

**PLANNING BOARD
TOWN OF BETHLEHEM
June 2, 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
Rob Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Agenda: South Albany Airport
IMUS Distribution Terminal
48 Hudson Ave.
Phillipin Kill PDD
333 Delaware Ave
Tractor Supply
Mesity Subdivision
Kendall Square

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.

Chairman Leveille closed the public comment period.

PUBLIC HEARING

South Albany Airport

Chairman Leveille opened the public hearing.

A motion to indent the public hearing notice was offered by Mr. Smolinsky, seconded by Ms. Powers 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, June 2, 2009 at 7:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application from South Albany Airport for a Special Use Permit for property located at 6 Old School Road, Selkirk, NY 12158.

Chairman Leveille asked if there was anyone from the audience that wanted to speak about the public hearing. A member of the audience asked to hear the presentation from the applicant.

Mr. Ted Zabinski, President of South Albany Corporation, said the airport is located on Old School Rd. and they were proposing a ten (10) unit open T hanger that will house ten (10) aircraft that are currently on site. The hanger will be constructed just east of the existing hanger where the ten (10) aircraft are now. The hanger size is two hundred thirty-seven (237) feet long by forty-eight (48) feet wide. It will help by keeping the aircraft under cover from snow, sun or hail damage.

Chairman Leveille opened the public hearing for comments from the audience. There were no comments from the audience. The Planning Board did not have any questions for the applicant.

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

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

IMUS Distribution Terminal

Chairman Leveille, having recused himself from this project, turned the meeting over to Acting Chairwoman McCarthy.

Acting Chairwoman McCarthy wanted to bring everyone's attention to the fact that Chairman Leveille was named the 2009 Economic Developer of the Year by the New York State Economic Development Council. Chairman Leveille is currently with Harris Beech, before that he was Director of Economic Development in Bethlehem and Executive Director of the IDA. He was very active the City of Albany for many years. She said the Board was lucky to have his skill and experience on the Board.

Chairwoman McCarthy introduced the IMUS Distribution Terminal, a company that proposes to reuse existing tanks on Rt. 144 for the distribution of liquid deicers. The need both a special use permit and site plan approval.

Mr. Hershberg, PE Hershberg & Hershberg, made the presentation for IMUS. Since that last time they were before the Board, they have adjusted the plan to comply with NYSDOT requirements regarding the entrances. Part of the sign package includes do not enter and no left turns signs. They have done a perk test on the site and ACDOH has approved the design. The final plans have also been approved by NYSDOT. He showed the Board the proposed sign for the site. It will be placed on the existing placard that was used when it was a Texaco plant. Even the lights are in place, they just need to be relamped. He showed the views of the signs coming from either direction on Rt. 144. He said the public doesn't need to find the facility, just repeat truck drivers. There will be a variety of sizes of trucks that will use the facility. This is a gated site. The Texaco logo on the tank will be painted out.

Mr. Morelli said staff feels this project is ready for consideration by the Board for a Site Plan and Special Use Permit.

The Board reviewed the draft Special Use permit SUP-09 prepared by staff.

A motion to approve Special Use Permit SUP-09 as drafted was offered by Mr. Smolinsky, seconded by Ms. Powers and approved with a vote of 6 for, 0 against and 1 recusal.

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

The Board reviewed the draft Site Plan Approval S.P.A. 154 prepared by staff.

Mr. Hershberg read an email from NYSDOH indicating a few changes that need to be include in the modification of the final plans to be submitted to the Town.

A motion to approve Site Plan Approval S.P.A. 154 as drafted was offered by Mr. Smolinsky, seconded by Mr. Coffey and approved with a vote of 6 for, 0 against and 1 recusal.

48 Hudson Ave.

The next item on the agenda is an amendment to the site plan approval. Mr. Leslie had submitted a memo to the Board outlining the project status. The Board had approved a site plan amendment to remove four (4) Norway Maples in the front of the property with the direction to come back to the Board with a new landscaping plan. There are also a few minor building changes included in this site plan amendment.

Anthony DeThomasis presented. He said they were originally only going to remove one the existing trees. Number 50 Hudson was under construction and the issue of the health of the remaining trees came into question. He had informed the Planning Department that three (3) of the trees would need to be replaced. One of the trees has a route clump that is higher than the sidewalk and other trees roots were starting to undermine the sidewalk. When he spoke with planning, he was told the Town had a Delaware Avenue Corridor study in progress and it was recommended that the type of tree they should plant would be Canadian Choke Cherry trees.

