

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**April 1, 2008**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on April 1, 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 Mathusa, Planning Board Chairman  
Keith Silliman, Planning Board Counsel  
Nick Behuniak, Planning Board Member  
Howard Engel, Planning Board Member  
Christine Motta, Planning Board Member  
Kathy McCarthy, Planning Board Member  
John Smolinsky, Planning Board Member  
Kate Powers, Planning Board Member

Jeffrey Lipnicky, Town Planner  
Rob Leslie, Senior Planner  
Terry Ritz, Assistant Town Engineer

Kathy Newkirk Dale Conklin Paul Hite  
Mr. & Mrs. Penk Bob Walsh

Agenda: Brookside Meadows  
Dowerskill Village, Section 2B

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

**Brookside Meadows**

The Board received an application for a seventy-seven (77) lot major subdivision on Clapper Road, Selkirk from Charlew Construction Company. They were last before the Board on January 15, 2008 for the initial presentation. Chairman Mathusa said the January presentation would now be referred to as Plan 1. The applicant had been asked to prepare Plan 2. On that plan some of the lots would face Clapper Road rather than having the back of the houses face the road. He thanked the applicant for redesigning the project for their consideration. Chairman Mathusa had requested the redesign because of responses he had received from residents of the Town. They wanted developers to stop the use of berms and turn the houses around to face the existing roads. He wanted to see if it would be practical in this project to turn the houses around. They were before the Board to present the two (2) different lot layouts for the project. Chairman Mathusa wanted the Board to voice their opinion as to which plan they preferred so the applicant could proceed with the development of the project.

Mr. Conklin, Clark Patterson Lee Associates, presented for the applicant. He said that Mr. Walsh, Charlew Companies was the person who had made the initial presentation in January. Plan 1 was the developers preferred layout and Plan 2 was the alternative based on what was asked of them to do. Plan 1 has not changed since it was submitted on January 15, 2008. Mr. Conklin said Plan 2 had an additional lot. Approximately nine (9) to fifteen (15) lots would face onto Clapper Road in Plan 2 depending on how the corner lots would face. The lots on Clapper Road were downsized some because of the curve in the road. He felt those lots would not be as desirable from a marketing standpoint as others on the interior roads.

Chairman Mathusa asked if the realignment of Clapper Road would change under Plan 2. Mr. Conklin said the realignment would stay the same whether they used Plan 1 or Plan 2 because the road would need to be upgraded to Town standards. Mr. Leslie said that regardless of Plan one (1) or Plan two (2), the realignment doesn't change.

Chairman Mathusa asked if the location of the water or sewer lines would change. Mr. Walsh said in Plan 1 they would be providing sewer to all the lots from the interior road. In Plan 2 they would need to locate sewer along Clapper Road. He said in Plan 1 they're not sure if the realignment of Clapper Road would be built by the Town or by the developer and at what time. In Plan 2, the developer would need to do the realignment prior to selling the lots. That would be the main difference.

Chairman Mathusa asked if there would be a change in the stormwater management ponds in Plan 2. Mr. Conklin said those ponds would be done within NYSDEC parameters. He said they show stormwater areas on both plans but there are not dramatic changes. Chairman Mathusa asked if the stormwater management pond shown on Clapper Road would be the same for both plans. Mr. Conklin confirmed. The drainage pattern would be the same and the direction of the runoff would remain the same. The same amount of area would be needed for both plans. Chairman Mathusa asked if there was another option besides locating the pond on Clapper Road. Mr. Conklin said it was located where it needed to be.

Chairman Mathusa asked if there was reduction of roads in Plan 2. Mr. Conklin said there was a realignment of the roads, not a reduction in their number.

Chairman Mathusa said the reason he had asked the developer for a Plan 2 was he noticed the last group of homes built in Milltown Plaza were fronting Wemple Road and he thought they were attractive. He said Clapper Road had a lot of history and if could be done on Wemple Road that had more traffic, he thought fronting homes on Clapper Road could be done. Clapper Road is a rural community that is a special part of Town and he wanted to maintain the character.

Mr. Smolinsky did not agree with the anti-berm sentiment. He said one way to retain the character of the road and of the neighborhood being developed is to turn the new development inward by using berms and plantings. He said some of the subdivisions around Town where you see the backs of houses, aren't very attractive. But he thought other areas such as Fisher Blvd. and Orchard Street where berms and plantings were more numerous and most of the houses face inward were attractive. Chairman Mathusa said the roads in that subdivision were perpendicular to Fisher and the homes fronted those streets. Mr. Smolinsky thought it did a good job of maintaining the character of Orchard Street. He thought Fisher was a nice boulevard road. He said the Planning Board at that time had required the developer to set aside twenty-five (25) to thirty (30) feet of natural vegetation or berms with landscaping. He thought that was a better solution than having driveways out onto a collector road. He said the houses within the Brookside Meadows subdivision would use those roads and the driveways would create a complicated traffic issue.

