

**PLANNING BOARD
TOWN OF BETHLEHEM**

October 21, 2003

The Planning Board of the Town of Bethlehem, Albany County, New York, held a **Regular Meeting** on Tuesday, October 21, 2003, at the Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY. Chairman Hasbrouck presided and called the meeting to order at 7:30 pm.

Agenda: The Hammocks
 Van Dyke Spinney

Present: Douglas C. Hasbrouck, Chairman
 Keith Silliman, Counsel to the Board
 Katherine McCarthy
 Daniel Odell
 Brian Collier
 Parker Mathusa
 Jeffrey Lipnicky, Town Planner
 Janine Saatman, Deputy Town Planner
 Randall Passmann, Senior Engineer
 Tim White
 Dominic Arico
 George Williams
 Ed Feinberg
 Mark Demph
 John Vadney
 Jeff Vadney
 Joel Vadney
 Herb Steele

THE HAMMOCKS – Milltowne Plaza, Inc. – Wemple Rd.

Mr. Hasbrouck stated that in previous meetings the internal road configuration had been discussed. The concern of the Board was to discourage motorists from using the internal roadways for a shortcut from Wemple Road to Rt. 9W. The applicant was asked to configure a few scenarios for the Board and staff to review. Mr. Arico is presenting those options this evening. Mr. Arico had the different configurations on overheads that the Board had received prior to this meeting for review. Mr. Arico stated that Alternate 1

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showed an intersection at the 2nd T from the Wemple Road entrance. It would also have a stop sign. Alternate 2 had an intersection at both the first and second T from the Wemple Road entrance with both T's having stop signs. Alternate 3 had an intersection at the 1st T from the Wemple Road entrance with a stop sign. He stated that the applicant preferred Alternate 1 because it helped with driveways and turning in the section closer to Wemple Road. The applicant would be satisfied with any of the configurations; it was up to the Board which one they preferred. Mr. Mathusa asked if they had tried moving the road east of where it was shown. Mr. Arico stated that wetlands were in that area and that area would also be used for storm water management. Mr. Hasbrouck stated that there were two other issues that needed to be discussed. One was the fact that the road leading from the Tech Park lined up with The Hammocks entrance. He stated that if they were directly across from one another, it would encourage cut thru traffic. The second issue they were concerned about was street naming. He stated that the Alternate 2 configuration that he thought would work best in curtailing cut thru, would make the naming of streets difficult. The cut thru issue was foremost on the Board's mind. Mr. Hasbrouck asked about the possibility of movement of the road about 100 feet without getting into wetlands. Mr. Arico stated that if they did and avoided wetlands they would more than likely lose a building. There was also a drainage area with culverts to take into consideration. He stated that currently the entrances for The Hammocks and the Tech Park were directly across from one another. He stated that it would be much easier for them to offset the Tech park entrance than to move The Hammocks entrance. Mr. Arico stated that concerning the street names, they would have three street names if Alternate 2 were chosen. Mr. Hasbrouck stated that with Alternate 1 they could have two names. Ms. Saatman put up a map that had a prior road configuration with the entrance east of the one being shown by Mr. Arico. She asked if they had tried to use that configuration keeping the westerly side the same and just reworking the easterly side of the project. That entrance configuration was not lined up with the Tech Park entrance. Mr. Arico stated that it was not intentional that the entrances lined up. He stated again that to move the Tech Park entrance would be easier than to move buildings in The Hammocks to accomplish the entrance offset. He asked how much of an offset they would consider acceptable. Mr. Hasbrouck stated that they would be looking for about 100 to 200 feet. Mr. Lipnicky stated that the idea was to make it inconvenient for someone to use The Hammocks entrance from the Tech Park entrance. Mr. Hasbrouck asked if they had considered eliminating one of the two story buildings and having another three-story building, to keep the same number of units. Mr. White stated that the perspective ownership didn't want to do more than five three-story buildings. Mr. Mathusa asked if putting a light at the intersection of Wemple Road and the two entrances would be considered a deterrent. Mr. Hasbrouck did not believe so. Mr. Arico stated that once the Tech Park was built that the light at Wemple Road and Rt.9W would be recalibrated, Wemple Road would have a turning lane and the flow of traffic would be greatly improved. He felt that it would be more inconvenient to use the cut thru. Mr. Collier stated that he thought there was a benefit to having the entrances lined up because when people were traveling on Wemple, they would have only one area with incoming traffic that they needed to concentrate on. He felt that a good interior configuration would mitigate people cutting thru. He favored Alternate 2 for that reason. Mr. White stated that other alternatives to slow down traffic were a possibility such as speed bumps and

