

**PLANNING BOARD
TOWN OF BETHLEHEM**

July 15, 2008

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on July 15, 2008, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:00 pm.

Present: Howard Engel, Acting Planning Board Chairman
 Nick Behuniak, Planning Board Member
 Christine Motta, Planning Board Member
 John Smolinsky, Planning Board Member
 Kate Powers, Planning Board Member

 Michael Morelli, Assistant Director of DEDP
 Jeff Lipnicky, Town Planner
 Rob Leslie, Senior Planner
 Terry Ritz, Assistant Town Engineer

Agenda: Hudson Glen Subdivision – Public Hearing
 Selkirk Ventures

Acting Chairman Engel called the meeting to order at 7:00pm and noted the presence of a quorum.

PUBLIC HEARING

Hudson Glen Subdivision

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, July 15, 2008 at 7:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application for a subdivision for Lands of Watkins, located near Hudson Avenue, Albright Place and Hunter Road, Delmar, NY, Albany County, N.Y., as shown on map entitled: HUDSON GLEN SUBDIVISION, LANDS OF WATKINS, Hudson Avenue, Albright Place & Hunter Road, Town of Bethlehem, Albany County, State of New York, dated October 12, 2006, last revised May 28, 2008, map prepared by Charles Hite Surveyors, 131 Main Street, Ravena, New York 12143.

Mr. Kleinke, Kleinke Associates, presented for the applicant. This project consists of four (4) lots; three (3) building lots and one (1) lot, the largest, of remaining lands. All the building lots are about two (2) acres in size, with sanitary sewer and municipal water. The parcel of record does not have much flat developable land. Two (2) of the proposed lots will front on Hudson Avenue and the third lot will be at the end of Albright Place. Each lot will be limited to a single family home. A turn around at the end of Albright Place would be constructed as a part of the plan. This would be done to allow Town vehicles, such as plows, to turn around. All the lots have had geotechnical studies and soil analysis done. Those studies made recommendations as to the location of the homes on these properties. Any future construction would need to adhere to those recommendations. The remaining twenty-nine (29) acre parcel will be retained by the owner. The owner does not have any plans for that acreage. It has severe slopes with a significant ravine that runs through the property. There is some flat land at the end of Gravon Road, but there isn't anything proposed for that area.

Acting Chairman Engel opened the Public Hearing to the audience.

Warren Stoker, Hunter Rd. He said Mr. Kleinke mentioned that the geotechnical report said where the building could be and any further buildings would need to comply. He asked what other buildings would be a possibility. Mr. Kleinke said he meant that the three (3) proposed homes would need to comply. If there were other development proposed for the parcel, it would need to come back to the Board for approval and would probably need geotechnical studies done. Mr. Stoker asked if other buildings could be on the three (3) building lots. Mr. Kleinke said the proposal is for three (3) lots for single-family homes. Mr. Stoker asked if the two (2) acre lots could be subdivided. Mr. Kleinke said that there is a fairly small area on each of the lots that a home could be placed. The likelihood of further division of those lots would be difficult. The zoning would allow it but the topography would make it very difficult. Mr. Lipnicky said the probability of future subdividing of the lots was nil because of the topography. He said the larger twenty-nine (29) acre lot had some developable areas within that acreage.

Dana Corowin, 5 Albright Place. He said the size of the lots were larger than the others in the area. He asked about the size of the homes that would be placed on the lots. Mr. Kleinke said individual plans for the homes have not been submitted. A footprint was used for a geotechnical assessment, that footprint is about fifteen hundred (1,500) square feet. He said the homes would be significantly larger in both footprint and height than the surrounding neighborhood. Mr. Corowin said the livable space in his home was much less than that. Mr. Kleinke said each home to be built would need to submit plans for a building permit. Mr. Corowin asked if the building parcel had been zoned differently at one time. Mr. Lipnicky said it was zoned a PRD a number of years ago, but about twelve (12) or thirteen (13) years ago it was changed to single family zoning. Mr. Corowin thought multi-housing would have been a better use of the property. Mr. Lipnicky said the prior proposal was for two hundred twenty-five (225) condos but because of the topography would have never been built. Mr. Corowin said there's never been a turn around at the end of Albright Pl. for the Town trucks and it would be a big change for one (1) house. Mr. Kleinke said the Town requested the turn around instead of backing out down the road. Acting Chairman Engel said it would make the road easier for the Town to maintain. Mr. Ritz said it's not large enough to put a cul-de-sac at the end of the road which is the standard so the turn around is a compromise to bring it up to 2008 standards. It would allow the trucks to make a T turn and drive out of the road instead of backing out. Mr. Corowin said Albright Place was not a standard road. Mr. Ritz asked if Mr. Corowin was asking the Town to widen the road to twenty-four (24) feet? He said no.

