

**PLANNING BOARD
TOWN OF BETHLEHEM
May 19, 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
Terry Ritz, Assistant Town Engineer

Ted & Kathy Zabinski David Ingalls
Gregg Ursprung Steve Buldoc
Daniel Desjardins

Agenda: Meadowview II
South Albany Airport
Verstandigs condominiums

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.

REGULAR AGENDA ITEMS

Meadowview II

Chairman Leveille introduced the first item on the agenda, Meadowview II, a seven (7) lot subdivision proposed for the end of Jasmine Drive. Mr. Lipnicky said the primary issue raised at the Public Hearing was screening along the parcel boundaries of the existing Meadowview Subdivision. There were a couple of comments from neighbors at the meeting and Mr. Lipnicky had received a phone call from one of the adjoining property owners about the removal of vegetation. He said most of the site will need to be re-graded and tree removal will be necessary for the project to develop. Some of the existing homes have vegetation behind them on their own property. The project was on the agenda to receive direction from the Board on addressing these issues. Mr. Ingalls will present a proposal for the Board's consideration.

Mr. Ingalls showed an aerial view of the wood line along the property line of some of the existing homes. He said some of the vegetation is on the existing lots. The applicant was willing to do some evergreen plantings in the sparse areas. He noted that from the existing rear yards to the proposed homes is averaging about one hundred

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(100) feet. One school of thought is to connect the neighborhoods or another thought is to make each home site completely private. He said the applicant was willing to do whatever the Board feels is appropriate. They show about twenty (20) to twenty-five (25) trees that could be planted along the rear yards if the Board prefers screening. The proposed homes will be very similar in the finished floor elevation as the existing homes. He said there is a natural roll up of the land to about four (4) feet coming from each home to the tree line. The applicant's proposal is to place six (6) to eight (8) foot evergreen trees on that berm. He said there are four (4) homes that would have their backyards face the backyards of the existing homes. He said one of the adjoining neighbors has already planted evergreen screening on the rear yard of his property. They will try to save trees but grading must be done fairly close to the common property line to create proper drainage and rear yard areas for the new homes.

Mr. Smolinsky said the Subdivision Regulations suggests a developer make a conscious effort to preserve major trees on a site. He wanted to know if that was taken into consideration by the developer. He asked staff if those guidelines are taken into consideration when the plans are reviewed. Mr. Ritz said Mr. Ingalls worked with the Town to reconfigure the cul-de-sac into the roadway now proposed. The Town had had a dotted line on a map for years trying to get a north/south connector road. The Town had reserved space from Haswell Farms but it wasn't buildable. Engineering had worked with Mr. Ingalls and they had come up with a new road alignment. It was very difficult to get to fit into the existing contours and the trees were not considered as the design was done. The Town felt the road had priority over the trees.

Mr. Ingalls said the proposed Schoonmaker Road will eventually be part of the north/south collector road. That was done at the request of the Town. He said the road was the low point of the site. The grading will be done to insure proper drainage to the street while still having reasonable driveways slopes. Mr. Ingalls said any major vegetation that can be saved, will be saved but he didn't have high hopes that much could be saved.

Mr. Smolinsky said because it looks as if most of the existing vegetation will not be able to be saved, he would be in favor of in fill screening vegetation. Mr. Behuniak asked if the screening would be thick enough to represent a fence between the properties. Mr. Ingalls said to make it more naturalistic, the plantings could be more random infill. He said on the plans, in an area of about two hundred twenty-five (225) feet, they're showing about twenty-five (25) white pines in a staggered pattern. Some areas won't need as much as others. He thought they needed to get into construction and see what trees can be saved and then they will know where the infill will be most needed. Mr. Behuniak asked Mr. Ingalls how they preferred to proceed. Mr. Ingalls said they would try to save as much vegetation as possible and infill where necessary. The applicant is willing to put in up to twenty-five (25) trees. He thought it was premature to positively locate where the trees would be placed. Mr. Behuniak asked Mr. Lipnicky if those numbers seemed reasonable. Mr. Lipnicky said in a few years that number of trees would form a reasonable screen. He said it is a residential development backing up to a residential development. Back yards would face each other. It's not a commercial development being proposed. He said because the grades will need to change about three (3) feet over the site, he didn't think much vegetation would be saved. Ms. Powers also thought some in fill was necessary and wanted to know if a specific proposal had been submitted. Mr. Lipnicky said the project was at the preliminary plat approval and more specifics would come later. He suggested the Board require a plan for mitigation with a notation that allows the applicant to field adjust it with conditions on site. Chairman Leveille thought that was a good solution.

A motion to accept a planting plan for mitigation with field adjustments allowed was offered by Mr. Behuniak, seconded by Mr. Smolinsky and approved by all Board members present.

