

TOWN OF BETHLEHEM



John Clarkson
Town Supervisor

Planning Board Minutes

John Smolinsky
Board Member/Chairman

Tuesday, August 1, 2017
6:00 PM

I. Call to Order

A Regular Meeting of the Planning Board of the Town of Bethlehem was held on the above date at the Town Hall Auditorium, 445 Delaware Avenue, Delmar, NY. The Meeting was called to order at 6:00 PM.

Attendee Name	Title	Status	Arrived
John Smolinsky	Chairman	Present	
Brian Gyory	Board Member	Present	
Scott Lewendon	Board Member	Present	
Kate Powers	Board Member	Present	
Michael Moore	Planning/Zoning Board Counsel	Present	
Deborah Kitchen	Assistant to the Planning Board	Present	
Kenneth Kovalchik	Senior Planner	Present	
Robert Leslie	Director of Planning	Present	
Leslie Lombardo	Senior Planner	Present	

II. Public Comment on Regular Agenda Items - 10 Minutes

None

III. Minutes Approval

A. Tuesday, July 18, 2017

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Brian Gyory, Board Member
SECONDER: Kate Powers, Board Member
AYES: John Smolinsky, Brian Gyory, Scott Lewendon, Kate Powers

IV. Public Hearings

A. Dynamic Energy / Albany Broadcasting Company, Inc. - 509 Wemple Road, Glenmont - Special Use Permit / Site Plan Application - 2.6 MW Ground Mounted Solar PV System - Public Hearing 08/01/2017 at 6:00 p.m. (17-00200001)

The project was before the Board for a public hearing. David Ingalls of Ingalls & Associates was present on behalf of the applicant, Dynamic Energy / Albany Broadcasting Company, Inc. to provide information and answer questions. Staff comments were provided by Kenneth Kovalchik. To date, the project was placed on the following agendas: 06/06/2017, 07/06/2017, 07/18/2017 and 08/01/2017.

Discussion / Information Items

- Special Use Permit & Site Plan Application for 2.6 MW ground mounted solar system at 509 Wemple Road, Glenmont
- site currently contains 3 antenna towers utilized by the Albany Broadcasting Facility
- 20' wide fire access road to be constructed off Weisheit Road to provide access for maintenance and emergency services
- landscaping plan was updated
- fencing will be green colored vinyl clad chain link fence
- slats to be added along the southerly property line to increase screening along Weisheit Road
- applicant has been working with adjoining property owners to provide screening along Weisheit Road and westerly & northerly property lines
- the applicant will be combining 3 parcels into 2 parcels
- applicant obtained variances from the Zoning Board for setbacks
- response to Engineering comments has been provided
- limits of disturbance is less than one acre
- maintaining existing drainage patterns and flows
- comments provided by NYS Thruway
- panels are designed to absorb sunlight not reflect it
- applicant will maintain existing vegetation adjacent to the Thruway and plant additional vegetation at the southwest corner
- a decommissioning plan was provided, along with a cost estimate that includes salvage value
- applicant thanked the neighbors for meeting with the applicant and coming to a solution in terms of the visual screening

Public Comment:

Tim West, 50 Weisheit Rd, Glenmont

- lives directly across the street
- thanked the Board Members, applicant, engineer and Town staff
- believes the plan is sufficient and the process has been an excellent turn out
- would like the Town to make sure the plan is executed correctly, and the screening is maintained

Board Member / Staff Comments:

- NYS Thruway looking at measures being incorporated in the plan to reduce sun glare and an analysis of sun ray reflection on drivers

-Mr. Gyory wondered if it might help to ask the applicant to provide a visual analysis, or photo simulations

Next steps

-applicant to provide response to NYS Thruway comments

-Town Designated Engineer (TDE) to review decommissioning plan

-Engineering Division to review changes in site disturbance and guide wires

RESULT: CLOSED [UNANIMOUS]
MOVER: Brian Gyory, Board Member
SECONDER: Kate Powers, Board Member
AYES: John Smolinsky, Brian Gyory, Scott Lewendon, Kate Powers

B. Dynamic Energy / Albany Broadcasting Company, Inc. - 509 Wemple Road, Glenmont - Public Hearing Information Items (17-00200001)

C. Wooster 5 Lot Major Sub at 137 Kenwood Ave - Public Hearing - 08/01/2017 at 6:00 p.m. (17-00400002)

The project was before the Board for a public hearing and possible action on the Parkland Resolution and Subdivision application. Tom Andress of ABD Engineering and the applicants, John & Nancy Wooster of Wooster Construction, were present to provide information and answer questions. Staff comments were provided by Leslie Lombardo. To date, the project was placed on the following Planning Board agendas: 04/18/2017, 07/18/2017 and 08/01/2017

Discussion / Information Items

-application for 5 lot major subdivision at corner of Kenwood Avenue & Rockefeller Road

-includes existing single family home at 137 Kenwood Avenue, Delmar and 4 new building lots

-3 lots at 177, 181 and 185 Rockefeller Rd

-1 lot at 141 Kenwood Ave

-a forced main sewer line will be installed on the north side of Rockefeller Road

-there will be dedicated right of way for a future sidewalk installation along Kenwood Avenue at 135 & 137 Kenwood Avenue

-an existing parcel at 139 Kenwood Avenue is not included in the subdivision and there is no proposed right of way

-a basic SWPPP was prepared because there will be greater than 1 acre of disturbance and less than 5 acres

-no wetland impacts

-applicant wrote a letter to the property owner at 139 Kenwood Avenue in an effort to obtain a sidewalk easement

- staff spoke with neighbors on Pinetree Drive about screening
- staff spoke with owner of 139 Kenwood Avenue
- Town water & sewer utilities to be provided
- planting plan modified after meeting with some of the residents
- 1.7 acres of disturbance
- William Smart was hired by the applicant to review the property look at the wetlands
- no existing sidewalk easement for 139 Kenwood Avenue
- proposed start of construction is mid fall
- driveway permit required for the new lots
- some of the trees on Kenwood will be removed

Public Comment:

Valerie & Kevin Donovan, 7 Pinetree Drive

- letter dated 07/25/2017 submitted to the town related to screening

Carl Schell, 8 Pinetree Drive

- inquired about flag lot on Rockefeller Road

Kyle Schoonmaker, owner of 139 Kenwood Avenue

- inquired about dimensions of her parcel at 139 Kenwood Avenue, believes it is 86.5' x 214.8'
- proposed lot on Kenwood Ave seems extremely close
- not opposed to sidewalk on Kenwood
- inquired about location of sidewalk in front of existing home at 139 Kenwood and existing maple tree
- inquired about side yard setback for lot 2, which is 8' from the property line for the Residential A Zoning district
- owner of 139 Kenwood Avenue can obtain a building permit and install a fence between 139 Kenwood and lot #2
- believes the building footprint shown on lot 2 is too large

