

**PLANNING BOARD
TOWN OF BETHLEHEM**

February 17, 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
Nick Behuniak, Planning Board Member
Daniel Coffey, Planning Board Member
Kathy McCarthy, Planning Board Member
Kate Powers, Planning Board Member
John Smolinsky, Planning Board Member

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

Peter McKee
M Hellbirsch
Gregg Ursprung
Carol Bolduc
Doris Davis
Michael Mundy
Brian Bolduc

Chuck Radliff
Bob Wheelock
Sandy Evans
Richard Green
Audrey Raes
Sheri & Ed Ciccone
Kay & John Leonard

Jarrett Carroll
Mary Phillips
Lynn Rhodes
David Bolduc
Bill Bryan

Agenda: Verstandigs Condominium
Glenmont Plaza
Lady Bird Inn

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

Verstandigs Condominium

The first item on the agenda was an update presentation to the Board.

Mr. Gregg Ursprung from Saratoga Associates started the presentation. He said the project will be located on the site of the existing Verstandigs Florist on Delaware Avenue across from Bethlehem Library. It consists of forty (40) condominium units located in nine (9) separate buildings. Access will be from Delaware Avenue by means of a loop road through the site. The Storm Water management for the site will meet all NYSDEC requirements providing both water quality treatment and storm water detention. He said that redevelopment requires less storm quality treatment than standard treatment requirements for the project site.

Mr. Buldoc from Keystone Builders continued the presentation. He said the project is based on a craftsman style architecture. They feel it will keep in character with the neighborhood. The objective is a high end development they have been working on for the past three (3) years. The four unit buildings will be handicapped accessible on the first floor. The five unit buildings will be completely handicapped accessible because of elevators.

Chairman Leveille asked how far along the storm water was at this point. Mr. Ritz said the applicant was revising the storm water management plan. Mr. Carvajal from the engineering division has been working with the applicant. The applicant expects to be finished with the revisions within a few weeks.

Ms. Powers said the last time they were before the Board some residents raised the concern of lights flooding over onto the streets to the rear of the site. She asked if they would address the buffering. Mr. Buldoc said there was a lot of growth in the rear and they had not planned to disturb that growth. They were prepared to add to that growth. He said it would take some time for new plants to grow and help block the light. Mr. Ursprung said they would be using cutoff lighting on the site. That would prevent the lighting from going onto the adjacent properties. He said he remembered a concern from some people about headlights onto adjacent properties. There were two (2) main locations that would be affected and they were prepared to place landscaping in those areas to prevent the car lights going onto the adjacent properties. They have submitted a landscaping plan.

Chairman Leveille said the Amendments to the Zoning Law in 2005 & 2006 included lighting regulations in residential districts. Mr. Morelli said in the earlier version of the applicant's site plan, they had submitted a full set of drawings that included a lighting plan. It showed that no illumination would spill off the site based on the location and style of lighting. He felt the project, with the style proposed, would fit well into the neighborhood. The site was zoned for multifamily residential. Mr. Morelli said the Town was fortunate to have a local builder with a proven track record wanting to take on this site.

Chairman Leveille asked if there were any residential lighting regulations prior to 2005. Mr. Morelli said to the best of his knowledge there weren't. Chairman Leveille asked if any residential lighting spillage existing prior to 2005 would be made to comply with the new regulation. Mr. Silliman said no, unless the Planning Board had imposed a condition in the approval of a subdivision or site plan beyond what was in the Code. It had been the practice of the Planning Board to make sure lighting didn't spill onto adjoining properties as projects came before them. If there was a specific instance, Mr. Silliman would want to check the specific approval document for that project.

Mr. Smolinsky said once the stormwater issue was finalized, he wanted to hear what the impact of that plan would be on the neighborhood drainage. It was a concern voiced at the public hearing. Mr. Ursprung said they will be limiting the runoff from the project site to predevelopment rates. There shouldn't be any impact on neighboring properties. There are existing drainage swales around the southern portion of the property and along the western boundary. He said there wasn't any way for stormwater to get off onto neighboring properties. The flow will be limited to what currently exists. Chairman Leveille asked where the existing drainage courses flow to. Mr. Ursprung said it was a drainage course that flows in a southerly direction to the Dowerskill.