Mr. Coffey asked Mr. Lipnicky to discuss the wetlands issue. Mr. Lipnicky said the applicant has indicated the wetlands on the site are isolated. The ACOE had sent an email that agreed with the statement but they can't officially agree until a letter is written and they don't have time to write a letter. There will be a condition in the preliminary plat approval addressing the wetland issue. It will need to be resolved prior to the signing of the final plat.

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

South Albany Airport

Chairman Leveille introduced the next item on the agenda. This is a request for a site plan/ special use permit from South Albany Airport on Old School Road to add a new hanger. This is an initial presentation with a possible SEQR Determination and setting of a public hearing date.

Mr. Lipnicky said the applicant is proposing a hanger that will accommodate ten (10) planes on the site. He said there weren't any significant environmental issues identified by staff. It will require referral to the Albany County Planning Board and a public hearing

Mr. Zabinski presented for the project. He said the airport is a privately owned public use airport. The proposal is to build a ten (10) bay T hanger. This type of hanger is a roof only, no sides or doors. There are currently ten (10) planes based there now. No additional planes are to be added. This is to keep snow or hail damage off of the planes. They had received a grant from NYSDOT to build the hanger.

Mr. Dejardin, PE from Passaro Engineers, said the hanger is a parking facility for planes but not in the traditional sense. As previously stated there won't be any sides, electricity or lights. It looks like a large canopy for a gas station. The last sheet of the plan set shows an example of a similar structure that the final product might resemble when erected. Since this project will be funded with public money; the job will need to go out to bid and it might be a different manufacturer that wins the bid. They would like to maintain a similar color for the new structure as the buildings currently on the site. The other buildings are a white and off beige. He said they have met with staff and changed the plans from their comments. There are still a few comments that need to be addressed.

Chairman Leveille asked if there would be any new activities at the airport. Mr. Dejardin said no. The hanger wouldn't cause any additional noise or echoing because the planes must be pushed or pulled out of the hanger before the engines would be started. Chairman Leveille mentioned the additional buffering requirements required because the adjoining property owners are in a different zoning district. He asked if the applicant had a solution for that buffering. He said it was not a question of if the landscaping is required but what kind of landscaping.

Mr. Zabinski said when the question of landscaping was first mentioned, they discounted it because landscaping is not appropriate at an airport for airspace safety reasons. Typically at an airport, they remove as many trees as possible for safety reasons. There are airspace requirements that must be met. He understands now that the buffering would be required along the property line to shield the view from the residential yards. They have not addressed that issue yet.

Chairman Leveille said shielding from airplanes going in and out was impractical but a solution could be a treatment along the edge that would soften the edge between the residential district and the airport property without causing safety concerns. He suggested low shrubbery. He asked Mr. Zabinski how close the edge of the property is to the runway.

Mr. Zabinski said the distance was about five hundred (500) feet. He said it was currently treed along the fence line. He said two (2) years ago the airport put up a six (6) foot high chain link security fence in the back areas. On the front of the property visible from the road they had put up a more ornamental fence. He asked if the airport could install a visual screen along the fence instead of the landscaping. He suggested slates in the chain link that would shield the view. Mr. Lipnicky said the Zoning Law had a vegetation requirement and the fence screening would not satisfy that requirement. Mr. Zabinski agreed that fence screening didn't hold up over the long run. Mr. Lipnicky said the Planning Board had a lot of discretion as to what they think will be adequate.

Mr. Silliman said the Board had enough information to proceed with setting the public hearing and the landscaping issue can be resolved later. He said one option was for the airport to seek a variance from the requirement. Mr. Zabinski said it was a safety issue because of birds. They don't want to attract any birds. There aren't any trees currently on the property. The security fence has cut done on the turkeys and deer and that was one of the reasons they didn't want any shrubbery especially around hangers.

When asked Mr. Zabinski said there were residences on the perimeter of the airport and they have a good relationship with those neighbors. Chairman Leveille said a reasonable solution could be met. Mr. Behuniak said a while ago the Planning Board required an applicant to mitigate on a neighbor's property. In that case the applicant went to the neighbor and came to a monetary agreement; letting the neighbor handle the mitigation as they saw fit. He thought that might be a solution after reaching out to the neighbors.

Ms. McCarthy said that instance was a different situation because the neighbors were complaining. The Town is requiring the vegetation through the Zoning Law. Ms. McCarthy asked if the Planning Board had the authority to allow no vegetation to be planted. Chairman Leveille said the Planning Board had the authority to approve a landscaping plan but it didn't need to be very substantial. Mr. Lipnicky said the species, type, location and height shall be subject to approval of the Planning Board. He said this was all judgment by the Board and allowed a lot of flexibility.