plantings. Mr. Arico stated that the roads were private. The effectiveness of signage was discussed. Mr. Arico stated that he did not want to use such things as speed bumps or dips, they wouldn't work in winter conditions. Mr. Hasbrouck stated that weekend traffic in that area was also significant as well as what was expected from the Tech Park. Mr. Collier stated that he thought traffic lights did a better job of moving traffic along than stop signs. Mr. Hasbrouck asked for the Board's Alternate configuration preference. Mr. Odell stated that he preferred Alternate 2 because it appeared to resolve the problem. Mr. Collier agreed stating that it allowed the driveways near the intersection to not have to exit directly into the intersection. He stated that he liked the plans in general over the ones previously presented. Mr. Hasbrouck opened the question of speed control within the internal private roads. Mr. Lipnicky stated that he wasn't sure how the Town would enforce speed limits. Mr. Odell stated that for non-residents it could be enforced through trespass laws and it could be a condition of lease to obey the speed limits. Ms. McCarthy preferred the road being moved so the entrances did not line up with a significant distance between them and she preferred Alternate 2 for the internal road configuration. Mr. Arico again stated that the Tech Park driveway, which he was involved with, would be easier to move. The Tech Park would have two exits onto Wemple Road; none onto Rt.9W. Mr. Arico stated that they were currently looking at the design and size of the buildings for the Tech Park. Changing one of those would not impact the value of that project as much as moving the road would impact the value of The Hammocks. Mr. Lipnicky asked if moving a certain building and parking lot on the east side would give them enough room to move the road without losing a building. Mr. Arico wasn't sure but he was willing to look at it. There was a culvert in that area and Mr. Passmann stated that the Town would want a drainage easement crossing through that area. That was why the buildings were placed where they were. Mr. Collier wasn't in agreement with the concern with cut thru traffic. He thought a good lighted intersection and a good internal design would solve the problem without moving the road. Mr. Passmann stated that the Engineering Department reviewed the Alternates. A member of that staff was involved with the numbering for 911 emergency response and felt that Alternate 2 and 3 might be confusing for emergency personal. If the whole loop road had the same name, they would come to a split with the road named the same going in both directions. Mr. Arico stated that they could name the streets however 911 preferred after their review. Mr. Passmann thought that Alternate 1 would be better. Mr. Hasbrouck stated that stop signs could be at all the intersections. Mr. Arico stated that 3 ways stops were in the plans for all intersections. Mr. Hasbrouck asked what was the target audience for this complex. Mr. White stated that it was 25 to 34 year old affluent individuals with very few families. A small percentage would be three bedroom apartments, mostly on the third floor and none of the buildings would have elevators. Ms. Saatman asked for the Board feelings on the entrances lining up with one another. Mr. Mathusa felt that with all the stop signs, only the 911 issue was relevant. He preferred Alternate 1. Mr. Collier thought traffic was more important than 911, he preferred Alternate 2. Ms. McCarthy preferred Alternate 2, as did Mr. Odell. Mr. Hasbrouck suggested referring Alternate 1 and 2 to the fire department for their review and suggestions. Mr. Arico stated that he was waiting to finish his elevations until this road configuration could be decided. The Board's feelings on the road alignment was mixed, they decided to defer the issue of staggering the road until the Tech Park project came in front of them.

A motion to table was made by Mr. Odell, seconded by Ms. McCarthy. All in favor none opposed.

VAN DYKE SPINNEY – Vollmer Associates – Van Dyke Road

Mr. Hasbrouck turned the Board's attention to the proposed Van Dyke Spinney Senior Citizen Residence District project. He stated that a comment letter prepared by Mr. Lipnicky had been sent to the applicant addressing issues brought up during the presentation of the project at the last meeting and correspondence received. Mr. Ruthman who had presented the project at the last meeting was unable to attend the meeting tonight. Mr. Ruthman had recently responded in a letter to those comments. Mr. Hasbrouck stated that because of the timing of the letter, the Board did not have the opportunity to review and compare the comments. Mr. Feinberg, Mr. Ruthman's associate, was at the meeting to comment and answer questions on the document prepared by Mr. Ruthman or on other issues pertaining to the project.

