

George Leveille
Chairman

Nicholas Behuniak
Member

Thomas Coffey
Member

Christine Motta
Member

Kate Powers
Member

Stephen Rice
Member

John Smolinsky
Member

TOWN OF BETHLEHEM
Albany County - New York
PLANNING BOARD
445 DELAWARE AVENUE
DELMAR, NEW YORK 12054
(518) 439-4955, Ext. 1159
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Sam Messina
Town Supervisor

Michael Morelli
Director of DEDP

Jeffrey Lipnicky
Town Planner

Robert Leslie
Senior Planner

Terrence W. Ritz
Asst. Engineer, L.S.

Keith Silliman
Counsel

Deborah Kitchen
Assistant to the Board

MINUTES
September 7, 2010

1 A meeting of the Town of Bethlehem Planning Board was convened in public session in the Bethlehem
2 Town Hall, 445 Delaware Ave., Delmar, NY at 6:00 p.m., on Tuesday, September 7, 2010. Attendance
3 was recorded as follows:
4

<u>Board Members Present</u>	<u>Board Members Absent</u>	<u>Counsel Present</u>	<u>Town Staff Present</u>
George Leveille Nicholas Behuniak Thomas Coffey Christine Motta Kate Powers Stephen Rice John Smolinsky		Keith Silliman	Michael Morelli Jeffrey Lipnicky Robert Leslie Terrence Ritz Deborah Kitchen

5

Others Present

Chuck Radliff, Sr. Michael Churchill Kimberly Vining Jim Fell Tom Fiesinger	Michael Mine Peter Ebert Paul Hite Pieter Wolff Tom Rizzo	Dan Hershberg Bob Bucher Glen Valente Chuck Jesmain Tony D'ADamo	Adams Walters James Loder Ted Zabinski Thomas Butler
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7 Chairman Leveille called the meeting to order and noted the presence of a quorum:

8

9 **Public Comment on Regular Agenda Items**

- 10 • Speeder Road, 30 (Site Plan Amendment)
11 • Bridge Street, 109 (Site Plan)
12 • ESCO Towers (Site Plan/Special Use Permit)
13 • Hague Boulevard Apartments (Site Plan)
14 • Town Squire Façade Upgrade (Site Plan Amendment)

15

16 Public comments were recorded as follows:

17

18 **Kim Vining, 163C Hague Boulevard, Glenmont, NY**

19 Hague Boulevard Apartments

20 Reviewed SEQR

21 Submitting typewritten questions, concerns and comments

22 Requesting that the Board hold a Public Hearing

23

24 **Public Hearing – South Albany Airport , 6 Old School Rd., Selkirk - Site Plan / Special Use Permit**
25 Chairman Leveille stated that the first order of business was to reopen the public hearing which began on
26 August 17, 2010. He called for a motion to open the public hearing, forgo the reading of the public hearing
27 notice which appeared in the September 1, 2010 issue of The Spotlight and indent the notice into the
28 minutes.

29
30 Upon motion offered by Mr. Behuniak, seconded by Ms. Motta, and approved by all Members present, the
31 hearing was opened at 6:03 p.m.

32
33 Upon motion offered by Mr. Behuniak, seconded by Ms. Powers, and approved by all Members present,
34 the following notice was indented into the minutes:

35
36 Notice is hereby given that the PLANNING BOARD of the TOWN OF BETHLEHEM, Albany
37 County, NY, will hold a PUBLIC HEARING on Tuesday, September 7, 2010 at 6:00 p.m., at the Town
38 Offices, 445 Delaware Ave., Delmar, NY, on the application of South Albany Airport Corporation, 6
39 Old School Road, Selkirk, NY 12158, for a Special Use Permit, for project as shown on a map entitled
40 “Aircraft Maintenance Hangar, South Albany Airport”, dated June 2010, submitted by the Capital
41 District Office of Passero Associates, 3 Franklin Square, Suite 7, Saratoga Springs, NY 12866.
42 Individuals with disabilities who are in need of an accommodation in order to participate should
43 contact the Town Clerk’s Office at 439-4955, Ext. 1183. Advanced notice is requested.