Tracy Dexter, 11 Pinetree Drive

- homeowner is not requesting screening and is willing to discuss the planting plan with the developer

Joan Norton, 3 Pinetree Drive

-clarification that a note on the drawing shows proposed grading for lot 2 not proposed grading for 3 Pinetree Drive

Teresa Dexter, 11 Pinetree Drive

- prefers the existing openness of her back yard rather than the feeling of being closed in
- already has two large maple trees in her back yard
- not certain that screening is appropriate

Board Member / Staff Comments:

- Mr. Smolinsky noted that staff could follow up with owner of 139 Kenwood to facilitate discussions related to a sidewalk easement
- typical easement is 10' wide
- Mr. Lewendon wondered if the homeowners along Pinetree Drive were in agreement with what is being proposed
- he would like to see five plantings behind 7 Pinetree Drive instead of three
- the trees behind 139 Kenwood Ave should be 15' on center
- owner of 11 Pinetree Drive may prefer smaller ornamental trees rather than evergreens
- Mr. Smolinsky noted that the size of the proposed homes meet the requirements of the zoning code
- Mr. Gyory wondered how the three driveways in the proposed subdivision relate to the driveways in the previously approved Waldenmaier 9 Lot Subdivision at the corner of Kenwood Avenue & Rockefeller Road
- Mr. Gyory stated that it would be helpful to know where the sidewalk would be placed for 139 Kenwood Avenue

Next Steps:

- Town staff to facilitate discussion about sidewalk easement with Kyle Schoonmaker, owner of 139 Kenwood
- dimensions of 139 Kenwood Avenue to be shown on the drawings
- applicant to install plantings in accordance with Planning Board discussion

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Brian Gyory, Board Member
SECONDER:	Scott Lewendon, Board Member
AYES:	John Smolinsky, Brian Gyory, Scott Lewendon, Kate Powers

V. Action Items

A. Wooster 5 Lot Major Sub at 137 Kenwood Ave - Possible Action to Adopt Park Fee Resolution Requiring Payment of Park Fee In-Lieu-Of Park Land Reservation (17-00400002)

**PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

RESOLUTION

RESERVATION OF PUBLIC PARKLAND / FEE IN LIEU OF REQUIREMENT

WOOSTER SUBDIVISION - FIVE (5) LOT MAJOR SUBDIVISION

137 KENWOOD AVENUE, DELMAR

WHEREAS, the Town of Bethlehem Planning Board has received an application from John Wooster, for a subdivision of property located on Kenwood Avenue and Rockefeller Road in order to create five total lots from one existing lot; and,

WHEREAS, approval of the subdivision would result in four vacant single-family building lots and one existing residential lot with an existing dwelling; and,

WHEREAS, Chapter 103 of the Code of the Town of Bethlehem provides the Town Planning Board with the authority to review and approve subdivision applications; and,

WHEREAS, Local Law No. 7 of 2001 adopted by the Town Board on June 13, 2001 and §103-29 of the Town Code of the Town of Bethlehem authorize the Town Planning Board to require the reservation of land for public park, playground, or recreation purposes, or the payment of a fee in lieu of parkland, as a condition of subdivision approval for residential developments requiring such approval; and,

WHEREAS, said Local Law was adopted by the Town Board after careful consideration of the impacts that new housing development is having on the Town's park and recreation facilities, as outlined in a memorandum from the Town Planning Division dated May 15, 2001; and,

WHEREAS, the Planning Board has considered the project site and it's potential for accommodating a park site for active recreation use;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Planning Board hereby finds that the proposed Wooster Subdivision at 137

Kenwood Avenue, five (5) Lot Subdivision presents a proper case for the requirement of public parkland, but that a suitable park of adequate size, which meets the criteria outlined in Local Law No. 7 of 2001 and Chapter 103 of the Code of the Town of Bethlehem, cannot be properly located on the Subdivision parcel; and,

BE IT FURTHER RESOLVED,

that the Planning Board of the Town of Bethlehem hereby requires that a fee be paid in lieu of parkland reservation for the proposed Wooster Subdivision, by John Wooster, Five (5) Lot Subdivision the amount and payment of which shall be made in accordance with Local Law No. 7 of 2001 and Chapter 103 of the Code of the Town of Bethlehem.

On a motion by Mr. Lewendon, seconded by Mr. Gyory, and by a vote of Four (4) for, zero (0) against, zero (0) abstained, and zero (0) absent, this RESOLUTION was adopted on August 1, 2017.

RESULT: APPROVED [UNANIMOUS]
MOVER: Scott Lewendon, Board Member
SECONDER: Brian Gyory, Board Member
AYES: John Smolinsky, Brian Gyory, Scott Lewendon, Kate Powers

B. Wooster 5 Lot Major Sub at 137 Kenwood Ave - Possible Action on Conditional Approval of Final Plat - Cert. 279 CF (17-00400002)

**PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

CONDITIONAL APPROVAL OF FINAL PLAT

**WOOSTER SUBDIVISION - FIVE (5) LOT MAJOR SUBDIVISION
137 KENWOOD AVENUE, DELMAR**

**CERTIFICATE NO. 279
August 1, 2017**

DATE:

THIS CERTIFIES THAT:

1. The PLANNING BOARD of the TOWN OF BETHLEHEM, Albany County, New York, at a Board meeting held August 1, 2017 CONDITIONALLY APPROVED a FINAL PLAT titled:
 - A. "Final Subdivision Plat, Sheet 1 of 4, Wooster Subdivision, Kenwood Avenue and Rockefeller Road, Town of Bethlehem", dated January 18, 2017, last revised July 27, 2017.

Additional plans include:

- B. "Grading and Utilities Plan, Sheet 2 of 4, Wooster Subdivision, Kenwood Avenue and Rockefeller Road Town of Bethlehem", dated January 18, 2017, last revised July 27, 2017.
- C. "Existing Conditions and Erosion Control Plan, Sheet 3 of 4, Wooster Subdivision, Kenwood Avenue and Rockefeller Road, Town of Bethlehem", dated January 18, 2017, last revised July 27, 2017.
- D. "Site Details, Sheet 4 of 4, Wooster Subdivision, Kenwood Avenue and Rockefeller Road, Town of Bethlehem", dated January 18, 2017, last revised July 27, 2017.

All drawings made by: ABD Engineers, LLP 411 Union Street, Schenectady, NY 12305.

