

**PLANNING BOARD
TOWN OF BETHLEHEM**

June 5, 2007

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on June 5, 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
Keith Silliman, Planning Board Counsel
Daniel Odell, Planning Board Member
Chris Motta, 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
Robert Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Chris Round
Thomas McGrath
William Hennessey
Jim Reeks
Lynn Sipperly
Paul Hite
Percy Cotton
Kurt Kolakowski

Agenda: Elm Avenue East Subdivision
Meadowbrook III
Corner Market
Capital Communications
Guidetti Minor Subdivision
Bethlehem Real Estate

Chairman Mathusa called the meeting to order.

Elm Avenue East Subdivision

Mr. Round presented for the project. They were last in front of the Board in November of 2006. They have been working on the comments received by staff and the Planning Board. A slope stability analysis and a revised SWPPP were submitted for review. Mr. Lipnicky said they have relocated the storm water ponds in response to slope stability issues. They have received sign-off from NYSSHPO on the Phase II Cultural Resources assessment. They have received a proposal for a Phase III data recovery plan for one (1) area in the right-of-way that would be difficult to avoid. They have obtained an easement from National Grid for the Carriage Hill connection road. A revised plan has been submitted to staff. Clough Harbor, as TDE, has stated that the project was ready for a SEQR determination.

Chairman Mathusa asked about the Parkland issues. Mr. Round said that the Town was not interested in the larger parcel for a park but the Town has expressed an interest in the land along the creek as part of a linear trail system. The assessment has not yet been determined. Mr. Lipnicky said in prior projects, land for a linear trail within a subdivision gave the subdivision a partial Parkland fee credit based on the linear footage along the creek.

The site distance issue has been addressed by identifying the clearing limits. The landscaping plan has been revised to include a mix of species types and the use of berms along Elm Avenue East.

The Board reviewed the SEQR Resolution prepared by staff.

A motion to accept the SEQR Resolution as drafted was offered by Mr. Smolinsky, seconded by Ms. Motta and approved by Board members present.

A motion to set the Public Hearing for June 19, 2007 at 7:30 PM was offered by Mr. Engel, seconded by Mr. Smolinsky and approved by all Board members present.

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

Meadowbrook III

The next item on the agenda was Meadowbrook III on Blessing Road. The project was last before the Board in August of 2006.

Mr. McGrath presented the update for the applicant. The twenty-four (24) acre project is located on a sixty-six (66) acre parcel located on Blessing Road. The remainder of the land will be part of a homeowners association. The parcel is zoned Planned Development District and within a Town water and sewer district. Water will come from Blessing Road and sanitary sewer will use individual grinder pumps and to the force main on Blessing Road. Storm drainage on the site is directed to a few locations. Some drains to the Normans Kill and on the easterly side it drains into a tributary of the Normans Kill. The remainder of the site has collection basins and sent over to a detention treatment facility which discharges into the Normans Kill. A portion of the property will be conveyed to the Town as well as a few easements, including a five (5) foot strip of land along Blessing Road to increase the Town's right-of-way to sixty (60) feet.

Mr. Lipnicky said the applicant had responded to comment letters sent to them by staff and the TDE and the outstanding comments were very limited. Staff thought those could be made conditions of the approval.

A motion to set the Public Hearing for June 19, 2007 at 8:00 PM was offered by Mr. Odell, seconded by Mr. Engel and approved by all Board members present.

Corner Market

Chairman Mathusa turned the Board's attention to the next item on the agenda, the Corner Market located on Rt. 9W and Maple Avenue in Selkirk.

Mr. Hennessey presented for the applicant. The site is one point nine (1.9) acres and they are disturbing about half (1/2) an acre. They do not have to comply with NYS requirements for storm water. They will be adding a fuel pump canopy and underground storage tanks to the site. They have conducted some test pits on the site and found some conflicts with the gas main. They have redirected the storm drainage. They ran it to the interior of the site to the existing outlet. The significant change to the existing site will be the increase in the green space. Most of it will be within the NYSDOT right-of-way. The proposed color of the building was shown to the Board. Engineering had a few recent comments and Mr. Hennessey has revised the grading plan in response to those comments.

Vollmer Associates had done a traffic study and determined that the best circulation for fueling trucks would be to enter from Route 9W and exit onto Maple Avenue at the signalized intersection. There is a large gravel area in the rear of the building that would allow large trucks that want to stop at the facility, the ability to turn around and go back out the same access onto Route 9W without having to travel through the site. Signs that direct truck traffic would be placed on the site. The additional green space in the right-of-way would inhibit trucks from parking along Route 9W.

Landscaping would be increased at the corner of the property facing the intersection. A row of red maple trees would be placed along Route 9W, annuals along the building and arbor vitae along the fence between the site and the neighbor. Ms. Motta noted that the planting schedule on the landscaping plan needed to be corrected to reflect that arbor vitae would be planted along the fence line.

The Army Corp of Engineers had flagged the wetlands on the property last year. The exact location and the one hundred (100) foot buffer were shown on the plans.

The Board reviewed the draft Site Plan approval document S.P.A. 133 as prepared by staff.

A motion to approve S.P.A. 133 as drafted was offered by Mr. Engel, seconded by Mr. Smolinsky and approved by all Board members present.

Guidetti Minor Subdivision

Chairman Mathusa turned the Board's attention to the next item on the agenda, the Guidetti three (3) lot subdivision on Blessing Road.