44
45 Chairman Leveille asked if there was anyone present who would like to comment on the project. Hearing
46 none, he asked the Board Members if they had any questions. Hearing none, he called for a motion to close
47 the public hearing.

48
49 Upon motion offered by Mr. Rice, seconded by Ms. Powers and approved by all Members present, the
50 public hearing was closed at 6:07 p.m.

51
52 Mr. Lipnicky stated that the applicant is seeking approval to construct a 5,800 sq. ft. pre-manufactured steel
53 frame aircraft maintenance hangar and apron at the South Albany Airport. The project requires a special
54 use permit and site plan approval. A public hearing is required for the special use permit. The applicant,
55 Ted Zabinski, President of the South Albany Airport Corporation and Shawn Bray of Passero Associates,
56 were present to provide information and answer questions.

57
58 Chairman Leveille noted that Mr. Lipnicky’s memorandum, dated August 12, 2010, recommends the
59 approval of the Special Use Permit and Site Plan. Mr. Lipnicky identified a number of corrections to the
60 draft Special Use Permit Resolution. Chairman Leveille asked the Board Members if they had any
61 questions or comments. Hearing none, he called for a motion to consider the approval documents.

62
63 Upon motion by Mr. Smolinsky, seconded by Mr. Coffey, and unanimously approved by all Members
64 present, the Special Use Permit Resolution (SUP 10-A) was approved, as amended.

65
66 Upon motion by Mr. Smolinsky, seconded by Ms. Motta and unanimously approved by all Members
67 present, the Site Plan Approval (SPA 155-A) Resolution was approved, as amended.

68
69 **30 Speeder Road, Selkirk, NY – Site Plan (SPA 152-A1)**

70 Mr. Morelli stated that the applicant, Pieter Wolfe of Wolfe Construction, is seeking approval to construct a
71 warehouse addition onto an existing building at 30 Speeder Road. The project last appeared before the
72 Planning Board on August 27, 2010. Chairman Leveille stated that Mr. Morelli’s memorandum, dated
73 August 31, 2010, recommends approval of the Site Plan. He also noted that the project has been identified as
74 a Type II action which means that it is exempt from further environmental review. Mr. Morelli stated that the
75 Site Plan will be revised to show the estimated area/limits of disturbance and the street address of the project.

76

77 Pieter Wolfe of Wolfe Builders was present to provide information and answer questions. Chairman Leveille
78 asked the Board Members if they had any questions or comments. Hearing none, he called for a motion to
79 consider the approval document.
80

81 Upon motion offered by Mr. Rice, seconded by Mr. Behuniak and approved by all Members present, Site
82 Plan 152-A1 was approved.
83

84 **109 Bridge Street, Selkirk, NY – Site Plan (SPA 164)**

85 Chairman Leveille referenced Mr. Leslie’s memorandum to the Board, dated September 2, 2010, which
86 describes the project. The project last appeared before the Planning Board on August 27, 2010. Mr. Leslie
87 stated that the landscaping plan was modified to reflect the type of trees that will be planted on the
88 northeastern portion of the site. Approval of the Site Plan would be contingent upon staff’s review and
89 approval of the final Stormwater Pollution Prevention Plan (SWPPP).
90

91 Paul Hite LLS was present on behalf of the applicant, Peter Ebert of SP &E LLC to provide information and
92 answer questions. Chairman Leveille asked the Board Members if they had any questions or comments.
93 Hearing none, he called for a motion to consider the approval documents.
94

95 Upon motion by Ms. Powers, seconded by Mr. Smolinsky, and unanimously approved by all Members
96 present, the SEQR Resolution - Classification of Action and Negative Declaration was approved.
97

98 Upon motion by Mr. Smolinsky, seconded by Mr. Behuniak and unanimously approved by all Members
99 present, the Conditional Site Plan Approval was approved.
100

101 **75 Van Dyke Road, Delmar, NY - ESCO Towers (Site Plan/Special Use Permit)**

