

**PLANNING BOARD
TOWN OF BETHLEHEM**

October 7, 2008

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on October 7, 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: Parker D. Mathusa, Planning Board Chairman
Keith Silliman, Planning Board Counsel
Howard Engel, Planning Board Member
Nick Behuniak, 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, Assistant Director of DEDP
Jeff Lipnicky, Town Planner
Rob Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Terresa Bakner	Frank Fazio
Howard Johannessen	Walter Kubow
Frank Crisafulli	Luigi Palleschi
Dan Guasp	Doris & Fred Kirk
Kevin Klersy	Keith Bennett
Joel Burtman	John Mariconti
Richard Rosetti	Fred Becker
John Mott	Sue Hulick
Polly Mathusa	Ken Gonyea
Sanford Sheber	Bob Burnett
Kim Willey	

Public Hearings:

Carol Richards Subdivision
450 Route 9W Medical Office

Regular Agenda Items:

Elm Avenue East Subdivision
Adirondack FPI
Selkirk Ventures
Backyard Sheds
Trinity Manor Phase 5
Selkirk Warehouses
35 Hamilton Lane

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

PUBLIC HEARINGS

Carol Richards Subdivision

Chairman Mathusa said the project; a subdivision at the corner of new Scotland Avenue and Fisher Blvd. was last before the Board on September 16, 2008

A motion to indent the public hearing notice was offered by Mr. Engel, seconded by Mr. Smolinsky 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, October 7 at 7:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application for Carol Richards Subdivision, located at the corner of New Scotland Road and Fisher Blvd, Slingerlands, NY, Albany County, N.Y., as shown on map entitled: PRELIMINARY PLAN, SUBDIVISION OF LANDS OF CAROL A. RICHARDS, Towns of Bethlehem and New Scotland, Albany County, State of New York, dated August 25, 2008 , map prepared by Edward W. Boutelle & Son, 423 Kenwood Avenue, Delmar, NY 12054.

Chairman Mathusa asked the applicant's representative to give a short status report on the project. Mr. Johanessen from Boutelle and Sons presented. He said the project is located at the intersection of Fisher Blvd. and New Scotland Road. It consists of about 36 acres, 8 lots the largest of those lots, 25 acres, is being sold to the Open Space Institute. The subdivision will have 6 building lots ranging from ½ acre to 4.5 acres. There is public water which will provide water to the proposed lots. There is an existing sanitary sewer from Trumpeter Place that will be extended towards New Scotland Road. The other infrastructure improvement will be to an existing storm sewer that will be extended to be able to service a few of the lots. The other lots will have dry wells.

Ms. Bakner, Esq. said she had asked Ms. Richards, the owner of the property several times about her view on the 20 foot pedestrian easement that the Town has requested. She is not willing to agree to that request. Her view is that she is doing a great service for the Town and the property owners that surround the property by insuring that the vast majority of the land will be preserved for open space purposes. They have a letter from OSI saying they are willing to purchase the land. Ms. Richards worked a long time with that organization on that purchase. She is personally devoted to this portion of the property and the meadow. Her concern was that that portion of the land could never be developed. There are deed restrictions as a condition of the purchase stating it can never be developed for any purpose. OSI will hold the land for a period of time until it can be transferred to NYSDEC Five Rivers. Originally OSI had offered an amount that was reduced by an appraisal after those deed restrictions were included. She wanted to let the Board know this so they would understand Ms. Richard's feelings for the property. Six (6) lots of the subdivision are available for sale. Under the RA zoning district many more lots could be developed. She felt it was a benefit to have the large parcel added to Five Rivers if the State chooses to do so. Ms. Richards is aware that the Town can have her pay parkland fees on the lots for sale and she will do that. She has tried to comply with the other requests from the Town. She will not agree to the access.

Chairman Mathusa opened the public hearing to the public.

