment period on agenda items at the beginning of each Planning Board meeting.

A motion to close the public hearing was offered by Mr. Smolinsky, seconded by Mr. Coffey and approved by all Board members present.

The hearing closed at 7:15

A motion to table the project was offered by Ms. McCarthy, seconded by Mr. Behuniak and approved by all Board members present.

## **REGULAR AGENDA ITEMS**

### **Russell Road Partners**

Chairman Leveille said this initial presentation was a referral from the Town Board for a recommendation on the proposed Planned Development District at 572 Russell Road. Russell Road Partners is the applicant.

Mr. Dan Hershberg presented for the applicant. He said the project has changed from the initial submittal to the Town. The number of condo units have been reduced because the density is now being calculated on the parcel without the section at the corner of Russell Road and Schoolhouse Road that Stewarts wants to purchase. The proposed number of condo units now is forty-four (44). The existing plan is to construct the Stewarts first. This proposed store would be twenty-nine hundred (2,900) square feet. It is not the standard Stewarts. Mr. Tom Lewis from Stewart's will be presenting for that store. The building will be brick with other details on the building. Mr. Hershberg said there will be four (4) eight (8) unit condominium buildings and one four (4) unit. The square footage of the individual units range from one thousand (1,000) square feet to fourteen hundred (1,400) square feet. Garages are proposed for underneath the five (5) unit buildings. Additional parking will be supplied for guests. When the density was decreased it enabled the applicant to increase the rear line setback. There is now a minimum of eight-six (86) feet at the rear. North Bethlehem Town Park is an adjacent neighbor of the condominiums. The applicant is proposing a water feature/decorative pond near the condominiums. The stormwater management facility for the condo units is closer to Russell Rd. because the drainage flows to that area. A sub-surface storm water management facility is proposed for the Stewarts portion of the project. There isn't any space to put in an above surface basin. The subsurface unit will be a sand filter and storage basin to meet the SWPPP standards. The units will be unrelated. The space between the two (2) parts of the project will remain undisturbed. Because the density was reduced they will be able to avoid impacting any of the delineated wetlands with the exception of an isolated wetland. Copeland Environmental did the wetland delineation and has met on site with a representative from the ACOE and he confirmed the wetlands. They have not yet received the document confirming that delineation. He said the amount of the impervious surface in relation to the green space is quite small. The applicant felt this was a good use of the land. One of the goals of the Comprehensive Plan is mixed housing and they think the condos will fill that goal. The use of the corner as a Stewarts would fit in with the other institutional uses around it such as the fire house and the church. The traffic study was done by Creighton Manning and submitted to the Town for review by the TDE. The intersection is un-signalized and operates between an A and a C level. The only change would be at the 2011 full build out the operating level would become a D, which is an acceptable intersection level. Both road frontages are county highways and comments were submitted by the Albany County Planning Board. Mr. Hershberg said that if the plans was approved the build would start with Stewarts. They are anxious to get started. He said there is a need for extra excavation because the site sits much lower than the road. They intend to mine some material from one area and use it in the low areas. The filed SWPPP would include the grading of the Stewarts site and the mining of material from the other portion of the site. When they are finished mining the material, they would stabilize the site. The two (2) SWPPP areas would be owned by Stewarts and a Condominium Association respectively. Another comment from the Albany County Planning Board is the need for a Phase I SHPO review because the site is located within the archeological sensitive area of the Town.

Chairman Leveille asked Mr. Morelli to introduce the project from the staff perspective. Mr. Morelli said the Town's Zoning Law has Planned Development District which is a floating zone that the Town Board can apply where they think is appropriate. The applicant has made an application to the Town Board and they have referred the application to the Planning Board for review and recommendation for both the zone change and SEQR. The project has been treated as a Type I action, because it may disturb more than ten (10) acres of land and because it is adjacent to a Town Park. Letters have been sent to the involved and interested agencies. There have been a few comments sent back. The applicant is working with staff on comments such as more detailed elevations and SHPO's recommendation for a Phase I-A study. He thought it was an appropriate time to present the project to the Planning Board for comments early on in the process. He said Stewart's had done a unique store in Manchester, VT. They are trying to do similar structure at this location. As Mr. Hershberg had indicated, the corner of Russell Rd. and Schoolhouse Rd. was not a good location for single family homes. Most of the development in North Bethlehem over the past twenty (20) years has been residential. There aren't any neighborhood commercial services. He said during the Comprehensive Plan, there had been discussion to make that corner a Hamlet zone. It had been left residential until an appropriate commercial use was submitted. Town staff feels that a Stewarts with a traditional type of architecture would be a good neighborhood use for the corner.