102 Chairman Leveille referred to a memorandum from Mr. Leslie, dated September 2, 2010, related to a SEQR
103 determination and a recommendation to schedule a public hearing. Mr. Leslie noted that the project last
104 appeared before the Board on August 27, 2010 at which time the Board indicated its preference for a
105 monopine tower and a willingness to consider the economic impact of installing a monopine vs. a monopole
106 tower. Mr. Leslie also noted that the Town of Bethlehem is developing a Supervisory Control and Data
107 Acquisition (SCADA) system that will assist Town staff in monitoring the Town’s water facilities and
108 sanitary sewer pump stations. The applicant has agreed to allow the Town to place an antenna at the top of
109 the tower as a public benefit – and at no cost to the Town.
110

111 Adam Walters, of Phillips Lytle LLP was present on behalf of Thomas Butler & James Loder, of ESCO
112 Towers Inc., to provide information and answer questions. Mr. Walters stated that the applicant has
113 addressed the Town’s comments and would like to address the open issue of whether the tower should be a
114 monopine or monopole. The applicant provided cost and design information as well as photo simulations
115 showing a monopine and monopole from the viewpoint of Van Dyke Road. Mr. Walters stated that there
116 are limitations with installing monopine towers other than cost. He noted that monopine towers tend to
117 look better from further away because it is difficult to imitate “mother nature”. The branches tend to be
118 straighter and appear to be close to a 90 degree angle for structural strength to manage wind, weight and
119 snow loads. The number of branches has a direct impact on the actual cost. The applicant is planning to
120 bring the branches down to 75 feet. The tower itself has to be taller in order for the crown on top to look
121 good. The base of the structure would need to be constructed so that it can support the additional height. A
122 monopine tower needs to be taller than a monopole or lattice tower in order for the top to simulate the
123 shape of an actual pine tree. There will be a dense area within the tree wherever the antennas are placed.
124 Mr. Walters distributed handouts showing colors that could be used to help screen a monopole tower. The
125 final determination of profitability will depend on the carriers and the type of tower that the Town required.
126 A monopine tower will be more challenging. Mr. Preska has agreed to increase the size of the lease area.
127 Mr. Leslie noted that the additional height needed for a monopine is a result of the mitigation for reducing
128 the visual impacts of a cell tower. The Board indicated at the August meeting that they did not have a
129 problem with the change in height (additional 8 -15 feet height for monopine crown) with regard to SEQR
130 review. The Board also looked favorably upon the proposed expanded lease area.

131
132 Chairman Leveille asked the Board Members if they had any comments or questions. Hearing none, he
133 called for a motion to consider the SEQR Resolution - Classification of Action and Negative Declaration.
134 A motion was offered by Mr. Smolinsky, seconded by Mr. Behuniak, to approve the SEQR Resolution for
135 the monopine.

136
137 Ms. Powers asked Mr. Smolinsky and Mr. Behuniak to articulate their reasoning for supporting the
138 monopine. Mr. Smolinsky stated that the Town has the ability to make sure a good quality monopine is
139 constructed. He also stated that the monopine would have less visual impact overall. Mr. Smolinsky stated
140 that the type of power poles (National Grid) installed many years ago should not dictate the type of cell tower
141 that is installed today. He also mentioned that the financial information that was submitted, contained cost
142 estimates of the two tower types, but it did not relate to the financial impact for the applicant or carrier.

143
144 Mr. Behuniak concurred. He also noted that he has taken the visual impacts into consideration, especially
145 from the educational institutions nearby, and believes the benefit of the monopine outweighs the increased
146 cost.

147
148 Chairman Leveille stated that he still believes a monopole would be appropriate at this site because a
149 monopine works best when it is seen from a distance and can blend in with the landscape. A monopole
150 would blend in with the surrounding area and he sees no reason to impose an artificial instrument at this
151 location. He is concerned that it will become a focal point and does not support the motion.

152
153 Mr. Walters noted that there may be four carriers on the tower if all goes as planned. Mr. Rice asked for a
154 description of the Town's SCADA antenna. Mr. Leslie stated that the antenna would be approximately two
155 inches in diameter and roughly six feet long.