Bob Burnett, 1740 New Scotland Ave. He said he doesn't have any objection to the developed, but he said he has access to New Scotland Avenue through a narrow right of way that is in his deed. He agrees with the Board that he would like to see access to the open space parcel for pedestrians from Fisher Blvd. instead of his yard. He admires the gift of Ms. Richards. When he moved in he knew there was a right of way there and the land behind him was vacant and development would come. As development goes this is about as good as he could hope for.

Doris Kirk, 1744 New Scotland. She said she is on the west side of the right of way mentioned by Mr. Burnett. It is their driveway also. They have been in the house since 1966. They knew there was a possibility the right of way could become a street. The right to use it is in their deed too. It's wonderful that Ms. Richards is giving the property to open space. It is the back of their property. She didn't think that the right of way should be used for an entrance to the open space. She said the sidewalk ends at Mr. Burnett's property, so anyone walking or bicycling is directly on New Scotland Road and would be in jeopardy. The road in that area is uneven. There is access to Five Rivers at the end of Mason Lane. Anyone using the right of way would not be safe going onto New Scotland Road. She and her husband don't have any objections to the development.

Frank Crisafulli, 25 Mason Lane. He said the people who spoke before him were correct that the correct access to the land should not be the right of way between their homes. He said he was in constant communication with Ms. Richards. He said she was going to take the land and sell it to a developer. The developer would put in 35 or 40 homes within the next five years. She has dug her heels in and she doesn't want to give the twenty (20) foot easement on Fisher Blvd. to the Town. He hopes that the Town has not dug their heels in. He thought there were other answers to the problem. He suggested the adjacent land by Mr. Cade which is under development, he could give the access. The Town could buy a lot, take their twenty (20) foot access and sell the lot; the nature conservatory is not in a position to buy one of the lots today but might be able to buy one in the July. Ms. Richards does not want to wait that long. He suggested the Board approve the subdivision and work a way to get access from Fisher Blvd. He said if the Town doesn't get access from Fisher Blvd. so what. There are 25 acres dedicated to forever green and it will have access eventually from Five Rivers. He thought there were other ways to deal with this access. He wanted the Board to approve the subdivision without the twenty (20) foot access. He thought the Town would get it someday. The option is the land gets sold to a developer and he doesn't want development in his backyard. He said it would change Fisher Blvd. He said if it was approved, it would be the only part of Fisher Blvd. that would maintain Fisher Blvd. as it has been known.

Mr. Crisafulli said when Ms. Richards sells to a developer because she doesn't get her subdivision, the developer would be buying all of the property. Chairman Mathusa said part of that property would go to a roadway system. Ms. Richards's objective would not be realized. Mr. Crisafulli said though the open space is important to her, she will sell to a developer if the Board doesn't approve without the access. Chairman Mathusa asked if it was in writing that OSI could purchase a lot in July. Ms. Bakner said Ms. Richards would sell anyone of the lots to OSI if they were going to pay fair market value. They have been told by OSI that they were out of money for this fiscal year which continues to July. She suggested that someone else could buy a lot and deed the easement over to the Town. She said Ms. Richards was tired of the process. Ms. Bakner said maybe she was not used to the process or to her it seems much longer because she has been involved with her aunt's estate for so long.

Mr. Crisafulli said he was willing to personally buy one of the lots at market price with the contingency that he gives the Town their twenty (20) feet.

Chairman Mathusa said under the Comprehensive Plan there is an interest in trails and there is a lot of interest to make that portion of Fisher Blvd available to everyone to take a walk or a bicycle to Five Rivers. It's only one tenth of an acre. He said under the parkland provision the Town could use the pieces to make the 20 foot easement but they would rather not do that.

Mr. Silliman asked Ms. Bakner if the Planning Board were to impose the Parkland set aside to get the twenty foot strip, would the subdivision as proposed would be withdrawn by the applicant? Ms. Bakner said yes. Ms. Richards had considered withdrawing the subdivision before the hearing. Ms. Bakner told her to try to let the Planning Board come up with a different resolution.

