

**PLANNING BOARD
TOWN OF BETHLEHEM**

November 20, 2007

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on November 20, 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
Howard Engel, Planning Board Member
Christine Motta, Planning Board Member
Kathy McCarthy, Planning Board Member
John Smolinsky, Planning Board Member
Kate Powers, Planning Board Member

Mike Morelli, Assistant Director of Economic Development and Planning
Rob Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Betsy Schrade	John Ferraro	Donald Zee, Esq.
Curt Kolakowski	Eric Jerabek	Dick Tice
Linda Pine	Brett Steenburgh	

Agenda: Bethlehem Real Estate, LLC
Phillipin Kill Manor
Cyprus Shriners

Chairman Mathusa called the meeting to order at 7:00pm, noted the presence of a quorum.

REGULAR MEETING

Bethlehem Real Estate LLC

This project was last before the Board on September 18, 2007 for a public hearing. The Board approved the SEQR Resolution on September 4, 2007.

Percy Cotton, PE from Chas Sells, presented for the applicant. He said since the last Board meeting, the applicant had met with the Engineering Division and resolved their outstanding concerns. The three (3) lots of the subdivision on Wemple Road all meet the minimum lot requirements. They all have the required frontage on Wemple Road but they will share one (1) driveway that will be located completely on Lot #3. That area will also be used to bring in the utilities. Each lot would have their own septic systems and private wells.

Chairman Mathusa asked the applicant to check a piece of fence on their property that was projecting into Wemple Road. He was concerned that a car would hit it. The applicant agreed.

The Board reviewed the draft Resolution, Reservation of Public Parkland/ Fee Requirement prepared by staff.

A motion to approve the Resolution as drafted was offered by Mr. Smolinsky, 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.

The Board reviewed the draft Conditional Final Approval 235-CF prepared by staff.

A motion to approve Conditional Final Approval 235-CF as drafted was offered by Ms. Powers, seconded by Mr. Engel and approved by all Board members present.

Phillipin Kill Manor

Donald Zee, Esq. and Dick Tice, PE from Brewer Engineering presented for the applicant. The parcel is about one hundred twenty-nine (129) acres with one thousand six hundred (1,600) feet of road frontage on Orchard St. and about fifteen hundred (1,500) feet road frontage on Fischer Blvd. the project's proposal is for ninety-six (96) homes, two (2) of those are existing. They would be a mix of single-family attached and detached homes. Their proposal is for a Planned Development District. The plan had been modified from a conventional subdivision to the present design, in part from recommendations from the Development Planning Committee. The Town's Comprehensive Plan calls for diversity in housing and this project has three (3) housing types. Six (6) estate lots, in excess of two (2) acres, will be built along Orchard Street. Fifty-six (56) conventional single-family homes and thirty-two (32) twin homes are also proposed. The establishment of a PDD is necessary to proceed with the twin homes. Twenty-three (23) acres of the property is currently zoned Residential large Lot and one hundred six (106) acres are zoned Residential A.

Mr. Zee identified an area along Fischer Blvd. that the applicant was proposing to deed to the Town for passive recreation. Another substantial parcel of land along the Five Rivers property, about fifteen (15) acres, would be dedicated to Five Rivers. That parcel has road frontage along Orchard Street. The twin homes would be on their own cul-de-sac. The proposal also includes an extension of Prestwick Drive in the Cedar Ridge Subdivision that would include six (6) homes and end in a cul-de-sac. The parcel is currently under contract with Traditional Builders to purchase the parcels. The parcels along Orchard Street might be built by Hannifin Homes who has already built a number of the homes on this street.

Mr. Zee said that the project went back to 1996. Originally, Mr. Cade had proposed a subdivision of forty-two (42) lots on twenty-three (23) acres that was then reduced to thirty-five (35) with fewer curb cuts. The Town had then asked for a wetland analysis for the entire one hundred twenty-nine acre parcel. After doing that delineation, Mr. Cade had decided to develop the entire parcel. The modified plan was for about one hundred thirty (130) lots. After discussions with the Town's Planning Department in 2003 the project was reduced to one hundred nine (109) lots. Over the years, there has been a concern with the impacts on the wetlands on the site.