There are a few minor building changes that need to be made. The porch was originally on the east side and it needs to be moved to the west. They wanted to do this because the porches were originally off the bedrooms instead of the main living space. There is also a staircase that needs to be added to the basement to comply with the building code.

Mr. Leslie said the landscaping plan submitted by the applicant took into account the Delaware Avenue study. He said the Bradford pears that were shown on the original plan are susceptible to splitting during a storm. The Planning staff thought it was a good time to revise that plan with the choke cherry trees.

Mr. Smolinsky suggested a variety of trees instead of one kind as a precaution. If a disease hits a particular type of tree, then all the trees will be lost. It would also be more visually appealing. The applicant could work with planning staff. The Board decided the applicant would not need to come back to the Board; the planning staff could use their discretion.

The Board reviewed the draft Site Plan Amendment S.P.A. 146-A2 prepared by staff.

A motion to approve Site Plan Amendment S.P.A. 146-A2 as drafted was offered by Ms. McCarthy, seconded by Mr. Smolinsky and approved by all Board members present.

Phillipin Kill

The Board had received a letter from Brewer Engineering, the applicant, requesting an extension of the one hundred eighty (180) day extension for the SEQR review. Mr. Leslie said the applicant had contacted him and said the main issue they have been dealing with has to do with wetlands. The site has previous wetland impacts and proposed impacts. They have met with the Army Corp of Engineers to discuss mitigation, reduce impacts and other design issues. They will be revising the layout including removal of some of the lots.

Mr. Behuniak asked if the plans took into consideration access to Five Rivers. Mr. Leslie said Brewer Engineering and Mr. Cade are both aware of the Town's desire for access. Mr. Coffey said even though they could have two (2) ninety (90) day extensions; they were asking for the full one hundred eighty (180) days now. Chairman Leveille said they were getting a mutual consent for the Board's time requirements to produce the SEQR determination. They are granting the Town the time necessary to complete its review. Mr. Smolinsky asked if the project ever had a complete application. He thought the Board would get to a point where the information the SEQR determination was based on was not up to date. He thought it was the fourth SEQR extension. Mr. Leslie said there wasn't a set amount of time extensions that could be granted. He said the applicant is currently updating the wetland information. Mr. Smolinsky thought the applicant should be put on notice that the information given could be out of date. He said Mr. Tice from Brewer Engineering has mentioned that the Town has had the application for a long time and he thought that was unfair. Chairman Leveille said the burden of timelines is on the Planning Board. Mr. Leslie said if the Board doesn't have the information it needs to make a determination then the applicant grants an extension. Chairman Leveille said there is a benefit to the applicant so they don't need to go back to the beginning of the process. He thought the Board needed an update from the applicant and wanted that communicated to the applicant. Ms. Powers said this was an open file and she thought there should be deadline for files. Mr. Behuniak didn't think it was the Town that was holding up the project but the applicant because they haven't submitted the needed information. Chairman Leveille asked if the board wanted to consider a ninety (90) day extension and a progress report from the applicant before any further extensions. Mr. Coffey thought that was a good compromise. Mr. Silliman asked Mr. Leslie if the Town had asked the applicant to extend the time frame. Mr. Leslie said he had because the deadline was approaching. Mr. Silliman said the action by the Board was to accept the extension they were granting, which was one hundred eighty (180) days. He recommended granting the full one hundred eighty days based on the letter presented. But in the future he thought a ninety day extension with a progress report would be preferable.

A motion to accept the applicant's letter dated may 26, 2009 granting the Town a one hundred eighty (180) day extension for the SEQR review for the Phillipin Kill project was offered by Mr. Coffey, seconded by Ms. Motta and approved by all Board members present.

333 Delaware Avenue

This is an initial presentation for a site plan amendment. Mr. Morelli said the site plan was approved in February of 2008. He said at this time the applicant is requesting a change to that plan to accommodate a potential tenant, DA Bennett. They are proposing a twelve (12) by twelve (12) over head doors on the west side of the building at 333 Delaware. They are also proposing removal of the driveway that is between 333 and 335 Delaware Avenue so all the traffic for both structures will enter and exit at the same point at 333 Delaware Avenue. The tenant wants to move into the space sometime within the month.

