

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**October 7, 2003**

The Planning Board of the Town of Bethlehem, Albany County, New York, held a **Regular Meeting** on Tuesday, October 7, 2003, at the Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY. Chairman Hasbrouck presided and called the meeting to order at 7:30.

Agenda:       Price Chopper Expansion  
                  Town Squire Phase II  
                  Van Dyke Spinney  
                  Elm Avenue East Subdivision

Present:       Douglas Hasbrouck, Planning Board Chairman  
                  Daniel Odell, Planning Board Member  
                  Katherine McCarthy, Planning Board Member  
                  Parker Mathusa, Planning Board Member  
                  Howard Engel, Planning Board Member  
                  Brian Collier, Planning Board Member  
                  Jeffrey Lipnicky, Town Planner  
                  Janine Saatman, Deputy Town Planner  
                  Randall Passmann, Town Senior Engineer  
                  Mr. & Mrs. Kenneth Rooney, neighbor  
                  Robert Cartwright, Price Chopper  
                  Tom Andress, Price Chopper  
                  John Miller  
                  Rex Ruthman, Van Dyke Spinney  
                  Peter Staniels, Elm Ave. East  
                  Joseph M. Lanoro

**PRICE CHOPPER EXPANSION – Windsor Properties – New Scotland Rd.**

Mr. Hasbrouck stated that the Board had voted at a previous meeting to make a recommendation to the Town Board that neither approved nor disapproved the zoning proposal instead recommending that the Town Board should proceed to the Public Hearing for input. Subsequent to that meeting Mr. Silliman had informed the Chair that according to the Code governing these recommendations, the Board was required to approve, disapprove or approve with modifications. Mr. Lipnicky was asked to prepare separate resolutions, one recommending approval the other recommending disapproval, in addition to the SEQR resolution for the Board's consideration. Mr. Hasbrouck asked for questions or comments from the Board or staff. Mr. Lipnicky stated that both resolutions had been prepared each noting that the recommendation had been made

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without the benefit of a Public Hearing. Both state that the Town Board's final decision should be made with not only the Planning Board's recommendation, but with the input of the Public Hearing. In regards to the SEQR resolution, Mr. Lipnicky spoke with a Mr. Andress concerning the federal wetland mitigation. It had not been decided if it would occur onsite or offsite. He didn't feel the Board needed that final answer to make their recommendation to the Town Board. The Army Corp would make sure that the mitigation was completed. Mr. Andress commented that their wetland specialist was still working with the Army Corp. Prior to the BPA application they would be handling the necessary mitigation for the site. Mr. Mathusa asked if the Board approved the SEQR resolution for the project, what grounds would the Board use for a disapproval recommendation on the zoning. Mr. Lipnicky stated that the zoning amendment was a legislative decision that the Town Board could disapprove without stating a reason. The SEQR resolution was an administrative decision in which the Board needed to state the reasons for its decision. He stated that the project had gone through a lengthy review during the initial building of the plaza. There was public concern during that time that the commercial area would expand down New Scotland Road. That concern could be used in the reasoning for disapproval. Concerning the environmental impact, the Board could not say that it would have a significant impact because it wouldn't. Mr. Mathusa wanted to know if the Board could approve the SEQR and recommend disapproval of the zoning amendment based on those prior concerns. Mr. Lipnicky stated the zoning resolutions contained language referring to the fact the Board didn't have recent public opinion on which to base their decision. He stated the issues and concerns that arose before could still be valid. Mr. Hasbrouck stated the SEQR resolution was for a negative declaration because there was no apparent environmental impact that couldn't be mitigated. The traffic impact would not be significant and the design of the addition would be the same as what was there. Mr. Hasbrouck stated that regardless of the decision of the Board, either draft resolution would recommend the Town Board proceed with a public hearing. Mr. Collier stated that he had spoken with residents in the community about the project to get their input. Their responses centered on Price Chopper running their business in a more efficient way, not traffic impact or environmental impact. After listening to the public and reviewing the application, he concluded it was a business issue, not one of impact. He would vote to approve the zoning resolution based on these facts. Mr. Miller commented that his understanding of the role of the Planning Board was to determine if the plan submitted complied with the planning guidelines of the Town. He agrees that the plan exceeds the 99,000 sq ft limits and that piece of legislation had to be amended by the Town Board. He assumed that the Planning Board's role would be to determine the SEQR issue and to determine if the plans as submitted complied with the Town standards. Mr. Miller thought that the Town Board exclusively would decide the zoning amendment. After determination by the Town Board, they would return to the Planning Board with more detailed plans. He thought the Planning Board's discussion sounded more like a Town Board discussion and he thought they were outside of their parameters. Mr. Miller had hoped that the Planning Board would vote an approval based on his understanding of their role in this process. Then the Town Board would go forward with the public hearing and zoning issue. He felt that if Price Chopper had come in initially with the extra square footage in the original package that it would have been approved. The supermarket business now demonstrated a need for a larger store and Price Chopper

