

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**April 7, 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  
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

Hugh Templeton	Dan Hershberg
Pat and Dean Van Alstyne	Tim M'Glushon
Jarrett Carroll	Greg Baun

Agenda: IMUS Distribution Terminal  
Meadowview II

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. There were no comments from the public.

**PUBLIC HEARING**

**IMUS Distribution Terminal**

Ms. McCarthy introduced the project, a distribution terminal on River Road with existing tanks that will hold liquid chloride de-icers. They are redeveloping six (6) of the fifty-six (56) acres. The SEQR Neg Dec was approved by this Board at the last meeting on March 17, 2009. The application will be reviewed by the Albany County Health Department for the proposed septic system.

Mr. Morelli said the Albany County Planning Board has returned their decision with a few minor comments. Staff said the applicant's engineer has indicated they are waiting for comments back for NYSDOT and are scheduling a perk test with ACDOH sometime in the following week.

A motion to indent the public hearing notice was offered by Mr. Smolinsky, seconded by Ms. Powers and approved by all 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, April 7, 2009 at 7:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application from Innovative Municipal Products US, Inc for a Special Use Permit for property located at 454 River Road, Glenmont, NY.

Ms. McCarthy opened the public hearing for comments from the Board or the audience.

There were no comments.

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

The hearing closed at 7:03pm.

## **REGULAR AGENDA ITEMS**

### **Meadowview II**

Chairman Leveille introduced the Meadowview II Subdivision located on Jasmine Dr., in Glenmont. A memo from Mr. Lipnicky was submitted to the Board outlining the analysis of the project. Mr. Lipnicky said the potential environmental effects of this seven (7) lot subdivision have been reviewed and there were two (2) issues identified. The project is in an archeological sensitive area so staff had raised the question of whether an archeological survey needed to be done. The other issue considered was isolated wetlands on the site and if it was necessary to wait for a definitive determination on the wetlands from the ACOE before a determination was made on SEQR. Counsel had advised at the last meeting that if the applicant was ready to mitigate the wetlands as the ACOE sees fit, the Board would not have to concern themselves with that issue. They are not large or significant wetland areas. Regarding the archeological question, the applicant submitted the archeological study that was done for Haswell Farms. The study shows the area studied encompasses the Meadowview II site and some archeological work such as shovel pits were run on the eastern side of the Dowerskill in the immediate vicinity of this project. This study concluded that there was not a high probability of finding anything significant on the site and recommended that further work was not necessary. SHPO concurred with that conclusion and the Planning Board issued a negative Declaration on the Haswell Farms project. Mr. Lipnicky felt the project was ready to move forward with a Neg Dec.

Chairman Leveille asked if the Board needed to add language within the approval document concerning the wetland mitigation. Mr. Lipnicky said an item could be placed in the approval document referring to that mitigation. Mr. Lipnicky said for the archeological issue, in the past the Board has added a requirement to the approval saying if they discovered anything while working on the site they have to notify the Town and SHPO and proceed with any mitigation required by SHPO. Mr. Smolinsky said the way the SEQR language was written, it speaks only to mitigation. A ACOE requirement could be avoidance, mitigation or buffer zones. He suggested removal of the word mitigation in the SEQR document. Mr. Smolinsky agreed with adding the archeological language as done in the past. He had a question with regard to the study that was done for Haswell Farms and the sensitivity circles that are on the map now. He wanted to know when those sensitive sites were found. He thought it made a difference as to how the Haswell Farms investigation is viewed. He said earlier staff was aimed at requiring a stormwater runoff plan, at least they had provided the applicant with the work sheets. He wanted to know why there wasn't a SWPPP. Mr. Lipnicky said the preliminary plat application before the Board does not exceed the thresholds that would require a full SWPPP. They will be required to do an erosion control plan. If as the project progresses and they exceed the thresholds, they will be required to do a full SWPPP. Mr. Coffey asked staff to supply the Board with the email from the applicant and the ACOE. He asked and it was confirmed by staff that the applicant had submitted information on the required Town Ag Data Statement form.

The Board reviewed the draft SEQR Negative Declaration for Meadowview II prepared by staff.

There was a discussion as to whether language mentioning a federal involved agency needed to be added to the document. Mr. Silliman proposed a change saying the proposed action does not warrant a coordinated review.

A motion to approve the SEQR Resolution as amended was offered by Ms. McCarthy, seconded by Ms. Motta and approved by all Board members present.

A motion to schedule a Public Hearing on the Preliminary Plat for Meadowveiw II for 7:00pm on May 5, 2009 was offered by Mr. Smolinsky, seconded by Ms. McCarthy and approved by all Board members present.

