

**PLANNING BOARD
TOWN OF BETHLEHEM**

January 18, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting** on Tuesday, January 18, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Daniel Odell presided as Acting Chairman and called the meeting to order at 7:30 pm.

Agenda: Troubador Estates Subdivision

Present: Daniel Odell, Acting Planning Board Chairman
 Howard Engel, Planning Board Member
 Brian Collier, Planning Board Member
 Katherine McCarthy, Planning Board Member
 Thomas Cotrofeld, Planning Board Member
 Christine Motta, Planning Board Member

 Jeffrey Lipnicky, Town Planner
 Randall Passmann, Town Senior Civil Engineer

 Frank Fazio, CT Male Associates, Troubador Estates Subdivision
 Bernice Ott, Troubador Estates Subdivision

Troubador Estates Subdivision

Acting Chairman Odell called the meeting to order. He noted the presence of a quorum. He congratulated Chairman Mathusa on his reappointment to another term to the Planning Board and his reappointment to a one-year term as Chairman of the Planning Board.

Acting Chairman Odell turned the Board's attention to the Troubador Subdivision. This eleven (11) lot subdivision had been before the Board for the first time in April 2002, it has had its Public Hearing in March of 2003.

Mr. Fazio presented for the applicant. The project is located on about sixty (60) acres on Rt. 9W just across from Church Road. The remaining lands that would not be a part of the project were about fifty-one (51) acres. The terrain is wooded with ravines and the Dowers Kill travels through the area prohibiting much development. He stated that a comment from the Albany County Planning Board questioned the future development of these lands.

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

Mr. Fazio stated that there was an existing driveway onto Rt. 9W and the new road would be in the same location and end in a cul-de-sac. The eleven (11) lots building lots would front the one road with two of the lots bordering Rt. 9W. The Home Owners Association would maintain one lot with the pond on it. The sanitary sewer would connect to an existing one on Rt. 9W and they would provide easements. Water would be provided through a connection with a line along Rt. 9W.

The storm water would be collected and discharged to the creek. Mr. Fazio stated that they had completed their Storm Water Management Report. The wetlands had been delineated and they had worked with the Army Corp of Engineers to come up with a mitigation plan. The mitigation would include pond enhancements and the removal of some of the invasive species.

SHPO had asked the applicant to go back and do a data retrieval plan. They had done some more digging and those findings would be presented to the State. The area in question was around the foundation of the old house that had already been removed.

Mr. Fazio stated that they had been working with DOT for the curb cuts and grading around those cuts. Both the standards of the Town and DOT were incorporated into the design.

Mr. Lipnicky had sent draft approval documents to the Board for their review. He stated that this parcel was under the five (5) acre threshold in terms of the Phase II Storm Water Regulations so DEC does not require a SPDES Storm Water permit. He stated that the SEQR Neg Dec was premised on the implementation of the wetland mitigation plan. He assumed that as part of the wetland permit, restrictions would be placed on the remaining wetlands that ran along the rear of some of the lots and the linear wetland that ran along the stream corridor.

Mr. Lipnicky stated that in a worse case scenario, building permits would not be issued for the lots where the archeological site was located until SHPO recommendations had been satisfied. He stated that the First Reform Church across the street was on the National Registry. Any SHPO requirements regarding mitigation in terms of impacts on the Church would also need to be satisfied.

Mr. Lipnicky stated that the proposed houses were on the uphill side of the 1 on 5 foot slope. Any homes or structures on the downhill side of the standard slope setback line would require a geotechnical report be done for that particular lot before any building permit would be issued. A notice in the deeds of the affected lots would be required alerting the potential owners of this requirement.

Mr. Passmann stated that the applicants erosion and sediment control plan was showing the limits of disturbance staying under five (5) acres but greater than one (1) acre, they would need to get permit coverage under DEC's Phase II Program. They won't be required to have a full SWPPP.

Mr. Collier noticed that the documents state that the applicant would pursue an extension of the sanitary sewer district. Mr. Fazio stated that some of the lots were already within the district. That extension request would go to the Town Board. Mr. Passmann stated that the Engineering Division would work with the applicant on the map plan and report. Mr. Lipnicky stated that the Commissioner of Public Works would need to decide where in the process he would require the application for the extension to be done.

Mr. Fazio stated that a Home Owner's Association would maintain the drainage swale. The thirty-foot easement that was currently being shown on the map may or may not remain. Mr. Lipnicky stated that he would prefer to see the easement remain on the map. It would notify potential homeowners that they could not fill in the area.

A motion to approve the Negative Declaration SEQR Resolution as written was offered by Ms. McCarthy, seconded by Mr. Collier and approved by all present.

A motion to approve the Parkland Reservation as written was offered by Mr. Collier, seconded by Mr. Cotrofeld and approved by all present.

Mr. Lipnicky stated that the Albany County Planning Board had made a recommendation to disapprove the project until such time that the development of the forty-nine (49) acres of remaining lands were addressed. He stated that the topography of the remaining lands prohibited significant development and the access to the property was limited. Even though the property extended to the vicinity of Jericho Road, the applicant didn't own any road frontage on that road. He stated that the potential for development was very small. He stated that in order to override the recommendation by the Albany County Planning Board required a majority plus one vote of the Board.

A motion to override the Albany County Planning Board Recommendation was offered by Mr. Cotrofeld, seconded by Ms. McCarthy and approved by all present.

Ms. McCarthy suggested that 9F of the Preliminary Plat Approval document to be amended to read that the applicant would be required to provide a street tree-planting plan.

A motion to approve the Preliminary Plat Approval document as amended was offered by Mr. Engel, seconded by Mr. Collier and approved by all present.

A motion to approve the minutes of January 4, 2005 as amended was offered by Mr. Engel, seconded by Mr. Collier and approved by all present.

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

The meeting adjourned at 8:15 pm.