Mr. Hite, LLS presented for the applicant. He stated that the three (3) lot subdivision was located on the westerly side of Blessing Road across from its intersection with Stafford's Crossing Road. Lot number one (1) would be approximately .97ths of an acre, lot number two (2) would be about .77ths of an acre and lot number three (3) would be 1.68 acres. The lots are heavily wooded to the rear and those woods would be retained. Each lot would have a driveway that would allow vehicles to turn around to avoid backing out onto Blessing Road. There are federal wetlands on the lots that were delineated by North Country Environmental Group. Mr. Hite said the Army Corps prefers a fifty (50) foot setback from federal wetlands. The three lots showed the fifty (50) foot setback line and would not encroach into that setback. Mr. Smolinsky wanted to know if there would be deed restrictions on the wetlands. Mr. Hite said they would not have a problem doing that if the Board preferred, even though the Army Corp would not require it.

Mr. Hite said that a ten (10) foot easement along Blessing Road would be granted to the Town for a

future sidewalk.

The three (3) lots would be connected to an existing sanitary sewer line that had been put in for the Stafford's Crossing development. Each of the homes would have cellar drains. Water lines exist on the opposite side of Blessing Road.

The Board reviewed the draft SEQR Resolution as prepared by staff.

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

A motion to set the Public Hearing for July 10, 2007 at 7:00 PM was offered by Mr. Odell, seconded by Mr. Engel and approved by all Board members present.

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

Capital Communications Federal Credit Union

Chairman Mathusa turned the Board's attention to the next item on the agenda, a site plan for a branch of Capital Communications to be located at 384 Bender Lane in Glenmont.

Mr. Reeks presented for the applicant. He distributed the proposed signage for the site, as per the Board's request, showing the materials, height and design. Mr. Morelli said that the sign complies with the requirements within the Commercial Hamlet Zone. If the Town Board decides to rezone this area to that zoning designation, both their building and their sign would be in full compliance.

Mr. Reeks said they have addressed the concern of headlights bothering the adjacent property owners with denser landscaping, they have shown that there will not be any light spillage, the traffic concern with the ATM lane has been alleviated with a wider lane and the snow storage area has been defined on the plans. Mr. Ritz stated that the sewer lateral would be privately owned.

The Board reviewed the draft Site Plan approval document S.P.A. 132 as prepared by staff.

A motion to approve S.P.A. 132 as drafted was offered by Mr. Engel, seconded by Mr. Smolinsky and approved by all Board members present.

Bethlehem Real Estate LLC

The next item on the agenda was an initial presentation of a proposed three (3) lot subdivision on Wemple Road in Glenmont.

Mr. Cotton presented for the applicant. The project is located on the southerly side of Wemple Road just west of the railroad crossing. The parcel is about twenty-nine point eight (29.8) acres. The proposal is to divide that acreage into three (3) lots. One lot to be just over five (5) acres, the next about fourteen and a half (14.5) acres and the lot to the rear holds the balance of the acreage. All three (3) lots have the minimum road frontage and would share a common driveway owned and located in lot number three (3). There would be reciprocal easements for the driveways. Mr. Silliman asked if that owner

would be responsible for the maintenance of the driveway. Mr. Cotton said there would be a reciprocal agreement between the homeowners as to the responsibility of the maintenance. They would provide the Town with a copy of the agreements. Mr. Silliman said that the easement language needed to be very specific, assuming that not all neighbors get along. Mr. Kolakowski said that they had other projects with shared driveways and they had agreements with sharing the cost of the maintenance. It could be prorated on the length of the driveway that they use. They had decided on the shared driveway to keep the curb cuts onto Wemple Road at a minimum. Mr. Odell asked about the length of the driveway. Mr. Cotton said it was about fifteen hundred (1,500) feet in length. Mr. Odell said that side-by-side flag lots were allowed in this zone and the Zoning Law said the driveway for the lots were to be placed within the flag pole. The Planning Board does have the discretion of approving shared driveways for up to three (3) lots. He said that because of the length of the driveway, the maintenance cost could be substantial. He agreed that the easement language needed to be very specific as to the responsibility of each lot owner.

Mr. Cotton said that the location of the individual homes could be changed, as could the individual legs of the driveways but the longer portion of the driveway would need to stay as placed. The other two (2) landowners could, if they wanted, put in their own driveways but it would be up to them to obtain the necessary permits for access onto Wemple Road. Mr. Engel suggested that Lot #1 should have their own driveway to eliminate one (1) of the easements. Mr. Silliman noted that at the time of the approval, the location of the common driveway would be fixed with the easement language in place. The individual driveways that go off the common driveway would not be fixed. Chairman Mathusa said that property owners he knew with these types of easements had legal difficulties enforcing the responsibilities of the parties involved.

Mr. Odell asked if the local fire department had the necessary equipment to fight a fire that was at the end of a driveway as long as fifteen hundred (1,500) feet long. Mr. Ritz said that one truck would be able to get down and the Selkirk fire department had fifteen hundred (1,500) feet of hose. He said there were other driveways in Town that were that long.

The Albany County Health Department has been on site and did soils investigation in regards to on site sanitary systems. It was determined that one (1) location had soil that would accommodate a conventional septic system, the other two (2) lots would need raised beds. They have obtained well information from Albany County and water can be found in this area but it might need to be treated for quality. The utilities would follow the driveways. The applicant also owns an adjoining lot that fronts on Wemple Road. The applicant would convey land along Wemple Road to the Town to increase their right-of-way and a ten (10) foot wide all purpose easement.

North Country Environmental has delineated the federal wetlands on the lots. The proposed location of the homes would not impact those wetlands.

Mr. Cotton said there wasn't any active agricultural uses in the agricultural district but those landowners were notified of the pending application.

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

The Board reviewed the minutes of May 15, 2007 as drafted.

A motion to approve the minutes as drafted was offered by Ms. Motta, seconded by Mr. Smolinsky and approved by all Board members present.

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

The meeting adjourned at 8:40 PM.