Mr. Trimarchi presented for the applicant. He said they were eliminating the driveway and planting another tree so there will only be one access point that will help with the traffic. They will be adding some landscaping to the three (3) family dwelling to make it more attractive. The properties of 333 & 335 Delaware Ave. will be combined into one parcel. The dumpster area will be moved to allow the traffic into the back area of the building at 333 Delaware Ave.

Mr. Smolinsky asked what type of trucks will be making the deliveries. Mr. Trimarchi said the deliveries will be made between 7am and 4pm. The size of the trucks will be smaller service vehicles. He thought the elimination of the driveway would help traffic flow.

Mr. Behuniak asked if additional red maples could be added to the lawn area in the rear of the property. The applicant agreed to add those trees. Ms. Powers asked if the trucks for DA Bennett would park over night in the parking lot. Mr. Ipek said they would be parked in the rear of the site. Ms. Powers thought the vehicles would

change the visual character of the area. Chairman Leveille said the trucks were currently parked on Becker Terrace during the day and that would be eliminated. Mr. Trimarchi said there was a lot of parking room to the rear of the building. Mr. Morelli said it was a preferable situation to have them off the street. Mr. Ipek said the tenant wanted twenty-five (25) dedicated parking spaces in the rear for their use. Chairman Leveille asked if the lease agreement could specify that the parking for the vehicles would be in the rear.

The Board reviewed the draft SEQR Resolution, Determination of Significance/ Negative Declaration prepared by staff.

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

The Board reviewed the draft Site Plan Amendment S.P.A. 143-A1 prepared by staff.

A motion to approve Site Plan Amendment S.P.A. 143-A1 as drafted was offered by Mr. Smolinsky, seconded by Ms. McCarthy and approved by all Board members present.

Tractor Supply

Chairman Leveille introduced the next item on the agenda, a site plan proposal for a Tractor Supply store in the Town Squire Plaza in Glenmont.

Michael Tucker from Infinigy Engineering presented for the applicant. Schuyler Companies is proposing to renovate the recently vacated K-Mart space for Tractor Supply. The renovation will take up about forty-four thousand (44,000) square feet of the fifty-two thousand (52,000) square feet of space. Approximately twenty thousand (20,000) square feet will be interior retail space and about twenty thousand (20,000) square feet of the Kmart space will be demolished to make room for the Tractor Supply outside storage/display area. The area will be fenced in with a chain link fence setback about forty (40) feet from the existing store front line to lessen the visual impacts. The chain link fence will be eight (8) feet high and the rear side of the outside display area will have a six (6) foot high stockade fence to block the view for the neighbors to the rear of the site. Mr. Morelli suggested that the existing sidewalk be extended from the main entrance on Route 9W up to the intersection with Glenmont Road to assist with the pedestrian circulation on the site. There isn't a lot of site work needed with the project. They will be restriping the parking spaces in front of the store because Tractor Supply prefers wider drive isles and wider parking spaces. When the renovation is complete, an interior space of about twelve thousand (12,000) square feet will be vacant for another tenant.

Tony DeDamo from Capital Architecture continued the presentation. The existing building will be partially demolished and the façade of the building will no longer bump out into the parking lot. At the gated fence there will be sixteen (16) by sixteen (16) piers to continue the façade all the way to the end. The roof section over their retail space will be painted red. The side of the structure will match the side of the Price Chopper with a beige split face block.

Mr. Smolinsky asked if they could use a black chain link fence instead of the silver. Mr. DeDamo said the silver was their standard with all the stores so their repair crews can take care of all the stores with the same fencing. He said within a few months the silver will have a galvanized look. He said they are speaking with Tractor Supply to see if they would install the black fencing. A representative from Schuyler said they have spoken with Tractor Supply and the silver fencing is their standard. They have agreed to push the display area back forty (40) feet from the front of the building and put stockade fencing in the rear of that area per the request of the Town. He thought the piers they will be placing in the front of the display will dress it up. He said with thousands of stores it would not be easy to have a different fence for just this store. But he would continue to ask.

Mr. Smolinsky thought it would be a nice upgrade. Mr. DeDamo said this building is not Tractor Supply's standard building. It took some work to get them into this plaza. It was difficult to find a tenant that wanted that much space in today's market. Usually chain stores have national accounts with providers and deviating from those accounts could prove problematic for Tractor Supply.

