

**PLANNING BOARD
TOWN OF BETHLEHEM
June 3, 2003**

A **regular meeting** of the Planning Board, Town of Bethlehem, Albany County, New York, was held on Tuesday, June 3, 2003, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Douglas C. Hasbrouck presided and called the meeting to order at 7:30 p.m.

Agenda Items: Devonshire Hills - Lot Line Revision
The Hammocks - Site plan/Subdivision
RDA Associates - Subdivision

Present: Douglas Hasbrouck, Planning Board Chairman
Brian Collier, Planning Board Member
Howard Engel, Planning Board Member
Parker Mathusa, Planning Board Member
Katherine McCarthy, Planning Board Member
Daniel Odell, Planning Board Member

Keith Silliman, Planning Board Counsel
Deborah M. Kitchen, Acting Secretary to the Board
Jeffrey Lipnicky, Town Planner
Janine Saatman, Deputy Town Planner
Randall Passmann, PE, Department of Public Works

Charles Rosenstein, Rohan, Rosenstein & Burgess, LLC (Devonshire Hills)
Dominick Arico, Land Solutions, Scotia, NY (The Hammocks)
Eric Hammer, Land Solutions, Scotia, NY (The Hammocks)
George Haseotes, Milltowne Plaza, Inc., Norwell, MA (The Hammocks)
George Williams, Milltowne Plaza, Inc., Norwell, MA (The Hammocks)
Jim Villasenor, Bethlehem Realty Associates, Glenmont, NY (The Hammocks)
David Riedman, Riedman Development Corp., Rochester, NY (The Hammocks)
Tim White, Riedman Development Corp., Rochester, NY (The Hammocks)
Antonio Califano, Niskayuna, NY (RDA Associates)

DEVONSHIRE HILLS - Lot Line Revision

Mr. Hasbrouck turned the Board members attention to the paperwork received by the Board pertaining to Devonshire Hills. Mr. Rosenstein introduced himself as representing the Quinns in their request for a lot line revision. Their lot was #71; the adjacent lot was

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#77, owned by Marty Feleman Corp., the developer of the subdivision. They were willing to convey to the Quinn's .12 acres of land. This was being requested because some of the landscaping that the Quinn's had done to their lot had encroached onto the adjacent lot. After discussions between the developers and the Quinns, it was decided that the easiest way to rectify this problem was with this land conveyance. Mr. Rosenstein felt that the lot line revision would be a minor one and could be substantiated by reviewing the map. The change in lot line would in no way impact any other lot in the subdivision. Mr. Rosenstein offered copies of a letter from both of the parties involved stating their agreement with the lot line revision. Mr. Rosenstein stated that the changes requested by the Town staff to the map prepared by CT Male would be done. Mr. Hasbrouck thanked Mr. Rosenstein for his presentation and asked the Board if they had any questions. There were no questions from the Board. Mr. Lipnicky commented on the types of changes to the map that were requested from the applicant. Until this evening, staff did not possess a letter from the developer showing his agreement with this request, so draft documents for approval from the Board had not been prepared. Mr. Passmann stated that Planning Department and Engineering Department made a site visit. In a comment letter from the Engineering Department to the applicant they had requested additional notes to the drawing and the reported deed document filed for the lot line adjustment reference the lot line adjustment map and that both of these are filed. Mr. Lipnicky stated that the most significant change was a disclaimer on the map because some of the owner's improvements may be within the Town easement. The Town needs access to its utilities. The note is to inform anyone who purchases this property in the future that if the improvements located in the easement are disturbed by the Town while accessing its utilities, the repair of those private improvements would not be the responsibility of the Town. Mr. Hasbrouck asked Mr. Passmann if the approved sprinkler system had any impact on the easement. Mr. Passmann stated that he reviewed the map that the building department had of the irrigation system but that map did not identify the easement.

A motion to table was made by Mr. Mathusa, seconded by Mr. Collier and approved by all present.