- 2. This Approval was requested by the Owner, John Wooster, on March 22, 2017, said request being delivered to the Board by ABD Engineers, LLP as Agent for the Owner.
- 3. Approval was granted following a PUBLIC HEARING held August 1, 2017 at which the Plat was displayed and the plan of subdivision described by ABD Engineers, LLP 411 Union Street, Schenectady, NY 12305.
- 4. Basic details of the proposed plan of subdivision follow:
 - A. LOCATION: 137 Kenwood Avenue, Delmar.
 - B. ACCESS: Kenwood Avenue and Rockefeller Road, existing town roads.
 - C. DISTRICTS IN WHICH LOCATED: Core Residential (CR) District, Water District No. 1, Sewer District No. 1, Bethlehem Central School District, Elsmere Fire District.
 - D. AREA OF PARCEL (ACRES): 2.32 acres.
 - E. NUMBER OF LOTS PROPOSED: Four (4) residential building lots and one (1) existing residential lot
- 5. Prior to granting this Approval, the Planning Board--

- A. Determined that a portion of the proposed subdivision (.12 acres) was in a federally designated wetland, but that no disturbance will be made to that wetland area.

- B. In compliance with the State Environmental Quality Review Act (SEQRA).
 - 1. On July 18, 2017 determined that the proposed subdivision was an Unlisted action;

 - 2. On July 18, 2017 made a Negative Declaration;

- C. The Albany County Planning Board reviewed the subdivision referral and made a recommendation to defer to local consideration in a letter dated May 18, 2017.

- 6. The Planning Board decided to consider the Plat submitted a FINAL PLAT due to the following facts--
 - A. The proposed subdivision consists of five lots and constitutes a major subdivision as defined at §103-08 and §103-15(C) of the Town of Bethlehem Subdivision Regulations.

 - B. The subdivision is presently served by public water, sanitary sewer along Kenwood Avenue and a town road. Sanitary sewer will be extended along the north side of Rockefeller Road by the applicant and property owner.

 - C. The plat contains the level of detail required of a final plat as per §103-34 of the Town of Bethlehem Subdivision Regulations.

 - D. There are no significant environmental issues associated with the subdivision.

- 7. This Approval has been granted for a total of no more than four (4) residential building lots and one (1) existing residential property within the Approved Area.

- 8. This Approval has been granted with the following MODIFICATIONS which shall be shown on the plat of the subdivision prior to stamping of the plans:
 - A. Sheet 1 of 4 - Revise the title block and remove "Final Subdivision Plan" and replace with "Final Plat".

- B. Sheet 2 of 4 (Grading and Utilities Plan) - Revise the Planting schedule to reflect the balsam fir at 6' to 8' height.
 - C. Sheet 2 of 4 (Grading and Utilities Plan) - Add Development Note #15 to the plan stating "Prior to issuance of a certificate of occupancy for lots #141 Kenwood Avenue, lot #177 Rockefeller Road, and #181 Rockefeller Road the trees, for purposes of screening adjacent properties, will be planted".
 - D. Sheet 2 of 4 (Grading and Utilities Plan) - The five evergreen trees along the westerly side of Lot #5 (#177 Rockefeller Road) shall be spread at 15' on center along the rear property line with #139 Kenwood Avenue.
 - E. Sheet 2 of 4 (Grading and Utilities Plan) - Two Yew shrubs will be added to the three Yew shrubs shown for a total of five Yew shrubs to be planted on Lot #2 (#141 Kenwood Avenue) as screening to the rear yard of #7 Pinetree Drive.
9. No construction work, clearing or land disturbance shall be started on the proposed subdivision prior to the approval of the plat in final form (FINAL PLAT) by the Board, unless specific permission for the start of such work has been granted by the Planning Board AND ALSO by any concerned Town departments. Such specific permission may not be granted by the Board prior to the submission of the Final Plat to the Board for approval.
10. Prior to granting Final Plat Approval in respect to a Final Plat (see item 8 above), the Planning Board must have satisfactory evidence that the CONDITIONS specified below have been satisfied:
- A. MODIFICATIONS to the submitted plat required by this Approval, as listed in Item 8 above, have been completed.
 - B. Arrangements have been completed with the pertinent public utility companies which serve the area in which the proposed subdivision is located for the delivery of electric power and other required utilities to the subdivision, and for the distribution of such power and other services within the subdivision. The arrangements shall include, among other things, provision of the necessary easements by the Owner(s).
11. Conditional Approval of this subdivision plat has been granted subject to the following additional conditions:
- A. Prior to stamping of the Final Plat, the Owner(s) shall submit to the Town Engineering Division for its review and approval metes and bounds descriptions and closure checks for the proposed 10ft wide all-purpose easement (for sanitary sewer purposes and future

sidewalk), which extends along Rockefeller Road. The Owner(s) shall also provide the Town Engineering Division all necessary paperwork for Town acceptance and filing of the easement.

- B. Prior to stamping of the Final Plat, the Owner(s) shall submit to the Town Engineering Division for its review and approval metes and bounds descriptions and closure checks for the proposed 10ft wide right of way which extends across lot #141 Kenwood Avenue, lot #137 Kenwood Avenue, and #135 Kenwood Avenue. The Owner(s) shall also provide the Town Engineering Division all necessary paperwork for Town acceptance and filing of the easement.

- C. Prior to stamping of the Final Plat, the Owner(s) shall submit to the Town Engineering Division for its review and approval metes and bounds descriptions and closure checks for the proposed 5ft wide grading easement (for future sidewalk purposes), which extends across lot #141 Kenwood Avenue, lot #137 Kenwood Avenue, and #135 Kenwood Avenue. The Owner(s) shall also provide the Town Engineering Division all necessary paperwork for Town acceptance and filing of the easement.

- D. Prior to the issuance of a Building Permit for home construction on lot #141 Kenwood Avenue, lot #177 Rockefeller Road, lot #181 Rockefeller Road and lot #185 Rockefeller Road, the Owner(s) or Purchaser(s) of the respective lot shall pay the required fee in lieu of parkland in accordance with Local Law No. 7 of 2001 and §103-29 of the Town of Bethlehem Subdivision Regulations.

- E. Prior to issuance of a Certificate of Occupancy for lots #141 Kenwood Avenue, lot #177 Rockefeller Road, and #181 Rockefeller Road the trees, for purposes of screening adjacent properties, will be planted.

- F. Prior to issuance of a certificate of occupancy for lots #141 Kenwood Avenue and lot #177 Rockefeller Road, Town Planning Department shall be consulted to review the planting location of trees adjacent to the rear yards to Pinetree Drive lots for general consistency with locations shown on the grading plan for purposes of screening adjacent properties. The Planning Department is authorized to modify the species and reduce the amount of trees if requested by owners of the Pinetree Drive lots.