Chairman Mathusa said if Mr. Crisafulli put his intention in writing, it might allow the Planning Board to proceed. He said from the Planning Board's perspective this is a natural entrance to all of that property. He wants to make it easier for all people to use the land. Ms. Bakner said the Board should look at the fact that one property owner should not be asked to meet the Town's needs and she does know it's likely the property would be developed in the near future if Ms. Richards withdraws or it could sit for the next five years and the Town still wouldn't have access. She said the possible developer does not have the same feeling to transfer any property to OSI or make the lots large. She asked the Board to consider the possibility that access could come from another land owner. Chairman Mathusa said he would like twenty (20) feet from both this land owner and the one next to this subdivision.

Mr. Crisafulli said assuming the market price were correct and assuming that there is water and sewer available for the lot, he would sign a piece of paper stating he would buy the lot and give the Town the twenty (20) feet.

John Meracanti, 31 Fisher Blvd. He said what more could the Board ask of one person. As far as he was concerned,

he didn't think there should be access to the land. He didn't want people on the property but thought it should be left wild. He didn't want people walking there.

Mr. Smolinsky said he was surprised that the parkland fee or set aside should come as surprise to an applicant. It is a typical requirement and it's not the Board's problem that it wasn't discussed with an applicant. He asked Mr. Silliman who made the decision whether a parkland fee or parkland is acceptable. He didn't believe it was the applicant that makes that decision but the Town Board that advises the Planning Board what they would like to do. Mr. Silliman said typically when assessing whether to assess a fee or a set aside for parkland, the Board would consult with the Parks and Recreation Department to see what type of active or passive type of recreation would be appropriate in the development. The Board's practice has been to take the fee instead of the set aside. In most cases that is appropriate given locations of subdivisions and other park facilities. He said this was a unique situation given the nature of the land, the intent for OSI to attach this to Five Rivers, which is in both the Town of New Scotland and the Town of Bethlehem. It is a significant resource in the Town. Mr. Silliman said it was the first time he can remember an applicant taking this type of position but also the first time an applicant made this type of gift. The Board, when it takes up the parkland, will have to consider the possibility that the subdivision could be withdrawn. Mr. Smolinsky said when the project was before the Development Planning Committee it was proposed with access from New Scotland Ave. and from Fisher Blvd. Somewhere along the line that changed. He wanted to go back to the original proposal if there was a way to work it out to make the applicant feel better. He thinks the access is important enough that the Board should consider it as a requirement. Mr. Silliman said the Development Planning Committee is where a developer comes in with concepts and getting feedback. It is clearly a non-binding committee.

Ms. McCarthy said she would like to discourage the Board from continuing a long discussion during the public hearing portion. But she felt quibbling over twenty (20) feet was doing the Town a disservice.

Ms. Powers thought this was an incredible gift to the Town. She thought Ms. Richards could be a role model to other developers. She thought the ideal situation was to have access to the property but even without the access it is still a gift and she wanted the Board to work with Ms. Richards on this point.

Mr. Behuniak said he thought NYSDEC was interested in access from Fisher Blvd. because it would open up Five Rivers more to the public. He thought access was an important consideration. Mr. Morelli said there was access off of Game Farm Road. Car access is easy but the Town would like non-vehicular access into Five Rivers. They have met with both OSI and Five Rivers and they are open to a footpath. He said that a few years ago when Ms. Richards had met with Mr. Leveille, she was very open to access to Five Rivers. He said there are about 350 to 400 single family residences within a half mile of Fisher Blvd. The Comprehensive Plan specifically says to try to create a network of trails in the Slingerlands area. The parkland set aside is a discussion for another day but the Planning Board is authorized to require for a single family building lot either land or a fee. The Town believes that the driveway between the Kirk's and the Burnett's houses is not the best way to gain access. The building lot in question where the Town wants to the access point does not keep it from being a buildable lot. Mr. Morelli said this project first came before the Board in May 2008 and they were required by law to refer it to Albany County Planning Board for a recommendation and required to refer it to the adjoining municipality. It came back to the Planning Board in September when a SEQR Neg Dec was issued and public hearing was scheduled in October. He didn't understand the frustration of the applicant; this project is moving right along through the process. Maybe her frustration comes from her living away from this project.