Mr. Smolinsky asked about the landscaping in the islands. Mr. DeDamo said the landscaping would match the existing. Chairman Leveille asked if the fenced area would be landscaped in the rear. Mr. Tucker said there was a tree line in that area, so they were only proposing the fence. Mr. Smolinsky said there was a letter from a resident in the area that really didn't have much to do with the particular project in front of the Board. He requested that the letter be forwarded to interested departments. Mr. Morelli said he had spoken to the gentleman about his issues and the letter was forwarded to the applicant, Schuyler Companies and the police department.

Chairman Leveille asked if this store was different for Tractor Supply from the others in the region. Mr. DeDamo said the others were new structures. Mr. Silliman asked the square footage of the Clifton Park store. Mr. DeDamo said it was twenty thousand (20,000) square feet.

Mr. Coffey asked what type of merchandise was sold at this retailer. Mr. DeDamo said supplies for gardening, small hobby farms, landscapers and other types of equipment. The hours of operation would probably 8:00am to 8:00pm. Mr. Tucker said no deliveries would be made on the off hours; only when the store was open. Usually they receive about two (2) tractor trailers of goods per week.

Mr. Behuniak asked if there was any pedestrian/bike paths planned for Glenmont Road. Mr. Morelli said the Town has a pathways committee that is looking Town wide to see how to better accommodate pedestrians throughout the Town. He said little by little areas where sidewalks are needed are being identified and filled in. Ultimately the Town would like to see the sidewalk connection finished up to the Glenmont School. He said this applicant has been very receptive to the suggestions from the Town. Mr. Morelli said the applicant needed to be able to turn over the store to Tractor Supply by October or they could walk. Mr. DeDamo said the Town has been very helpful in this process.

Chairman Leveille thanked them for their presentation and congratulated them on securing this caliber of tenant in this economic climate.

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

Mesiti Subdivision

The next item on the agenda was an initial presentation for a four (4) lot subdivision on Oakwood Road.

Mr. Lipnicky said the project qualifies as a minor subdivision it has two point (2.9) acres in a residential district. One of the main issues is wetlands on the property. It has been referred to the ACOE and they have requested additional information. The other item is archeological and the ACOE has requested they coordinate with SHPO.

Mr. Bossilini from Ingalls and Associates presented for the applicant. He said the proposed four (4) lot subdivision is in a residential A district and serviced by municipal water and sewer. He said there is a wetland area on the site that has been delineated and a PCN was submitted to the ACOE. He said the primary concern is cultural resources because it's in a sensitive area. He said the Corp application has been tabled until that issue is resolved. An archeologist is doing an investigation and should be finished by next week. He said staff has done an initial review and they are working on addressing those comments before resubmitting.

Chairman Leveille said he was a little concerned with the additional driveways onto Oakwood Road. Traffic travels quickly on that road. He understands that the parcel is constrained so road access into the property to serve those properties might not be possible. He thought it was logical to extend Montrose over to serve those properties. Mr. Bossolini said the main issue was the wetlands on the site. He said the wetland boundaries meandered throughout the site and there would be too many wetland impacts. Chairman Leveille asked if they could reduce the number of lots. Mr. Bossolini said it would not be cost effective to install a road. There is a buildable area at the front of each of these lots. A couple of the lots are wider because the buildable area doesn't go back as far. The lots have been set so there is sufficient buildable area and a way to get to the road. Chairman Leveille asked if the lots would be filled to get to grade. Mr. Bossolini said the houses would be built out of the ground because of the water table. They wouldn't have a full foundation but have fill around the front with walk out basements. He said they need to be sensitive with wetland impacts. Chairman Leveille asked if the wetlands extended back to the keyhole lot house. Mr. Bossolini said their wetlands delineation went to the back of the proposed lots. The pond is where all the wetlands drain to. They didn't delineate back all the way to the keyhole house.

Mr. Smolinsky asked the applicant to give a history of Mr. Cubello's property. He wondered how this parcel got divided from the larger parcel and will there be access to the larger parcel if this one was developed. Mr. Bossolini said that parcel was separate from the project parcel. Mr. Lipnicky said that was a totally separate parcel from the project parcel. It's separated by a parcel owned by someone else. Mr. Smolinsky asked if it was subdivided from the larger piece. Mr. Lipnicky said not since he has worked for the Town, over twenty years. Chairman Leveille asked if this parcel had a land division a few years ago. Mr. Morelli said yes. The keyhole lot in the back was created through a land division for Mr. Cubello's son to build a home. Those two (2) parcels together made up the parent parcel. Mr. Smolinsky asked if the land division looked at access to the other larger parcel. Mr. Lipnicky said the larger parcel was irrelevant to this project. The larger parcel has its own access to Oakwood Road and is separated by a parcel owned by Godino.