- G. Prior to signing of the Final Plat, all review fees owed the Town shall be paid in full.

- H. Prior to the issuance of a Building Permit for the proposed building on lot #141 Kenwood Avenue all plot plans prepared shall be shown in accordance with the location of the proposed house as shown on the Grading and Utilities Plan, Sheet 2, as it relates to the placement of the house in the front yard (adjacent to 139 Kenwood Avenue) This requirement is pursuant to Zoning law §128-30 E.(8) for the Core Residential zoning district where new or in-fill buildings should be located in line with existing buildings to maintain

the integrity of the existing building setback line from the street.

12. Conditional Approval of this subdivision plat has been granted with the understanding that, in addition to other things, the Owner(s) will--
 - A. Provide the Town with easements, as required, for (a) drainage purposes, (b) for sanitary sewerage, (c) for water supply and (d) for such other activities for which the Town may need easements--in the locations shown on the Final Plat, and at such other locations as may be required by the Town. Such easements shall be provided to and accepted by the Town prior to the issuance of Building Permits for the subdivision.

13. The Owner is hereby reminded that in the final design of the subdivision--
 - A. Off-street parking shall be provided in accordance with the provisions of the Zoning Ordinance (see §128-56 "Off-street Parking and Loading").

14. The Owner(s) is/are hereby advised that one or more of the following requirements will be included in any Certificate of FINAL PLAT APPROVAL that may be prepared for the subject subdivision--
 - A. The development of the proposed subdivision shall be performed in a manner such that soil loss due to wind and water erosion is held to a minimum. Unnecessary removal of healthy trees shall be avoided. The Town shall reserve the right to require additional measures of erosion control during construction of the project should it determine that such measures are necessary for the protection of surface waters or for the abatement of any nuisance caused by soil erosion from the project site.

15. Appropriate insurance coverage as deemed necessary by the Town of Bethlehem or the State of New York shall be obtained prior to the start of any work contemplated by this approval and proof of such coverage in the form of "Certificate of Insurance" shall be filed with the office of the Building Inspector and/or appropriate office of the State of New York. The Town of Bethlehem shall be named an additional assured.

16. Drainage facilities, sanitary sewers and/or water mains needed for this subdivision shall be constructed and/or installed by the Owner(s). Foundation drains, house sewer laterals, and house water services which are required for this subdivision shall be constructed and/or installed either by the Owner(s) or by the Purchaser(s) of a particular lot. All such construction or installations shall be made to the satisfaction of the Town and in accordance with specifications and/or regulations of the pertinent Town Departments--and of the Albany County Department of Health, where applicable.

17. Any plats of this subdivision submitted to the Board subsequent to the receipt of this approval by the Owner(s) shall list the changes made in the plat since the last submittal-- with a corresponding date for each such change.

18. This approval of the stated Plat does NOT authorize:
 - A. The filing of the Plat in the Office of the Albany County Clerk, or

 - B. The issuance of Building Permits in respect to the proposed building lots shown on such Plat.

19. In the preparation of the plat in final form all parcels to be conveyed to the Town and all easements to be granted to the Town shall be shown. The areas relating to such conveyances and/or easements shall be clearly delineated and labeled, and it shall be clearly noted on such plat; (a) that the parcels are to be conveyed to the Town, and/or (b) that the easements are to be granted to the Town, and (c) that the intent of each easement is for drainage, for sewer, for water, for a combination thereof, or for other purposes.

20. This approval shall expire January 28, 2018 (180 days from approval) unless the requirements stated in Items 10 and 11 (associated with the stamping of the Final Plat) above, have been completed to the satisfaction of the Board.

21. Upon satisfactory completion of the related requirements stated in Items 10 and 11 above, the Chairman of the Planning Board is empowered to endorse the Final Plat with his signature, thus signifying final approval of the plat.

22. Not later than sixty-two days after the Chairman of the Planning Board has endorsed the Final Plat with his signature pursuant to Item 21, above, the Owner shall file a copy of the approved Final Plat in the Office of the Albany County Clerk or final approval shall expire. The Owner shall submit a copy of the filing receipt to the Planning Board.

BY ORDER OF THE PLANNING BOARD

John Smolinsky, Chairman

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Scott Lewendon, Board Member
SECONDER:	Brian Gyory, Board Member
AYES:	John Smolinsky, Brian Gyory, Scott Lewendon, Kate Powers

C. Sevenzocks Property Maintenance and Landscaping, Inc. - 1277 Route 9W, Selkirk - Site Plan Amendment Application (SPA 171 A1) - Garage / Storage Building - Project Update and Possible Action on SEQR Classification of Action and Negative Declaration (17-01400001)

The project was before the Board for an update and possible action on the SEQR Resolution and Site Plan Approval. Matthew Kozakiewicz, the applicant, was present to provide information and answer questions. Staff comments were provided by Kenneth Kovalchik.

To date, the project was placed on the following Planning Board agendas: 03/07/2017 and 08/01/2017.

Discussion / Information Items

- site plan amendment for existing business, SevenZocks Nursery & Garden Supply at 1277 Route 9W
- applicant seeking approval to construct a 2,268 sf garage (48 x 36 + 18 x 30) at rear of site
- special use permit and site plan approval was originally granted in 2011
- previously a port-a-john was approved for the seasonal agricultural use
- applicant obtained a variance from the NYS DOS (Division of Building Standards & Codes) for relief from the requirements related to bathroom facility in the building
- there are no sanitary sewer services available at the site
- NYS DEC reviewed the application and request that a stockade fence be installed on the north side of the building
- NYS DOT reviewed the application and there were no comments because there is no work proposed in the state right-of-way
- application was sent to the Albany County Planning Board but their meeting was cancelled and 30 days have passed
- applicant would like the building to resemble a barn

Board Member / Staff Comments:

- Ms. Powers wondered if there was a record of any complaints concerning the port-a-john
- Mr. Gyory inquired about the proposed color scheme

Next Steps:

- applicant to make the required modifications on the drawings
- applicant to meet conditions of approval found in the Site Plan Approval (SPA 171 A1) document relating to the floor plan size and stockade fencing

**PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

**SEQR RESOLUTION
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION**

SEVENZOCKS PROPERTY MAINTENANCE AND LANDSCAPING, INC.

1277 ROUTE 9W - GARAGE/STORAGE BUILDING

SITE PLAN AMENDMENT

WHEREAS, Sevenzocks Property Maintenance and Landscaping, Inc. have submitted to the Town of Bethlehem Planning Board an application for Site Plan Amendment Approval, for a proposal to construct a 2,268 square feet garage/storage building measuring 48' x 36', with a 30' x 18' extension at an existing nursery business located at 1277 Route 9W in Selkirk. The parcel, located on the west side of NYS Route 9W and south of NYS Route 396 is zoned in the Rural Hamlet Zoning District.