Chairman Leveille asked Mr. Silliman to review the responsibilities of the Board for this referral. Mr. Silliman said the Town Board has declared this project to be a Type I project under SEQR and they have indicated they want to be the lead agency. Because this project is a request for a Planned Development District, the Planning Board does have to make a recommendation to the Town Board on two (2) things; the rezoning request and the SEQR Determination of Significance. The details of the project will come back to the Planning Board with their site plan application.

Mr. Smolinsky said the purpose of the PDD is to allow flexibility for residential development and allows some other development as a secondary use. There is a twenty percent (20%) limitation on the commercial use. He asked if the project fell within that percentage limitation. He also asked about the separate parcels within the Planned Development District and if any other adjustment was needed in the zoning. Mr. Morelli said he had worked with the Building Department on that question. After looking at the density calculations and the constrained lands and the overall parcel, the building department determined that as a part of a PDD application the parcel does not have to remain as a single lot of record. He said the applicant should add the percentage calculations to the plans.

Mr. Hershberg said the Stewarts is a twenty-nine hundred (2,900) square foot building and fifty-six thousand (56,000) square feet of condominium space. He said they were at less than twenty percent (20%) by either using land area or square footage of developed building space.

Chairman Leveille said the broad zone change recommendations during the Comp Plan were made prior to the road improvements. The conditions at the time did not lend themselves to commercial development at that intersection. The new road configuration has changed that thinking.

Mr. Lewis, from Stewarts, said he has been with Stewarts since the 1990's. He said planning has evolved from wanting residences in one area and commercial endeavors in other areas. He said over the years more and more communities have thought that it is unfortunate that suburban sprawl has caused people to have drive for services. He began to think that communities might want to put mom and pop type shops in the middle of the residential area. He thought that thinking was a traffic reducer. Currently the people living in the area of Krumkill Road and Russell Road need to drive to services.

Mr. Lewis said the owner of Stewarts wanted to do a building in Manchester, VT. Their code requires the type of building that Stewarts erected in that community. Mr. Lewis felt more and more communities would ask for that style of building. He has said no to about fifteen (15) to twenty (20) communities. Mr. Morelli has convinced Mr. Lewis to build a similar structure in Bethlehem. He said the sign was a detail at this point.

Ms. Motta asked if they would have three (3) small canopies like the facility in Manchester. Mr. Lewis did not like the smaller canopies because they did not protect against rain and snow. They want to have a canopy at this site. Ms. Motta preferred the three (3) small canopies.

Ms. McCarthy liked the building. She has been an advocate of making the little businesses nice. She asked about the garage entrances for the condos since they're underground. Mr. Hershberg said they worked out the grade and the drainage will work to carry the drainage away from the structures. He said the finished grades will have either natural elevated areas or created berms. The roadway would be too steep with the grading. He said the wetland between the commercial and the condos is fairly wooded.

Chairman Leveille asked how connectivity between neighborhood to the north and the Town Park is being addressed. Mr. Hershberg said if the neighborhood wants a nature trail or some other pedestrian route to the park; they would work with staff to make that happen. Mr. Morelli said there might be an informal connection from the other neighborhood to the park. Staff has met with Ms. Lanahan from the Parks Department and asked that question. He said one of the constraints is the wetlands at the end of the road that presents a problem. Staff will be doing some larger aerials and see if there's another area to the northwest that might be able to be connected to

the park. Mr. Morelli said there are new sidewalks along Russell Rd. and Krumkill Rd. that were put in by Albany County.

Mr. Smolinsky suggested showing the existing sidewalks on the plan because it would show pedestrian access other than the driveway. Mr. Hershberg said they show an internal sidewalk on the Stewart's site but would move it to a different location on the site if the Board preferred. Mr. Smolinsky asked if the traffic pattern in the condo area would create a headlight glare problem for the houses along Beverly Drive. He suggested a planting plan in that area.