Mr. Behuniak said some of the subdivisions on Fisher had more natural barrier of mature growth that was maintained. He said the natural configuration of the land helped with the screening also. Chairman Mathusa said that area did have the advantage of varying topography but the Brookside Meadows site was flat.

Ms. Powers asked if there had already been a hearing on the project. She had wanted to know how the people living on the road felt. The Chairman said a public hearing had not been held yet. She said it was a nice road and she would like to know what the residents thought.

Ms. Motta asked if the developer had added an additional stormwater pond in Plan 2. She wondered if the size of the pond along Clapper Road had been decreased. She didn't like having that pond in the back yards. Mr. Walsh said that might not be needed. They wouldn't know that until they get into the next level of engineering.

Mr. Engel also had a concern with the stormwater detention pond on Clapper Road. He said he had never seen a detention pond that was attractive. Having one on Clapper Road was unacceptable to him. He said this was a

historic area with homes on the opposite side of the road and he was not in favor of berming and turning the new homes inward. He thought it would isolate the existing homes. He understood that having driveways onto the road might cause a little traffic problem but he would rather see that so the new homes would tie into the existing neighborhood. He preferred Plan 2. He doesn't want to see another development that is isolated within itself.

Ms. McCarthy felt the charm of the Town came from the mix of homes. She felt the old neighborhoods in Town with the fronts of homes to the street were very welcoming and appealing. She agreed that turning the houses with the backs to the roads, even with a well-designed berm, is very cold and soulless. She preferred Plan 2.

Mr. Walsh said their main concern was marketing. People would select the homes to the inside of the subdivision over the ones fronting on Clapper Road. The houses on the outside would need to be reduced in price to make it work. He said in their developments all the houses look the same. He wouldn't build a ranch on Clapper with the larger homes behind. What they would do is bring down the amenities in the house. He didn't know if that was best for the Town. Earlier they were told that individuals didn't want a road coming into Clapper Road across from the existing homes because of the headlights. But now it's OK to have other homes across the street from driveways with their headlights. He said Mr. Haseotes owns four hundred (400) acres on the other side of Clapper and none of it is zoned residential. If it develops with the current zoning, there might be tractor-trailer traffic coming from that parcel. The homes on Clapper Road would have to put up with headlights shining on their homes. They had used the interior design because all the developers have done the same thing for the last thirty (30) years. He said the County would not approve developments with multiple driveways on any road. The thing that really bothered him was they had gone through many meetings with the Development Planning Committee. They made the developer make a lot of changes. In the minutes of the last meeting they were before the Planning Board, they were given the Board's blessing that the lot design was OK and they could proceed with the engineering. He had specifically asked the Board if the lot pattern was acceptable. He wants a decision by the Board. He was not in favor of Plan 2. He doesn't think it serves the community or people that would move in. The berms they had used in their Fisher Hollow subdivision were given high marks because of big trees and variety. When you create a development it becomes a community. People on the outside are not considered part of that community. He said they would proceed with either plan the Board decides on.

Mr. Behuniak asked how much the value of the houses would decrease if they were to front Clapper Road. Mr. Walsh said they would need to drop the price of the homes about \$25,000 and build the same appearing homes. They had to do the same thing in Dowerskill because of the difference between Bethlehem School District and Ravena Coeymans School District. Mr. Behuniak said they would gain an additional lot in Plan 2. Mr. Walsh said that would not even out the loss.

Chairman Mathusa said what he heard was that it was possible to put lower cost housing in Bethlehem. Mr. Walsh said by cheapening the inside of the houses, Charlew Construction could sell them for around \$270,000. Chairman Mathusa said one of the main issues in the Comprehensive Plan was more affordable housing. Mr. Walsh said this was a standard subdivision and the basic price was usually \$300,000. Chairman Mathusa asked if in the future Mr. Walsh would continue lower cost housing south of this project. Mr. Walsh said someone else could but they won't.

Chairman Mathusa said in the hamlets of Delmar, Elsmere and Slingerlands these types of developments are not present. All of the homes face the streets. He is approached by residents all the time telling him they don't want any more berms with back yards facing streets. He wanted to evaluate the project and see if it was possible for the houses to face Clapper Road in this project. The Board now knows it is possible. Some homes will sell for less and the headlight issue from across the street is a non-issue at this point. Mr. Walsh wanted to know why the lights were an issue for them up the street but not here. Chairman Mathusa was not aware it was an issue for them either.