Mr. Feinberg stated that at the last meeting the main issue was affordability. He stated that Mr. Lipnicky's memo stated that there was not a definition for the terms affordability or moderately priced in the Town Code for a Senior Citizen Residence District. Mr. Feinberg stated that he thought Mr. Lipnicky used data from the Albany, Troy Schenectady S.M.S.A.'s median income as definition. Mr. Feinberg stated that when statistics from the Census Bureau for Bethlehem were used, Bethlehem had a median income 6% to 7% higher than the county. He stated that The Senior Citizen Residence District code was written in 1990 to address the need of Marie Rose, a project that the Town felt was beneficial to the citizens. In Mr. Feinberg's opinion the Code seemed to have some conflict pertaining to slope and location. He felt that the intent of the statute was to fulfill a need of the public over 62. According to the Census Bureau there were about 6,000 people in this category living in Bethlehem. New York State publication Project 2015 called for different groups and agencies through out the state to look into the need for Senior Housing. Mr. Feinberg stated that this project would not be subsidized, not controlled by HUD or other agencies and he felt that it would address the needs of the elderly in Bethlehem. The Board must decide if that was the type of project that the Town would want. Mr. Feinberg stated that he and Mr. Ruthman were involved in other projects in Bethlehem and in other areas of the state with lower median income. The subsidized apartments in other areas had vacancies at this time and he believed the reason was the amount of personal financial information that was required of the elderly residents on a regular basis. Mr. Feinberg stated that after looking at all the statistics the decision to be made was whether this proposal was moderately priced. He felt that under most definitions the answer was yes. A representative of the Community Preservation Corporation that finances affordable housing was interested in this project. The proposed rents would be about \$1.00 per square foot, which in his opinion was within the median income the Town of Bethlehem. This was not a final figure. The applicant was open for discussion. They were looking to use their current project, Adams Station, as a guideline. When all costs such as loan costs, taxes, etc. were added together based on construction

cost of \$90,000 per unit, the debt service came to approximately \$540 to \$550 before any routine maintenance or repair on the property had been taken into consideration. The target audience for this project would be persons 62 years of age, who want to sell their house, stay in Bethlehem, don't qualify for any assistance with their housing needs and want to live in a community with other people in their age group.

Mr. Collier stated that he would like clarification on the median income of the Town of Bethlehem. Mr. Feinberg stated that from figures compiled by the Capital District Regional Planning Commission that the household median figure was \$63,159.00. Mr. Hasbrouck wanted to know that in households that were broken down by age, how did the range of income differ for the elderly. Mr. Feinberg stated that according to the Census Bureau the median of the elderly income was about 70% to 75% of the median of working couples. Under HUD guidelines there was no differentiation in income level for subsidies between the elderly and families. He stated that his project was looking at the great middle of the elderly. They were not looking to service those people who were making less than \$12,000, which was the poverty level. No matter what house people were looking at in Bethlehem, the average price was over \$200,000.00, even town houses. That was over \$1,200.00 per month just for mortgage payments. Their project supplies other services for the same price without having to deal with all the other issues of home ownership. He felt that the rent in the range of \$1 per square foot was the going rent. With today's construction costs he felt this cost was reasonable. There had been a question of a bus system in one of his meetings, he felt that a bus could be provided to the complex, it was a cost but it could be figured in. Mr. Dempf stated that some of the CDRPC data dealt directly with housing and the high and the low range of a person's salary. 15%, which was the low range, would translate into a \$50,000 a year salary. He stated that they don't know specifically what the average range of income for the target audience was in Bethlehem. Mr. Feinberg stated that according to the 2000 census from the NYS Office of the Aging, in the age range of 65 to 75 in Bethlehem, 13.5 % had income that was less than 2 times the poverty level. Mr. Lipnicky stated that data from CDRPC in 2002 put the poverty threshold of a 2 person household that was 65 years and older at \$10,884. Mr. Feinberg stated that 87% of the population was over that; by how much was not known. Other apartment complexes in the Town were at about .80 to .90 cents per square foot and the percentage of the elderly was about 7 or 8. Mr. Feinberg felt that it was because those complexes were not set up for the elderly. Mr. Collier stated that part of the Code stated that the housing needed to be affordable, the Board had to determine whether it agreed with the applicant's definition of affordable. Mr. Odell stated that the advantage to being called a Senior Citizen Residence District, was that the applicant would be allowed to construct a complex with a higher density. Mr. Lipnicky stated that the applicant's proposed density was below the allowable density. The increased density was one particular incentive for applicants to be able to charge an affordable rent to be made up in more units without more land acquisition. He stated that the Marie Rose Manor project was first proposed in a different location and during that time was when the Code was written. The developer of Marie Rose Manor felt that HUD would be more receptive a project that would allow higher density because in their opinion the reduced cost of the project would be favorable to HUD. Mr. Odell asked why the applicant specifically wanted this project to be under a Senior Citizen Residence