Ms. Powers asked if they had a proposed price range for the condos. Mr. Hershberg said not as yet but the proposed sizes have been selling in the \$240,000 to \$325,000 range in other developments. This could be somewhere in that range. It will depend on the economy. These units would be for sale not rent.

Chairman Leveille asked about the traffic analysis. There had been some major projects in front of the Board in the past few years; Vista, Meadowbrook III and he thought those projects should be looked at. Mr. Hershberg said projects used for the traffic projections included Vista, Meadowbrook II, Brookhill, the KKS site next to Vista, Millwood Estates and Kennington Woods in New Scotland.

Mr. Behuniak asked if there were any other unique features in the Stewarts shop other than the architecture. Mr. Lewis said it would be only the architecture. Chairman Leveille asked if they had any non-standard interiors to consider for this. Mr. Hershberg said a typical Stewart's interior fits in many different sizes of buildings. Some of them are small and crowded.

Mr. Hershberg said the style of the water feature for the condos has not yet been decided. Ms. McCarthy thought a water feature is sometimes a nice gathering place for people. Mr. Behuniak wanted to make sure it was safe because of the close proximity of the Town Park. He asked if Ms. McCarthy had been concerned with the aesthetics of the garages. She said she wanted to know how that would look. Mr. Behuniak said he would also be looking at how they would look as the project progressed. He thought the project would be a nice addition to this area of the Town.

A motion to table was offered by Mr. Behuniak, seconded by Ms. Powers and approved by all board members present.

### **Legends of Bethlehem**

Chairman Leveille introduced the next item on the agenda, the Legends of Bethlehem at the end of Jolley Road. While the applicant prepared, Chairman Leveille referred to a letter from Mr. Bedrosian, on Somerset Dr. that refers to the Meadowview II project and water district extensions. Chairman Leveille asked Mr. Ritz to explain the Town's position on water district extensions.

Mr. Ritz said there are about eleven thousand two hundred (11, 200) water services presently in Town of those four hundred fifty (450) are not within a specific water district even though they are serviced by the Town. The Town has recently done a few water district extensions. The DPW are attempting to get the out-of-district services into a district. They are creating districts to include these houses. One of the extensions is the Jasmine Drive project and the existing houses in Somerset Woods where Mr. Bedrosian lives. Presently if a service is not within a water district, they are charged double the water rate but they aren't charged the tax. They are also charged for the sewer. Some people were complaining their bills were expensive. These extensions should even out the costs.

Mr. Andress, PE, from ABD Engineers presented for the Legends of Bethlehem. The concept for the project has changed over the years. They are still proposing cottage style single family homes on the site. All the roads will be Town owned. There are one hundred thirty-six (136) proposed lots. They have done some of the necessary studies and the TDE has been established. They have made a couple of changes after listening to the Planning

Board at the last meeting. The units that had been proposed for the south side of the project along the Thruway have been eliminated. That area is now proposed to be dedicated to the Town for a park. There is room on the parcel for basketball, tennis courts, recreation area and other areas to remain as grassed area. The other plan showed a park area in the rear of the site somewhat behind other houses. It will now be accessible to other residents of the Town. The area for the park will not affect any neighbors. They feel this will answer some of the concerns of the Board about houses being too close to the Thruway and the air quality and noise around those homes. The fronts of the closest houses will now be two hundred seventy (270) to three hundred (300) feet away from the property line of the Thruway. They have always shown the continuation of Jolly Road to the property line. Staff had told them that the Town would want the road to be built to the property line. With that additional road frontage, they are proposing a few housing lots along that portion of the road. Those houses would be about one hundred (100) to one hundred twenty (120) feet from the edge of the Thruway. Because of the requirements of the Town for the radii of the roads the loop road has been changed to a cul-de-sac. The area in the rear of the site that was to be park area now has an additional cul-de-sac. The lots extend to the property line of the site because there will not be a homeowners association. They wanted to make sure that the Board didn't have any objection to these changes before they continued with the expense of the other reports.