Mr. Lipnicky asked the Board for direction with the project. The applicant has addressed all the issues raised by engineering and planning. Before the public hearing, the Board must issue a SEQR Determination and the wetland issue is on hold by the ACOE and an archeological study that hasn't been done as of yet. He asked if the Board felt comfortable moving forward with a Negative Declaration or does the Board want those issues resolved before those decisions are made. Mr. Lipnicky said a similar situation had come up with Meadowbrook where the archeology and wetland issues were not resolved initially and the board moved forward. Mr. Smolinsky asked if the Board had ever moved forward on a project that the ACOE had suspended their review or raised an issue such as ones raised here with the wetlands on the keyhole lot. Mr. Lipnicky said he didn't recall a letter from the ACOE where they had suspended their review. Chairman Leveille said unlike Meadowview II where the ACOE agreed with the applicant but couldn't get around to writing the letter, here is a clear case where the application has been stopped because of lack of information. Mr. Silliman said there was a pending archeological study and the Board doesn't know what it will show. He recommended that the Board wait until that study was completed. That study will form the foundation for the ACOE. The Board agreed to wait until that study was complete.

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

Kendall Square

Chairman Leveille introduced the next project, an initial presentation of a mixed use site plan Kendall Square on the corner of Elsmere Avenue and Feura Bush Road. The proposal is for a mix of commercial space and apartments.

Mr. Morelli said during the Comprehensive Plan certain area were identified for hamlet areas. There has been a lot of development in the Glenmont area over the past twenty years, most being single family homes. Not much neighborhood scale commercial use. When residents need services they need to get in their car for them. This parcel was identified for a hamlet area and zoned accordingly. It will not need Town Board approval. He said the applicant, Lee Rose, has worked closely with Ingalls and Associates, developing a mixed use plan that meets many of the goals of the hamlet design.

Mr. Bossolini, Ingalls and Associates, presented for the applicant. The project Kendall Square is a seventeen acre vacant parcel located between Walden Fields and Hewitt's Garden Center. The proposal is for a mixed use development with a blend of small neighborhood commercial uses and multi-family residential component. The site is currently an agricultural use with wetlands interspersed. The interior of the site has a small forested area. A wetland delineation has been done on the property and the ACOE has agreed with their determination of the wetlands boundaries. The site will have a twenty thousand (20,000) to forty thousand (40,000) commercial component towards the corner. The buildings, four (4) at five thousand (5,000) square feet each, will front on either Elsmere Avenue or Feura Bush Road. They will incorporate some small commercial uses such as dry cleaners, medical office, coffee shop or other allowable uses in that zone. Parking will be on the interior, easing back to the residential component of the site. The site infrastructure will include on street parking and off street parking and some of the roads will be Town roads. The remainder of the site will be privately owned and maintained by the management company. The site is serviced by municipal water and sewer. They will be providing about one hundred (100) parking spaces in the commercial area and they exceed the requirement for the residential parking. They are targeting 2 spaces per unit. Some of the residential units will have attached parking. Wetlands have been identified on the site through the middle of the property. They will have about one third (1/3) of an acre of impacts and they have submitted the PCN to the ACOE. They have timed out on that after responding to their first round of comments. They have completed the cultural resource study on the site and have received a letter of no effect from SHPO. They are working with NYSDOT to find out if they will have impacts on the state highway system. The corridor is well traveled but the proposed development is not a large traffic generator. They are not anticipating a substantial impact to the traffic patterns that are already there. This is intended to serve the neighborhood by making it pedestrian friendly. They have looked very closely at the requirements in the hamlet zone. They are addressing the street line with the buildings, the parking is in the rear and there will be sidewalks along the major streets and walking paths internally. He showed an aerial photo to show density in the area. They thought it was ideally located for a neighborhood commercial use based on the other developments in the area and their ability to access them. He showed some conceptual ideas for design of the buildings. The building footprints would be about five thousand (5,000) square feet. Once they have an idea who the tenants will be, the design of the buildings will be more specific. Instead of having a building on the corner, they are proposing a gateway type of entrance, such as a gazebo. There are opportunities on the site to add viewing benches near the wetland areas. There will be one hundred ten (110) residential units and twenty thousand (20,000) to forty thousand (40,000) square feet of commercial space.

