

**PLANNING BOARD
TOWN OF BETHLEHEM**

October 17, 2006

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on October 17, 2006, 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
Katherine McCarthy, Planning Board Member
Chris Motta, Planning Board Member
Tom Cotrofeld, Planning Board Member
Howard Engel, Planning Board Member
Brian Collier, Planning Board Member

Michael Morelli, Deputy Director of Economic Development & Planning
Terry Ritz, Town Assistant Engineer
Jeff Lipnicky, Town Planner
Janine Saatman, Deputy Town Planner

Jon Lathrop, Keystone Architectural, Bethlehem Dental Arts
San Kim, S.Y. Kim Land Surveyors, Millwood Estates
Tony Califano, Millwood Estates
Donna Califano, Millwood Estates
David Becker, Millwood Estates
Bruce Fage, Pines @ Normanside
Sherry & Steve Einhorn, Pines @ Normanside
Marisa Rahn, Pines @ Normanside
Jonny & Mike Carroll, Pines @ Normanside
Mike Tucker, Infinigy Engineering, Pines @ Normanside

Agenda: Bethlehem Dental Arts
Millwood Subdivision
Pines @ Normanside

Bethlehem Dental Arts

Chairman Mathusa called the meeting to order and noted the presence of a quorum. The first item on the agenda was Bethlehem Dental Arts site plan amendment. Mr. Lathrop, from Keystone Architectural, presented for the applicant. He stated that renovations included a covering of part of the masonry façade with an EFIS and a new roof. The intent is not to change the pitch of the roof or the drainage system that is currently in place. The landscaping will remain the same.

The Albany County Planning Board, because of the minor change, waived their review of the project.

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 SEQR Resolution prepared by staff.

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

The Board reviewed the draft site plan amendment SPA 102-A prepared by staff.

A motion to approve SPA 102-A as drafted was offered by Ms. Motta, seconded by Mr. Engel and approved by all Board members present.

Millwood Subdivision

Chairman Mathusa turned the Board's attention to the next item on the agenda, a proposed twenty-six (26) lot subdivision on Russell Rd. known as Millwood Subdivision. San Kim, SY Kim Surveyors, presented for the applicant. The fifty (50) acre parcel is bounded by Russell Rd. and the Thruway on two (2) sides. There are approximately twenty-four (24) acres of federal wetlands. They have made revisions as per the Planning Staff since their original concept. He said that one of the lots had received an area variance from the ZBA for lot width. They have done some soil testing on site and determined that it was predominately sand. They were only proposing to disturb .3 acres of the wetlands. Bagdon Associates was the company that would be creating the wetland mitigation area. There is water and sewer available along Russell Rd. for them to tap into. Albany County had plans to reconstruct the section of Russell Rd. near the project. Mr. Kim asked if once they had preliminary approval, they could construct the sewer lateral prior to spring when the county would be working on the road. Mr. Ritz thought it was a good idea but said that all the utilities needed to be planned prior to the laterals being installed.

Chairman Mathusa turned the Board's attention to the question of the donation of a portion of the subdivision to parkland. Mr. Kim said the area was west of Niagara Mohawk line located near the North Bethlehem Town Park. He said that if the Town did not want the land they would add it to one of the estate lots. Chairman Mathusa stated the proposal would be reviewed by the Parks Department, Supervisor Egan and the Town Attorney. Part of the proposed park donation was in the Town of Guilderland. Mr. Calafano said that the two (2) acres could be donated to the adjoining property owner in Guilderland if need be. He said that the project would go forward even if the Town did not accept the property. He said that there were a significant amount of wetlands on that piece of property. The wetlands that would be attached to the lots within the subdivision would be deed restricted relative to not encroaching into the wetlands. Chairman Mathusa suggested that Mr. Calafano put all the information into a letter to be passed along to the Town for review. Mr. Odell asked Mr. Silliman if the Planning Board determines that the land is appropriate for parkland, how does the Town Board become involved. Mr. Silliman said that in the past when land has been suggested for Parkland, it has come from staff. Staff would speak with the Town Departments about the operation and maintenance of the land as well as the acquisition. Those were the biggest issues when the Town takes over property for parkland. He said that the acquisition of land was a function of the Town Board but they would take the recommendation of the Planning Board.

Mr. Lipnicky said it is a function of the Board, per the Zoning Law, to modify the flag lot regulation. The Zoning Code states that adjoining flag lots are prohibited. This plans shows adjoining flag lots. The other issue is that "pole" of flag lots need to be a minimum of two hundred (200) feet. One of the flag lots show a "pole" that is shorter than that requirement.

The Board reviewed the draft SEQR Resolution prepared by staff to classify the action as an Unlisted Action, requiring a Full Environmental Assessment Form and to initiate a coordinated review.

A motion to accept the Resolution as amended was offered by Mr. Odell, seconded by Mr. Collier and approved by members present.

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

Pines @ Normanside

Chairman Mathusa turned the Board attention to the next item on the agenda, the Pines @ Normanside. This project is a combination of a Planned Development District, a subdivision and a site plan. All the aspects of the project would be reviewed together. The Town Board has accepted the application for a Planned Development District and referred the project to the Planning Board for their recommendation.