was willing to invest a large sum of money. Mr. Lipnicky disagreed with his statement. He reminded everyone that the reason the project was before the Planning Board was because of the zoning amendment. In response to Mr. Miller's question on the issue of whether the project meets the requirements of the Code, it doesn't, that is was this application for rezoning was before the Board. It was a conditional rezoning that allowed the original project to go forward. That condition was for the project to remain within the 99,000 sq ft. Mr. Hasbrouck said he thinks most residents felt that Price Chopper had been a positive business for the community, but community perception is non the less an important aspect of our SEQR review for the zoning request. There was a great deal of opposition from the people of Slingerlands originally and the building area limit was set to accommodate that opposition. He felt that whether those concerns and opposition still remained would be evident after the public hearing. The Planning Board must now send their recommendation back to the Town Board for their consideration. The Town Board would then make their decision. Mr. Mathusa felt it would be helpful to the Town Board to know that the Planning Board had found the project not to have a significant impact on the environment. Mr. Hasbrouck stated that SEQR was always a part of a zone change action. He stated that among the documentation before the Board, the EAF Part I and the EAF Part II didn't require an action by the Board. They were merely a part of the Environmental Review. He turned the Board's attention to the draft SEQR recommendation. The recommendation was to issue a negative declaration for SEQR.

A motion to approve the Negative Declaration for the SEQR recommendation was made by Mr. Odell and seconded by Mr. Collier. All in favor none opposed.

The Board then turned their attention to the drafts of the favorable and unfavorable recommendations on the zoning issue. This vote required a majority of the Board for a motion to pass.

A motion to approve the draft of the unfavorable recommendation was made by Mr. Odell and seconded by Ms. McCarthy. 2 were in favor, 4 opposed. The motion was defeated.

A motion to approve the draft of the favorable recommendation was made by Mr. Collier and seconded by Mr. Mathusa. 4 were in favor, 2 opposed. The motion was passed.

## **TOWN SQUIRE PHASE II – Schuyler Corporation – Rt. 9W**

Mr. Hasbrouck stated that the Board had received a revised set of plans for the project. The last meeting had brought up quite a few questions, one being the architecture for one of the buildings. The recommendation from the Albany County Planning Board had been received which recommended including approvals from DOT and DEC. Mr. Spiak stated that the new plans addressed the concerns that were brought up at the last meeting. They had also met with the Planning Department and Engineering Division staff to clarify more of the details. He showed a new landscaping plan that included a section in the rear of the project with a new buffer. They had considerably increased the amount of the