Mr. Smolinsky asked where visitors would park. Mr. Ursprung said the required parking for this project is 1.5 spaces per unit which figures to sixty (60) spaces on the site. He said they were providing a total of sixty-four (64) spaces. He said there is parking available in front of each garage for visitors. Mr. Smolinsky wanted to know where people would park if there was a party. Mr. Buldoc said people would park in the road, just like they do all over the Town. Mr. Smolinsky asked if there was space on the internal roads to park cars. Mr. Ursprung said the roads were twenty-two (22) feet wide. If a car were parked there would still be enough room for an emergency vehicle to get by. When asked about the headlights again, Mr. Ursprung said it was impractical to eliminate all lights from vehicles onto buildings. The design does minimize that concern onto adjacent properties.

Mr. Smolinsky asked if there was any construction work taking place on the site because he noticed some removal of vegetation to the rear of the site. Mr. Buldoc said they had gone through the Town's permitting process to get a fill permit. He said they would need a lot of fill to bring up the grade on the low of the property and they are currently working on other sites and instead of moving the fill twice, they applied and were granted a fill permit from the engineering division. Mr. Smolinsky thought the applicant had to wait for Planning Board approval before excavating on the site. Mr. Buldoc said they were not excavating the onsite, they were placing fill with a permit. Mr. Ritz said it was a Grading, Erosion and Sediment Control permit that the engineering department

oversees. Anytime someone wants to put in a substantial amount of fill on their property they need to apply for this permit. Mr. Carvajal went to the site, reviewed the plan and approved the permit. The erosion and sediment control meets NYS and the Town's requirements. Mr. Smolinsky thought projects before the Planning Board were exempt from that permit. Mr. Morelli said the applicant was not excavating the site, they were bringing fill to the site. The Town determined that the applicant fulfilled the requirements of the permit and allowed the fill. Mr. Smolinsky asked if the SEQR Negative Declaration would need to be revised to reflect the fill. Mr. Morelli said it was a long form EAF that was completed by the applicant for review before the SEQR Determination. The SEQR Negative Declaration would not need to be changed.

Mr. Morelli said the project would be subject to the Parkland Fee and the applicant is aware of this. The plans have been forwarded to NYSDOT and Mr. Morelli has spoken with Mr. Cherry and he did not anticipate any problem issuing a highway work permit. They were pleased that the number of curb cuts have been reduced and were just waiting for the Town to take action.

Chairman Leveille asked Mr. Buldoc what his usual construction practices were in terms of work day hours. Mr. Buldoc said he was asked to be on the committee that reviewing the noise ordinance for the Town. He said builders are limited with weather and they want to get in as many hours as possible. Being fair to the neighbors, the work day would start at 7:00am, finish about 6:00pm and on Saturdays there would be an earlier cut off time. There wouldn't be work on Sundays. Once the project gets started they would like to have enough work hours to get the project finished in a timely manner.

Mr. Coffey asked if vehicular access would be by Delaware Avenue only. Mr. Buldoc said early in the process they had met with the neighbors in the back and the neighbors didn't want an entrance onto Marlboro. They thought it would become a shortcut. Mr. Buldoc said instead they put in a pedestrian walkway from Marlboro, through the site to Delaware Avenue. He said there are sidewalks throughout the site. Mr. Coffey asked if they had a target population in mind. Mr. Buldoc thought it would be retirees or empty nesters but there aren't any restrictions on the complex so it could very well end up being a mix. The prices would range from \$375,000 to \$450,000.

Mr. Behuniak asked if the economy was a motivating factor in the revision of the plans. Mr. Buldoc said the revisions were improvements to the floor plans. Mr. Behuniak asked if they knew their time frames for initial construction and did they have a plan for which units would be constructed first. Mr. Buldoc said they wanted to do the project in four (4) phases. They could fast track construction if they sell faster. They need to sell the first two (2) buildings in order to obtain financing. Mr. Behuniak reiterated the concern of the other Board members about making sure the buffer around the site was sufficient to protect the adjoining land owners, as much as possible, from overspill lights.