Mr. Tucker, from Infinigy Engineering, presented for the applicant. The project is located at the end of Leonard Place, which they are proposing to extend. The Planned Development District will be approximately nine and one half (9 ½) acres with thirteen (13) single family homes. The purpose of the PDD was to be able to consolidate the homes into an area within the middle of the site with a buffer area around the perimeter. They are also proposing two (2) single family homes on Salisbury and a mixed use building fronting on Delaware Ave. with parking to the rear. It would be a mix of offices on the first floor and three (3) apartments on the second floor.

Chairman Mathusa asked Mr. Tucker to address the concern over slope stability and the erosion at the bottom of the slopes that are on three (3) sides of the project. Mr. Tucker said that the PDD development was confined to the top of the plateau. They had a geotechnical engineer do an analysis of the slope stability and as long as the units are set back six (6) feet from the top of slope there shouldn't be any issues. He said that the buildings would be built into the slopes with walk out basements and that should help the stability. They understood that there is currently significant erosion at the bottom of the slope that is increasing. They were proposing to riprap some of the channel to alleviate some of that problem. He said that the vegetation along the slope area would remain undisturbed

Mr. Odell wanted to know if restrictions would be placed on the homeowners to keep them from putting in pools or clearing the land behind their homes. Mr. Tucker said there would be a home owners association that would limit the type of outside changes that could be made by the residents to minor items such as planning flowers. He said that if the Town had specific concerns, they could be addressed in the by-laws of the home owners association.

Mr. Collier wanted to see a building setback line on the plans since it would be determining factor in the placement of the buildings on the site. Mr. Tucker thought that the design, being more consolidated than the typical subdivision, was more site friendly. It allowed the homeowners association to have more control over the site.

Mr. Tucker stated there was a small area of federal wetlands along one side of the property. They were proposing to fill 1/10th of an acre. The two (2) lots on Salisbury Rd. have a small area of wetlands that just hits the proposed lot line in the rear. The Town has a drainage easement that comes in off Salisbury

and drains into the wetland. Mr. Tucker said they had decided against a connection from Leonard Place to Salisbury. The two (2) lots would have their access only from Salisbury.

Ms. Motta wanted to make sure the storm water pond would be either fenced or have enough vegetation that would make the area safe.

A resident of Leonard Place said that part of that road was one (1) lane wide. Two (2) cars could not pass. Mr. Tucker thought there was sufficient right-of-way to widen the roadway to two (2) lanes. That is the applicant's proposal. Mr. Morelli said that typically a new road would have a fifty (50) foot right-of-way but all of it is not paved. Usually twenty-four (24) feet is paved. Engineering thought that Leonard Place had a twenty-eight (28) foot right-of-way which would leave sufficient area to pave the twenty-four (24) feet for a two (2) lane road. Mr. Tucker said that the sewer needed to be improved along Leonard Place, the water is already there. The utilities would partially be under the pavement area. The extension of Leonard Place would follow Town standards of a fifty (50) foot right-of-way.

Mr. Morelli stated that the plan followed the direction of the Comprehensive Plan for diversity in housing styles. This plan offers rentals, ownership of cluster housing or single family homes. There is still work that needs to be done but this concept fills a need in the Town.

Mr. Tucker said the layout of the buildings around the roadway was to meet setback criteria of the Planned Development District. He said that the roadways, whether private or Town, would be designed and built to accommodate fire trucks.

Mr. Einhorn, a resident of Morningside Drive, said the stream bed at the bottom of the slope was constantly eroding and the adjoining land owners are concerned with the impact of additional homes being placed on the top of the parallel slope from their homes. He had invested upwards of \$40,000 to secure his foundation and backyard because of the erosion. Mrs. Einhorn said the issue existed with all the vegetation in place and no development on the opposite slope. She wanted to know if any of the water from the project would be directed down the slope. Mr. Einhorn was concerned with the location of the buildings and the setback. He thought it seemed to be pretty tight. He said though the applicant didn't want to clear the slope area, he was aware that a certain amount of the area needed to be cleared in order to develop. He said the elimination of the trees would contribute to the erosion. The neighbors didn't want the value of their property to go down because of this issue. The neighbors had been dealing with this runoff problem for some time. Mr. Tucker showed where the detention basins were located. He said these basins would collect all the runoff from the project. Mr. Morelli said that the Storm Water Regulations had changed significantly since the development along Delaware Ave. and the paving of the elementary school parking lot, both of which contributed to the runoff problem. It was now a requirement that the post development and the predevelopment runoff were the same in quality and quantity. He said that the preexisting conditions seemed to be the problem. The neighbors were asking the Town for help with that problem before any additional development occurred in the area.

Mr. Morelli stated that the Town Designated Engineer for the project, Clough Harbour, would be reviewing slope stability, grading, storm water management and soil stability, as part of their review of the project. Mr. Tucker stated that Vern Hoffman was the Geotechnical Engineer working for the applicant.

The Planning Board acknowledged the request for an extension of the sixty (60) days to make a recommendation back to the Town Board on the Planned Development District. It was a mutual request from staff and the applicant.

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

The Board reviewed the minutes of October 3, 2006.

A motion to approve the minutes of October 3, 2006 as amended was offered by Ms. McCarthy, seconded by Mr. Engel and approved by all Board members present.

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

The meeting adjourned at 8:35.