

**PLANNING BOARD
TOWN OF BETHLEHEM**

March 1, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting** on March 1, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:30 pm.

Agenda: Beacon Pointe Harbor

Present: Parker D. Mathusa, Planning Board Chairman
Daniel Odell, Planning Board Member
Howard Engel, Planning Board Member
Thomas Cotrofeld, Planning Board Member
Christine Motta, Planning Board Member
Katherine McCarthy, Planning Board Member
Brian Collier, Planning Board Member

Jeffrey Lipnicky, Town Planner

Peter Lynch, Esq., Lynch & Lynch
Victor Gush
Stewart Messinger, AICP, Chazen Companies
Chris Dempf, Delmar

Chairman Mathusa called the meeting to order and noted the presence of a quorum. He deferred the Beacon Pointe Harbor project to allow enough time for the applicant to arrive and began the meeting with the review of the minutes of February 15, 2005.

A motion to approve the minutes as amended was offered by Mr. Cotrofeld, seconded by Ms. McCarthy and approved by all board members present.

Beacon Pointe Harbor

Chairman Mathusa turned the Board's attention to the Beacon Pointe Harbor project. He requested the applicant update the Board on the project. A Draft Scope had been delivered last week for the Board's review and discussion this evening. If the Board could agree on the language within that document, the Planning Department had prepared a Draft Resolution recommending to the Town Board that they approve the Draft Scope as the Final Draft Scoping Document.

The applicant's intent was to establish a Planned Commercial District by amending the Zoning map from the current Heavy Industrial to the PCD.

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

Mr. Lipnicky introduced Mr. Stewart Messinger, with Chazen Companies. He had been retained as a consultant for the review of the scoping document and would be giving the Board an overview of the changes that been made to the original document.

Mr. Lynch, the applicant's representative, stated that late last week he had received the revised scope that Mr. Messinger and Mr. Lipnicky had prepared. He said that Mr. Groff of Chas. Sells and Mr. Yardley of Buckhurst, Fish and Jacquemart were the gentlemen that were in charge of this document for the applicant. Mr. Lynch distributed redlined copies of the changes they were proposing to the section of the scoping document that dealt with Visual Resources. Mr. Lynch stated that immediately after the scoping session, Mr. Gush had directed his staff to begin preparing the Draft Impact Statement. The current Draft Scope was somewhat more involved than the one available at the time of the scoping session but that was expected. They understood it was an evolving process. He stated that one of the issues they had with the initial scoping document was the level of detail. He mentioned the difference between the filing requirements for a zone change to a PDD versus the detail needed when filing for a site plan within the Planned Development District. Within the current scope, the Visual Resources Section called for architectural renderings and plans with materials listed. Mr. Lynch stated that they couldn't supply that amount of detail. They understood that the Town wanted to have an idea of what the project would look like when built out. He stated Mr. Yardley had wanted a change to the current Scoping Document under the Visual Resource Section to allow them to supply an air print of a building, not necessarily the architectural renderings with the building materials but a block like structure in which the visual impacts could be achieved. The size and location of the structures would be supplied. This was the only area in which they had proposed any changes.

Mr. Messinger stated that after reading the proposed changes, he felt that they could come to a middle ground. He asked Mr. Lynch for an example of the air print that Mr. Yardley was proposing. He wanted to make sure that it was more than a line drawing. He knew that at this point they didn't know the exact materials of the buildings but wanted to open the discussion of issues such as reflective material. Mr. Messinger wanted to see two (2) changes, he felt it necessary to have a specific distance range for the Visual Impacts Analysis. The standard methodology was to go out five (5) miles. He wanted the language of within five (5) miles to remain in the document.

Mr. Lynch was not sure as to why Mr. Yardley wanted that distance changed but they were willing to compromise. Mr. Lynch also stated Mr. Yardley had produced air prints before and they would supply Mr. Messinger with samples.

Mr. Messinger didn't feel that it was necessary to state where the view points would be taken from, he wanted that language to reflect a necessity to consult with the Planning staff on that point. That determination could be done from either a map or by going out into the field. Mr. Lipnicky agreed with Mr. Messinger that it was necessary to have all parties in agreement as to the points of the visual study. Neither felt that three views from the river were necessary. The need from one at a point from the other side of Rt. 144 was mentioned. Mr. Lynch stated that they would want the Town's input for the Visual

Impact points so they wouldn't have to do them more than once. Mr. Messinger still wanted to keep the five (5) mile distance within the document because that distance would influence where the three (3) points would be.

Mr. Messinger raised the possibility of the Board empowering the planning staff, consultant and applicant to craft the final language pertaining to this point in order for the resolution to move along.

Mr. Messinger passed along a redlined copy of the Draft Scope from his point of view. The traffic scope at this point called for AM and PM peak hour analysis, which was standard. Mr. Yardley had also put in a weekend analysis. Mr. Messinger didn't see the need for the weekend analysis because this was an office park, he thought that should be struck from the document. Mr. Lynch stated that would be fine.