THE HAMMOCKS – Site Plan/ Subdivision

Mr. Arico from Land Solutions presented an updated map revealing a new road layout. The revisions were made to accommodate the road access. The map showed a new location for a few of the buildings. The number of buildings and the units had not increased beyond the 20 buildings with 10 units in each. What has increased was the length of the roadway with additional wetland disturbance. The same amount of buildings remained outside of the water district as previously. This alternative layout was a result of input from the Board. Mr. Arico stated that they arrived at this configuration in order for the unit number to remain the same, satisfy the Board in respect to the roadway and also to minimize wetland impact. This gave the project a second access. They lost some parking in the overall project but the driveway and garage parking for each building remains the same. Mr. Arico stated that about 14 spaces total were lost. Mr. Hasbrouck asked the Board to concentrate on the street layout concept. Mr. Odell was not convinced

that the problem was in that location. He noted that a significant amount of green space had been lost that visually separated the project into two separate units. Mr. Odell stated that even though there is a public safety concern pertaining to access, in this case he's not sure how it weighs against all the additional pavement. The new layout seems to occupy more of the site. He wanted to hear from other Board members as why the original layout didn't work, he was not convinced that the second one was better. Mr. Collier stated that he was one of the members that had been looking for a new flow. On first inspection, the second layout seemed to address his concerns. Mr. Collier felt that even though there was more paving in the second layout, the project now had a better flow for both motorists and pedestrians. He liked the movement of the one building away from the entrance and felt that overall it was a better use of the site. Mr. Mathusa stated that all traffic goes past one point for this reason he liked the second layout better. He also liked it better as far as access. He asked how much extra wetlands would be impacted. Mr. Arico stated that it would be about an additional 500 square feet. The property was surveyed and flagged but they were waiting for a determination from the Army Corp. to finalize the extent of the wetlands. Mr. Arico pointed out on the map for Mr. Passmann, the area that was planned for storm water quality. Certain areas might have to be increased in size with the new road. Ms. McCarthy stated that she felt the community was better connected with the new road and it supplied more recreational opportunities such as biking and walking. Mr. Hasbrouck felt that the Rt. 9W driveway would still be the access and exit of choice for the residents. He asked that with one of the detention basins being taken up with the new roadway where does the additional water go. Mr. Arico answered that these are issues still to be worked out. Ms. Saatman asked if the detention basins shown on the first layout were based on any preliminary calculation or merely showing location. Mr. Arico stated they were based somewhat on calculations, they had completely included the new storm water regulations. He felt that the new regulations didn't add much more volume. He felt that some of the configuration would change. Mr. Hasbrouck asked what they would do if there is not enough of a detention opportunity on site. Mr. Arico was uncertain at this time. Everything couldn't be worked out until he knew which layout would be acceptable to the Board it is hard to come to a final conclusion. Mr. Arico stated that they could have a series of small ponds that drain into a larger catch basin. They also have a backup catch basin. There was an identified area that they didn't want to disturb unless necessary due to wetlands. The street configuration was discussed as shown. The Board preferred the most recent configuration. Even though there were a few parking spaces lost in the newer design, there were also a few other places where they could be added back. Mr. Lipnicky reminded them if there were too many spaces put into the eastern section verses the western section of the project, then people would be searching for parking in one area and there would be empty spaces in the other. It was not user friendly. Mr. Hasbrouck had observed another project in the Town that had a similar parking configuration as was being proposed. He saw a problem using the front of a garage being counted into the overall parking spaces. At the other project many people were parking in none parking spaces. The zoning officer had already made his interpretation that the spot in the garages count as a spot as well as the spot in the driveway. The Building Inspector felt that the amount of spaces as shown met the Code. Mr. Lipnicky stated that the Board could make a determination different from the minimum zoning code by requiring more spaces if