landscaping throughout the project. The buffer included a mixture of pine and deciduous trees. The intersection was reconfigured in response to the comments made to them by staff. The remaining issues related to the Hollywood Video building. He showed a new elevation of that building. They had incorporated some the elements of the Chili's building to give continuity between them. Mr. Spiak stated that there was about a 5-foot overhang on the video store and the proposed front was full glass. Mr. Hasbrouck stated that the rendering appeared to have a solid wall below the glass. Mr. Spiak stated that it was shadowing. Mr. Hasbrouck felt the full glass detracted from the esthetics of the building. He would prefer to see some architectural interest. Ms. McCarthy stated that it still looked very austere. Mr. Hasbrouck wanted to know if there was any flexibility with the company concerning design. Mr. Ginsburg stated there was some latitude with the architecture and with the new renderings the colors of the video store reflected some of the colors of Chili's. They had tried to make them blend. He stated that there would also be ground plantings in the front. That would break up the fronts. Mr. Spiak stated that there was a 5-foot sidewalk and a 5-foot planting area. Ms. McCarthy asked what type of plantings. Mr. Spiak stated they would be short shrubs. Mr. Collier suggested turning a few of the parking spaces in front of the video store into planters. Mr. Ginsburg stated that giving up those spaces would make them under parked. They had already given up some spaces to comply with the 10% green space requirement. Mr. Mathusa asked if Hollywood Video would be opposed to putting up 3-foot knee wall in the front. Mr. Ginsburg stated that he would approach the company with that request. Mr. Passmann inquired whether the elevation and the spacing between the buildings were to scale. Mr. Spiak stated that it was close. He stated that the easement information requested had been submitted to Mr. Silliman. Another item discussed was the property line location between this site and the Price Chopper site. They had decided to move it so the entire access from Rt. 9W was on the new project.

Mr. Rooney, a resident who lives on Chapel Lane behind the Town Squire Plaza, stated that he received a call from Mr. Golub, and he stated that Schyuler Companies would be putting up a retaining wall to limit the noise coming from the rear of the plaza. Mr. Rooney had been trying to get something done about the noise for about two years. He asked Mr. Ginsburg if they would put up a similar wall behind the Phase II part to curb the noise. Mr. Rooney stated that the noise level is unbearable. He wanted to see the issue addressed. He was having a problem sleeping because of it. Every night from May to October, his sleep was disturbed at 1AM and 5AM because of the noise from the back of the Town Squire Plaza. Mr. Ginsburg stated that Supervisor Fuller had contacted his office pertaining to this issue. They had hired an engineer to monitor the sound levels over a two-day period. The findings were that the sound levels were insignificant and non-disruptive at the hours that Mr. Rooney specified as problematic. Mr. Neuremberg contacted Mr. Rooney with this information. Mr. Rooney then stated that the days that were tested were not the worst. The engineer went back again on the days that Mr. Rooney said were the worst and again they came back with insignificant readings. Mr. Ginsburg was under the impression that the retaining wall was ruled out, simply because of not knowing what noise was being screened. Mr. Ginsburg stated Mr. Kleinke, the landscape architect, had put in a very dense planting along the property line of Mr. Rooney to buffer the noise level. Mr. Rooney didn't feel that enough was being done.

Mr. Hasbrouck stated that the problem that Mr. Rooney had was with the existing project, not the proposed one. The deliveries for the proposed site have not been completely determined. They do not have a tenant for the rear of the project; tentatively it would be a bank that would not have deliveries. The proposed video store and the restaurant also should not have middle of the night deliveries. Mr. Hasbrouck stated that he was fully sympathetic to Mr. Rooney's problem, as was Mr. Ginsburg. Mr. Rooney did state that anyone he contacted had tried to help him. Mr. Ginsburg stated that they were fully prepared to put in the sound barrier wall if the tests had come back with some sort of reading to let them know how high the wall should be. That was why they had decided to put in the dense buffer of plantings instead. Mr. Spiak reiterated that the plantings would be denser after the initial clearing had been completed. Mr. Collier asked if the bank would need a dumpster, it was still being shown on the plans. He felt that it was in close proximity to Mr. Rooney's property. Mr. Ginsburg stated that it would be moved. Mr. Hasbrouck felt Mr. Rooney's issue was with the existing project. He assured Mr. Rooney that the Planning Board would look at the noise issue pertaining to the proposed project and they would try to minimize the effect on all the adjacent neighbors. Mr. Ginsburg stated that they were actively trying to find a solution for Mr. Rooney's problem, but he felt that the Phase II project should be considered separately.