Mr. Behuniak asked the applicant if there was another issue besides the marketability of the homes that made them prefer Plan 1. Mr. Conklin said they thought there was a safety issue but that was something the Board would need to address. He said he wanted to make sure the Board told them to put the driveways on a major curve. It was not

normal accepted standards today.

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Chairman Mathusa asked who set those standards. Mr. Conklin said it was planning. Typically with collector roads, driveways are not encouraged unless it's necessary. Chairman Mathusa said it was done in Milltowne Subdivision. Mr. Conklin said he understood the aesthetics but if he personally had a choice of which house to buy, it would not be a house on the curve. Mr. Behuniak wanted to know how they fit in the additional house. Mr. Conklin said the lots along the curve were smaller.

Ms. Powers said that Plan 2 was more aesthetically pleasing. She questioned the safety of placing driveways on the road. Chairman Mathusa said when the road was realigned, there would be less of a curve and the line of site would be better. He thought the traffic on Clapper Road would be nominal even with future development.

Mr. Behuniak said there was a difference between the Fisher Hollow and Cedar Ridge Subdivisions because there is more mature growth in the Cedar Ridge development. Mr. Walsh said Brookside Meadows would be more like Fisher Hollow because of the topography.

Chairman Mathusa wanted the Board to give the applicant their preference of either Plan 1 or 2.

Ms. Motta preferred Plan 2 but she was concerned with the detention ponds.

Mr. Ritz said the stormwater management areas final configuration and size could not be determined right now. Mr. Conklin said the exact configuration and where the low points are will be determined in the next design phase. Mr. Ritz said the Board should not base their design preference on the location of the stormwater ponds. He said if the Creble Road extension is never built, Clapper Road would function as a collector road. If the mixed economic development area gets built, and the parallel road is build between Clapper Road and Wemple Road, Clapper Road and Wemple Road would both collect a lot of traffic. He said if the Board chooses Plan 2, he suggested they require turnarounds on each driveway. Mr. Ritz said center line of the realigned road would be built to modern standards and in the future the Board might want to consider whether the Creble Road extension would be built.

Chairman Mathusa said the traffic could go onto a Thruway exit on Wemple Road if the exit gets built there. Mr. Leslie said it would be nine (9) homes on Clapper Road and the lots were large enough to accommodate turnarounds for the driveways. Ms. McCarthy said that people back out onto Elsmere Avenue and Kenwood Avenue all the time.

Mr. Behuniak said based upon the limitations of the berms and taking into consideration the aesthetics and the cost factor of the homes that might make them available to certain buyers, he preferred Plan 2.

Ms. Powers preferred Plan 2 though she had safety concerns.

Mr. Smolinsky said he preferred Plan 1. He liked the berms and plantings when done properly. He thought that it was important to stick with the principles of developing a community together.

Mr. Engel said some questions about detention ponds remain unanswered but if possible he would like to see some other method used than ponds. That being said, he preferred Plan 2. It might be a way of forcing more affordable housing. He believed that the developer would make money no matter what plan was used. He said the one thing that made Bethlehem unique was the variety of housing next to one another. He didn't like the newer developments that offered five (5) or six (6) designs and that was all the people could choose from. He said the comprehensive plan called for more affordable housing and it spoke of the uniqueness of the Town. This development goes against that sentiment. He said he had been involved with the Selkirk Bypass for many years because he lives on Route 396 and does not think anything will be built in his life time. The State is busy repairing existing bridges and with the cost of everything it could be thirty (30) or forty (40) million dollars to build the Bypass. He said that the volume of truck traffic on Route 396 has decreased. He said all the driveways go onto Route 396 and there can be as many as

two to three hundred (200 to 300) trucks per day and as of yet there hasn't been an accident. He said when the

Brookside Meadows project was first introduced, the traffic study indicated it would not be a major impact on the roadways in the area. He said he was recently told that if the Bypass was approved today, it would take at least five (5) years for the funding to be available and another five (5) years to complete. He doesn't think it will be a safety hazard.

Ms. McCarthy preferred Plan 2.

The Board voted on the preference of Plans. The vote was six (6) in favor of Plan 2 and one (1) in favor of Plan 1. Chairman Mathusa directed the applicant to proceed with Plan 2, including turnarounds in the design.

A man from the audience made comments that were inaudible.

Mr. Leslie addressed the issue of segmentation under SEQR. Usually when a segmentation issue arises it's because an applicant wants to avoid an environmental impact statement. In this case, the developer owns the adjacent site, but separating it out does not avoid an EIS. There isn't a segmentation issue. The adjacent site can develop in the future and the impacts associated with it are not great enough to warrant an EIS.

Mr. Leslie said the document presented for the Board's consideration is a resolution determining the Planning Board as lead agency and determining that the project is a Type 1 Action. Once the Planning Board approves the Resolution, as part of a Type 1 project a coordinated review is required. The involved and interested agencies will be contacted. This document gives the Planning Department the instruction to proceed with the coordinated review.