District. Mr. Feinberg stated that they wanted the limitations of only senior citizens being able to live there. Mr. Lipnicky stated that the Code was written with the 202 statute in mind. It wasn't aimed at very low income. Mr. Feinberg stated that the 202 statute's intent was to expand moderately priced housing for the elderly. He felt that the question before the Board was what did they consider moderately priced. He stated that Mr. Lipnicky's memo used HUD standards but that the Town was not bound by those standards. Mr. Mathusa stated the Board has to make a determination if the range of a 2 person, 2-bedroom price of \$1,000 per month was acceptable. Mr. Lipnicky stated that HUD didn't have one consistent standard of income. He felt that the Board would have to make their determination based on the history of the putting this legislation together. He stated that there were projects in the Town that typically were for Senior Citizens but not in a Senior Citizen Residence District. He felt that the question became; does it meet what the Board would consider the concept of what affordability means and does the project meet the other individual criteria within the Code. It doesn't have to meet all the criteria but if doesn't meet any of the criteria then the justification of it would be difficult. Mr. Lipnicky stated figures for the Marie Rose rents from Senior Services were a maximum of 30% of income and the maximum income range is \$23,900 for a two-person family and \$20,950 for a one-person family. Mr. Feinberg stated that HUD had a complicated calculation for their projects to determine what they will lend. They then control the amount of the allowable rent that was reviewed on a regular bases. The tenants had to give detailed information and documentation on all their finances and medical. The information they gave determined what the residences gave as their portion of the rent. HUD paid the remainder. He stated that they had vacancies in their HUD projects because in his opinion the residents didn't want to give them their personal information and under HUD guidelines if they don't they must be evicted. Most people living in HUD properties were below the maximum income. Mr. Odell stated that when he started to consider what was affordable in the Town of Bethlehem he looked to a range of what is currently being paid in rents. The 1999 Census data from the CDRPC had the median range at \$752.00. The proposed rents in the application range from 120% to 160% of the median range in 1999. Mr. Collier stated that according to a landlord in the Glenmont area, rent for a 2-bedroom unit 4 years ago was \$600.00. The same apartment now rented for \$850.00, about a 40% increase. He stated that if that percentage increase was applied to the median range that Mr. Odell stated, the result is \$1,062. Mr. Lipnicky stated that a fundamental issue was what section of the elderly was the Code written to service. Mr. Mathusa felt that the Board had to decide if a large enough percentage of the elderly in Bethlehem would be able to afford the range of rents proposed. Mr. Feinberg stated that this project was targeting well people that are 62 and older. Mr. Hasbrouck asked if other sites in Bethlehem had been considered. Mr. Feinberg stated that there were few areas in the Town of Bethlehem that weren't wet. He felt that the site they had chosen was quiet, in a low traffic area and had the Town Park nearby. He stated that because it was an over 62 resident project, it wouldn't add to the population of the school district. Mr. Lipnicky stated that when those over 62 persons sold their homes, the houses would probably be purchased by families with children, so there was a trickle down effect. Mr. Collier brought up the water district in that area. Mr. Feinberg stated that they understood that the water district would have to be extended. The approval would be contingent on that extension.

Mr. Collier stated that taking the HUD formula of 30% of income with the average being \$64,000 per year, that would be \$1,600 per month. Out of the 5,000 elderly persons there would be a variety of living arrangements, he doesn't want to discount the individuals that fall into the higher income bracket. Mr. Feinberg stated that the project was income blind. It was not certain that those figures were accurate for the elderly population because that type of breakdown is not available.

