

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**November 21, 2006**

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on November 21, 2006, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:00 pm.

Present:       Parker Mathusa, Planning Board Chairman  
                  Keith Silliman, Planning Board Counsel  
                  Katherine McCarthy, Planning Board Member  
                  Daniel Odell, Planning Board Member  
                  Chris Motta, Planning Board Member  
                  Tom Cotrofeld, Planning Board Member  
                  Howard Engel, Planning Board Member  
                  Brian Collier, Planning Board Member

                  Michael Morelli, Deputy Director of Economic Development & Planning  
                  Jeff Lipnicky, Town Planner  
                  Janine Saatman, Deputy Town Planner  
                  Terry Ritz, Assistant Town Engineer  
                  Joseph Romano, Town Designated Engineer

                  Joe Lanaro, Elm Avenue East Subdivision  
                  Chris Dempf, Esq., YMCA  
                  Tom Andress, ABD Engineers, YMCA  
                  Scott Lewis, YMCA

Agenda:       Elm Ave East Subdivision  
                  YMCA  
                  Ursula Bauer

**Elm Ave East Subdivision**

Chairman Mathusa turned the Board's attention to the first item on the agenda, Elm Avenue East Subdivision. The project consists of eighty-three (83) lots on seventy-five (75) of the one hundred twenty-eight (128) acres owned by the applicant. The project was last before the Board on May 6, 2006. The project is a Type 1 action under the SEQR Regulations. Clough Harbour, the Town Designated Engineer for the project, recently sent a comment letter to the applicant on the Preliminary Plan. Chairman Mathusa asked the applicant to give an update to the Board on issues raised by the TDE and staff for the purpose of finalizing the SEQR consideration that would allow the board to set a public hearing date for the project.

Mr. Lanaro from Chazen Companies, presented for the applicant, George Amedore. They were hoping to clear the issues that would allow a SEQR determination at the next meeting. The project consists of

lots for single-family homes and a few out parcels that could be conveyed to the Town for possible open space. They had received the most recent comment letter and had prepared a response for discussion. The plans now included lot layout, drainage plans, utility plan, profiles and intersection details. The supporting documents included a traffic impact assessment, subsurface and geotechnical report, wetland delineation, Phase 1 & 2 Archeological report and other technical reports. SHPO had identified three (3) sites identified and further investigated as part of a Phase 2 program. Two of the three areas would be subject to a Phase 3 recovery program, which is being advanced by the consulting archeologist. The total wetland impact is less than 1/10<sup>th</sup> of an acre and complies with the provisions of the nationwide permit. After some of the lots were reworked and all but two (2) did not meet the recommended fifty (50) feet separation recommendation. Those two (2) are within twenty-five (25) to thirty (30) feet separation of the wetlands, which they feel is sufficient for the type of proposed development. They will place the restrictions into the deeds of the properties with the undisturbed wetlands. They are separating the easterly portion of the parcel for possible transference to the Town highway department property. Opposite the Niagara Mohawk right of way was a portion of land they would like to be considered for parkland or open space preservation by the Town. They have included a vegetative buffer and planting plan for additional screening along the corridor. There were some limited site distance issues and the required clearing limits are within the Town's right-of-way. Those will be detailed on the final plans. Mr. Lanaro said that some of the comments from Clough Harbour are more typical for inclusion into the final plan set and will be done at that time. The lots affected by slope setback line crosses will include recommendations for construction and slope of the rear yards and be included in the notation on the plans. The SWPPP will be modified to address the comments to that report.

Chairman Mathusa wanted to know how the buffer area in the rear yards along Elm Ave East would be addressed. Mr. Lanaro said they had established a mixed planting buffer of varying heights inside the property line so as not to limit the site distance. He said that an easement or deed restriction could be included that would prohibit the cutting down of the landscaping and stating that fencing would need to be on the inside edge of the landscape buffer.

Mr. Lipnicky said prior to the SEQR determination, a data recovery plan would need to be developed for the identified archeological sites for proposed mitigation. Mr. Lanaro said the applicant was moving forward with the Phase 3 recovery plan.

Mr. Romano wanted to know if mitigation was planned for the potential impact of headlights on the other side of Elm Avenue East. Mr. Lanaro said they would look at landscaping as mitigation.

Chairman Mathusa turned the discussion to the fifty (50) acres the applicant was offering on the opposite side of the NIMO right-of-way. He was not certain it was an area the Town would be interested in. He said that the offer would be referred to the Town Board and the Parks Department for their feedback but wanted to know what would happen to the land if it were not accepted. Mr. Lanaro said the parcels would be offered to some other conservancy or attached to one of the lots. Mr. Lipnicky said that the Parks Department would be looking at the amount of wetlands on the site and though there was about eight (8) to ten (10) acres of usable land, there was a new park, Maple Park, right across the street from this development.

Mr. Lipnicky said that there was also an offer of land along the Dowerskill. The Town had acquired land from prior subdivisions that have been along the Dowerskill to someday have a complete trail system.