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

Glenmont Plaza Amendment

Mr. Morelli introduced the site plan amendment located at the corner of Feura Bush Rd. and Route 9W. Benderson Development is proposing to renovate the remaining portions of the site. They want to finish the last two (2) store fronts on the east end of the site near Route 9W. They have a tenant, Dollar Tree, for the end cap space of about ten thousand (10,000) square feet. They are working with another potential tenant for the space between Bed, Bath & Beyond and Dollar Tree. Other improvements will be a renovation of the facades on the west end of the site. He said the Glenmont Plaza was specifically listed in the Comp Plan for adaptive reuse. Mr. Michael Mundy from Benderson Development presented for the project. He said with the signing of Dollar Tree as a tenant, it gives them the opportunity to finish the whole plaza. Up until now they have not been sure how the space would be delineated or what type of loading would be needed in the rear. With the tenant in place,

it sets how the front façade will look. Dollar Tree is a thirty-five hundred (3,500) store chain. This company likes to go into higher end type plazas. He said that CVS had elected to stay in the plaza and has recently signed a lease, as have the other current tenants.

Chairman Leveille asked Mr. Mundy to explain the parking reconfiguration. Mr. Mundy said the area in front of the end cap store was grass. They wanted to place parking in that area. They had had trouble leasing the space on the end because there wasn't any parking in the front of it. The grade is lower in that area than the rest of the parking lot. When it is designed, the parking won't be visible because of the grade differential and new landscaping. Chairman Leveille asked why that area wasn't constructed as parking during the original site plan. Mr. Mundy said the original plaza had big box stores and the entrances were located away from that end. Mr. Mundy said the side of the building facing Route 9W would be painted and a cornice that will run along the middle of it. The efface would be wrapped around the corner. The sidewalk will be widened to twelve (12) feet and extended to Route 9W. They would make sure it's handicapped accessible. A pedestrian walkway would extend through the new parking area and end in an island.

Mr. Morelli said when the driveway out to Route 9W was put in there were line of site issues that made it necessary to located that driveway further down from the buildings and left the grass area.

Mr. Morelli said as per their parking lot sheet in the submittal, the parking spaces met the Town's requirements of nine (9) by twenty (20) feet. Mr. Smolinsky asked if the green space was a requirement of the original approval. Mr. Morelli said that approval was received under the old Code. Mr. Smolinsky suggested some one way signs near the new parking area. Mr. Mundy said once a person is in the plaza, they can go either way on the drive. They are prohibited from entering from that driveway on Route 9W. They will be refining the new parking area to make entering and leaving easier. Mr. Smolinsky asked how the sign would be lit. Mr. Mundy said the signs would be single channel internally lit. Mr. Smolinsky said they were not allowed in hamlet districts. Mr. Morelli said it was the building department's interpretation that internally lit signs were allowed in shopping centers. Mr. Smolinsky asked whether that applied even if a shopping center was in a commercial hamlet. Mr. Morelli said yes and other similar signs had been approved in other shopping centers. Mr. Mundy said their goal was to eliminate the box signs in the plaza and change to all single channel letters. The signage would be consistent with the recently approved amendments for other areas of the plaza.

Mr. Coffey asked if the other proposed tenant, A.C. Moore, was a definite for the plaza. Mr. Mundy said they are not committed but they would love to have them. Craft stores work well with the tenant mix currently there. It's a matter of the economy but they are finishing the façade if they decide to come. Mr. Coffey thought the residents of the Town would appreciate a crafts store in Town. He asked Mr. Mundy to explain the traffic flow onto the site. Mr. Mundy said there was one (1) driveway dedicated to entering the site off of Route 9W and one (1) driveway dedicated to exiting the site onto Route 9W. That would not change. There are also two (2) full access driveways onto Feura Bush.

Mr. Behuniak said he remembered the old plaza and the uncertainty of what would become of the site. He wanted to commend the Department of Economic Development and Planning for the job they have done on the infill of the plaza. He asked if sufficient parking was a concern because when he shopped there, parking didn't seem to be an issue. He asked if they contemplated adding other buildings to the site. Mr. Mundy said the industry refers to this parking as Christmas Eve or Easter Sunday parking; that trend is going away in shopping center development. Most of the year the lot is not fully used. They hope in the future to be able to add a small scale restaurant near Feura Bush Road that would utilize the parking in that area and also bring in an amenity. Mr. Behuniak asked if the current tenants had been informed about the new tenants. Mr. Mundy said the majority of them had. Mr. Behuniak noticed they were adding more landscaping to the parking lot. He said he has seen some large scale parking lots with over sized islands to break up the expanse of the lot.

Mr. Coffey asked where the large planters shown in the handout would be placed on the site. Mr. Mundy said he had been asked to add some greenery along the front of the building. They are proposing to add eleven (11) of the planters along the front of the building. They are flexible and could add more or less.