Mr. Spiak asked the Board whether the short EAF that was submitted would be acceptable or if they would require a long EAF. Mr. Hasbrouck stated that a long form would be needed. Mr. Hasbrouck stated that at a previous meeting they had spoken about moving a storm water detention area to preserve more of the buffer area. He thought they were trying to preserve a forty-foot buffer along the full length of the property line. Mr. Spiak said they considered relocating the detention area to a location farther north but that would require more grading and clearing and additional fill, therefore he felt their proposed position would work the best. Mr. Hasbrouck stated that by putting the detention area where proposed, would reduce the bigger area to 20 feet. Mr. Spiak stated that the deed restriction included a 20-foot buffer not a 40-foot buffer. Mr. Hasbrouck was not referring to the deed restrictions but to previous discussions. Mr. Passmann stated that the most recent plans showed a remaining tree line with an area of about 20 feet to the property line, earlier versions showed 40 feet. Mr. Spiak stated that the earlier versions didn't include a storm water management system. This design was based on the soil conditions and factors that were on site. There are areas that need to be cleared but once the system was functional they would replant the area. Mr. Passmann stated that the current plans did not show the re-plantings that were proposed. Earlier comments from the Engineering Division requested showing the area on the site where the storm water management would be located to comply with the Storm Water Phase II regulations. There was a proposed area under the parking lot with a piping system to contain storm water and a wet swale was proposed in a back area. Review of the calculation provided showed a volume of water greater than what can be accommodated in their swale. The area required might need to be expanded. They could change that area in the buffer. The system showed on the current plans won't contain the water quality volume that they need. The cleared area might increase. Mr. Passmann stated that the Engineering Division had a concern with the proximity of the existing 48-inch storm water pipe and the sanitary sewer line near the corner of Chili's. The Engineering Division requested a cross

section of the area to show access for future maintenance, which was a concern of the Town. The applicant had begun to make progress with the request. The Engineering Division was still awaiting a geotechnical report of the project and an engineering report for the sanitary sewer and water before the review can be completed.

Mr. Hasbrouck came back to the traffic issue that was discussed at the last meeting. He stated that there were a few approaches to estimate the traffic generation potential from the project. The applicant had based their numbers on the definition for a shopping center from the ITE manual, which included out buildings. He stated that the Board was not sure if those definitions accurately fit the use of the proposed buildings or if the numbers associated with those buildings as separate units would be better. He stated that the accuracy of either approach was in question. The concern of the Board was the function of the driveway onto 9W, especially the left turns out even though the internal intersection had been redesigned a few times for better traffic flow. Mr. Ginsburg stated that they hired a traffic engineer, used an industry accepted standard and by definition the project fit within those parameters. They then made calculations based on those standards. He stated that it was disconcerting to him that the Board didn't want to accept those calculations. He was under the impression that the traffic issue was moot. Mr. Lipnicky stated that a traffic study had not been done. It was an estimate of the trip generation using two alternative methods. He stated that now there were two uses that were completely different from what was currently in the shopping center. They were oriented towards 9W and positioned to draw traffic into the center. He didn't agree with utilizing the shopping center trip rate. In previous projects that contained out parcels, their trip generation was figured separately. Mr. Lipnicky stated that the Board might want to consider hiring a traffic engineer to review the data submitted. Mr. Hasbrouck did not believe that the project warranted a complete traffic study. Mr. Lipnicky stated that a combination of studies had been done for the area because of other projects on the same corridor but traffic engineering was not an exact science. The end result of the impact on 9W and Feura Bush Road was yet to be seen. He believed that a traffic signal would be appropriate at the exit onto 9W, but whether DOT would allow it so close to the Feura Bush signal was questionable. Mr. Hasbrouck stated that the Albany County Planning Board had recommended that the Planning Board submit the project to DOT for review. He was uncertain that using ITE numbers was appropriate in this case. He believed that there were other ways to look at the traffic. He thought that some consideration could be given to the possibility of an escrow account being established for the purpose of mitigating traffic impacts in the future at a time when those impacts would be better defined. Mr. Spiak stated the intersection design had taken into consideration the possibility of future expansion of the road structure. A resident in the audience stated that he used the Glenmont Road exit more than the 9W exit because it was easier to get out. Mr. Collier felt there had not been a consensus on the traffic issue considering there was a difference of opinion between the traffic engineer hired by the applicant and the Planning Department. He would like to explore the options to the traffic problem. He liked the idea of an additional amount being put into an escrow account for future road improvement. Mr. Mathusa asked if the escrow amount from the original Town Squire Redevelopment project could be used in conjunction with any new funds from the proposed Phase II. Mr. Hasbrouck stated that the funds were set aside for improvements

