

**PLANNING BOARD
TOWN OF BETHLEHEM**

January 16, 2007

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on January 16, 2007, 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
Katherine McCarthy, Planning Board Member
Daniel Odell, Planning Board Member
Chris Motta, Planning Board Member
Tom Cotrofeld, Planning Board Member
Howard Engel, Planning Board Member
John Smolinsky, Planning Board Member

Michael Morelli, Deputy Director of Economic Development & Planning
Jeffrey Lipnicky, Town Planner
Janine Saatman, Deputy Town Planner
Terry Ritz, Assistant Town Engineer

Agenda: SOBE Properties – 614 Rt. 9W
Wayne Koch – 408/410 Feura Bush Rd.
Econolodge – 15 Frontage Rd.
Andrew & Maryann Fischler – 50 & 50A Elwood Rd.
Millwood Subdivision – Russell Rd.

Paul Hite, LLS
Regina Wagner
Wayne Koch
Brian Lyda, Esq.
Tony Califano
Dick Green, P.E.
Peter Seidner, Architect
Mr. & Mrs. Fischler

Chairman Mathusa called the meeting to order and noted the presence of a quorum. He introduced the new member to the Planning Board, John Smolinsky, and welcomed him to the Board. Chairman Mathusa stated that the Planning Board had signed a Resolution recognizing the time and effort that Brian Collier had brought to the Planning Board during his term. He would deliver it to Mr. Collier and a copy would be placed in the Town records.

A motion to adopt the Resolution as signed by the Planning Board was offered by Mr. Odell, seconded by Ms. McCarthy and approved by all Board members present.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

SOBE Properties – Jacqueline Conti

The property located at 614 Rt. 9W was last on the Board's agenda on December 5, 2006. It is an adaptive reuse of the former Patroon House Restaurant into office space. The Albany County Planning Board referred the project back with a recommendation to defer to local consideration.

Mr. Lyda, attorney represented SOBE Properties, LLC, the applicant. He said the space would become commercial office space. The sign submitted for consideration measured twenty-four (24) square feet on one (1) side. The sign would be landscaped underneath, lit on both sides, located half way between the ingress and egress driveways and setback from the sidewalk easement being granted to the Town. The only other exterior work on the site was a handicapped ramp. Mr. Lyda said that the easement between this property and the neighbor was terminated and a copy of such had been submitted to the Town. The neighbor had planted some vegetation that effectively extinguished any easement by necessity.

The Board reviewed the draft site plan approval document SPA 128 prepared by staff.

A motion to approve the site plan approval document, S.P.A. 128, as drafted was offered by Mr. Engel, seconded by Mr. Cotrofeld and approved by all Board members present.

Wayne Koch

Chairman Mathusa turned the Board's attention to the next item on the agenda, an adaptive reuse of a single-family residence to office space on the first floor and a one (1) bedroom apartment on the second floor at 408/410 Feura Bush Rd. The project was last before the Board on December 5, 2006. The Albany County Planning Board referred the project back with a recommendation to defer to local consideration.

Mr. Hite, LLS presented for the applicant. He stated that they were proposing a driveway to be shared by the front parcel with the existing home and the rear flag lot parcel that would remain vacant at this time. A sidewalk would go from the parking lot along the building and to the front of the building where handicapped access was located. A sidewalk easement along Feura Bush Rd. would be granted to the Town and an easement would be granted to 410 Feura Bush Road for the sharing of the driveway. The rear parcel would be numbered 408 Feura Bush Rd. and the existing structure would be renumbered to 410 Feura Bush. Chairman Mathusa asked Mr. Hite to distinguish between the existing and the proposed driveway on the final site plan for ease of reading.

The Board reviewed the draft site plan approval document S.P.A. 127 prepared by staff.

A motion to approve the site plan approval document, S.P.A. 127 as drafted was offered by Mr. Odell, seconded by Mr. Smolinsky and approved by all Board members present.

Econolodge

Chairman Mathusa turned the Board's attention to the next item on the agenda, the expansion of the Econolodge on 15 Frontage Road, Glenmont. It was last on the Board's agenda on August 2, 2005.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

Mr. Green, PE, and Mr. Seidner, Architect, presented for the applicant. He said they had been before the Zoning Board of Appeals and received an area variance for setbacks. The proposal shows a three (3) story building on the north side of the site that would house a pool, mechanicals and two (2) rooms on the first floor; ten (10) rooms on the second floor and ten (10) rooms and the third floor. All the rooms would comply with ADA standards. Some existing rooms in the front would be removed to make the entrance larger. He said the Econolodge would be changing to a Choice Hotel. That company has a minimum requirement of fifty (50) rooms. The second building would be altered to include an elevator and the stairwell would be moved to the side. They would install a new façade on the buildings and all the vinyl siding upgraded for a cohesive look. The roof structure is being designed to have internal drains, eliminating the need for awnings. The handicapped area had been moved increasing the green space.

Mr. Green stated that the sewer information was now on the site plan. He said that any proposed trees in the front that would potentially inhibit site distance were eliminated. Ms. Saatman said that this was an updated design presentation and staff would now proceed with detailed review that would include looking at emergency vehicle circulation on the site.

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

Andrew and Maryann Fischler

Chairman Mathusa introduced the next item on the agenda, a request from Andrew and Maryann Fischler for a Special Use Permit to construct a single-family home with an accessory apartment.