Mr. Morelli said there is a loading dock proposed for the rear of the end cap store. Mr. Mundy said it was a double door at grade. In order to do that they will need to excavate some dirt and add a small retaining wall. They will come back before the Board for a full loading dock when the other tenant is secured.

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

Lady Bird Inn

Chairman Leveille introduced the next item, a site plan located on 1424 River Rd. This initial presentation is for Phase I of the project. Mr. Leslie said the proposal is on a twenty (20) acre site off River Rd. in the vicinity of the Thruway exit. The applicant is proposing to renovate the existing farm house into a sixty-three (63) seat restaurant. They want to include an Inn in the farm house. The future plan is to have a banquet facility for weddings and large parties. Because of financial constraints, the applicant wants to concentrate on Phase I of the project which includes the restaurant and two (2) rooms for the Inn. It will eventually be turned into a full banquet facility with a temporary tent in the rear of the parcel.

Mr. Richard Green, PE presented for the project. The parcel, zoned Rural Riverfront, had been known as Peltz Farm. Mr. Sandler purchased the parcel in 2008. He wanted to renovate the three (3) story farm house to have a restaurant on the first floor, and rooms for an Inn on the upper floors. The first Phase will be the restaurant and the two (2) rooms for the Inn. Phase II will be the construction of a sixty (60) foot by one hundred twenty (120) foot tent building for banquets. Phase III will be to upgrade the leach field and septic system as specified by Albany County Health Department, if it proves necessary. Mr. Green said the restaurant will have forty-seven (47) seats on the inside and sixteen (16) seats on the front porch. A twenty-seven (27) space parking lot will be constructed for Phase I and eight (8) more “banked” parking spaces are shown on the site plan. He said the access driveway is fifteen hundred (1,500) feet long. Proposed improvements include pull offs at strategic locations so two (2) way traffic can occur. Mr. Green said they would initially use well #1 for their water supply and ultimately well #2. Both wells would be chlorinated. Mr. Green said Phase II will be the construction of the banquet tent. A small twenty (20) foot by thirty (30) foot accessory structure is also planned. Sidewalks will be installed on the site. They will install solar lights along the driveway and solar lights on the sign. During Phase II they will build an upper parking lot for the banquet facility. He said that golf carts would be used to shuttle the people from the upper parking lot to the banquet tent. He said the banquet facility would not be open seven (7) day a week. It will be used on either a Saturday or Sunday in the afternoon. He said initially when the tent building is in use, they will use portable sanitary equipment. If those facilities proved to be sufficient, they will not go back to Albany County Health Department for a new septic system and leach field. Mr. Green said approximately one thousand (1,000) feet of the fifteen hundred (1,500) foot the private access road is owned by Scenic Hudson and Land Trust. That organization granted Mr. Sandler an easement in 2008 for use of that access driveway. One of the Engineering Department’s comments is to make this access a two lane access. Because it is not owned by Mr. Sandler, they can’t widen the road. He said visitors would not be driving on the road, they would be transported by the golf carts. He said they would be supplying pull offs.

Chairman Leveille asked if the restaurant would be seasonal. Mr. Green said the restaurant and Inn would be year round. Chairman Leveille asked if they were proposing to move people in a golf cart in the winter. Mr. Green said the people going to the restaurant would park in the lot near the farm house. The lot is about three hundred (300) feet from the farm house. Chairman Leveille said staff had requested information and to date had not received it. One item is a supply letter of approval from the Albany County Department of Health for each of the existing wells. Mr. Green said that ACDOH required more information from the applicant prior to any approval. Staff was

also waiting for a letter of approval from ACDOH for the existing septic system. Mr. Green said the same was true for that approval. Chairman Leveille asked if staff was still concerned with the width of the driveway access after Mr. Green's explanation. Mr. Leslie said yes. He has asked the applicant to submit a project plan to the NYS Codes Division regarding the Fire Code. There is a concern that the ten (10) foot wide driveway may not be able to accommodate emergency access. Staff is waiting for their response. Mr. Leslie said the Building Department thought it best to get an interpretation of the Code from the State Code Division to find out if widening of the road or a parallel driveway is necessary. Chairman Leveille asked the applicant if they had obtained the NYSDOT commercial curb cut permit. Mr. Green said NYSDOT has been contacted, they have indicated that a curb cut permit will not be necessary but the letter has not yet been received.

