

**PLANNING BOARD  
TOWN OF BETHLEHEM  
APRIL 1, 2003**

A **regular meeting** of the Planning Board, Town of Bethlehem, Albany County, New York, was held on Tuesday, April 1, 2003, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Douglas C. Hasbrouck presided and called the meeting to order at 8:50 p.m., after a short break, and following two public hearings - - held for The Meadows Section 2C and Willow Estates.

PRESENT: Douglas C. Hasbrouck, Chairman  
Howard Engel  
Parker Mathusa  
Dan Odell  
Brian Collier  
Katherine McCarthy

Keith Silliman, Counsel to the Board  
Jeff Lipnicky, Town Planner  
Janine Saatman, Deputy Town Planner  
Randall Passmann, PE, Dept. of Public Works  
Michael J. Cirillo, LLS, Engineering Services Admin.

Paul E. Hite, LLS, Delmar  
Thomas Rizzo, Offices of Paul Hite  
Kristen Olby, The Spotlight

**HEDGEFIELD SUBDIVISION**, proposed as 3 residential lots and one remaining parcel located on Weisheit Rd., owned by Murat Kasparian and Arjanti Kasparoglu in a Light Industrial Zoning Dist. was the sole item on the regular agenda. Mr. Hite said he expected his client at the meeting and although he was not present he asked to be able to make his presentation. The proposal is to develop 3 residential lots with one remaining lot not to be developed at the present time. Mr. Hite described site characteristics. The property is surrounded by single-family residences and vacant land, which was recently approved for residential purposes. With the James Subdivision, the Town approved a drainage plan, which is tied into the proposed subdivision. In order to provide for a 60 ft. right of way, sufficient land will be conveyed to the Town along Weisheit and Wemple Rd. to accommodate this purpose and takes away nothing from the proposed subdivision. The map shows schematics of driveway and proposed dwellings, septic to the rear with wells located along the frontage. Mr. Hite also talked about the remaining acreage where more testing is needed by the Albany County Health Dept., and others. The lots to be developed are approximately  $\frac{3}{4}$  of an acre. There is no intent to do any great amount of grading on the proposed lots. Mr. Hite referred to a typical drywell design, which is subject to review/approval by the Town Engineering Dept. Gas service is not available to the area; electric is available. In terms of cable TV, Mr. Hite did not believe there was

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service but was not certain. The view overlooks the Hudson River into the Berkshire Mountains.

Chairman Hasbrouck asked if members had any questions. Mr. Collier asked that the zoning of adjacent lands be identified on the map. Mr. Hite referred to a Note on the map indicating zoning as Light Industrial. The property is in the Bethlehem School Dist. and is noted on the drawing. Mrs. McCarthy asked if the trees and brush would remain. Mr. Hite said his client has no desire to clear the property. He said he spoke to Mr. Lipnicky relative to the remaining lot and is aware that the Town will request drainage easements. He said his client is willing to grant easements necessary to maintain the existing drainage pattern, as long as it does not lock them into anything. Mr. Hite went on to describe the current drainage situation of the lot to remain undeveloped.

With respect to the proposed 3 lots, Chairman Hasbrouck asked if the water table and the grade on the slope allows them to provide trans-vap systems at finish grade, or would they have to be raised? Mr. Hite said the water table was not a problem on the lots proposed for development. As far as the remaining parcel, Mr. Hite said he met with representatives of the Albany County Health Dept. and they did not feel there would be a problem in developing the lot, however, additional work is needed. If it were found that the parcel is undevelopable, it would be conveyed to adjoining property owners.

Mr. Lipnicky asked Mr. Hite to comment on well water in the area and if the County had concerns with the lot sizes, since there is a need for wells and septic systems on each of the lots. Mr. Hite said the County voiced no problem with respect to lot size. He said he forwarded a copy of his map to the County for their review. There is more than an adequate supply of water for each of the lots. As far as separation requirements, the Health Dept. requires a 100 ft. separation from the well and septic system and 50 ft. from the well to the septic tank.