Mr. Leslie said they have had some discussion with the applicant about the fifty (50) foot setback required under the PDD regulations unless otherwise determined by the Town Board. He said the northern boundary of the site borders the NIMO right-of-way and staff didn't see any reason for a fifty (50) foot setback since the right-of-way is one hundred twenty-five (125) feet. They now show a twenty (20) foot setback in that area. Following the southern property line that follows the cemetery, there will be a fifty (50) foot setback. Mr. Smolinsky wanted clarification of the memo that spoke of amendments to the PDD to allow sheds, swimming pools and such in the setback. He thought if they weren't allowed, that was it. Mr. Leslie said even though those structures are not allowed, in the past some individuals have applied for an amendment to the approval. It sometimes may be allowed. The reduced setback on some of lots could prevent some homeowners from needing or wanting to amend the required setback.

Mr. Leslie said the applicant had prepared a noise study and based on his review of the study, it appeared that it met certain thresholds for noise levels. It was sent to the TDE, Barton & Loguidice for a review of the study and they had a few concerns about the way the analysis was conducted. They feel the applicant should use a different methodology. Mr. Andress said the TDE does have expertise in the field but the applicant would like to discuss their view of the study with them. The TDE is discussing the effect this development will have on the noise for the cemetery and the applicant did not feel that was the Board's concern for the noise. The applicant had approached the study with the concern of the Thruway noise on the future residents of the development, not as the development being a noise generator. Mr. Andress said he personally did the study on the site. He said there wasn't any wind on the site that day and when it did come up, he stopped the study and noted the change in wind.

Mr. Coffey asked Mr. Leslie to address berming referred to in his memo. Mr. Leslie said the applicant had mentioned in the study the benefits of berming to reduce noise levels on the site. He wanted to keep that in the Board's mind that berming could be an option to mitigate noise. Mr. Andress said it was their intent to berm the section of the development next to the Thruway. They have since removed the houses from the Thruway and the berming would not be effective when a home is up to three hundred (300) feet away. They were still willing to do something in that area but felt it was up to what the Town wanted. The Thruway has not cut trees on their property in that area. The Thruway fence is well into the wooded area. The applicant did not want to take down those trees because they felt it would have a detrimental effect on the houses farther away.

Mr. Leslie said the goal of the noise study is to determine the level of noise throughout the site. Ms. Powers appreciated the applicant giving the Board information on noise and air quality because she thought it was a public safety issue. She wanted to make sure the people who bought homes here were protected. She wondered if they would suffer adverse consequences to their health because of where the homes were built. She asked staff if they would work with the applicant concerning berming or additional trees and then report back to the Board. Mr. Leslie said with the rezoning to a Planned Development District, staff would look at conceptual landscaping. The

applicant will still need to come back to the Planning Board for subdivision approval and more detailed landscaping will be looked then.

Mr. Leslie said the applicant looked at the air quality analysis that was done as part of NYS Thruway. The study concentrated on Exit 23 & 24. Some air quality readings were done and the conclusion was with the addition of two (2) lanes in each direction, no air quality impacts would occur and therefore no mitigation would be needed. The applicant has used that study as a basis for their project and concluded that this site would not develop any health conditions based on conclusion of the NYS Thruway. Since the Thruway decided no mitigation was necessary; the applicant concluded that no mitigation would be necessary for this development. Chairman Leveille said that Barton & Loguidice supports that conclusion and recommends that no further air quality analysis be required from the applicant.

Mr. Leslie said the Zoning Law requires new cell towers to have a three hundred (300) foot buffer from any dwelling units. Staff thought that should be applied to new dwelling units and existing towers. The applicant is showing a three hundred (300) foot radius around the existing tower. Mr. Andress said the lots nearer the cell tower might have part of their lot within the three hundred (300) foot buffer but the house would be placed outside of the buffer. Mr. Morelli said if a cell tower were to fail, it would be a section that would fail. The whole tower wouldn't fail. The Town is very cautious and the buffer area assumes the failure of the whole tower.

Mr. Leslie said the parkland has been relocated from the rear of the site to the front of the site. At this location the residents of Quail Hollow Subdivision and the neighborhood on Wiggand Drive would feel more comfortable accessing a park on the common area on Jolley Road. There is a wetland area on the proposed parkland and the Town would not accept that as usable parkland but it would be accepted as continuity on the site but not towards their parkland requirements. Mr. Andress said the total parkland they are proposing is about six (6) acres but that includes other areas. He said with the wetlands taken out, it's about three (3) plus acres.