156
157 With a vote of five (5) for, one (1) against, one (1) abstained, and zero (0) absent, the SEQR Resolution -
158 Classification of Action and Negative Declaration for the monopine, was approved.

159
160 Chairman Leveille directed staff to communicate the Board's decision to the Zoning Board of Appeals
161 (ZBA). It is anticipated that the project will appear before the ZBA on September 15, 2010 to consider the
162 variance application and determine the appropriate height of the monopine tower. The Planning Board will
163 hold a Public Hearing for the Special Use Application on September 21, 2010.

164
165 **Hague Boulevard Apartments, Hague Blvd., Selkirk, NY – (Site Plan Amendment)**

166 Mr. Lipnicky stated that the project had been placed on the agenda for two purposes. First, to initiate the
167 SEQR process, and also to facilitate some discussion with regard to the layout of the project as noted in his
168 memo to the Board dated August 31, 2010. The project last appeared before the Planning Board on April
169 6, 2010.

170
171 Daniel Hershberg, of Hershberg and Hershberg, and Architect, Bob Boucher, were present on behalf of the
172 applicant, Gordon Residential LLC, and the owner, DMV Commercial, to provide information and answer
173 questions. Mr. Hershberg distributed renderings of the proposed project. The applicant is seeking site plan
174 approval to construct seven (7) apartment buildings with a total of 53 dwelling units at the corner of US
175 Route 9W and Hague Boulevard. Access to each parcel would be provided via a driveway from Hague
176 Boulevard. A secondary driveway would serve the southern parcel with a right-in, right-out to Route 9W.
177 The parcel borders a cemetery. There is a small market across the street. The project area is comprised of
178 two parcels, one of which will be reserved for commercial use, possibly storage units. The site is
179 constrained by a gas easement which runs north and south through the site and a sewer easement that runs
180 east and west. The apartments would be located near Rt. 9W, leaving a 300 foot, wetland buffer between
181 the proposed development and existing Dowerskill Village. The applicant is willing to explore the
182 feasibility of installing sidewalks on lands that is owns. The architect is willing to explore façade changes
183 to the rear of the buildings fronting Route 9W and Hague Boulevard so that they present themselves to the

184 street as a front facade. Landscaping would be installed between the apartments and Route 9W. Mr.
185 Hershberg noted that the project is in the early stages of design.

186
187 Topics of discussion included traffic circulation, building orientation, on site storage, and pedestrian
188 mobility. Mr. Lipnicky noted that the Route 9W Corridor Study identified a future need for a sidewalk
189 along Route 9W and Hague Boulevard. In response to a question related to parking expansion, Mr.
190 Hershberg stated that the need for additional parking is taken into consideration before a Stormwater
191 Pollution Prevention Plan is submitted.

192
193 Chairman Leveille noted that Mr. Lipnicky had prepared a SEQR Resolution – Preliminary Classification
194 of Action and Lead Agency Coordination document for the Board’s consideration. Mr. Smolinsky stated
195 that he is reluctant to initiate a SEQR timeline before the application is deemed complete. Mr. Hershberg
196 stated that there are advantages to starting a SEQR process early because other agencies would be able to
197 comment on the project in the early stage of a project. The time frame does not begin until an agency
198 assumes lead agency status. Chairman Leveille recommended that the Board table the application pending
199 submission of a complete application. Mr. Lipnicky asked whether the Board felt the building elevations
200 meet the code’s intent of separate buildings. He suggested that the applicant consider locating the smaller
201 building near the cemetery to provide additional separation. Potential for installation of storage units on
202 remaining parcel will be considered.

203
204 Mr. Behuniak recommended that a copy of Ms. Vining’s comment letter be forwarded to the applicant. Mr.
205 Hershberg stated that intends to meet with the Home Owner’s Association. Chairman Leveille asked the
206 Board Members if they had any further questions or comments. Hearing none, he called for a motion to
207 table the application.

208
209 Upon motion of Mr. Smolinsky, seconded by Mr. Behuniak, and approved by all Members present, further
210 discussion related to the Hague Boulevard Apartments project was tabled.