Mr. Passmann talked about the adjacent James Subdivision on Wemple Rd. and the Town's requirement of a drainage easement. What will be needed as part of the Hedgefield Subdivision is an additional 15 ft. drainage easement and another one following the center of the existing drainage ditch, the width yet to be determined. In the future, if there are plans for the remaining lands, one of the easements may be relinquished if it is unnecessary. The submitted drawing does not show any proposed topography and the Town will want to see that there is a break in the grade for positive drainage away from the homes. There is a culvert under Weisheit Rd. that picks up water from the north and brings it in a southerly direction. There is a break in grade on Weisheit Rd. and water comes to that culvert. The Town will want to see how drainage will be cared for in this particular area. Concerning the proposed 60 ft. ROW, Mr. Passmann said he wasn't certain that 60 ft. was necessary and will be conferring with others in the Engineering Dept. As far as wetlands are concerned, Mr. Passmann believed the delineation on the James Subdivision abutted the subject property. Mr. Hite said there were wetlands in the ditch line and at the time the map was prepared the snow was too deep to make a positive determination. Since the lot is not proposed for development, he said he did not show wetlands. He said he walked the other 3 lots and

saw no indication of wetlands. Mr. Passmann asked if there was a separation between the septic systems and the wetlands. Mr. Hite said he was not aware of any specific requirement. There was further dialogue with respect to wetlands.

Mr. Lipnicky said based on his preliminary review, it was found the project was not in or near an Agricultural District nor does it appear to be in an archeological sensitive area, as depicted on SHPO mapping, however, three structures in the immediate area may be eligible for the National Register. They include properties at 596 Wemple Rd., a parcel which is substantially contiguous to the site; 551 Wemple Rd. (known as the Westervelt house) and possibly 119-123 Weisheit Rd. In review of the Albany County Soils Survey, there is no indication of hydric soils, one of the criteria for Federal wetlands, although in the stream bed there may be some hydric soils. The primary concern is the remnant parcel, which is not part of the project. He said he's been seeing a number of similar proposals where an applicant does not want to deal with potential environmental and other issues in the remnant piece. The approach has been to exclude it from the application. From a SEQR perspective, the question of segmentation may be an issue. One of the responsibilities of the Planning Board is to provide for orderly development of the Town. If subdivisions are being presented where only a portion of the land is proposed for development, that presents a problem. Mr. Lipnicky said there was the potential for the remnant parcel to be sold at County auction with an individual seeking relief through the Variance route, or some other means, to develop the lot in the future. He said he would strongly encourage the Board in these cases to find out what is to become of the lot labeled remaining lands/not for development. The preference is to show that the fourth lot could be developed or have it incorporated into another lot. The shared dry well is also a conflict issue in the future between the two adjoining lot owners and it would be preferable that each lot had its own dry well. Mr. Lipnicky reaffirmed issues raised by Mr. Passmann with respect to grading, etc. He agreed with Mr. Hite that a good portion, if not all of the trees, could likely be saved around the rear of the property.

Mr. Hite said with respect to the remaining lands, it was not possible to investigate the usability at the time the survey was originally prepared. If it is not useable, he said an effort would be made to convey the lot into the adjoining property. He said he wanted to have the opportunity to review the lot further. There was further dialogue with respect to the remaining parcel. He questioned Mr. Lipnicky's comments regarding segmentation. It was his feeling that a Negative SEQR Declaration should be rendered for the minor subdivision. Mr. Lipnicky said he was not arguing that the Board should require an Environmental Impact Statement but segmentation does not relate only to times when an applicant is required to prepare an EIS. He said what he would be recommending to the Board is that before approval was granted to the subdivision that the fourth lot is accounted for, whether it be an individual lot or incorporated into adjacent parcels. Is the lot developable, he wondered, and if the County Health Dept. can make its assessment in a month's time, that was not unreasonable.

Mr. Collier said reference was made to the Feeney parcels on Orchard St. He said it was his belief the lots are different when 90% of the parcel on Orchard St. is encumbered by

easements. With the lot in question, although it is not part of the application and the Health Dept. has not completed its work, essentially the parcel could be construed to be a lot based on zoning requirements. He wondered why Mr. Hite could not change his application and identify it as lot 4. The Board has approved a number of lots which did not have Health Dept. approval at the time of Board approval. Mr. Lipnicky did not believe the Board has made a practice of approving lots that may not be developable. Ms. Saatman added that generally there is some initial indication that a particular lot is buildable.

Mr. Mathusa said he was sensitive to what Mr. Lipnicky was saying and it was good planning but in this instance, the applicant could find some legal way of disposing of the parcel and then the issue of segmentation is gone. It does not account for the policy issue which, he said, he was interested in.