WHEREAS, the Planning Board has received a short Environmental Assessment Form ("EAF") for the project with Part I completed by the applicant, and;

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA, and;

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District, and;

WHEREAS, NYCRR 617.6(b) establishes procedures for the review of Unlisted actions where an agency has determined it will not coordinate SEQR review of the action; and,

WHEREAS, the procedures for uncoordinated review of an Unlisted action indicate that an agency may proceed with said review as if it were the only involved agency unless it determines that the action may have a significant impact on the environment; and,

WHEREAS, the Planning Board has independently considered both the information provided in the EAF and comments on the application provided by the Town of Bethlehem Engineering Division and Department of Economic Development and Planning; and,

NOW, THEREFORE, BE IT RESOLVED,

that the Planning Board hereby determines that:

1. approval of the proposed site plan constitutes an Unlisted action which is subject to SEQRA,

2. the proposed action does involve New York State Department of Environmental Conservation (NYSDEC), New York State Department of State Division of Building Standards and Codes, Albany County Planning Board (ACPB) and Albany County Department of Health (ACDOH),
3. the proposed action is not located in a Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law,
4. a short Environmental Assessment Form is adequate for determining the significance of the proposed action, and;

BE IT FURTHER RESOLVED,

that the Planning Board, as provided at 6 NYCRR Part 617.6(b)(4) hereby determines it will

not coordinate review of the proposed action and instead shall proceed as if it were the only involved agency; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby declares it is lead agency with respect to SEQRA review of the proposed action, and;

BE IT FURTHER RESOLVED,

that based upon its review of the project and the short EAF, review of the proposal by Town Engineering and Planning staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Section 617.7(c), the Planning Board hereby finds that the proposed 2,268 square feet garage/storage building on the property located at 1277 Route 9W for maintenance and servicing of vehicles for the existing nursery constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

1. The site of the proposed action is located in a Rural Hamlet zoning district, which allows the proposed use subject to Site Plan Amendment approval by the Planning Board.
2. Existing site access is from NYS Route 9W (a State roadway). In an email dated February 23, 2017 NYSDOT commented they have no issues with the proposed site plan amendment and that if no work is proposed within the State right-of-way, no permit will be required.

3. The project was referred to the Albany County Planning Board (ACPB) on February 28, 2017 for their March 16, 2017 meeting. The ACPB cancelled their March 16, 2017 meeting and no recommendation has been provided to the Town. The Town is able to proceed with approval pursuant to General Municipal Law §239, which states the following: "Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. If such county planning agency or regional planning council fails to report within such period, the referring body may take final action on the proposed action without such report. However, any county planning agency or regional planning council report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of subdivision five of this section." The 30 day deadline was March 28, 2017.
5. The site is served by existing public water service.
6. The site is not served by public sanitary sewer facilities and is serviced by an existing handicap accessible unisex outhouse (porta-john) permitted as part of the special use permit and site plan approval in March 2010 (SUP 15/SPA 171) establishing the nursery business as a seasonal and agricultural use.
7. Correspondence from the Albany County Department of Health (ACDOH) dated March 10, 2017 the ACDOH stated they have no concerns for the public's health and safety and have no objections to the continued use of the seasonal porta-john.
8. In a letter dated March 16, 2017 prepared by Justin Harbinger, Town Building Inspector, it was determined that under the New York State Building Code an accessible bathroom will be required to be installed within the new storage building. The past determination in 2010 to allow an accessible porta-john in lieu of bathroom facilities was based on the proposed use of the property, temporary greenhouse and shed for seasonal use. The proposed 2,268 sq. ft. structure is to be used for the storage and service of vehicles and is not viewed by the Building Department as a seasonal agricultural use but as a business use.
9. In an email dated March 20, 2017 the ACDOH provided a follow-up to their March 10, 2017 letter and stated the building code calls for an accessible bathroom within the new storage building. The ACDOH deferred to the Town's original special use permit and for the Town to make the determination whether an accessible bathroom will be required within the proposed storage building.
10. In an application dated April 4, 2017 (Petition No. 2017-0130) to the NYS Department of State Division of Building Standards and Codes, filed by Matthew Kozakiewicz, requesting relief from Section 403.1 of the 2015 Plumbing Code, which requires plumbing fixtures shall

be provided in the minimum number as shown in Table 403.1, based on the actual use of the building or space. The application requests relief to not install plumbing fixtures in the proposed garage/storage building.

11. In a decision issued on June 14, 2017 by the New York State Department of State Division of Building Standards and Codes, it was determined the proposed variance will not substantially adversely affect the Code's provisions for health, safety and security, and that requiring the installation of a bathroom within the proposed building would entail practical difficulties, economic hardship, or would be otherwise unwarranted because such would create an excessive and unreasonable economic burden and therefore, the variance from Section 403.1 of the 2015 Plumbing Code was granted.

12. The site contains approximately 0.60 +/- acres of NYSDEC wetlands (NYSDEC Wetland ID# D-11). The proposed garage/storage building will not impact any wetlands on the site (as shown on the plans). Correspondence from NYSDEC Region 4 Permits Office, dated February 2, 2017, a permit was issued allowing the construction of a garage measuring 48' x 36' with a 30'x18' extension adjacent to a NYSDEC freshwater wetland. The permit requires the construction of a stockade fence along the wetland boundary towards the northern end of the property to prevent roadside garbage from entering the wetland and avoid illegal dumping into the wetland.

13. Town Department of Economic Development and Planning and Division of Engineering review of the project Site Plan and the Town's environmental inventory files did not identify any other environmentally sensitive characteristics of the site or areas requiring further study.

BE IT FURTHER RESOLVED,

that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Town Department of Economic Development and Planning is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Mr. Gyory, seconded by Mr. Lewendon, and by a vote of four (4) for, zero (0) against, zero (0) abstained, and zero (0) absent, this RESOLUTION was adopted on August 1, 2017.

RESULT: APPROVED [UNANIMOUS]
MOVER: Brian Gyory, Board Member
SECONDER: Scott Lewendon, Board Member
AYES: John Smolinsky, Brian Gyory, Scott Lewendon, Kate Powers

D. Sevenzocks Property Maintenance and Landscaping, Inc. - 1277 Route 9W, Selkirk - Site Plan Amendment Application (SPA 171 A1) - Garage / Storage Building - Possible Action on Site Plan Amendment (17-01400001)

**PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

SITE PLAN AMENDMENT APPROVAL

**SEVENZOCKS PROPERTY MAINTENANCE AND LANDSCAPING, INC.
GARAGE/STORAGE BUILDING
1277 ROUTE 9W, SELKIRK**

CERTIFICATE NO. SPA 171 A1

DATE: August 1, 2017

1. TYPE OF APPROVAL: Site Plan Amendment Approval

NAME OF PROPOSAL: Sevenzocks Nursery and Garden Supply

DESCRIPTION OF PROPOSAL: Construct a 2,268 square feet garage/storage building measuring 48' x 36', with a 30' x 18' extension at an existing nursery and garden supply business.