Mr. Zee said that the wetlands have been delineated and they have a jurisdictional determination letter from ACOE. A traffic report, a soils report and a Phase 1A and Phase 1B Archeology study have all been prepared. The soils report was done because the Town was concerned with steep slopes. Mr. Zee showed the Board the safe setback line on the plans. He said there were seven (7) archeologically sensitive areas that had been charted on the plan. It is their intent to keep the disturbance to a minimum. For the necessary disturbance for the development of the site, they would go to a Phase 2 subject to SHPO's review and consent. They are proposing substantial green space on the site.

Mr. Zee showed the Board possible elevations and floor plans for the twin homes. They showed master bedrooms on the first floor that seems to be popular especially with seniors. Additional bedrooms are shown on the second floor. Chairman Mathusa asked if the number of twin homes would increase on the site if the product were successful. Mr. Zee said that Mr. Cade, who was selling his existing home, thought moderately priced twin homes on the street leading to his seven figure home would adversely affect the price of his home.

Mr. Tice from Brewer Engineering said though there were two and one half acres of the site in the Town of New

Scotland, it was not included in any of the lots. He stated that the wetlands issue started in 1995. He said that

Brewer Engineering had done Cedar Ridge with Traditional Homes and there was a drainage way that came from Cedar Ridge and followed the natural drainage course to the Phillipin Kill. It had eroded and Mr. Cade had taken it upon himself to put in piping and do some grading. He did not realize it was wetlands. Someone contacted the ACOE in 1995 and Brewer Engineering became involved. The ACOE do not want the area that had been filled reclaimed. They want another area mitigated. That will be shown as the project moves forward.

Chairman Mathusa brought up whether some of the parkland fee could be waived in lieu of the fifteen acres the applicant was proposing to donate to Five Rivers. Mr. Silliman said staff would speak with Parks and Rec for their opinion on the matter. Mr. Tice said that Five Rivers was very interested in the parcel. Mr. Zee said if his client were to donate the land to Five Rivers, Mr. Cade would be entitled to a charitable donation. He said there was another area along Fischer Blvd. that would be suitable for a parkland area that could be donated to the Town. It would be more accessible to residents. Mr. Leslie said that staff needed to speak to the Parks Department about all the proposed parkland area on the site.

Ms. Powers asked what the price range of their “moderately priced homes”. Mr. Zee says that moderate price is approximately \$300,000 with today’s construction costs, site development, fuel costs and storm water regulations. Mr. Silliman asked if the project would be phased. Mr. Tice said it was originally to be done in five (5) Phases. But the phases usually go very quickly. Mr. Zee said that during each phase, the three (3) housing types would be under construction.

Mr. Smolinsky asked where and how much of the land was constrained in relation to the developable land. He said that development was shown on the wetlands. Mr. Tice said that some wetlands would be impacted. He said the impacted wetlands were indicated on the map and they would need to mitigate for those areas with the ACOE. There were mitigation areas shown on the plat. They had started the permit application in 2002 but have since withdrawn the application until they could get back before the Board. Mr. Zee said they had 3.54 acres of impacted wetlands. The total acreage of the wetlands on the site is 10.91 acres. They would be creating 5.16 acres of wetlands. The ACOE still need to sign off on their proposal.

Mr. Smolinsky asked about buffer areas near the remaining wetlands. Mr. Tice said the setbacks would be determined by the ACOE. Mr. Zee said the ACOE usually wants a rear yard of thirty-five (35) to forty (40) feet. The side yard setbacks are usually fifteen (15) to twenty (20) feet depending on the methods of construction. He said that the plan to be submitted to the ACOE would show the appropriate setbacks. Chairman Mathusa wanted them to see if a fifty (50) foot rear yard setback could be attained. Mr. Tice said the ACOE would require at least a forty (40) foot setback with a covenant for the lot. Some of the building styles would have walk out basements. Mr. Tice mentioned that the twin homes would not be age restricted.

Mr. Leslie said under the SEQR process, the project was a Type 1 action. As part of the coordinated review process, the ACOE has been identified as an involved agency. They have received a copy of the plan and they will respond with their recommendations about wetland impacts and mitigation. The communication has started.

Mr. Zee said the more limitations the Board places on the applicant, the higher the cost of the homes.