Mr. Hasbrouck recognized residents, the Vadneys, in the audience that were in close proximity to this project. He asked if they had any questions or comments at this time. Mr. Feinberg put a map of the project area up to show the Board where the Vadney's property was in relation to the project. Mr. Hasbrouck explained that the applicant had asked that the area be rezoned for this project. The rezoning was an action that had to be taken by the Town Board. The Planning Board was simply an advisory body for this issue. The Town Board had asked the Planning Board for a recommendation on whether the rezoning should be approve or denied. The Town Board would have a public hearing on this matter. The Planning Board would not have a public hearing but when residents that are affected by projects were present, the Chairman liked to listen to their concerns or questions. Mr. Feinberg pointed out on the map the extent of the ownership of the Vadneys along the common property line with the proposed project. Mr. Dempf was not sure what the buffer was between the two properties. Mr. Feinberg stated it would be whatever the Town Code required. Mr. John Vadney stated that his largest concern at this time was where was the drainage going. He didn't want any drainage going onto his property directly or indirectly. He already had a problem with drainage on the east side of his property. It continued to get worse. There was a small common gully between his property and the proposed project site that he felt the water will follow. He stated that the soil composition in this area was clay. He had lived on the property for 63 years and he worked with the land every day. This clay turned to a milky solution when mixed with water. He felt that if it drained onto his land, it would ruin that side of his land. He felt that the drainage should be diverted onto the land that the applicant owned on the other side of Van Dyke. Mr. Hasbrouck stated that during project review the Board looked to make sure that any condition that was current between properties was not made any worse. In many cases it was improved. Mr. Dempf stated that under the Storm Water Regulations, it was not allowable to drain onto adjacent property. Mr. Vadney commented that that was only talk. Mr. Hasbrouck stated that DEC had recently imposed must stronger requirements pertaining to the storm water regulation. The DEC was the approval agency for this issue that would decide if this project could be built. The intent of the new regulations was to protect waters that would be running into protected streams. Mr. Vadney felt that with 200 units with blacktop and short grass during rains, it would take about 5 minutes for the runoff to be on his property. It happened now and the land was a hay field that absorbed more than roofs and driveways. Mr. Hasbrouck tried to reassure Mr. Vadney that there would be many regulations that would stop that from happening. He stated that it would be on the Town Board's agenda and the Planning Board's agenda again before any decisions were made and they could monitor the progress that way and become involved. Mr. Vadney asked what would happen if the Senior Citizens did not move into this project. Mr. Hasbrouck stated that if built as

applied for it would be a condition of the approval that all the residents would be at least 62 years of age, which is a stipulation of the Code. Mr. Lipnicky stated that the applicant would have the option of going before the Town Board to request that the property be rezoned again. Mr. Feinberg stated that any bank involved would make sure that the project could be successful before lending money for it. Mr. Collier asked Mr. Vadney if a 220-unit development with Senior Citizens was preferable over the same amount of units with families. Mr. Vadney stated that he was told his 70 acres of property would be worth more but he wasn't interested in selling. He just wanted to live there and someday pass the property along to his grandchildren. Mr. Jeff Vadney stated that he had lived his entire life there and asked the Board members if they had been to the property of the proposed project. He wanted to know if they were familiar with the slopes and the grades and the gullies. Mr. Odell stated that he had been there. Mr. Vadney stated that about 45% of the land was extreme gullies. Mr. Hasbrouck stated that the Board members, as do staff, go out to every project site that they work on and they were aware of the terrain. There will also be other agencies involved in the review process. Mr. Steele commented that he had looked at the plans and the area of the proposed project and it was exactly where he would prefer to live. He stated that Nelson House, which was a not-for-profit in Albany, is \$1,200 with meals and some services but at most a person gets three rooms and that's the cheapest place in town. The cost of this project looks affordable compared to that. Mr. Jeff Vadney asked if he could have a copy of the plans of the project. Mr. Feinberg stated that their office would supply the plans.

A motion to table was made by Mr. Mathusa and seconded by Mr. Odell. All in favor none opposed.

Due to Election Day and the next regularly scheduled Planning Board meeting falling on the same day, a motion was made by Mr. Odell to change the date of the next Planning Board to Monday, November 3, 2003 and seconded by Mr. Collier. All in favor none opposed.

A motion was made by Mr. Mathusa to approve the minutes of August 5, 2003 as rewritten, seconded by Mr. Collier and passed by all present.

A motion was made by Mr. Mathusa to approve the minutes of August 18, 2003 as written, seconded by Mr. Collier and passed by all present.

A motion was made by Ms. McCarthy to approve the Public Hearing minutes of September 18, 2003 with one amendment, seconded by Mr. Odell and passed by all present.

Mr. Hasbrouck informed the Board that an agreement had been reached with the developers of the Town Squire Phase II project. They had agreed to an additional \$20,000 to be put into an escrow account for improvements and they would also extend the sidewalk along Rt. 9W to their driveway and into their project. Mr. Hasbrouck agreed at that time and asked the Board if they had any objections. There were no objections. Hollywood video had also agreed to put a 2 1/2 foot knee wall across the

front of the store. Mr. Passmann stated that considerable work would be done by DOT and the Nigro project to improve the road situation in that area.

Mr. Hasbrouck stated that Mr. Cirillo would be at the next meeting to explain a new practice that the Engineering Department was considering adopting concerning review of a project as it was being built to make sure that it was following the approved plans. It had come to the Engineering Department's attention that sometimes that was not done.

A motion to adjourn the meeting at 10:25 was made by Mr. Mathusa and seconded by Mr. Odell.