Mr. Messinger passed out a list of the changes between the current scoping document and the original submission. He advised whoever was producing the EIS to ask questions often if they needed clarification on the scoping document. He thought that the major points were the addition of the Visual Analysis, the addition of an Air Quality Screening Analysis, because of the additional cars and some additional noise analysis. They wanted to have a consensus as to where these analyses would be done. He stated that Beacon Heights should also be taken into consideration when doing these analyses. Mr. Messinger stated that they had requested some additional use alternatives; what would happen if EPA took over the site, an alternative use under the existing zoning, a lower density use and some alternative layouts. Mr. Messinger viewed those points as the biggest changes to the document.

Mr. Lipnicky stated that one of the alternatives should include an industrial use because it was currently zoned Heavy Industrial. The primary reason for the zone change was increased flexibility in the design of the site. Though some of the proposed uses would be allowed within the current zone, some would not, such as the residential component.

Chairman Mathusa stated that those alternatives could be used by the applicant in their presentation to the Town Board for the zone change.

Mr. Lipnicky stated that it was important for the applicant in terms of methodology to touch base with the Town to avoid having to do things more than once. He wanted everyone to agree.

Mr. Lynch requested that a red lined copy of the original document be submitted with the comments.

Mr. Odell thought that the City of Albany and the Port District should be included on the list of interested agencies because of their close proximity to the project. The intersections that would be within the traffic study were not in the City of Albany but there were a few within the City of Albany that were closer to the project and would be impacted.

Mr. Lipnicky stated that the list of interested agencies were agencies that had a review component. The two that Mr. Odell had mentioned would not be reviewing this project but they could be added to the list. Mr. Odell wanted to add a navigational chart map of the Hudson River showing the shipping channel and navigational markers to the required map section.

Mr. Gush stated that they had a marine engineer already working on aspects of the project. Mr. Lynch stated that running through the site from north to south was an existing water line owned by the Albany Water Board that serviced the utility company to the south of them.. They were going to explore the possibility of the access to that water. He thought that the Albany Water Board should be listed as an interested agency.

Mr. Gush stated that the waterline actually ran over the railroad bridge to the north of the site. He stated that the City of Albany had an easement over the property and the bridge. The bridge was in disrepair and they have boarded it up. He wasn't sure who actually owned the bridge. He thought that it might be CSX. The applicant owned the rail line but not the bridge.

Mr. Collier stated that the EPA had mentioned that a positive aspect of the property was the rail access. Mr. Gush stated that there were two other lines that ran though the property. He stated that the structure of the bridge was wood and they have had a bridge engineer examine the bridge. They thought it could be repaired. They had blocked it off so that no one would be injured. The other rail access was off of the mainline and he thought it was owned by Conrail.

Ms. McCarthy thought that a traffic study would be beneficial on the weekend because of the proposed marina and indoor water park. Because the square footage of those facilities were so much smaller than the square footage of the office complex, Mr. Messinger didn't think that it would generate significant traffic in the weekend peak hours. Mr. Engel thought that the most important time of the weekend would be Friday night. Mr. Messinger stated that the weekday peak hours would include Friday evening and give the worst-case scenario. He stated that the events from the site would be discussed in the study. The traffic that would be generated from those events would be less than the weekday hours.

Ms. Motta asked what would happen if the EPA took over the site, would this document continue to be the scope if the project couldn't go forward for about ten (10) years. Mr. Lipnicky stated that if there were a ten (10) year delay the information in the document would be stale. Mr. Messinger stated that then the document would need to be updated and that might be accomplished with a Supplemental EIS. Mr. Lipnciky stated that if the EPA used the site then the baselines would change.

Mr. Odell wanted to know if the EPA would have to do a SEQR review on the Federal level to use the site. Mr. Lipnicky stated that they were subject to the National Environmental Policy Act, which has Environmental Impact procedures attached to it. Mr. Gush did not have any additional information, he stated that the EPA had been on the

site over the summer but they wouldn't tell him what type of testing they had already done.

Chairman Mathusa asked if the language of the resolution could be amended sufficiently to satisfy the applicant, staff and the consultant at this meeting. Mr. Messinger suggested adding to the resolution a section that would empower the Planning staff and the consultant to craft the final language dealing with the Visual Impacts and other minor points that the applicant needed to discuss with Mr. Yardley.

Mr. Cotrofeld wanted to know what type of photo simulations would be used. Mr. Messinger stated that there was a standard way of doing that and he stated that if he was shown an example of Mr. Yardley's work, he would be able to tell him if it would be sufficient and to go forward with that approach.

Mr. Collier questioned where the viewpoints would be taken from. Mr. Messinger stated that the Zone of Visibility Map would assist with the locations.

Mr. Lynch wanted to push the approval to the next meeting.

Mr. Lipnicky stated that if the Board wanted to move forward tonight he would place an additional resolve into the Resolution that empowered the Planning staff and the consultant to work out the final language with the applicant. He stated that the scoping document in its final form would then go to the Town Board for adoption because they were lead agency.

Mr. Collier asked why there were so many references to the Beacon Heights project within the document. Mr. Lipnicky stated that in order to avoid the segmentation issue, Beacon Heights needed to be considered when looking at cumulative impacts.

A motion to accept the SEQR Resolution as modified was offered by Mr. Odell, seconded by Mr. Collier and approved by all present.

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

A motion to adjourn was offered by Mr. Odell, seconded by Mr. Collier and approved by all present.

The meeting adjourned at 8:35.