Mr. Smolinsky said he also appreciated the work done on the air quality and the noise study. He wondered about the lots beyond the cell tower and their proximity to the Thruway property. He suggested focusing on those lots or any others that are closest to the Thruway. He asked staff why Jolley Road was extended to the property line. Mr. Ritz said staff has tried to find another means of entrance to the site. From aerials they have found two (2) or three (3) ways to come into the site. One is the extension of Old Rt. 9W to the south, another is tying into Retreat House Road and last and least desirable, because of the terrain is the extension of Halter Road. Jolley Road is a continuation of a future connection to the north and possibly the east. Mr. Smolinsky said the additional roadway induces the developer to do something on that portion of the road to justify the cost of the road. He didn't think it made sense to make them construct the road if the continuation of that road was not a reality in the near future. Mr. Ritz said this is a larger but similar circumstance to Jasmine Drive. The original Jasmine Drive subdivision showed a cul-de-sac and they changed the plans at the Town's suggestion for the future north/south connection. This was a Town goal. Mr. Andress said as soon as this road is built, the adjoining land owner can apply for a building permit for one house because he will have road access. He could also apply for a subdivision. The applicant would be constructing an additional eight hundred (800) feet of road, water and sewer lines to the property line with the adjoining land owner bearing none of the cost. That will be a large cost to the applicant. They are trying to build smaller cottage style homes and stay in the low two hundred thousand (\$200,000) range in price.

Chairman Leveille asked if the applicant would have any objection to not building the road to the property line. Mr. Andress said if they didn't have to build the road, they would not do those lots. They would still show the right of way for the road but not the lots. It also requires an additional large detention basin.

Chairman Leveille said the road would open the next parcel for development. He asked Mr. Leslie the size of that property. Mr. Leslie said there were two (2) finger shaped properties and then a larger parcel owned by a paper company. There was some development potential. The extension of the road was in response to the Board's discussion for a secondary access. Mr. Silliman suggested making it a paper street. Mr. Smolinsky favored

pursuing the paper street idea and not developing the additional lots now. Mr. Andress said they could turn that area over to the Town for additional parkland area. Ms. McCarthy said if growth is coming, does the Board want to control it with smaller more affordable houses now. Mr. Coffey asked how far Jolley Road would be extended. Mr. Andress said they had been asked to bring it to the property line. Mr. Coffey didn't see any benefit to the additional roadway if it would just be dead ended and not solve the question of another access.

Mr. Leslie asked Mr. Andress if the road is not built and the additional lots not put in and the Town does not want it as parkland what they would do with the land. Mr. Andress said the property would be incorporated into other lots. Mr. Morelli said Planning staff usually defers to Engineering on whether to extend roads to the property line to make future connections to adjoining properties. Mr. Ritz, as a member of the Selkirk Fire Department, knows the fire departments are always interested in multiple access points into a site. Mr. Silliman said the possibility of road would be saved by having a paper street. It just wouldn't be built until the next property is developed. Mr. Morelli said he would feel comfortable ending the street at the Niagara Mohawk right-of-way with a turn around. He said he would like to meet with other town department staff and see if everyone agrees with that approach. Mr. Lipnicky said historically applicants have been asked to extend roadways to the property line.

Chairman Leveille asked the Board, if it was acceptable to other Town departments, would they prefer to have the applicant grant a right-of-way, preserve a paper street and not build it. Ms. McCarthy said if parkland can be acquired, she would be in favor of that approach. Chairman Leveille said when you come to the site from the north; it's very hard to access. He said the potential for a road is highly improbable. He didn't see the necessity of building that part of the road at this time but agreed that the paper street should be protected so it could be built in the future if needed. Mr. Behuniak said if the street goes in now, the cost would be to the applicant. He asked, with a paper street, who would bear the cost to develop the street in the future. He wanted to make sure that the cost wouldn't fall to the Town. Mr. Silliman said it would be the person who wanted to develop the parcel beyond this site. The Board agreed with that approach. The applicant was told to continue to work with staff to resolve the street issue; taking into consideration the direction from this Board and the other Town departments. Mr. Leslie said he was not convinced that the northern piece of property was a good fit for parkland.