such as increased traffic safety, pedestrian safety or traffic flow; set to be done within 5 years of the original project's final approval. The Town Center project also contributed to an escrow fund for the same types of projects. An escrow fund had not been discussed with this project's applicant to date. Mr. Mathusa wondered if DOT would object to using the money for a traffic light. Mr. Hasbrouck stated it was the close proximity to the Feura Bush light that DOT objected to. Mr. Ginsburg stated that the Town Squire Project took an existing plaza and brought it back to life. The project shouldn't be compared with the Town Center project, which was completely new, as far as impact on traffic was concerned. He stated that their project was creating lower traffic volume than originally estimated. Mr. Collier stated that it was impossible to accurately predict future impact, which was why the escrows were set up. Mr. Hasbrouck stated one option was to hire a consultant. Mr. Engel stated that with all the major development on the 9W corridor, the traffic situation would continue to get worse. He didn't feel that enough was being done to alleviate the problem. He stated that unfortunately DOT looked at accidents before they changed road configurations. He wanted to keep the traffic issue in the front of everyone's mind. Mr. Collier wanted to know the cost and time involved in hiring a consultant. Mr. Lipnicky thought it would be minimal, they would not have to do a study, just analyze the data that had been submitted. Mr. Hasbrouck suggested coming to a consensus on one of three options; accept the figures as submitted, hire a consultant or send the project file to DOT for their input. The escrow could be discussed in the future. Mr. Collier preferred the escrow account and sending the file to DOT. He thought they could then put the traffic issue behind them and it would help the project move forward. Mr. Engel thought the applicant had addressed many of the concerns raised by the Board from the last meeting and should be allowed to go forward, but he wanted DOT informed, more to keep them apprised of the 9W situation than for input on this project. Mr. Mathusa stated that this project would put additional burden on 9W, so he felt that the increase in escrow was a good idea for future improvements that might be needed. He didn't feel that additional traffic information would be sufficient enough to keep them from approving the project. Mr. Odell felt that additional input from an outside consultant would be helpful and he then wanted that input shared with DOT. Ms. McCarthy did not support the hiring of a consultant. She felt that input from DOT was sufficient. Mr. Mathusa felt that there wasn't a remedy in the near future that would help the traffic situation in the area. Mr. Ginsburg stated that DOT had already been notified about the project and they stated there weren't any permits needed for the project. The Board did not approve the hiring of a traffic consultant but they all agreed to send the project to DOT for their point of view. It was established that the escrow was not project specific but could be used for any improvements that might be needed in the general vicinity of the intersection within 5 years of the escrow being established. Mr. Ginsburg offered to send the documents to DOT for comment. Mr. Lipnicky stated that the Planning Department would take care of the forwarding. He noted that the applicant to date had not addressed items in a September memo from the Planning Department.