That offer would be favorably looked at. A partial credit for the Parkland fee had been given to other subdivisions and those calculations could be used for this project as well.

Mr. Lanaro said there was additional land adjacent to a Town Highway facility. He said it could be deeded to the Town. Mr. Silliman said it could not be credited towards the Parkland fee since it would not be used for that purpose.

Mr. Odell wanted to know how residents would access the trail system along the Dowerskill. Mr. Lanaro responded that they had not made provisions for access. Mr. Lipnicky said that potentially the Storm water detention areas could be used as an access point.

Mr. Lipnicky said the recent submissions would be reviewed. The next step was to insure that all the necessary information was received so a SEQR determination could be reached.

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

## **YMCA**

Chairman Mathusa turned the Board's attention to the next item on the agenda, a request from the YMCA for a site plan amendment. They were last before the Board on February 7, 2006 when the site plan was approved. The applicant wants to defer the construction of the sidewalk from Phase I to Phase II and change its location.

Mr. Andress presented for the project. He said the building was almost complete and the grand opening was set for the following week. As the work proceeded in the area of the detention basin, they had run into some issues. They had known there were utilities in the area but not their extent. There was more electric than anticipated and the cost to relocate the underground wires was very costly. They decided to keep the berm between Delaware Avenue and the parking lot. Originally the sidewalk was to run along the berm and then into the site. They would not be lowering the berm and therefore the sidewalk grade would not meet ADA compliance. They now proposed to move the construction of the internal sidewalk to Phase 2. If the Town were successful extending the sidewalk from Fisher Blvd. to the YMCA's property line, they would continue that sidewalk across their property and to their entrance. The proposed internal sidewalk would be in the middle of the property and travel through the parking lot, lining up with islands in the lot. Part of the berm in that area could be lowered to accommodate the sidewalk because it would be past the utilities. He said that conversations with the planning staff had indicated that instead of being limited to the amount of the letter of credit now required for the sidewalk, the YMCA would be entirely responsible for the cost of construction of the sidewalk.

Chairman Mathusa wanted the sidewalk to go just to the end of the parking lot but not to the end of the property line because it might entice people to walk to its end and then go into Delaware Avenue to walk to Fisher Blvd. and that would not be safe. He suggested that the letter of credit for the sidewalk not be required but that when the Town brings the sidewalk to their property line, the YMCA will be responsible for constructing it across the front of their property to the driveway. . Mr. Andress said he had a similar conversation with staff. Chairman Mathusa asked how membership numbers were at this point. Scott Lewis said they were at twenty-three hundred (2,300) units, which can be a combination of single or family memberships. Chairman Mathusa reminded him that the left hand turn lane traffic study

was to be done when the membership reached twenty-five hundred (2,500) units. He said that traffic traveled very fast past their driveway and safety was utmost in the Board's mind. Mr. Silliman said that regardless of when the sidewalk was constructed, a letter of credit should still be required. But it can't be left without an ending to the obligation. He would work on the language of the condition with the applicant's attorney.

Mr. Collier asked if it would be better to have the applicant contribute to the sidewalk from Fisher Blvd. to their property rather than installing the left hand turn lane because the Town knows it needs the sidewalk now. Mr. Andress said they couldn't afford to do both and Chairman Mathusa said NYSDOT wasn't certain the turn lane was needed but the Planning Board had insisted. Mr. Lipnicky said NYSDOT would probably not agree to build a turn lane into a private drive. Mr. Engel said that NYSDOT sometimes waits for accident statistics before they agree that certain road improvements are needed. His concern is the safety of the residents. The Board agreed that as membership continues to increase, both the sidewalk and the turning lane would be needed.

Mr. Morelli said that the Town had received a cost estimate for the construction of the sidewalk in order to apply for a grant, the estimate was approximately one half million dollars (\$500,000.00).

Mr. Morelli said the Building Department was ready to issue a temporary C.O. until this issue is resolved. The documents would be prepared for the next meeting for the Board's consideration.

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

### **Ursula Bauer**

Chairman Mathusa turned the Board's attention to the next item on the agenda, a request from Ursula Bauer to place two (2) bee hives on her property located at 200 Winnie Rd. Under the Zoning Law, this use in Core Residential requires a site plan.

Ms. Bauer presented a power point presentation for the Board to educate them on the keeping of bees. She said the hives had moved off her property to 250 Bender Lane during this process. In the colder months they generally remain in the hive. The hives measure 16 ¼ inches across and 20 inches deep and each box measures 9 5/8 inches tall. The hives are about 32 inches tall. Honey supers can be added to increase the honey storage areas. Honeybees will sting to protect the hive. They leave the hive for two (2) reasons, to forage for nectar and to swarm. The nectar flow period of time is prime time for the bees to have more bees. A hive population can vary from 10,000 to 60,000 bees each. When a hive swarms, about 30,000 bees will leave the hive with the queen, they generally travel about one hundred (100) feet and stay there until scout bees go find another place for a new hive. Within about 24 hours the bees will travel to the new location. Beekeepers try to prevent swarming because it weakens the hive. Beekeepers can capture swarms and move them to a new hive. Generally swarms do not sting because they have no hive to defend. Ms. Bauer showed pictures of some of the other stinging insects that are sometimes confused with honeybees, such as yellow jackets, wasps and hornets. Honey bee account for 20% to 40% of sting incidents. The number of sting caused deaths in the United States is between 30 and 120 per year. Honeybees are attributed with about ½ of those deaths. Honeybees do not eat human food, they use the honey stored in the hive.