Mr. Hite described what he envisioned the Albany County Health Dept. would require in making its determination that the lot was buildable. It could take months, he said. He said his client was more than willing to attach the lot to another parcel if it was ultimately found that the lot was unbuildable. Mr. Lipnicky said what he was suggesting was that at the time of approval, the Planning Board should know whether the fourth lot is developable because by default it becomes a lot. Mr. Hite had a difference of opinion and there was a discussion between Mr. Hite and Mr. Lipnicky. Mr. Odell felt that the Planning Board should do its job and not leave something unaddressed because as time goes by people will forget. It struck him as not being good planning to leave something so obvious undone.

Mr. Hite went on to voice dissatisfaction with having to address the fourth parcel, shown as reserved. Mr. Collier wondered why it would not be acceptable to do what was done with the James Subdivision—approve the lot with the condition that it could not be built upon until the affected agencies approvals have been obtained. Mr. Lipnicky said his problem with that avenue is that the wetlands would not have been addressed. Secondly, the three other parcels are considered buildable, with the same issue of having a lot that is not developable. Mr. Lipnicky raised the scenario of the parcel going up for sale by the County because of non-payment of taxes and the Board would have to deal with it in the future.

Counsel Silliman suggested approving the parcel as a lot, contingent upon the necessary approvals—from the Army Corps of Engineers re: wetlands and the Albany County Health Dept. If the lot is proven that it is not buildable, it would then be attached to another parcel. Ms. Saatman raised an issue that if the adjacent lot is sold, it would be difficult to attach it to that property. There was continued discussion with respect to the remaining parcel. Mr. Hite suggested he would contact the Health Dept. to find out when they could come out to do their testing and report back to the Board. If the Health Dept. cannot make a site visit until August, he said his clients would have to determine an alternate course of action.

Chairman Hasbrouck believed the Board preferred a resolution on the question at the time of approval. The only difficulty in the interim is in going to a public hearing, the map must show what will ultimately be acted upon. In the meantime, the Engineering and Planning Departments have asked for additional information which will take time to prepare. There is still time to make an assessment of the parcel, he felt, without any unnecessary delays. The Board, he felt, was concerned with the long-term solution. He believed Mr. Hite understood the Board's dilemma. If necessary, Mr. Hite could update the Board at the April 15th meeting.

Mr. Lipnicky added that because the subdivision is contingent to potential historical properties, contact should be made to the SHPO, realizing that the one structure is not in good condition. Mr. Hite asked if SHPO was contacted when the James Subdivision was approved. Ms. Saatman said she did not contact SHPO because it was not stated that the property was eligible for the National Register. Mr. Lipnicky said the property may be eligible but it has not been determined to be eligible. Mr. Hite asked who makes that determination. He was advised that SHPO would make the final determination. Mr. Hite questioned the need for SHPO involvement.

At this point all relevant questions had been addressed. A motion to table the discussion was offered by Mr. Collier, seconded by Mr. Odell and passed by all present.

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Minutes of the March 4, 2003 regular meeting were edited and approved on a motion by Mr. Mathusa, seconded by Mr. Collier and passed by all present. The March 18, 2003 minutes were adopted on a motion by Mr. Collier, seconded by Mrs. McCarthy and passed by all.

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All business concluded, a motion for adjournment was offered by Mr. Mathusa, seconded by Mr. Odell and passed by all present. Chairman Hasbrouck declared the meeting closed at approximately 9:45 p.m.

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Minutes of the April 1, 2003 meeting were transcribed by Alice A. Cirillo, C.P.S. The minutes were edited and approved by the Board on May 6, 2003.

Respectfully submitted,

Deborah M. Kitchen

Acting Secretary to the Board

**PLANNING BOARD  
TOWN OF BETHLEHEM  
APRIL 1, 2003**

The Planning Board of the Town of Bethlehem, Albany County, New York, held a public hearing on Tuesday, April 1, 2003, at the Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY, on **THE MEADOWS, SECTION 2C**, Bender Lane at Foxfire Lane, Glenmont, NY. Chairman Douglas C. Hasbrouck presided and called the meeting to order at 7:30 p.m.