### **Other**

The Board had received a memo from Mr. Leslie concerning a field change for Hudson Avenue. Mr. Morelli said the single family home to be demolished had several Norway Maples originally marked to remain. During the demolition of the house, they encountered a lot of roots and the trees were not in good shape and leaning towards where the new house would be built. The applicant came in and spoke with Mr. Leslie about removing the trees and planting new ones. A consultant for the Delaware Avenue study was asked to look at the trees and he recommended the trees be removed. He indicated that Norway Maples are invasive trees and recommended a different type of tree appropriate for underneath the overhead wires and constrained areas. Staff felt it was a good plan and asked the applicant to update the landscaping plan and resubmit it to the Board. The applicant wants approval to take down the trees. They have been heavily pruned by National Grid and not attractive. Mr. Morelli thought it was an opportunity to get some consistency along Hudson Avenue. Staff considered this a field change but wanted to present it to the Board to see if there were any comments. Chairman Leveille asked if staff was recommending that this be approved on a field change level with no action necessary from the Planning Board. Mr. Morelli said the revised landscaping plan would be submitted to the Board, until then the applicant wanted to remove the trees. Mr. Morelli said the roots have raised the sidewalk making it unsafe. The applicant will be putting in a new sidewalk and the landscape architect said those roots will need to be grubbed out. He said on one side is the footing foundation work and on the right of way side the roots will be grubbed out and cut for the sidewalk. The trees are not in good health. Staff's recommendation is to take down the trees and let them start fresh. Chairman Leveille asked if the Choke Cherry tree was being recommended for this area. Mr. Morelli said the landscape architect had recommended them. He said they were a good species for urban landscapes and National Grid also recommends them for under power lines. He suggested a fifteen (15) foot and two and one half (2 ½) inch caliper.

Ms. McCarthy said she understood the problems with the power lines but living in the northeast, she likes the colors in autumn and would like to see maples whenever possible. Mr. Morelli said sugar maples are beautiful but they are very susceptible to road salt. He said the Delaware study will identify a group of trees that are appropriate to their locations. There are other trees that have nice color. Ms. McCarthy suggested the Bradford Pear. Mr. Morelli said those trees do not have a long life, they have soft wood and hold their leaves into fall. If there is an early snow storm they sustain a lot of damage. Ms. McCarthy said her other concern was if the choke cherry tree was not pruned regularly, they become a thicket. Mr. Morelli said there were a number of trees that could be chosen from. He said staff just wanted to let the Board know that the trees on the plans marked to remain, were not healthy when inspected in the field. Chairman Leveille suggested the Board suggest a desirable size and leave it to the discretion of staff to find the right mix of types of trees. The existing trees to come down were about three (3) stories high.

Mr. Smolinsky said he didn't have a problem with the trees coming down or a revision to the landscaping plan but procedurally he questioned who was authorized to make a field change. There is a specific procedure for site plan amendments and that authority rests with the Planning Board, not staff. He thought the Board could make a site plan amendment immediately to take care of the removal of the trees and have the revised landscaping plan brought back for the Planning Board to approve. Mr. Smolinsky suggested a motion from the Board to allow the trees to be removed and then have the applicant come back with an updated landscaping plan for the Board's review.

Mr. Smolinsky offered this motion , "The Board waives the information and procedures specified in Section 128-71 (n) regarding site plan amendments and grants a site plan amendment for 48/50 Hudson Avenue to allow

removal of the four(4) existing Norway maples street trees along Hudson Avenue that were incorporated into the original landscaping plan approved on August 5, 2008. Further a revised landscaping plan incorporating replacement trees for 48/50 Hudson Avenue shall be submitted within the next sixty (60) days.” Chairman Leveille seconded the motion. Chairman Leveille said he would second the motion subject to the idea if there is another authority, such as planning staff or the building department, to authorize the field change and this is simply a notification, this resolution may be reconsidered. He said staff had presented this to the Board as a field change under some practice, policy or procedure that is yet to be defined. He said if staff finds that this motion is not necessary that needs to be brought to the Board’s attention. All Board members present approved the motion.

The Board reviewed the draft minutes of March 3, 2009 prepared by staff.

A motion to approve the minutes as amended was offered by Ms. Powers, seconded by Mr. Coffey and approved by all Board members present.

The Board deferred acting on the draft minutes of March 17, 2009.

The Board discussed the question of whether they would accept electronic plans instead of paper. Chairman Leveille suggested a project be submitted both ways to see if the Board could read them on their screens.

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

The meeting adjourned at 7:42 PM.

Respectfully Submitted,

Nanci Moquin