they decided parking would be a problem. Mr. Hasbrouck felt it was a matter of esthetics and safety. It was confirmed that there was an area that additional spaces could be added if a parking problem arose in the future. Mr. Passmann stated that the storm water management layout did not seem sufficient to meet the Phase II regulations. The applicant stated that they were looking for a general approval of the layout; they realized that further changes might need to be made for specific items. Mr. Hasbrouck reminded the applicant to check with DEC concerning wetlands as soon as possible. There was a concern about the spacing of the buildings. Three of the Board members had visited the applicant's project in Rochester. All three agreed that it was a nicely done project that was visually pleasing with good landscaping. Mr. Arico wanted to know if the Board was satisfied with the separation of the buildings at a minimum of 80 feet. In the spirit of moving forward, there were parts of the plan that hinged on that decision. Mr. Hasbrouck felt that any increase would be helpful with utility placement and landscaping. Ms. Saatman stated that the plans that had been submitted only showed a utility easement on one side of the street. Usually there was a 10-foot easement on both sides for utilities. The applicant stated that the utilities might come from the rear of the buildings. Ms. Saatman stated that around the Town the separation of buildings on opposite sides of the street was usually a minimum of 100 feet. The Board felt that the 80-foot separation was sufficient if the landscaping and the utilities worked. Mr. Hasbrouck asked if the Board was satisfied with the Code's minimum number of parking spaces. Mr. Lipnicky thought that the problem would arise, if it does, with street parking. The applicant stated that they were already providing about 120 additional spaces over the minimum. Mr. Lipnicky stated that in some communities the amount of bedrooms was taken into consideration when establishing the number of spaces required.

A motion to table was made by Mr. Odell seconded by Mr. Mathusa and approved by all present.

RDA ASSOCIATES – 1 lot subdivision

Mr. Hasbrouck turned the Board's attention to the next item on the agenda. It was determined that RDA Manor and RDA Associates would be treated as two separate applications. Tonight the Board would be looking at RDA Associates. Mr. Califano stated that as part of the RDA Associates application he would like to run the water and sewer along what would be the road to the RDA Manor subdivision in order to only dig once along that property. His existing house lot was along the proposed road and he needed to run services to it also. The two could be accomplished at the same time. The Planning Board attorney determined that a formal subdivision application was needed in order to achieve this goal. Mr. Califano stated that the parcel of land being used for the road would be added to the existing building lot for his house and that would eventually be deeded back to RDA Manor for the purpose of the subdivision. Legally this was needed for the construction of the road and the installation of the utilities. Mr. Lipnicky stated that under the zoning code for residential use, the driveway had to have direct access to the public street. If he didn't add the additional lot to his existing one, his house and his driveway would be on different lots and therefore, he would not have direct access to a street. The larger subdivision application had already been submitted for the

Board's consideration, under SEQR regulations disturbance of the site was to be kept at a minimum. This was not possible when constructing a house. Mr. Lipnicky and the Building Department discussed solutions to Mr. Califano's problem. They decided that the transfer of part of the property would be necessary. The problem of segmentation arises under SEQR. It is questionable as to whether or not this proposal can be separated out because it is a precursor to the larger project. Mr. Silliman felt because SEQR was concerned with minimizing environmental impact, to allow Mr. Califano to put in his road would disturb less land area than putting in a driveway now and a road later. It was a form of segmentation but it made sense and it could be justified. There were certain steps that had to take place in order to achieve the end result. In order for the RDA Manor Subdivision to go forward the piece of land with the road would have to be deeded to the Town at a later date. The Town does not want the right-of-way until the road has been constructed to Town standards and the larger subdivision is under way. Mr. Hasbrouck wanted to know if the issue of wetlands had been addressed. Mr. Califano didn't think they were any wetlands on the property. Mr. Silliman stated that a negative declaration would have to be issued. Mr. Lipnicky stated that within the right-of-way area there were some federal wetland areas. He wanted to know the amount of disturbed area involved. He also wanted sufficient easements to handle both the utilities and the water line. Mr. Passmann stated that plans and profiles for the sanitary sewer needed to be submitted. The extent of the future right-of-way and the extent of the paved area also needed to be identified on the plot plan. The Board's general feeling was that conceptually the plan was acceptable. The project would be referred to the Albany County Planning Board as per regulations.

A motion to table was made by Mr. Collier seconded by Mr. Odell and approved by all present.

A motion to adjourn was made by Mr. Mathusa seconded by Mr. Collier and approved by all present.

All business concluded and a motion for adjournment was offered by Mr. Odell, seconded by Mr. Engel and passed by all present. Chairman Hasbrouck declared the meeting closed at approximately 10:00 p.m.

Respectfully submitted,

Nanci Moquin
Planning Board Secretary