Mr. Hite presented for the applicant. The proposed site is surrounded by single-family homes. The applicants are proposing to connect a driveway at the end of Elwood Road, a dead end Town road. Two (2) low-density lights would be installed at the end of the driveway. A separate garage, as well as an attached garage, was proposed for the site. The accessory apartment would have a separate entrance, adjacent to the entrance to the main house. The grading for the property would be in the direction of the existing runoff stream on the property. A hydrant that should have been installed during the construction of a previous subdivision that surrounds the site would now be installed as a part of this project.

A motion to declare the project a Type II action under SEQR was offered by Mr. Odell, seconded by Mr. Smolinsky and approved by all Board members present.

A motion to set the Public Hearing for 7:00PM on February 6, 2007 was offered by Mr. Cotrofeld, seconded by Mr. Engel and approved by all Board members present.

Millwood Subdivision

Chairman Mathusa turned the Board's attention to the next item on the agenda, Millwood Subdivision, located on Russell Road in North Bethlehem. The project was last before the Board on October 17, 2006. A coordinated SEQR review was commenced at that time and a number of agencies have

responded. The applicant was before the Board to discuss a number of issues such as flag lots, parkland set aside, Thruway noise studies, drainage studies, cultural resources, fencing, wetland jurisdiction and internal roads.

Mr. Califano presented for the project. He stated that a Stage 1A Archeological Study had been done and submitted to SHPO. The study showed that much of the property had already been disturbed except for a small area near the Russell Rd. lots. They were waiting for a determination from SHPO whether that area might have to be tested. The applicant's attorney is currently working with NYSDEC on the issue of setbacks for wetlands.

Mr. Califano said they had received a variance from the ZBA for lot 510 Russell Road for the width of the lot. Though the house would be set to the rear, the lot was not considered a flag lot. Mr. Lipnicky said under the Zoning Law the Planning Board could modify the requirements for flag lots if such modification resulted in an improved design. The proposed project had two (2) lots with "poles" of adjoining flag lots that did not meet the minimum separation distance of one hundred (100) feet. Mr. Lipnicky said the Board needed to make a decision on this configuration so the map could accurately represent the layout of the lots prior to a public hearing. When the question was raised about the viability of a shared driveway for the flag lots to reduce curb cuts; it was not looked at as a necessity because of the lack of traffic on that internal road.

The applicant said that his understanding, from the Board, was that he was to realign the driveways to accommodate the parcel of land that would be deeded to the Town and lead to the retention area.

Mr. Lipnicky said that another issue the Board needed to address was the offer of parkland from the applicant. Staff had received a response back from Ms. Lanahan, Administrator of Parks and Recreation for the Town, on the offer of the parkland. She was not in favor of acceptance of the land for park. She preferred that the Town receive the fee in lieu of parkland. The reasons given were that the land could not be used for active recreation, the access was across a Niagara Mohawk right-of-way and local motor cross riders used the area. Mr. Califano said that though there were wetlands on the site, he thought it could be used for walking paths and there had been a deed submitted that might answer the question of access over the Niagara Mohawk lands. Mr. Califano asked the Board to waive the Parkland fee because he had offered the land and years ago his family had donated land to the adjacent park. Mr. Lipnicky said the Board did not have that authority. There were specific guidelines they had to follow in determining if offered land was suitable for parkland, if not, the fee in lieu of was to be applied to the lots per the Subdivision Regulations and the Zoning Law.

Mr. Odell suggested the Board take time to examine the criteria for Parkland set forth in the Subdivision Regulations and further discuss the matter at a future board meeting.

Mr. Califano said he had received the letter sent from the Thruway Authority concerning the request for a noise study and the addition of a chain link fence along the boundary line with the Thruway. Mr. Califano did not want to install the chain link fence because a metal fence currently exists and the area of the requested chain link fence is inconsistent with other residential subdivisions along this portion of the Thruway.

Chairman Mathusa said there was a possibility that the Thruway Authority would be placing sound barriers on the opposite side of the Thruway but in the same general area as the project. Mr. Califano had submitted a noise study that the Thruway had Clough Harbor do for them and the conclusion was the cost benefit of sound barriers was prohibitive. They had decided not to construct them. He did not want to do another noise study when the proposed houses in this development would be further away. Mr. Lipnicky said the Board had received the NYS Thruway's letter and they raised the issue of noise. When the Board makes their SEQR determination on the project they will need a basis for their decision. They must consider the impact and whether those impacts are significant. Chairman Mathusa believed a study should be done so the Board would have all the information needed to make their determination. The Board agreed.

Mr. Lipnicky said that he had spoken to the Town of Guilderland Planning Department and because no new property lines are proposed within Guilderland, they would not assert jurisdiction over the subdivision. The ACOE said the permit was granted as long as the conditions of the permit were met. A condition of the permit was that the land identified as parkland be dedicated to the Town. Mr. Lipnicky asked the ACOE if the Town was not interested in the parkland, would that effect the permit. The ACOE would take deed restrictions on that parcel in lieu of the Town accepting the land.

Mr. Califano said they were waiting for the sign off from NYSDEC before doing the Drainage Report and the SWPPP. Mr. Lipnicky said the Town did not need the final reports but did need to see that they were making progress.

Mr. Lipnicky said that before the Board could make a SEQR Determination of Significance the Town needed the following: to know if NYSDEC would assert jurisdiction over the wetlands, a response from SHPO concerning cultural resources, a noise study submitted, a determination of the parkland offer and a preliminary Drainage study and SWPPP.

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

The Board reviewed the minutes of December 19, 2006.

A motion to approve the minutes of December 19, 2006, as drafted was offered by Ms. McCarthy, seconded by Mr. Odell and approved by six (6) Board members with one (1), Mr. Smolinsky, abstaining.

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

The meeting adjourned at 9:00pm.