

**PLANNING BOARD
TOWN OF BETHLEHEM
November 17, 2009**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting on the above mentioned date, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY.

Present: George Leveille, Planning Board Chairman
Keith Silliman, Planning Board Counsel
Nicholas Behuniak, Planning Board Member
Daniel Coffey, Planning Board Member
Kathy McCarthy, Planning Board Member
Chris Motta, Planning Board Member
Kate Powers, Planning Board Member
John Smolinsky, Planning Board Member

Michael Morelli, Director DEDP
Jeffrey Lipnicky, Town Planner
Terry Ritz, Assistant Town Engineer

Agenda: Mesiti Subdivision
Delmar Pointe Condominiums

Chairman Leveille called the meeting to order and noted the presence of a quorum.

PUBLIC COMMENT PERIOD

No comments were made.

REGULAR AGENDA ITEMS

Mesiti Subdivision

This project is a four (4) lot subdivision on Oakwood Rd. Mr. Lipnicky informed the Board that the project had been classified as a minor subdivision but due to the fact that they will be extending public water, the project is now classified as a major subdivision. The process will now include a preliminary plat approval as well as a conditional final approval.

The Board deferred discussion to allow time for the applicant or their representative to arrive.

Delmar Pointe Condominiums

Mr. Morelli said a letter has been submitted by the applicant both approving and requesting an extension of time to work on the SEQR issues, and to receive and respond to comments from outside agencies. Staff has received a letter from NYSDOT with comments on the location of the new street and line of site. The applicant is working on addressing those comments.

Mr. Behuniak was concerned with the potential impact this project might have on the intersection of Fisher Blvd. and Delaware Ave. There is a cross walk there but cars seem to go through the area quickly

and children use that crosswalk. He thought this project would add traffic to the intersection. He wanted to know if there was any mitigation that could be done, such as a traffic light or better identification of the crosswalk. Mr. Morelli said this project is about a quarter of a mile east of that intersection. He said he would look into accident data but he didn't think it would reach NYSDOT warrants for a traffic light.

The Board reviewed the letter sent in by the applicant. The Town Code says the extension can be granted through mutual consent between the applicant and the Town.

A motion to approve the one hundred twenty (120) day extension of the review and recommendation time was offered by Mr. Behuniak, seconded by Mr. Smolinsky and approved by all Board members present. The new review date deadline is March 17, 2010.

Mesiti Subdivision (con't)

Mr. Bossolini, Ingalls and Associates, presented for the applicant. He said the applicant is proposing four (4) single family building lots on Oakwood Road. They all comply with the Zoning Law, have existing road frontage and will attach to municipal water and sewer. There are wetlands on the property that have been identified. The delineation has been completed and a PCN has been submitted to ACOE. They have commented, requesting some mitigation based on prior impacts identified on the property. They are allowing the project to proceed under a nationwide permit and that correspondence has been forwarded to Town staff. They are currently addressing comments received from staff.

Chairman Leveille said he has lived in the area of the proposed subdivision for twenty-three (23) years. He asked if the homes would have walk out basements. Mr. Bossolini said the land drops off to the rear of the proposed homes. Most of the grading would be done to the front of the homes to accommodate the driveways. He said the homes would be built with the basements at existing ground level and up from there. A small amount of fill would be used in the front.

The wetland mitigation was accepted by the ACOE. The approval had been delivered to staff that day. Chairman Leveille asked if there was a possibility of Lot 1 sharing the existing driveway from the recently constructed home. Mr. Bossolini said they hadn't explored it up to this point. He didn't think there was a technical issue that would stop it. Mr. Lipnicky said in cases such as this one a turnaround would be required so people would not be backing out onto the road. Chairman Leveille said Oakwood Road was heavily used by pedestrians and cars traveled at high speeds. He said the Town right of way was used by pedestrians to get out of the way of cars. He asked if a pathway could be installed. Mr. Bossolini said there is an easement that will be maintained other than the driveways crossing it. He said it should be maintained in its current condition.

It's prior use was agricultural but it will not be made a part of Kenwood Gardens. Mr. Bossolini said the water main between Montrose and Dumbarton will be installed. Chairman Leveille said there is a manhole in the road in front of Mr. Rizzo's house on Oakwood Rd. and when someone drives over it, he feels the vibration in his home. Mr. Morelli said it might be a low point in the road, there was a similar problem on Elm Ave.

Mr. Behuniak said it looked like there would be a lot of steep grades on the properties. He asked what erosion control plans would be in place. Mr. Bossolini said because they were over an acre of disturbance they were required to have an erosion and sediment control plan. Silt fencing would be installed along the wetlands for protection on a temporary basis during construction and stone entrances to eliminate tracking of soils. Mulching for temporary stabilization was planned and seeding once the grading is done.

Chairman Leveille asked how the drainage from Oakwood road traveled from Oakwood Rd. into the pond area. Mr. Bossilini said the area between Lot 3 & 4 was a wetland area and there would be additional wetland creation area around the pond. Mr. Behuniak asked Mr. Bossilini to talk to the neighbor on Oakwood Road that has a retaining wall as to why it was necessary.

Mr. Smolinsky thought there should be either a defined pathway or sidewalk along Oakwood Road, instead of using someone's lawn to get off the road. He thought lots 2 and 3 could share a driveway to cut down on curb cuts. When asked, Mr. Bossilini said a split rail fence would be added to each lot to visually define the wetland areas. The footprint of the proposed homes would be between 1,600 to 1800 square feet.

Ms. McCarthy was against shared driveways. She said they can be headaches for homeowners. Mr. Behuniak agreed and thought they would be hard to install because of the slope of the properties. He liked the idea of sidewalks or a defined walkway. Ms. Motta asked if there was room for turnarounds on the proposed lots. Mr. Bossilini said they would have front load garages and other than the building envelope, there is some space left.

Chairman Leveille asked if an extension of Montrose was considered so the lots could front the extension. Mr. Bossilini said the wetland impact would be too much.

The Board reviewed the draft SEQR Resolution, Negative Declaration prepared by staff.

A motion to approved the SEQR Resolution, Negative Declaration was offered by Ms. Motta, seconded by Mr. Coffey and approved by all Board members present.

A motion to set the public hearing for December 1, 2009 at 6:00PM was offered by Mr. Behuniak, seconded by Ms. McCarthy and approved by all Board members present.

Minutes

The Board reviewed the draft minutes of October 20, 2009 prepared by staff.

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

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

The meeting adjourned at 6:43 pm.

Respectfully submitted,

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