Linda Braun, Hunter Road. She said she was on the beautification committee and wondered if the owner of the twenty-nine (29) acre parcel was considering making it prettier where the water runs through at the bottom of the ravine. She wondered if the Town, as a condition of development, could to keep a portion of the area forever green and plant willows.

Mico Cook, legal guardian of a neighboring parcel. She asked why the lot at the end of Albright Place is placed to the right of the end of the road. She asked if there was a plan in place to extend the road and highway access between Albright Place and Graven Road. Mr. Kleinke said they had looked at that option but the applicant does not own the property at the end of Graven Road to make that looped connection. That option could not go any further. Lot three was shifted to allow access into the remaining lands.

Ann Cohan, Albright Place. She said the applicant has a plan to develop the land without specific houses planned. She wanted to know the next step. Mr. Kleinke said the subdivision process creates the lots to be built on and it's the applicant's intention to sell the lots to a builder. After subdivision approval, the next step would be submission of plans for building permits, hopefully within the next twelve (12) months.

Jerry Devendorf, 160 Hudson Avenue. He said that there is a magnificent tree on lot one (1) and he wanted it saved. He wanted the habitat near the water protected.

Stacey Faron, 8 Albright Place. She said she recently moved there and they like the turkeys and the deer. She didn't want any development but especially not anymore development in the twenty-nine (29) acre parcel.

Margaret Sherk, 152 Hudson Avenue. She said after the property on North Street was subdivided it changed the landscape. A house has been for sale on that road for a long time. She said the neglected road was an eyesore. She wanted to know how this development would be executed. She asked if the homes would be spec houses. Mr. Kleinke said they could be sold to an individual or to a builder. The homes could either be built after being sold or if it's a builder, it's their choice if they want to build a spec house. She asked how large the home could be. Mr. Kleinke said it was up to the person building the home. If they want a larger home than the fifteen hundred (1,500) footprint shown, they might need additional geotechnical analysis. That would be determined when the plans are reviewed by the building department.

Mina Cook. She asked if there was a timeline when these needed to be built. Mr. Lipnicky said the approval of the homes was not coming back before a Board. The building plans are submitted and if they meet the building code, they are approved.

Mr. Behuniak asked if there were potential plans for the remaining twenty-nine (29) acre parcel. Mr. Kleinke said they have looked at different possibilities but there isn't good access to the only flat area of the parcel. He reiterated that the applicant doesn't have any plans for that parcel. Mr. Behuniak asked if the applicant had any plans to leave the parcel as open space. Mr. Kleinke said they have had some conversations that a corridor through the parcel might connect to the railroad corridor. They have reserved a space between the two (2) lots on Hudson Avenue designated as an easement for drainage purposes and it follows along the watercourse at the bottom of the ravine. Mr. Behuniak asked if staff was comfortable with the geotechnical report as submitted. Mr. Ritz said there were two (2) soils reports for the lots and they are very specific. Staff is satisfied with the results of the report.

Dana Corowin, Albright Place. Asked if Albright Place would be widened to twenty-four (24) feet and was the turn around the beginning of that widening. Mr. Rita said there are no proposals for extending the road or any further lots.

Mr. Smolinsky asked if the remaining lands parcel were landlocked. Mr. Kleinke said the parcel still had frontage on Hudson Avenue, several hundred feet on Hunter Road and the end of Albright Place allows access to a public highway.

A motion to close the Public Hearing was offered by Mr. Smolinsky, seconded by Ms. Motta and approved by all Board members present.

REGULAR AGENDA ITEMS

Selkirk Ventures, LLC

The next item on the agenda was an initial presentation of a site plan at 158 West Yard Road for the expansion of an existing warehouse.