Mr. Smolinsky asked if the traffic report would be updated. Mr. Tice said it would be updated. Mr. Smolinsky suggested that the intersection of Fisher Blvd. and Orchard St. and the site distance on Orchard St. for the driveways be considered. Mr. Tice said that the Building Department, the Engineering Division and the Planning Department had looked at the number of curb cuts onto Orchard and that was why they had combined driveways and moved them down towards the stream. Mr. Zee said they had proposed to make improvements to Orchard St. such as widening and cutting the vegetation but the majority of the residents of Orchard were against any improvements. They liked the rural character. Mr. Tice said in Cedar Ridge Phase 2 they had taken off a fifty (50) foot strip for Orchard St. improvements that has never been used. Mr. Ritz said that Planning, Highway and

Engineering staff would get together and decide on a recommendation to the Planning Board on what to do with

Orchard St. Whether it gets built or not, the Town will request some right of way for a modern roadway and/or a sidewalk easement. Mr. Zee said that the roadway alignment they were proposing has been reviewed by the Town Engineering Department. This layout has the least amount of impact to constrained lands.

Mr. Smolinsky said the design lacked a continuation of the sidewalk on Fisher Blvd. Mr. Tice said that a sidewalk would be discussed as part of the approval. He said that they start with planning lots up to the road but realized that might change. Mr. Leslie said the sidewalk issue had been discussed with the applicant even though it doesn't show on the plans.

Mr. Smolinsky asked if the plans showed a stream buffer area. Mr. Tice indicated a buffer area that was about fifty (50) foot wide. Mr. Smolinsky thought it should be one hundred (100) feet. Mr. Leslie said as per the Zoning Law, no building permit should be issued for the construction or installation of any permitted or accessory use within one hundred (100) feet of the bank of the stream. The one hundred (100) feet was not a buffer area but a building setback line. Mr. Tice said the intent was to give residents access to the stream corridor for hiking purposes.

Mr. Smolinsky asked if the homes being built would be Energy Star homes. He said the Town encouraged energy efficiency. Mr. Zee did not know.

Ms. McCarthy said it would be great if the design of the twin homes didn't have the garage as the first thing you saw. She also suggested that the street names reflect something from Five Rivers or more historically from the area.

Chairman Mathusa asked about the seven archeological sites. Mr. Tice said after doing a Level 2 investigation on most of the sites; SHPO might allow them to move the findings to the state museum. He said the finds were not substantial.

Mr. Leslie said that the traffic impact study would be updated, SHPO still had to revisit the historical issue, and ACOE would be responding to the wetland issue. Mr. Tice would like the town to give them a list of the items they would like included in the updated traffic study. Creighton Manning was waiting for their input to continue.

A resident asked when the public would have a chance to comment. Mr. Leslie said that after the Planning Board makes their recommendation to the Town Board. The Town Board would set a public hearing date and take public comment at that time. The Planning Board would hold another public hearing during the subdivision process. A resident commented that the applicant had bulldozed the property behind him and up to his property line. Mr. Tice told the resident to call his office; they would work with the neighbors on Engineering. Mr. Zee said that after the ACOE weighed in, it would determine what could or could not be done. Mr. Morelli suggested a meeting between the neighbors and the applicant. Mr. Zee said the project has been around since 1996. They have been before the Development Planning Committee twice and it was attended by many residents from Orchard St. and Fisher Blvd. He thought they have had the opportunity to hear what the residents had to say. A resident thought that the intersection at Fisher and New Scotland should be moved. A resident thought there was too much traffic on Fisher.

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

Cyprus Shriners

Chairman Mathusa turned the Board's attention to the next item on the agenda; Cyprus Shriners proposed site plan located at 27 Hanney Lane. They were last before the Board on September 18, 2007.

Mr. Steenberg, PE presented for the applicant. Since the project was last before the Board, the plans have gone to Albany County Planning Board. They have reconfigured the storm water management system based on comments from the Engineering Division. It would now be a pocket wetland instead of the micro pool extended detention pond. The recent plan submission addressed comments from the Town staff.

The Board reviewed the draft Site Plan Approval S.P.A. 140 prepared by staff.

A motion to approve Site Plan approval S.P.A. 140 as drafted was offered by Mr. Smolinsky, seconded by Mr. Engel and approved by all Board members present.

The applicant was aware that the approval did not include sign approval and they would need to come back before the Board for an amendment.

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

The meeting adjourned at 8:12 PM.