LOCATION OF SITE: 1277 Route 9W, Selkirk, New York.

TITLE OF DRAWINGS:

A. Site Plan drawings titled as follows:

“Site Plan, Matthew Kozakiewicz and Carla Martins, Sevenzocks Property Maintenance and Landscaping, Inc. US Route 9W, Town of Bethlehem, County of Albany, State of New York”, dated 01/10/17, prepared by Charles Hite, LLS, 131 Main Street, Ravena, NY 12143

“Elevation Rendering, Sevenzocks Nursery - Garage/Storage Building, 1277 Route 9W, Town of Bethlehem, County of Albany, State of New York”, dated July 25, 2017.

2. THIS WILL CERTIFY that the Planning Board, at a regular meeting held August 1, 2017, granted Site Plan Amendment Approval for the development of the site described above, such approval being contingent upon compliance with the MODIFICATIONS (Item 8) and CONDITIONS (Item 10) which follow, and also with-
 - A. All standard specifications, requirements, and conditions pertaining to the development of the site as set forth in approvals of detailed plans granted by the Planning Board, the Bethlehem Sewer District, Water District No. 1 of the Town of Bethlehem, the Albany County Department of Health and/or any other governmental authority having jurisdiction thereof.
3. Access to the site is provided by Route 9W, an existing State highway.
4. The site is located in a Rural Hamlet District (RH).
5. The Applicant obtained a variance (Petition No. 2017-0130) from the New York State Department of State Division of Building Standards and Codes on June 14, 2017 from Section 403.1 of the 2015 Plumbing Code, which requires plumbing fixtures shall be provided in the minimum number as shown in Table 403.1, based on the actual use of the building or space. The variance was granted by the Department of State, which stated requiring the installation of a bathroom within the proposed building would entail practical difficulties, economic hardship, or would be otherwise unwarranted because such would create an excessive and unreasonable economic burden.
6. Prior to the granting of this Site Plan Approval the Board considered:
 - A. The potential environmental impact of the proposed site development declared the proposal an Unlisted action and issued a Negative Declaration for compliance with SEQRA on August 1, 2017.
 - B. The project was referred to the Albany County Planning Board (ACPB) on February 28, 2017 for their March 16, 2017 meeting. The ACPB cancelled their March 16, 2017 meeting and no recommendation has been provided to the Town. The Town is able to proceed with approval pursuant to General Municipal Law §239, which states the following: “Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. If

such county planning agency or regional planning council fails to report within such period, the referring body may take final action on the proposed action without such report. However, any county planning agency or regional planning council report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of subdivision five of this section.” The 30 day deadline was March 28, 2017.

7. The site is within the boundaries of Water District No. 1 of the Town of Bethlehem and outside the boundaries of the Bethlehem Sewer District.
8. Approval of the Site Plan was made with the following MODIFICATIONS to be shown on the plan set endorsed with the Planning Board's stamp of Approval.
 - A. Revise Sheet 1 (site plan) title block to read as follows:
Site Plan Amendment
Garage/Storage Building
Sevenzocks Property Maintenance & Landscaping, Inc.
1277 Route 9W, Selkirk
Town of Bethlehem, County of Albany, State of New York
Sheet 1 of 2
 - B. Include the owner and applicant information as notes on the plan, separate from the title block.
 - C. Include a note on the plan to read as follows: “In a decision issued on June 14, 2017 the New York State Department of State Division of Building Standards and Codes approved a variance (Petition No. 2017-0130) from Section 403.1 of the 2015 Plumbing Code to not require a bathroom facility to be installed in the garage/storage building.”
9. Any Site Plan submitted subsequent to the receipt of this approval by the Owner shall list the changes made to the plan since the last submittal -- with a corresponding date for each such change.
10. This Approval is granted subject to the following CONDITIONS:
 - A. Prior to issuance of a building permit the Applicant shall provide the Planning Board with construction drawings showing the floorplan dimensions match the dimensions of the proposed building as shown on the site plan.

- B. Prior to issuance of a Certificate of Occupancy the Applicant shall submit to the Planning Board evidence the stockade fence has been installed along the wetland boundary towards the northern end of the property per the NYSDEC permit condition.
11. The site delineated on the Approved Site Plan shall be developed in accordance with:
 - A. The detailed plan for development shown on the Final Approved Site Plan.
 12. In rendering its decision to approve this site plan application, the Planning Board has considered the standards of §128-71(E) of the Town Zoning Law, and the decision criteria contained in Section §128-71(K) of said law.
 13. Upon submission of revised Site Plan drawings reflecting those MODIFICATIONS specified in ITEM 7, and upon satisfying those CONDITIONS specified in ITEMS 9.A. herein, the Chairman of the Planning Board is empowered to endorse the Site Plan with his signature, such Site Plan shall be known henceforth as the FINAL APPROVED SITE PLAN.

BY ORDER OF THE PLANNING BOARD

John Smolinsky, Chairman

NOTE: Expiration of Approval

Site Plan Approval in respect to a particular lot, plot, site or parcel shall expire 180 days following the date of such approval by the Planning Board unless all conditions and requirements established by the Board as a prerequisite to endorsement of the site plan have been satisfied and said site plan has been endorsed by the Planning Board stamp and signature. Prior to expiration and upon request of the applicant, the site plan approval may be extended by the Planning Board for up to two additional 90 day periods.

Site plan approval shall be void if construction is not started within one year of endorsement of the site plan as noted above, and completed within two years of said endorsement. Prior to expiration and upon request of the applicant, the site plan approval may be extended by the Planning Board for up to two additional 90 day periods.

RESULT: APPROVED [UNANIMOUS]
MOVER: Scott Lewendon, Board Member
SECONDER: Brian Gyory, Board Member
AYES: John Smolinsky, Brian Gyory, Scott Lewendon, Kate Powers

E. Legacy Church - 282 Elsmere Avenue, Delmar - Possible Action on SEQR Resolution Classification of Action and Negative Declaration (17-00100001)

The proposed project was before the Board for an update and possible action on the SEQR Resolution and date of the public hearing. Frank Palumbo, Business Development Manager,

for C.T. Male, and Pastor David Gericke, were present on behalf of the applicant, Legacy Church, to provide information and answer questions. Staff comments were provided by Leslie Lombardo. To date, the project was placed on the following Planning Board Agendas: 03/21/2017 and 08/01/2017.