Mr. Coffey said the applicant met the parking requirements for seats within the restaurant but did not meet the gross floor area requirements. Mr. Green said this is an existing building with separate rooms and the configuration limits the amount of people that could be seated. He thought the density was low. He said wouldn't be a bar so there wouldn't be people waiting for table seats. Mr. Coffey said the Planning Board had the authority to allow the reduced parking as long as there is sufficient land in the event that the additional spaces were needed. Mr. Green said that was the area they were calling "banked" parking.

Ms. Powers asked how long ago was the site an operational farm. Mr. Sandler said that was back in the 1960's. he currently raises organic chickens and would continue to do so.

Mr. Smolinsky asked where the staff would park. Mr. Green said there was parking in the car port and in various other places around the site such as near the barn. They have five (5) spaces for staff. Mr. Smolinsky asked if there had been a wetland delineation on the site. Mr. Green said the wetland tagging had not been updated in many years. He said they had not planned on doing a wetlands delineation until that portion of the site was developed. The wetlands were downhill from the house. Mr. Silliman thought the wetland delineation should be done now. Mr. Leslie had asked the applicant to submit a review of the soils survey which gives a good indication of the presence of hydric soils on the site and the likelihood of wetlands in the area of Phase I. He said once the applicant gets into Phase II, then they would do a full wetland delineation. Mr. Silliman said this is a 3 Phased project and the Board needs to be somewhat concerned about the Environmental Impact of the whole project upfront for the SEQR Determination. He wanted to speak further with staff as to timing of the wetland delineation before the discussion of the appropriateness of the phasing. Mr. Leslie said Phase I was trying to minimize the area of disturbance. One acre is the threshold for a stormwater management plan. The area of Phase I is just under an acre. Once the applicant comes back for Phase II, that will necessitate a stormwater management plan and at that time the applicant will have to take into consideration the impacts associated with Phase I.

Mr. Silliman said it could be done that way as long as Phase I was conditioned so that applicant knew that when they get to Phase II they will have go through the full analysis. He wanted more time to decide if the applicant should do the wetland delineation for Phase I.

Ms. McCarthy asked if a the full revaluation at the Phase II level would affect Phase I, making it necessary to redo work that was already done. She wanted to make sure that the applicant in the long run would not have to redo something they had completed. She knew that doing the full analysis now would be an economic burden but would it save them money in the end. She said if she was an applicant, redoing something would be the worst case scenario. Mr. Green said in the spring they wanted to contour the land for the parking for Phase I. When that was done, it will be drained down towards the pond area. The impact of the parking lot will be able to be picked up by the pond. The work on this area should not affected by the next phase. Mr. Green said the grading plan has been requested by staff and will be prepared once the snow leaves.

Mr. Smolinsky asked how wide the easement was along the road. Mr. Green said it was not described in a metes and bounds description, it's described as a farm road. Scenic Hudson owns one side of the road and the

applicant's property is on the other side. The first thousand (1,000) feet is on Scenic Hudson's property then crosses onto the applicant's property. Mr. Leslie said he has asked the applicant to submit a copy of the plans to Scenic Hudson for their comments on the proposed use of the road.

Mr. Coffey asked staff and Mr. Silliman to report back to the Board on the issue of the wetland delineation. Ben, the project manager for the applicant, said the wetlands were far away from anything that is proposed under Phase I. That was the reason they weren't going to delineate the wetlands. Mr. Silliman said the ability for them to build the septic that might be necessary for the tent area, is dependent on the impact to the wetlands. That impact must be known before Phase II. He said it might be beneficial to know those impacts now. Mr. Leslie said those impacts would also need to be known for the second parking area.

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

Chairman Leveille said the Planning Board didn't have a policy concerning public comments at regular meetings. A few of the Board members volunteered and will meet with staff to discuss and come back to the Board with recommendations.

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

A motion to approve the minutes of February 3, 2009 as drafted was offered by Mr. Smolinsky, seconded by Mr. Coffey and approved by all Board members present.

Selkirk Yards Industrial District

Mr. Ritz gave the Board an overview of the Selkirk Yards Industrial District's first meeting and invited the Board to the next meeting on February 25, 2009 at 7:30 am in Town Hall. He showed the Board a few different proposals for the realignment of Clapper Road and possible new thruway exchanges.

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

The meeting adjourned at 9:00 PM.

Respectfully Submitted,

Nanci Moquin