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

## **VAN DYKE SPINNEY – Vadney Road – Senior Housing**

Mr. Hasbrouck turned the Board's attention to the Van Dyke Spinney project. He stated that this project was on the agenda for a first look. Mr. Demph presented for the project. He showed the location and size of the project and the amount of the parcel that would be taken up with the project. They were seeking a rezoning to a Senior Citizen Residence District. He stated that the project would be moderate-income housing specifically for senior citizens. A photo showed the location and proximity to other sites in the town. It was established that currently there was not any water or sewer to that area. The current zoning was Residential AA. Mr. Ruthman continued the presentation. He stated he was a long time resident and had previously developed property in the Town. He stated that building housing only for families was no longer applicable in an age diverse community. He showed that there were about 4,500 people in Bethlehem that were over the age of 60. He felt that with seniors being healthier and more active for a longer period of time, a different type of housing was needed to address that sector. The options in Town that were available now were condos that were quite expensive, apartments, which in some instances would work, or staying in their homes. He felt that the location they had chosen fit into the conditions of the Code pertaining to a Senior Citizen Residence District. He felt that their design would address about 5% of the senior community in Bethlehem, about 200 people. This project would allow them to remain in their community after selling their homes. This would allow them to live around other seniors that would give them some collateral support. This project would not add to the numbers of the schools. He stated that they tried to keep the density in line with what would be allowed if it were not rezoned to a Senior Citizen Residence District. They wanted green space, pedestrian walkways, and limited access to Van Dyke Road and also to be within a reasonable distance of the services in Town. He felt this location accomplished all these goals. Mr. Ruthman introduced a rendering of the proposed streetscape and a grouping of the project's buildings. Mr. Odell was interested in the range of the proposed rents. Mr. Ruthman stated that they would range from \$900 to \$1,200 dollars; all costs would be passed along to the consumers. He stated that a finished unit would cost approximately \$100,000 to build with the range of space between 900 to 1200 square feet per unit. Mr. Feinberg stated that they owned a senior project in Cobleskill in which a one-bedroom rented for \$675. These units, which were HUD subsidized, were built about 20 years ago. Mr. Ruthman felt their pricing was completely in line with the facilities and services provided. He stated that it would be more economically feasible for more people than buying a condo, which have substantial up front costs. Mr. Odell stated that one of the key criteria of the Code was affordability. He felt that it was a threshold issue. Mr. Odell stated that it was irrelevant to speak of the "merits" of the project until the affordability of the project was explored. He had statistics from the Capital District Planning Commission from the 2000 Census, which stated that the median monthly rents in Bethlehem were \$752. When the rent went over the \$1,000 mark, it put that rent into the top 1/5<sup>th</sup> of the rents. He mentioned that the within the zoning of a Senior Citizen Residence District was the allowance for an increase in the density to bring the cost of the rent down. He felt that with rents within the top 20% of rents, the project did not qualify as affordable for the population of seniors that these special districts were intended for.



Mr. Feinberg stated with seniors that were bringing home \$40,000 per year, 30% was \$12,000, and 30% of income was what HUD based their numbers on for fair rent. The target group of seniors would be bringing home at least \$40,000 per year. Mr. Ruthman stated that this project was not for the poor seniors, he did not assume that all 4,500 seniors that lived in Town would be able to move to Van Dyke Spinney. He stated that they weren't trying to solve every problem, just add to the choices for seniors. Ms. McCarthy stated that the Code narrowed for the Board, the definition of affordable. Mr. Hasbrouck stated that the question before the Board was not if the project would be a benefit for some seniors, the question was did it fit within the intent of the Code pertaining to affordability. Mr. Feinberg stated that if the Town saw the project as a benefit, then the affordability issue could be worked out. They had contacted a group that lent money for these types of projects and it fit within their guidelines. Mr. Ruthman stated that they could come back with housing that was lower in rent but then the market would be more wide spread than Bethlehem and if it was income related, would disqualify almost all of the residents of Bethlehem. He felt that though affordability has a "certain charm to it" and "a certain social passion can be brought to the argument", if not placed in the proper context it can defeat the community's interest. Mr. Lipnicky stated that the term non-subsidized housing for non-subsidized senior citizens was put into the Code as a revision to the parking requirement. Mr. Ruthman did not agree. He felt that the only way a Senior Citizen Residence District could limit the age to 62 and above was with a single property owner. That owner would have to certify that the residents were within that age range. It would be a part of the lease. Mr. Hasbrouck stated that the document that Mr. Lipnicky put together gave an overview of the Code that pertained to the SCRD. He felt that even though the Code did not specifically mention a level of income, the intent of the Code was to provide moderately priced housing for those seniors citizens living on fixed or limited incomes in order to remain in the community. He stated that the document would be supplied to the applicants. Mr. Mathusa asked the applicants if their main reason for wanting a SCRD was the ability to limit the residents to 62 and older. They confirmed this.