Steve Harrison, Fuss and O'Neil, presented for the applicant. Mr. Buicko of Selkirk Ventures was also present. The site is about one half mile south of the intersection with Rt. 32. The existing thirty-three point nine (33.9) acres is zoned heavy industrial. The property has an existing three hundred fifty-four thousand (354,000) square foot warehouse with one hundred twenty-five (125) parking spaces. The proposal is for a ninety-two thousand seven hundred fifty (92,750) square foot expansion to that warehouse with an additional twenty-seven (27) parking spaces. The proposal includes a sixty (60) foot access around the entire building per NYS Building Code. The parcel is serviced by Town Water and the water line would be expanded around the outside of the building and two (2) hydrants will be added. Sewer will be through an underground subsurface sewerage disposal system. They are

currently working with the Albany County Department of Health to obtain those permits. Stormwater will be directed through a pipe network and a grass swale to the back of the property into a pocket pond where it will be treated and retained. There are wetlands on the property and the crossing for utilities will require a Nationwide Permit. The two (2) access points on West Yard Road will remain the same.

Ms. Powers asked the nature of the Selkirk Ventures business. Mr. Buicko, CFO for Selkirk Venures, said the property was purchased about seven (7) years ago as a distribution center for Daisy Tech. They went bankrupt in about seven (7) months. The current tenants, Royal Logistics, are distributors, assemblers and light manufacturers for Burton Snowboards. This is a major distribution center for Burton Snowboards, their accessories and apparel. The expansion would hopefully be for their use. Ms. Powers asked if they would use any green or environmentally friendly materials. Mr. Buicko said it's a warehouse expansion of an existing facility. The building is heated but not air-conditioned. There's not much that can be done to make it green. They will be using lighting approved by NYSERTA. The building is currently constructed of pre-cast concrete and the expansion will be a combination of steel and concrete to look exactly like the current structure. He said it had stood vacant for four (4) years before they purchased it and now there are over two hundred (200) employees in the space, the bulk of which live locally. Ms. Powers asked if they anticipated an increase in traffic. Mr. Buicko said there would be trucks and more employees but traffic has never been a problem in that area.

Mr. Behuniak asked if there was any manufacturing at the site. Mr. Buicko said there is some assembly. The components are delivered and the accessories are put on the boards, helmets, and jackets. Some packages are also assembled there. The addition to the warehouse was to entice a tenant into the facility or possibly have the existing tenant expand. They have been actively working with the Town on a rail grant to try and get rail to the building. CSX wants them to have a customer to get that rail. With fuel prices, rail will be more attractive than it has been in the past fifteen (15) twenty (20) years. They have been approved by NYSDOT. Mr. Behuniak asked if truck traffic would increase. Mr. Buicko said the increase would be insignificant, maybe fifteen to twenty percent increase. The area is zoned heavy industrial. The building next door is about four hundred and fifty thousand (450,000) square feet. That building is only about thirty (30) percent occupied. To be able to expand this warehouse, use the existing infrastructure and add to the tax base in the community is an asset to the community. They are working with Royal Logistics to get this area Empire Zone certified. Because they will have more than three hundred (300) employees, they can be designated as regionally significant location. An Empire Zone certified building would put it 100% on the tax rolls.

Mr. Behuniak asked if there would be any increase in hazardous waste. Mr. Buicko said there isn't any hazardous waste produced on the site. Acting Chairman Engel asked if they would prefer for the existing tenant to expand. Mr. Buicko said the easiest expansion is always current customers. Mr. Engel asked if the expansion could be a stand-alone business. Mr. Buicko said it could. He said it's currently a very challenging economic environment and that's why they want to get a building approved and market it to see who they can entice. They currently own ten million (10,000,000) square feet of industrial space in the Capital District. That's one of the stronger real estate sectors in the Capital District. Their mission is to invest in the community and increase the tax base in a very sound manner with little impact to the community. This is the right area for this facility. They could increase the employee base by thirty (30) to forty (40).

Acting Chairman Engel asked if the railroad spur was contingent on the expansion. Mr. Buicko said the railroad spur was contingent on a customer that utilizes rail. CSX won't cooperate until they have customer.

The Board reviewed the draft SEQR Resolution, Classification of Action and Lead Agency Designation prepared by staff.

A motion to approve the SEQR Resolution, Classification of Action and Lead Agency Designation as drafted was offered by Mr. Behuniak, seconded by Ms. Powers and approved by all Board members present.

The Board reviewed the draft minutes of June 3, 2008.

A motion to approve the minutes of June 3, 2008 as amended was offered by Mr. Smolinsky, seconded by Ms. Powers and approved by all Board members present.

The Board reviewed the draft minutes of June 17, 2008.

A motion to approve the minutes of June 17, 2008 as drafted was offered by Ms. Motta, seconded by Mr. Behuniak and approved by all Board members present.

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

The meeting adjourned at 8:00 PM.

Respectfully Submitted,

Nanci Moquin