Discussion / Information Items:

- Special Use Permit / Site Plan application for improvements at church facility located at 282 Elsmere Avenue, Delmar
- 4,712 sf addition to rear of church building for classroom and activity space
- 2,040 sf addition to front of church for proposed lobby
- patio on south side of building near front
- landscape islands to be added to the parking lot to meet green space requirement for parking lot
- no changes to ingress/egress
- small hedge to be added to the north side of the driveway near Elsmere Avenue to provide screening for a recently installed, illuminated sign
- .88 acres disturbance
- Town Engineering has reviewed the drainage analysis and drainage plan
- Albany County Planning Board recommendation, dated 04/27/2017, deferred to local consideration
- grading changes include a grass swale
- fire access road modified per recommendations from Elsmere Fire Dept.
- sidewalks added
- handicap accesble
- drop off area
- improved functionality
- parking requirement has been met even thought changes were made to the parking lot

Board Member / Staff Comments:

- Ms. Smolinsky inquired about the outdoor trash / dumpster location
- Mr. Lewendon requested that a plant list be provided

Next Steps:

- applicant to provide a plant list
- public hearing will be held on 08/22/2017

**PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

**SEQR RESOLUTION
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION**

**LEGACY CHURCH AT 282 ELSMERE AVENUE, DELMAR
SPECIAL USE PERMIT / SITE PLAN APPLICATION**

WHEREAS, the Legacy Church has submitted to the Town of Bethlehem Planning Board an application for a Special Use Permit and Site Plan approval to construct the following additions to an existing house of worship: 4,712 sq. ft. building addition to the rear of the existing church for classrooms and activity space, a 2,040 sq. ft. lobby addition to the front of the existing church, with an attached 18ft by 35ft patio on the south side of the building, a sidewalk across the front of the parking lot at the front building entrance, a drop off area between the sidewalk and parking lot drive lane and additional landscape islands in the existing parking lot at 282 Elsmere Avenue, Delmar, NY.

WHEREAS, the Planning Board has received a Short Environmental Assessment Form ("EAF") for the project with Part I completed by the applicant, and;

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA, and;

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District, and;

WHEREAS, 6 NYCRR 617.6(b)(1) indicates that when a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund, or approve a Type I or Unlisted Action, and;

WHEREAS, the Planning Board has independently considered both the information provided in the EAF and comments on the application provided by the Town of Bethlehem Engineering Division, Town of Bethlehem Department of Economic Development and Planning, and Albany County Planning Board.

NOW, THEREFORE, BE IT RESOLVED,

that the Planning Board hereby determines that:

1. approval of the proposed site plan constitutes an Unlisted Action which is subject to SEQRA.
2. the proposed action involves referral to the Albany County Planning Board.
3. the proposed action is not located in, or within 500 feet of, an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law,
4. a Short EAF is adequate for determining the significance of the proposed action, and;

BE IT FURTHER RESOLVED,

that the Town of Bethlehem Planning Board hereby determines that coordinated SEQR review of the action is not required or warranted, and pursuant to 6 NYCRR 617.6(b)(4) the Board will not coordinate said SEQR review; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby declares it is lead agency with respect to SEQR review of the proposed action; and,

BE IT FURTHER RESOLVED,

that based upon its review of the project and the EAF, review of the proposal by Town Engineering and Planning staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Section 617.7(c), the Planning Board hereby finds that approval of the Special Use Permit and Site Plan for the purpose of constructing a 4,712 sq. ft. building addition to the rear of the existing church, a 2,040 sq. ft. lobby addition to the front of the existing church, with an attached 18ft by 35ft patio on the south side of the building, a sidewalk across the front of the parking lot at the front building entrance, a drop off area between the sidewalk and parking lot drive lane and additional landscape islands in the existing parking lot at 282 Elsmere Avenue constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

1. The site of the proposed action is located in a Core Residential Zoning District. Existing land

uses adjacent to the site include single-family properties to the north, west, and east. To the south is the Route 32 Bypass. A floorplan and building elevations were submitted as part of the site plan application. The proposed changes to the exterior elevations will utilize materials such as asphalt shingles, vinyl siding and stone veneer, that will be consistent with existing building materials and enhance the appearance of the building.

2. The project site consists of +/- 5.8 acres and contains an existing house of worship, church office and parking lot consisting of asphalt pavement. The site is characterized as developed land. Neither Federal nor State wetlands exist on the site.
3. The proposed additions to the site will result in .88 acres of disturbance. Since the disturbance to the site is less than 1.0 acre, the project is not eligible for coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities GP-0-15-002 (General Permit). The applicant has prepared a Stormwater Narrative (dated July 25, 2017) which includes a drainage analysis in order to meet the requirements of §128-49 (C) (2) of Town Zoning Law pertaining to Grading, Erosion and Sediment Control and §128-71 E. (9) under Site Plan Review for Drainage.
4. The site is served by existing public water and sanitary sewer services. The proposed building expansion will not place any significant additional demands on these facilities.
5. There is currently one existing driveway providing ingress and egress to the site from Elsmere Avenue, a state highway. The proposed changes to the parking lot by adding landscape islands as required by §128-56 (K) of Town Zoning Law will still allow the minimum parking standards to be met for a house of worship use per §128-56 (H) of Town Zoning Law.
6. Existing parking consists of 114 parking spaces, with 2 spaces provided next to the church office. Proposed parking will include 97 parking spaces, which will include 4 accessible parking spaces. The existing +/- 43,835 square foot parking area is paved with asphalt. After the addition of landscape islands there will be 5,056 square feet of interior parking lot green space (11.5%).
7. At its April 27, 2017 meeting, the Albany County Planning Board (ACPB) reviewed the application and recommended to defer to local consideration.
8. Town Department of Economic Development and Planning review of the project Site Plan and the Town's environmental inventory files did not identify any other environmentally sensitive characteristic of the site or areas requiring further study.

BE IT FURTHER RESOLVED,

that this Determination of Significance shall be considered a Negative Declaration made

pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Town Department of Economic Development and Planning is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Kate Powers, seconded by Bryan Gyory, and by a vote of Five (5) for, zero (0) against, and zero (0) absent, and zero (0) opposed, this RESOLUTION was adopted August 1, 2017.