Mr. Leslie said he had received a letter from Dr. Noonan, who holds an easement across the property; he is donating the existing easement to Open Space after the subdivision is approved. He would receive a tax benefit for that charitable donation.

Mr. Crisafulli said he had spoken with Dr. Noonan, who was out of Town, and said Mr. Leslie was accurate. Dr. Noonan will not give up the easement if the land is sold to a developer.

A motion to close the public hearing was offered by Mr. Engel, seconded by Ms. McCarthy and approved by all

Board members present.

The hearing closed at 7:40pm.

450 Rt. 9W Medical Office

The Project was last before the Board on September 16, 2008.

A motion to indent the public hearing notice was offered by Ms. Powers, seconded by Ms. McCarthy 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, October 7, 2008 at 7:15 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application of Klersy Building Corp. for a one (1) lot subdivision located at 448 Route 9W, Glenmont, NY, Albany County, N.Y., as shown on map entitled: "MAP SHOWING PROPOSED SUBDIVISION PORTIONS OF LANDS N/F JKC REALTY, LLC & KINGS CHAPEL TO BE COMBINED TO FORM #450 ROUTE 9W", Town of Bethlehem, County of Albany, State of New York, dated August 20, 2008, last revised September 8, 2008, map prepared by ABD Engineers & Surveyors, 411 Union Street, Schenectady, NY 12305.

Chairman Mathusa opened the public hearing.

There were no comments from the audience.

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

He told the applicant to continue to work with staff to finalize the plans and bring the project back before the Board for consideration of the approval documents.

REGULAR AGENDA ITEMS

Elm Avenue East Subdivision

This eighty-two (82) lot subdivision was last before the Board on September 16, 2008.

The Board reviewed the draft 2 Conditional Final Approval document 232-CF prepared by staff.

Mr. Lipnicky explained some of the changes made to the first draft sent to the Board. The crossing of the NIMO right of way to be constructed prior to the forty-first (41) building permit is issued and evidence from the applicant that they had permission to do so. The planting strip along Elm Avenue East was discussed at the last meeting and part of the discussion was that part of that strip was in the NIMO easement area. The applicant needs to get verification that the ten (10) foot easement was not needed or they need to adjust the planting strip accordingly. A time has been placed on the ten point four acre parcel transfer to be done at the same time the road for Phase A is dedicated to the Town. A provision for a performance bond was added for the landscaping strip and street tree plantings.

Mr. Smolinsky asked if the Niagara Mohawk easement was for natural gas or overhead lines. Mr. Lipnicky said it isn't an easement that exists because most of the utilities are within the Town's right of way or on the opposite side of the street. Staff believes that the majority of the utilities can be located in the Town's right of way. Typically a fifteen foot easement is required on private property for those utilities. They don't believe that Niagara Mohawk will need that easement but they want verification from National Grid on that point.

A motion to approve 232-CF draft #2 as drafted was offered by Mr. Smolinsky, seconded by Ms. McCarthy and approved by all Board members present.

Adirondack FPI

Chairman Mathusa introduced this project which proposes a mixed use space of offices, a deli and other commercial space. The project was last before the Board on September 2, 2008.

Mr. Gonyea presented. He is the owner of the property. Staff had sent a list of comments that needed to be addressed and he believes he has addressed them all. The property is located about fifteen hundred (1,500) feet north of the intersection of Rt. 396 and Rt.9W. He showed the overview of the site and where the parking would be located. Mr. Gonyea has submitted drawings to the Department of Health for the septic system. He had talked to them today and they indicated everything was fine. It will be a raised bed system. He had been in contact with the neighbor about fencing. She has an existing stockade type fence and she would prefer that he add to that type of fence. She only wants to block her house not the view to the road; she wants it kept back from the road. The lighting will be directed only towards the proposed project. He increased the green space behind the building. The siding of the building will be a vertical board and batten vinyl siding. He wanted to keep in a barn theme. The patio in front will be a red stamped concrete.