Chairman Leveille asked Mr. Ritz if the Town had a pedestrian plan for the area. Mr. Ritz said the Town is working on sidewalks on Feura Bush Road now and they are finishing the connection between Walden Fields and Delmar Bypass to Elsmere Avenue. Chairman Leveille said one of the concerns he would have and one way to help the traffic issue is to encourage people to walk but safe crossings are going to be an issue. He would like to see a plan how the improvements the Town is making, ties into the proposed improvements. Mr. Ritz said the Town is bringing the sidewalk down Feura Bush Road to Wemple Road to tie into the sidewalk along that road.

Mr. Bossolini said the sidewalk, absent of this project, will continue down Feura Bush Road and also down Elsmere Avenue. He has spoken with the engineering department about the location of the sidewalks. He said NYSDOT will weigh in on whether they need to do any pedestrian improvements to the intersection. Chairman Leveille said if the gateway is really at the corner it might not get used much because of the traffic. He suggested

pushing it back further into the site. He thought it would be more inviting. Mr. Bossolini said as the site plan further evolves it could be done that way.

Mr. Coffey said his experience with driving in that area was that intersection was quite busy now. With one hundred ten (110) residential units and the proposed commercial, he would be interested in seeing if there would be any suggested changes to the lanes on Feura Bush Road or Elsmere Avenue. He asked if that had been considered or was the applicant waiting for the traffic study to be completed. Mr. Bossolini said they had looked at the lanes but they didn't have a firm answer as to what should be done. They were looking at the logical traffic movement in the area.

Ms. Powers asked if there were any limits to the commercial uses. She asked if there would be restaurants. Mr. Bossolini said whatever is allowed under the Hamlet zone would be considered a possible tenant. Restaurants are allowed in the zone. Ms. Powers asked if they had any prospective tenants. Mr. Bossolini said not yet, he thought the project would be built in stages as tenants came forth.

Chairman Leveille asked if some of the commercial building would be mixed use. Mr. Bossolini said the Zoning Law allows mixed use structures. It is an option that could be contemplated but not one that is firmly being considered.

Mr. Behuniak asked if the residential units would be townhomes or rentals. Mr. Bossolini said the units would be rentals. He said in that area of the town there was mostly owner occupied homes. Mr. Behuniak thought there were other rental units in the area. Mr. Bossolini said there would be a mixture of one (1) and two (2) bedroom apartments, some with garages and some without.

Ms. McCarthy said she really liked the aspect of the design with the buildings to the street and the parking behind. She said some of the buildings showed elevations with no windows and anything that could be done to avoid large expanse of flat walls would be better. Mr. Bossolini said once they have a commercial tenant, they would come back to the board for additional site plan approvals for each of the structures. Mr. Behuniak agreed that more windows would be an improvement. He asked if the architecture could be more unique. Mr. Bossolini said that would come as the project evolved.

Mr. Smolinsky said the most attractive thing about the project was the scale of it against the neighboring development. He asked the applicant to compare the footprint of the proposed buildings against the Walden Fields buildings. Mr. Bossolini said the larger buildings of the residential portion of the project were five thousand (5,000) to sixty-five hundred (6,500) square feet. The three (3) unit buildings would be in the twenty-seven hundred (2,700) square foot range. The Walden Fields twin homes footprint are about four thousand (4,000) to forty five hundred (4,500) square feet. All the buildings will be either one (1) or two (2) story structures.

Mr. Morelli said the same family that owns this land owned the property of Walden Fields and it's the same developer. The zoning is a little different but consistent with the goals of the comprehensive plan for a hamlet district.

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

The Board reviewed the draft minutes of April 7, 2009 prepared by staff.

A motion to approve the minutes of April 7, 2009 as drafted was offered by Ms. McCarthy, seconded by Mr. Coffey and the approved by all Board members present.

The Board reviewed the draft minutes of May 5, 2009 prepared by staff.

A motion to approve the minutes of May 5, 2009 as amended was offered by Mr. Smolinsky, seconded by Ms. McCarthy and approved by all Board members present.

Chairman Leveille reminded the public that the next meeting would begin at 6:00PM

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

The meeting adjourned at 8:50 PM.

Respectfully Submitted,

Nanci Moquin