Mr. Zabinski said planting on a neighbor's property would not be desirable to the airport because they wouldn't have any control over the type of planting and it could grow high causing an air space safety condition. Mr. Behunaik said those property owners could plant trees now on their own. Mr. Zabinski said they could. At larger airports the airport will condemn properties, acquire easements over property with the intention of cutting trees down.

Chairman Leveille suggested the applicant work with staff to come up with solution. He asked the Board if they had any other questions or concerns. Mr. Coffey asked how many existing hangers were on site. Mr. Zabinski said there were two (2) storage hangers, ten (10) planes per unit. There are also a few separate hangers. The new hanger will be east of the existing hangers. Mr. Coffey said the new hanger would be further away from Old School Road than the existing hangers and the neighbors. He said because of those existing hangers, there's already a buffer. The only area of concern would be near the Dorsey property. Mr. Coffey asked if additional aircraft would be stored at the facility because of the new hanger. Mr. Zabinski said they had a waiting list of people that are based there that would like to rent hanger space. He said they had about fifteen (15) planes tied down at the airport. Mr. Coffey said for purposes of the environmental review, he asked if there would be change in the number of aircraft flying in and out of the facility. Mr. Zabinski said no. Mr. Dejardin said the runway's length (2,860) limited the aircraft to prop planes.

Mr. Smolinsky asked about the structural integrity of the hanger after last year's wind storms. He asked about the design criteria. Mr. Dejardin said the criteria was for ninety (90) mile an hour winds. He said the center post has a substantial footing, about nine (9) feet deep. It is also designed for the snow loads of the region.

Ms. Powers asked how long it would take to the construct the hanger. Mr. Dejardin said it would probably take about two (2) to three (3) months. They're hoping to get it built this summer/ fall season.

The Board reviewed the draft SEQR Resolution prepared by staff.

A motion to approve the SEQR Resolution as drafted was offered by Mr. Smolinsky, seconded by Mr. Coffey and approved by all Board members present.

A motion to set the Public Hearing date for the Special Use Permit for South Albany Airport on June 2, 2009 at 7:00pm was offered by Mr. Coffey, seconded by Ms. McCarthy and approved by all Board members present.

Verstandig Condominiums

Chairman Leveille introduced the next item on the agenda. A site plan amendment for the project.

Mr. Morelli said the project had been approved in March and now the applicant has decided to reduce the footprint of building number six (6). They will be adding some additional covered parking and increase the small utility building. This will not change the grading, stormwater, or finished floors elevations. The overall benefit is an increase in the green space and reduction of impervious surface.

Mr. Ursprung, Saratoga Associates, presented for the applicant. He showed the Board the plans that had been approved and the new proposal. The changes include modification of one building footprint to be the same as the four (4) unit footprint buildings. This will allow the construction of a six (6) car garage instead of an open parking area. The water storage building was ten (10) by fifteen (15) originally and it will be increased to twelve (12) by eighteen (18).

Mr. Smolinsky noticed that the storage building is within the rear setback and the sewer easement. Mr. Morelli said the main purpose for the building is to house the backflow prevention devise. DPW wanted the building in this location. The Planning Department had asked the applicant to enclose the silver metal utility building and they agreed.

Mr. Behuniak asked if the reduction in size would also reduce the number of units. Mr. Ursprung said because there are only four (4) units in a building that had been designed for five (5) units; they decided to reduce the size of the building.

Ms. Powers asked why they decided to change the plans. Mr. Ursprung said trying to do four (4) units in a five (5) unit footprint was not working. Ms. Powers asked when construction would start. Mr. Buldoc said they will submit to the Attorney General once this revision is approved. He thought it wouldn't be until October or November until they could break ground.

Mr. Smolinsky asked who was responsible for site maintenance during this waiting period. Mr. Buldoc said Mr. Verstandig is still the owner of the property. Mr. Smolinsky said it was a sad looking site. Mr. Buldoc said he has no control over the property.

The Board reviewed the draft SEQR Resolution prepared by staff.

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

The Board reviewed the draft site plan amendment SP 153 A-1 prepared by staff.

A motion to approve site plan amendment SP 153 A-1 as drafted was offered by Mr. Coffey, seconded by Ms. Motta and approved by all Board members present.

The Board reviewed the minutes of March 17, 2009.

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

Chairman Leveille suggested the Board consider a change in the start time of the Planning Board meetings for a limited time period. Mr. Silliman suggested starting the second meeting in June to give time to publish the time change. The Board agreed on 6:00pm start time for the Planning Board meetings for a trail period during the summer months to begin with the second meeting in June.

Mr. Silliman said he would be working with staff to bring the Board some in house training. There is a four (4) hour training requirement and this would help fulfill that requirement. It could be done during a Planning Board meeting.

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

The meeting adjourned at 8:00 PM.