Ms. Powers asked if his idea for the fence addressed staff's concerns for buffering. Mr. Leslie said the fence would help buffer the adjacent property.

Mr. Engel asked if the parcel in the rear with the garage would remain with the current owner and be accessed from a point down two (2) houses. Mr. Gonyea said between those two (2) houses there is a sixty (60) foot piece of property that goes to the back parcel. He said they have contracted with him to build a road and he is in the process of getting approval for that road. Mr. Engel asked if the garage was tied into the septic system on his property. Mr. Gonyea said it had its own septic.

Ms. Motta asked about a requirement of asking for a ten (10) foot all purpose easement for a sidewalk, she didn't see it addressed in the draft document. Mr. Leslie said it was addressed in the comment letter that was sent to the applicant.

The Board reviewed the draft SEQR Resolution prepared by staff.

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

Selkirk Ventures

Chairman Mathusa introduced the next item on the agenda, a proposal for an extension of a warehouse on West Yard Road. It was last before the Board on July 15, 2008.

Steve Harrison from Father and Sons presented for the applicant. The project is an expansion of an existing warehouse by ninety-two thousand seven hundred fifty (92,750) square feet with an additional twenty-seven (27) parking spaces. Access for the site will not change. The existing water line will be extended it around the building and adding two (2) hydrants on the corners of the expansion. The access driveway around the site will be widened to sixty (60) feet. The storm water from the proposed expansion will be collected and sending it the rear of the site into a pocket pond to treat and store the water. A new subsurface sand filter will be installed and will discharge at the same point as the existing one. They have been working with the Albany County Department of Health to gain approval for the filter.

The Board reviewed the draft SEQR Resolution prepared by staff.

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

The Board reviewed the draft Site Plan approval S.P.A. 148 prepared by staff.

A motion to approve Site Plan approval S.P.A. as drafted was offered by Mr. Engel, seconded by Ms. Powers and approved by all Board members present.

Backyard Sheds

This was an initial presentation to the Board. Mr. Becker, the applicant, presented. He is the owner of Backyard Sheds and Gazebos. They are currently located at 1621 Rt. 9W in Coeymans. They want to move their business to the 1208 Rt. 9W where their home is located. They have five hundred (500) feet of road frontage. There aren't any permanent structures associated with the business just a graveled display area. A green area and ten (10) foot easement for sidewalks will be included on the site. They have already done some plantings to give their neighbors some privacy. Additional plantings will be done in the front. The office for the business has been built into their home. Their property does extend to Neil Blvd. in the rear and in the future they plan on bringing their private driveway out that way. None of the business traffic will use that exit. They average about six (6) to twelve (12) customers per day and one (1) to two (2) trailers coming in per week so they don't generate much traffic.

Chairman Mathusa asked if there were wetlands on the site. Mr. Becker said they have the wetlands delineated twice since 2002 and it is shown on the site plan. Nothing they are doing will touch the wetlands. Mr. Becker said there is some shale on the site for the display area but they would like to top dress that with crusher run creating a base for the sheds. Their goal is to do landscaped versions of the sheds along the road. There are local landscapers and brick layers that would like to dress up the sheds and put their signs on them. The signs would face into the parking area. The sign will be four (4) by eight (8) and placed within the green area along Rt. 9W. It will not be lit. No additional lighting will be used on the lot. It is a seasonal business and opened 10am to 5pm.

Mr. Behuniak asked why he wanted to move. Mr. Becker said they had leased the current location of the business and purchased the property at 1208 Rt. 9W. He said it a nicer and larger piece of property. Mr. Behuniak asked staff if there was any concern with increased tractor trailer traffic on Rt. 9W. Mr. Lipnicky said there wasn't any concern. The current location is only about two (2) miles down the road. Mr. Becker said the deliveries are not early morning, usually mid afternoon.