Ms. Bauer's property at 200 Winnie Rd. is 141' deep by 85' wide. The lot is surrounded by a combination of man made and living barriers. The hives would be located in the back yard. She said that when the bees were on here property, they preferred to leave the property from the southeast location. They would flight over the trees and the house. She said that beekeeping was a hobby practiced in urban, suburban and rural areas.

Mr. Odell wanted to know if this was a for profit endeavor. Ms. Bauer said the honey was for her own use. Ms. Bauer said she was looking into additional insurance for her house. She wanted to keep a total of two (2) hives on the property. Mr. Odell wanted to know if she had spoken to her neighbors about the hives. She said there were mixed feelings. One of her adjacent neighbors had voiced a concern.

Mr. Collier wanted to now what constituted a "hive threat". Ms. Bauer said She was a threat and had been stung because she opens the hive and takes honey. Also a skunk or bear would be a threat or possibly a dog that would disrupt the outside of the hive. They don't like any pounding on the hive. Ms. Saatman said that the hive location was very close to an easement; she wondered if work in the easement would disturb the hive. Ms. Bauer said that there had been stump removal in the area and the bees did not bother the men. Mr. Collier asked and Ms. Bauer confirm that an interruption of a flight path would be considered a threat to the hive. Some literature suggested putting something a few feet from the entrance to direct the flight path. Mr. Collier wanted to know how a beekeeper would prevent swarming. She said that re-queening the hive on a regular basis with a queen from a gentle strain would help. Adding more room to the hive or dividing the hive would also help. She said that colder months were not a good time to relocate bees.

Ms. McCarthy wanted to know where swarms went. Ms. Bauer said they would find hollows in trees, under the eaves of a house or barns. She said there were signs that a swarming could occur. Ms. McCarthy asked how many bees lived in two (2) hives. Ms. Bauer said that each hive, at their peak, would hold 60,000 bees. Ms. McCarthy had the same concerns for dogs and children as Mr. Collier.

Mr. Engel's main concern was safety. As a child he had a swarm move into the garage. He said he had a concern with the location of hives in a densely populated area. He preferred to err on the side of caution. Ms. Bauer said that she could be a responsible manager of her property.

Ms. Motta had noticed a trampoline in a neighbors yard and a pool in another. She wondered if the noise and activity of children in such close proximity to the hives would put the bees in defense mode. Ms. Bauer did not think that would be a problem. Ms. Motta asked how close to the neighbors the hives would be located. Ms. Bauer said that they would be ten (10) feet from the property line. Ms. Motta asked if the neighbor's pool would be an attraction. Ms. Bauer said that she has water available close to the hive because the pool was a concern to her. She said without a close source they would go to the pool.

Mr. Cotrofeld had a concern with the adjacent pool. He said that in Rexford a beekeeper's bees gravitated to the pump of the pool. He wanted to know how to discourage that. Ms. Bauer said bees need to bring the water back to the hive and the pool was forty feet away, they would choose the closer water source that she provided. He wanted to know if they had a flight path preference. Ms. Bauer said that they usually prefer an up and over path.

Chairman Mathusa wanted to know what the community should do if she was away and there was a problem with the bees. Ms. Bauer said there were people in Town with hives that would have the knowledge on how to deal with a swarm. Mr. Tweedie, a member of the audience, said as a long time beekeeper, he received calls from a number of agencies for this assistance.

Mr. Silliman recommended the Board have a public hearing. He said that this use was determined to be an agricultural use and therefore needs a site plan for this district. The Board should look Section 128-71 (K) and Section 128-08 during their decision-making. Chairman Mathusa asked Ms. Saatman to contact NYSDOH, NYSDEC and NYS Ag and Markets for their opinion on the topic prior to setting a date for the public hearing. Ms. Saatman said per state law a SEQR Determination must be made prior to a public hearing being scheduled. Mr. Silliman said that a SEQR Determination of a Neg Dec would not prejudice the final decision of the Board and they could take the comments from the public hearing into consideration.

A motion to table the project was offered by Mr. Odell, seconded by Mr. Collier and approved by all Board members present.

The Board reviewed the minutes of November 14, 2006.

A motion to approve the minutes of November 14, 2006 as drafted was offered by Mr. Collier, seconded by Ms. McCarthy and approved by all Board members present.

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

The meeting adjourned at 9:15.