Mr. Silliman said the Planning Board is not making a determination of significance at this time.

The Board reviewed the SEQR Resolution, Preliminary Classification of Action and Lead Agency Coordination prepared by staff.

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

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

### **Dowerskill Village – Section 2B**

The Board had received a referral from the Town Board for a review and recommendation for an amendment to Dowerskill Village, Section 2B, PDD#4. This is an initial presentation for the Planning Board. The Town Board has approved a SEQR Resolution classifying that Board as Lead Agency.

Mr. Hite, Licensed Land Surveyor, presented for the applicant. Mr. Hite wanted to make a comment on the last project before the Board. He wanted to commend the Board for taking a look at the issue of backyards facing out onto the main roads in the Town. He felt it was very bad design. He has traveled the entire country and this was one of the few areas that has that type of design. He just wanted to say thank you to the Planning Board.

Mr. Hite said the project he was presenting was the last phase of Dowerskill Village. Mr. Kent Jenkins was the owner and developer of the project. For the benefit of the Board members that were not familiar with the project, he said that the section they were before the Board for had been approved a number of years ago for the construction of roadways, driveways, parking areas for four (4) unit apartment buildings. There were to be sixteen (16) of them. Rotterdam Drive connected to Hague Blvd, which was a main road through the development, out onto Elm Avenue. These would have been the only apartments constructed in the development. The apartments were never built. Things changed through the years. He said this project was approved before The Army Corp of Engineers took

jurisdiction of the federal wetlands on the site. There were a number of reasons this section of Dowerskill Village was not developed as approved.

He said the existing single-family homes along Rotterdam Drive were constructed about five (5) or six (6) years ago. The applicant has now decided that due to environmental issues involved in the site, specifically federal wetlands, it was more desirable to build single-family homes and not try to mitigate the wetlands. Those ten (10) single homes would be developed along the existing Rotterdam Drive that has water, sewer, gas and electric. The homes would front the lots on the other side of Rotterdam Drive. The remainder of the land would be conveyed to the Dowerskill Home Owners Association. The applicant would place deed restrictions on the remainder parcel to say that no development shall take place on the parcel. He said there were areas within the remainder parcel that could be used for passive recreation. Under the prior approval there had been a passive recreation set aside to the rear of the lots. The remainder lot in the current proposal would take the place of the approved passive recreation area.

The only additional development that would be needed to build on the lots were a couple of sanitary sewer connections. The other connections were already installed in anticipation of the construction of the apartments. They will be utilized for the single-family homes. Schuyler Road was originally supposed to connect to a commercial area that was never developed. The applicant does not have control over that land.

Mr. Hite said there weren't any wetlands in the portion of the land that was to be built upon. Mr. Silliman asked Mr. Hite how the new stormwater regulations affected the site. Mr. Hite said their grading plan would keep them under the criteria for creating stormwater retention areas. The catch basins are adequate to handle yard runoff. No roadways or paved parking areas will be created. The only runoff they need to deal with is from the roofs and the driveways. He asked if the runoff would be to the rear of the lots. Mr. Ritz said the disturbance was well under the five (5) acre threshold.

Chairman Mathusa wanted to know if the homeowners association were aware of the current proposal and were they in favor of it. Mr. Jenkins said representatives of the Homes Owners Association were in the audience. He said when the regulations dealing with wetlands changed, it made it prohibitive to develop the apartments. He said when he decided to redevelop the site, he didn't think it made to sense to have the lot lines go back thousands of feet. He approached the Home Owners Association and offered to convey the land to them under the condition that it would be deed restricted to passive open space. They had a vote and voted affirmatively including the restrictions. Mr. Hite said there were areas through the parcel that the Dowerskill Homes Owners Association could create walking trails without disturbing any homes that would be developed under this amendment. Mr. Hite said that Styvesant Lane existed as a stub but there are wetlands on the adjoining property that makes it unlikely that the road would be constructed. Mr. Silliman said that unlike some other Home Owners Association, Dowerskill's was very active. Mr. Hite said there was an active recreation area across the street that was part of the HOA.

Ms. Powers asked the price range of the proposed homes. Mr. Jenkins said that he would not be building the homes but would sell the lots. He said the market determines what will be built. He said the homes in the development are a mix of designs with the average size of the homes between eighteen hundred (1,800) to two thousand (2,000) square feet.

Mr. Engel asked if the new lots would be in the HOA. Mr. Jenkins said they would not.

Chairman Mathusa told the applicant to continue to work with staff. Mr. Lipnicky said under the new Zoning Law, the Planning Board would hold the Public Hearing.

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

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

The meeting adjourned at 8:15 PM.