Mr. Smolinsky asked if there were any storm water runoff issues. Mr. Ritz said because this was an initial presentation, a full storm water review has not been done. Mr. Lipnicky said he had a discussion with the Town's storm water individual and he didn't believe it would be an issue.

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

Trinity Manor Phase 5

This was an initial presentation to the Board. This is a twenty-two (22) lot conservation subdivision proposal. Mr. Frank Fazio from Sipperly and Associates, presented for the applicant, Rosewood Home builders.

They want to do a conservation subdivision. They first have to come up with the number of lots they want on the site. They have determined the buildable yield of the site, which is determined by subtracting out lands that can't be used, using the density calculations and if they were doing a conventional subdivision, they would be able to put forty-one (41) lots on the site. They are proposing twenty-two (22). They feel it's a good project for the location; they are avoiding wetlands and steep slopes. By putting all the homes clustered in one location they are buffering from existing homes. They style of the homes will be twin town homes. Each twin will have their own lot, so there will be eleven (11) lots. The site has public water and sewer. The stormwater management will collect all the runoff

and it will be detained and treated on the site. They are leaving locations in between the lots for public access. There will be a homeowners association and the conservation area would be under the ownership of that association.

Ms. Powers noticed that the project borders the Thruway. She asked if there were any studies done on noise impact. Mr. Fazio said no because the site was higher and very wooded, it's also about four hundred (400) feet away. Mr. Smolinsky said he had been over to look at the property. He noticed a large pile of rock and he noticed in the material that rock seems to be an issue. Mr. Fazio said one of the reasons they went to a conservation subdivision was to limit the amount of disturbance because the rock is tough to take out. They aren't sure yet what will need to be done to remove the rock on the site. It might be bull dozers or blasting. Mr. Smolinsky thought that requirements to minimize the impacts on the surrounding neighbors because of blasting or jack hammering should be considered. Mr. Fazio said if blasting needed to be done, sensors would be placed around the neighborhood as well as other precautionary measures. It was stated that the lots were purchased by the applicant with the roads already in.

Ms. Motta said the homes appeared to be a little close to the wetland areas behind them. She asked if they planned on marking the wetlands. Mr. Fazio said during construction a silt fence would be placed along the location of the wetlands. Those fences will remain until vegetation comes in. She asked if anything will be done after construction, so homeowners will know where those wetlands are located. He said those are part of the homeowners association and restrictions can be included. No homeowners will own those wetlands, only the homeowners association. Ms. Motta mentioned a memo from Mr. Ritz stating the cul-de-sac area could have problems installing utilities, she asked if the layout was feasible or does it present a problem. Mr. Ritz said the width of the lots, the road frontage is narrow and it will be difficult to install water, sewer, gas, phone, electric and cellar drain within the narrow right-of-way width. Mr. Fazio said he thought it would work.

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

Selkirk Warehouses

Chairman Mathusa introduced the next item on the agenda. A proposed project is located on the property of Security Supply. The applicant wishes to construct a forty-three thousand (43,000) square foot office/ warehouse at their existing facility. This was an initial presentation to the Board.

Mr. John Mott from Steve Smith Engineers presented for the applicant. He said they have been granted a variance from the Zoning Board from required the setbacks. They want to construct the proposed warehouse as an addition to an existing twenty thousand (20,000) square foot warehouse. It is furthest back on the site. The part of the property that is gravel is being used for the truck access to the existing warehouse and the proposal is to pave this area for the truck access to the existing docks and the three (3) new loading docks for the new warehouse area. They want to be able to use both areas simultaneously. Additional parking is proposed and they are reserving an area for an additional thirty-seven (37) spaces. They have less parking than the requirement for the site but have more spaces than the applicant feels is necessary. All the parking they currently have is not filled. The additional warehouse space requires more parking but most of the operations inside the new warehouse will be automated work. The applicant feels the additional sixteen (16) spaces would be enough for their needs.