RESULT: APPROVED [UNANIMOUS]
MOVER: Kate Powers, Board Member
SECONDER: Brian Gyory, Board Member
AYES: John Smolinsky, Brian Gyory, Scott Lewendon, Kate Powers

F. Legacy Church - 282 Elsmere Avenue, Delmar - Special Use Permit & Site Plan - Possible Action to Set Date of Public Hearing for 08/22/2017 at 6:00 p.m. (17-00100001)

PUBLIC HEARING NOTICE, TOWN OF BETHLEHEM, ALBANY COUNTY, NY. Notice is hereby given that the Planning Board will conduct a Public Hearing as part of its regularly scheduled Board Meeting on **Tuesday, 08/22/2017 at 6:00 p.m.**, at the Town Offices, 445 Delaware Ave., Delmar, NY regarding a **Special Use Permit/Site Plan Application**, submitted by **Legacy Church**, as shown on drawing entitled **"Site Layout, Legacy Church, 282 Elsmere Avenue, Town of Bethlehem"**, dated **07/26/2017, prepared by C.T. Male Associates, 50 Century Hill Drive, Latham NY, 12110**. Documentation related to the application can be viewed in the Planning Dept. at Town Hall, M-F, 8:30 a.m.- 4:30 p.m. Notice of Public Hearing will be mailed to property owners within 200' of the subject property. Said notice will also be published in the **08/16/2017** issue of the Spotlight Newspaper. All interested persons are invited to attend and be heard.

RESULT: PH SCHEDULED [UNANIMOUS]
MOVER: Brian Gyory, Board Member
SECONDER: Kate Powers, Board Member
AYES: John Smolinsky, Brian Gyory, Scott Lewendon, Kate Powers

VI. Discussion/Information Items

A. 1273 River Road - Finke Enterprises, LLC - Initial Presentation on Site Plan Application for occupancy by TerraSmart LLC (17-00100009)

Mr. Leslie informed the Members that the applicant was not present for the meeting and the project would not be discussed because he had received notice from the applicant that the potential tenant (TerraSmart LLC) was no longer interested in pursuing occupancy at the 1273 River Road location owned by Finke Enterprises, LLC. There was no further discussion.

B. DB Real Estate Assets II, LLC (DBA Dunkin Donuts) at 232 Delaware Avenue, Delmar - Special Use Permit / Site Plan / Lot Line Revision - Project Update (16-01400005)

The project was before the Board for an update. Thomas Andress of ABD Engineering, Michael Wieszchowski, P.E., PTOE, Assistant VP / Sr. Traffic Engineer of Greenman-Pedersen, Inc. (GPI), and the applicant, Ivo Garcia, were present to provide information and

answer questions. Staff comments were provided by Kenneth Kovalchik. To date, the project was placed on the following Planning Board Agendas: 02/21/2017 and 08/01/2017.

Discussion / Information Items

- applicant seeking approval to add a drive thru window and drive isle to existing Dunkin Donuts facility at 232 Delaware Avenue
- changes would be made to the parking lot layout and landscaping
- queing impacts were considered
- applicant retained services of Greenman Peterson to conduct a traffic assessment (level of service & trip distribution analysis)
- 2nd access on Delaware Avenue was closed in response to NYS DOT recommendation
- site design was reviewed by the Zoning Board of Appeals to obtain a variance for the number of parking spaces
- drive thru window originally located on back side of building
- applicant owns both lots to the rear of 232 Delaware Avenue which front on Lincoln Avenue
- applicant seeking approval to subdivide the vacant lot between 232 Delaware & 7 Lincoln Avenue and convey / merge a portion with 232 Delaware and the remaining portion with 7 Lincoln Avenue
- minor modification to dumpster area
- landscape plan revised
- AM peak (7:45-8:45 a.m.) expected to generate 178 trips (92 in & 86 out)
- anticipated traffic generation was compared to other Dunkin locations
- 22 parking spaces provided, 16 typically occupied
- volume from order board is fully adjustable
- hours of operation 5:00 a.m. - 10:00 p.m.

Board Member / Staff comments:

- Mr. Smolinsky inquired about sound, lighting, signage, pedestrian safety, dumpster enclosure, deliveries
- Mr. Gyory commented on the traffic report
- Ms. Powers inquired about fencing, lighting on timers, security
- Mr. Lewendon commented on landscaping (replace maple tree with ornamental)
- Mr. Lewendon inquired about curb cut reduction from 30' to 24' for west driveway
- Mr. Leslie mentioned that there may be an option for "banked" parking spaces that could provide space needed for snow storage

-Mr. Smolinsky reminded the applicant that the Town needs to be sensitive to comments / concerns from neighbors about overflow parking on Lincoln

Next Steps:

- Applicant to provide information related to the order board, i.e., lighting, sound system and image
- Applicant to provide information related to facade and directional signage
- Applicant to provide information related to pedestrian crossing from Lincoln Avenue
- Applicant to provide information related to materials for dumpster enclosure
- Applicant to revise landscaping plan
- Applicant to show options for curb cut reduction
- Applicant to consider banked parking
- Review by the Albany County Planning Board
- Action on SEQR
- Schedule a Public Hearing

There was no further discussion and the project was tabled.

VII. New Business

A. Director of Planning to provide update regarding Delaware Avenue Complete Streets project

Mr. Leslie noted that the Delaware Avenue Improvement Group / Complete Streets Study committee will be hosting a second public meeting on 09/26/2017 at 6:00 p.m. Results of the traffic analysis will be presented. A possible "road diet" to reduce the number of drive lanes from four to three with a center turn lane and bike lanes on either side of Delaware Avenue will be considered. The traffic analysis looked at level of service impacts and travel delays. A road diet would result in an additional 50 second delay during the PM peak hour. The question becomes whether the residents are willing to live with a delay in travel time if it means that the Town is addressing accident issues and creating more opportunities for safer pedestrian crossings and more enjoyable pedestrian environment. The Town will be presenting the information to the public and looking for feedback and ultimately finalizing the report and making a recommendation to the Town Board. The committee hosted a meeting last month where business / property owners along the corridor received an invitation to hear a presentation. Some attendees were concerned about losing business. Others were receptive because it meant easier access to the site. The Board Members were encouraged to attend.

Link to the Delaware Avenue Improvement Group Webpage via the Town of Bethlehem's Website
<http://www.townofbethlehem.org/640/Delaware-Avenue-Improvement-Group>

B. Change in Planning Board Meeting Schedule for August 2017. Next meeting Tuesday, 08/22/2017 at 6:00 p.m.

The meeting schedule has been adjusted for the month of August 2017. The next meeting will be held on 08/22/2017 at 6:00 p.m.

VIII. Adjournment

Motion To: Adjourn - Next Meeting - 08/22/2017 - 6:00 p.m.

RESULT: ADJOURN [UNANIMOUS]
MOVER: Brian Gyory, Board Member
SECONDER: Scott Lewendon, Board Member
AYES: John Smolinsky, Brian Gyory, Scott Lewendon, Kate Powers