211
212 **Town Squire Façade Upgrade, 329 Glenmont Road, Glenmont, NY – Site Plan (SPA 110 A-D)**

213 Mr. Morelli stated that the owner/applicant, Schuyler Companies, is seeking approval to upgrade the façade
214 on an existing site. The proposed façade improvements would be considered a Type II action pursuant to
215 SEQR and are therefore exempt from environmental review. In a memo to the Board, dated August 31,
216 2010, Mr. Morelli states that the façade had been updated in 2001 when Price Chopper became a tenant,
217 and again in 2009 when Tractor Supply became a tenant.

218
219 Tony D’ADamo, Capital Architecture, and Chuck Jasmain of Schuyler Companies were present to provide
220 information and answer questions. He stated that the project includes upgrading the existing 6 x 300 foot
221 blue metal façade. The proposed renovations will help to break up the buildings to accommodate individual
222 store logos and improve rental capability. There would be a total of 17 different façades. Mr. D’ADamo
223 presented images showing the existing and proposed changes, which include similar color tones and theme.
224 He stated that comparable work can be seen at the Newton Plaza and Roma Imports in Latham and
225 Stuyvesant Plaza in Albany. Mr. Jasmain stated that Steiner’s will be downsizing the size of the store and
226 Price Chopper has been asked to make changes that will blend with the proposed color scheme.

227
228 Mr. Behuniak noted that external lighting enhances the appearance of a project and he would encourage the
229 applicant to pursue this option where ever possible. He also believes that additional storefront and parking
230 lot improvements would benefit the project. Mr. D’ADamo stated that store fronts and signs will change over
231 time as new tenants move in. He noted that the proposed upgrade will be fairly expensive and the applicant is
232 not required to make the improvements, they are doing it voluntarily. Chairman Leveille asked the Board
233 Members if they had any further questions or comments. Hearing none, he called for a motion to table the
234 application.

235
236 Upon motion of Mr. Behuniak, seconded by Ms. Powers, and approved by all Members present, further
237 discussion of the Town Squire project was tabled.

238 **MINUTES**

239 Upon motion by Mr. Behuniak, seconded by Mr. Coffey, the Members voted to approve the August 17,
240 2010 minutes, as amended.

241

242 **NON-AGENDA ITEMS**

243

244 **PaTHs4Bethlehem Committee**

245 Mr. Leslie stated that he has been working with the PaTHs 4 Bethlehem Committee that is working to help
246 implement some of the recommendations found in the 2005 Comprehensive Plan regarding pedestrian and
247 bicycle connectivity throughout the town. The Committee has developed a bicycle and pedestrian priority
248 network map. Upon adoption by the Town Board, the network map could be referenced by the Planning
249 Board in determining the need for bicycle and pedestrian facilities during subdivision and/or site plan
250 review. The network map is available on the Town's website at:

251 <http://www.townofbethlehem.org/pages/AdvisoryComs/advPaTHs.asp>. A public meeting to present the
252 network map is scheduled for October 6, 2010.

253

254 **Independent Towers**

255 Mr. Leslie was asked to provide a brief update on the proposed Independent Tower project. Mr. Leslie
256 stated that the applicant submitted additional information in response to the Town Consultant's comment
257 letter. At this time, the carrier (Sprint) has not demonstrated need. He indicated that need for the site shall
258 be demonstrated to the ZBA before the applicant returns to the Planning Board for Special Use Permit /
259 Site Plan Review.

260

261 **MEETING SCHEDULE**

262 Tuesday, September 21, 2010, at 6:00 p.m. – Regular Meeting & Public Hearing for ESCO Tower

263 Tuesday, October 5, 2010, at 6:00 p.m. – Regular Meeting

264

265 **MEETING ADJOURNED**

266 Upon motion by Mr. Smolinsky, seconded by Mr. Rice, and approved by all Members present, the meeting
267 was adjourned at 7:44 p.m.

268

269

270 Respectfully submitted,

271 Deborah Kitchen