Mr. Mott said the stormwater from the new warehouse would be directed to the rear of the site. They were asked by the Development Planning Committee if there was anything that could be done to help with the flooding that occurs on Whitehead and Thatcher Street. They have attempted to redirect some of the stormwater on the existing site and bring it over to pocket ponds on the opposite side of the site. They will then be able to detain the stormwater and release it at a more controlled rate. They hope to help the flooding somewhat. He said a small office area is planned for the new warehouse space. The plans show that there is enough maneuvering room for the semi-trailers on the site and still be able to maintain the parking. The site lighting will not disturb the neighborhood.

Because the proposed warehouse is to the back of the site they weren't concerned with landscape screening from

the road. What they were concerned about were the adjacent neighbors. There are woods but they are thin so they propose to place an evergreen planting along that side of the site to break up the view. Mr. Mott showed some elevations of the proposed warehouse.

Chairman Mathusa asked if there was an area that additional parking could be placed if they need it. Mr. Mott said definitely. Chairman Mathusa asked Mr. Mott to review the variances approved by the Zoning Board of Appeals. Mr. Mott said the issue was the zoning for Security Supplies parcel was rural light industrial and the surrounding area is core residential. That adds an additional one hundred (100) feet to the required setbacks because it is a zoning district boundary. If you add the one hundred (100) feet to the regular setbacks, the remaining developable area was not large enough to accommodate the proposed warehouse. In order to expand, they needed to use the vacant part of the parcel and the variance was granted. Mr. Mott said one of the issues resolved at the Zoning Board level was the question of paper streets.

Mr. Behuniak asked how much additional truck traffic would be created with the additional warehouse. Mr. Mott said it wouldn't increase. Currently the trucks need to go off site to another facility and come back. There is more traffic now. They will be able to cut down on truck traffic because the product will be on site.

Ms. Motta asked if there would be additional employees. Mr. Bennett said it would not be many. They were taking outside operations and bringing them inside which will cut down on the noise for the neighbors. Ms. Motta said in the Zoning Board's Resolution, they recommended the Planning Board look at the company's practice of selling company vehicles from the property. She asked Mr. Bennett to explain. He said in the past they had sold cars from the front lawn area when they were being replaced but the practice has been stopped since a neighbor complained.

Mr. Smolinsky asked if there was still an issue with semi-trucks idling during night time hours. Mr. Willy said the idling truck issue has gone away because they reorganized the yard area and they posted it. He said a few drivers come in at 3am and leave. The rest of crew comes in between 5 and 6am and most of those are drivers. The deliveries start about 6:30am. It's necessary to start that early to get the product to the contractors early enough. He said the new warehouse would make loading the trucks more efficient.

Mr. Behuniak asked what caliper of the trees would be added to the buffer. Mr. Mott said they would be six (6) to eight (8) feet in height.

Mr. Engel said lives near the company and they have been very cooperative and they have made some changes. He would not want to lose the facility from the area and he believes it would be an improvement.

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

35 Hamilton Lane

Chairman Mathusa introduced the next item on the agenda; a twenty-thousand (20,000) square foot warehouse located in Glenmont. This was an initial presentation to the Board.

Joel Burtman from Burtman Construction management presented for the applicant, Malm Realty. Hamilton Lane is located off of Hanney Lane. The proposed warehouse would be constructed at the end of Hamilton Lane. It's all under one property owner. They have submitted the SWPPP with the site plan. They have received comments from the Town, worked through those comments and resubmitted revisions. He said they do have architectural prints ready if the site plan is approved by the Board.

Chairman Mathusa asked if the new structure would fit in with the basic design that is located in that area. Mr. Burtman said yes. Mr. Leslie said the SWPPP is currently under review by staff.

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

members present.

Other

Mr. Lipnicky updated the Board with the process of the amendments to the Zoning and Subdivision regulations.

The Board reviewed the draft minutes of September 2, 2008.

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

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

The meeting adjourned at 9:00 PM.