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

#### **ELM AVE EAST SUBDIVISION – Amedore Homes - Elm Ave.**

Mr. Hasbrouck turned the Board's attention to the Elm Avenue East project, which was formerly named Amedore Homes. It was last on the agenda in 2002 and they have since made some changes. Mr. Lanaro from Chazen Companies was the presenter. The project was redefined from the previous concept. The proposal was for 13 buildings each with 4 condominium units plus single family homes. The change of the road structure now allowed this project to be connected to the Carriage Hill Subdivision. They had also reconfigured the lots to refrain from any lots fronting on Elm Avenue. All of the infrastructure would be designed to conform to Town standards, though the road structure would be maintained as part of the condominium association, the only infrastructure that would be under Town control would be the water and sewer. They planned on water district and sewer extensions for the project. He displayed a map that showed the

locations of these lines. They have identified the wetlands and a 100 year flood plain within the boundaries of the project. The impact to federal wetlands would be minimal, being able to remain within the permit thresholds. The lots were slightly larger than the minimum requirement. The storm water would be managed onsite and would comply with the DEC Phase II regulations. It would be managed in a few different locations throughout the site. They tried to address the issues that were brought up after their initial presentation. The next phase would be producing more details on the above mentioned subjects for the site plan review. They were willing to be involved in the improvements along Elm Ave. Mr. Lipnicky asked how the limits of the ownership of the condos would work. Mr. Lanaro stated that the homeowner would own each individual unit from the outside to the centerline of the walls. Mr. Lipnicky stated that with minimum lot size requirements, previously the only place that condominiums had been allowed were in Planned Residence Districts because the condo's did not meet minimum lot size requirements. It was a potential problem. Mr. Lanaro stated that the attorney in charge of the condominium documents was Donald Zee, Esq. He felt that they had met the density thresholds for the overall site. Mr. Lipnicky asked that as early as possible more detail be submitted. Mr. Lanaro stated that these units were more in line with the apartment complex scenario pertaining to zoning compliance. They were waiting for a date from the Army Corp when they could walk the land. Mr. Collier wanted to know why certain intersections were lined up while others were not. Mr. Lipnicky stated that a concern was the connection of adjoining subdivisions that formed a direct path to Delmar; by offsetting the intersections they hoped to discourage that route. At the other intersection, the road only lead into Dowerskill Village and did not form a direct path to Delmar and that was not seen as a problem. Mr. Collier questioned the location of the secondary access and its usefulness to the residents. Mr. Lanaro stated the route would mainly be used for deliveries and emergency vehicles. Mr. Lipnicky stated that an objective was always to discourage direct routes through residential neighborhoods whenever possible. He felt that this plan was a vast improvement over the previous plan, but he would like to see the lot depths on Elm Ave. increased and the other item he would like to see reworked was the configuration of the corner lots. Mr. Lanaro stated that they would start to work on more detailed plans for the Boards review.

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

The meeting adjourned at 11:45.

Respectfully submitted,

Nanci Moquin  
Planning Board Secretary