Mr. Coton, LDM Management, said the original request for the noise study was for the lots that backed up to the Thruway. He said the other lots are now around three hundred (300) feet away. He thought the concern shifted from those lots to the lots near the NIMO right-of-way. If the street is not continued to the property line, those lots will not be going in either. He wanted to know if the noise study was still necessary if those lots are not to be built. Mr. Smolinsky thought if the lots near the cell tower were no longer being proposed, he didn't think a further noise study was necessary. Ms. McCarthy agreed. Mr. Coffey wanted them to answer questions brought up by Barton and Loguidice in connection with the noise study already done. Mr. Andress said the NYS acceptable level of 67 was met at one hundred (100) feet from the Thruway. The closest home will now be three (300) hundred feet away bringing those levels far below the acceptable levels. He said he had done the study personally, took the higher readings and used those in the study. It had been suggested by the TDE to leave the meter and do continuous readings for thirty (30) minutes and take those averages. Mr. Andress said those averages come out lower. He said there are certain methodology for doing studies for a development and ones for doing a study along the Thruway. He had positioned himself at different points throughout the development and took readings from different points. He thought this more accurately showed the effect of the Thruway on the development. He said he knew the readings and information were accurate. Mr. Coffey asked Mr. Leslie to follow up with B & L and find out if they feel another study is required and report back to the Board. Mr. Andress said he thought the comments from the Board were just as important as the TDE. Chairman Leveille said he concurred with Mr. Smolinsky. If the road stops at the right of way and the house along the Thruway replaced with parkland, he didn't believe any further study was necessary. He asked the opinion of the other Board members. Ms. Powers asked if the lots were eliminated because they found the decibel levels were too high. Mr. Andress said they were eliminated because of the noise and the Planning Department suggestion. Ms. Powers didn't feel there was a need for another study because the proposed homes along the Thruway had been removed. Mr. Andress said they would continue to work with staff for landscaping along that area. Mr. Behuniak didn't feel a further noise study was necessary. He asked if sidewalks were still proposed throughout the development. Mr.

Andress said they were still proposing sidewalks from Glenmont Road up through the development. The other Board members agreed the applicant did not have to do another noise study. Mr. Behuniak said he had had a concern with the aesthetics of the development from the Thruway. He would be interested in seeing the landscaping proposal for the area along the Thruway.

A motion to table the application was offered by Ms. McCarthy, seconded by Ms. Motta and approved by all Board members present.

### **Other**

The Board discussed the question of whether they would accept electronic plans instead of paper. Ms. McCarthy said she was in favor of it. She was willing to give it a try. Mr. Behuniak said it was sometimes hard to read on the computer screen. Ms. Powers said she would be OK with the plans but preferred the other documentation in hard copy. Ms. Motta said she preferred the plans in paper but the smaller size of 11 x 17. Ms. McCarthy said she was thinking of putting the material on her desk top and bringing it to the meeting that way. Mr. Smolinsky said the examples sent were manageable on the screen because it was smaller plans. He would not look at larger plans on the computer. He said he would come to Town hall to look at the plans, if the information was given to the Board earlier.

Mr. Morelli said when the building inspectors are out doing their inspections they make the deliveries depending on the part of Town they're in. The applicant submits the appropriate number of copies needed to be delivered, so there isn't any cost to the Town. He suggested the smaller projects be submitted electronically. He didn't think paper copies could be completely eliminated but the detailed engineering sheets didn't need to be sent to the board.

Chairman Leveille said the type of submission to the Board would probably need to be done on a case by case basis depending on the size of the project.

The Board deferred review of the minutes for 3/17/09.

The Board reviewed the minutes of April 7, 2009.

A motion to approve the minutes as amended was offered by Ms. Powers, seconded by Mr. Smolinsky, Mr. Behuniak abstained and the remaining Board members approved.

A motion to adjourn was offered by Ms. McCarthy, seconded by Mr. Smolinsky and approved by all Board members present.

The meeting adjourned at 9:00 PM.

Respectfully Submitted,

Nanci Moquin