PRESENT: Douglas C. Hasbrouck, Chairman  
Howard Engel  
Parker Mathusa  
Dan Odell  
Brian Collier  
Katherine McCarthy

Keith Silliman, Counsel to the Board  
Jeff Lipnicky, Town Planner  
Janine Saatman, Deputy Town Planner  
Randall Passmann, PE, Dept. of Public Works  
Michael J. Cirillo, LLS, Eng. Services Admin.  
Paul E. Hite, LLS, Delmar  
Greg Swift, Foxfire Townhomes, LLC, Glenmont  
William Zautner, A.T. Zautner & Son, Glenmont  
Thomas Rizzo, offices of Paul Hite  
Rande & Michael Lipnick, 522 Huron Rd.  
Chelsea Ratcliffe, 2575 Reno Rd., Castleton  
David Blaustein, 526 Huron Rd.  
Harriet & Frank Hauser, 8 McKinley Dr.  
Keith Pause, 6 Columbine Dr.  
Loretta Carney, 29 Leaf Rd.  
Alice Murphy 22 Spruce Court  
Elizabeth Mattox, 22 Willow Dr.  
Rena & Daniel Button, 16 Spruce Court  
Alice Adell, 22 McKinley Dr.  
Mary Phillips, 18 Spruce Court  
Elain & Brian Kotz, 14 McKinley Dr.  
Elby & Joyce San Chez, 9 Spruce Court  
Gregory Ressegieu, 30 Willow Dr.  
Kristen Olby, The Spotlight

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CHAIRMAN HASBROUCK: Let's get started. The first thing on the agenda tonight is the public hearing for The Meadows Subdivision, Section 2C. I'd ask first for a motion to indent the notice into the public record.

MR. MATHUSA: So moved.

MRS. McCARTHY: Second

CHAIRMAN HASBROUCK: All in favor

ALL: Aye.

CHAIRMAN HASBROUCK: Opposed. Thank you.

#### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, April 01, 2003, at the Town Offices, 445 Delaware Ave., Delmar, NY, at 7:30 p.m., to give consideration to the application of Foxfire Townhomes, LLC, 15 Kenwood Ave., Glenmont, NY, for approval of a proposed four (4) lot subdivision to be known as The Meadows, Section 2C, located on Bender Lane and Foxfire Lane, as shown on map entitled, "Subdivision Plan, PROPOSED DUPLEX LOTS, BENDER LANE, 'THE MEADOWS' SUBDIVISION, SECTION 2C, Town of Bethlehem, County: Albany, State: New York" dated February 11, 1997, revised to 02/13/03 and made by Paul E. Hite, LLS, Delmar, NY.

CHAIRMAN HASBROUCK: The Meadows Subdivision is a subdivision located on Bender Lane. It's partially built out and this section that we're looking at tonight has to do with the creation of four (4) lots from two existing lots for the purpose of building two duplex homes there. With that introduction, I'll ask Mr. Hite to make his presentation and while he's getting everything ready, I'll just tell you that when we open the floor for public comment, our procedure is basically since this is a public hearing, everything is recorded verbatim. So, if you would, if you have any questions or comments to make, please come to the microphone. There's no sequence here. You can make any comments you want or ask any questions you want. Come to the microphone and give us your name and address for the record and then the floor is yours. There is no limit on time or anything like that. With that, Mr. Hite the floor is yours.

MR. HITE: Thank you, Mr. Chairman, members of the Board, audience, my name is Paul Hite, Land Surveyor and Land Planner, Delmar NY. I'm here tonight representing the Foxfire group that owns land located on the northerly side of Bender Lane just southeasterly of its intersection with the Delmar Bypass, NYS Route 32. To update because a couple of the Board members are new and may not be as familiar with this

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project...a number of years ago The Meadows Subdivision was approved by the Town Board and this Board through its many reviews as a complete complex consisting of duplexes on these six lots and every lot across the way was for a four unit apartment building. Economically it wasn't worth the time and the owner decided he did not want to build the apartment units which would have been this entire some 70 lots and therefore decided to sell it. My clients, the Swift Group, purchased the entire subdivision which consisted of all the units here and the six duplex lots which we're on tonight. We appeared before this Board and it was decided at that time that we had to come back and ask for approval to construct single family homes on all the lots that were located on the southerly side of Bender Lane, a proposed highway known as Fields End Drive and the other highways that were subsequently constructed after that approval, with the six duplex lots remaining in its status. I believe that is probably about as far as I need to go to bring the Board up to date, giving members the general history of this proposed subdivision.

At the time this was proposed there was a number of design groups involved and I tried to get them to push Foxfire Lane, which is an existing Town highway you see here with the homes around it, more in this direction to develop two more lots here. They didn't want to. I don't know why; I never did find out why but anyway we went through the approval and the six duplexes only were constructed around Foxfire Lane. About four years ago the Swift Group came to see me. We sat down and looked at why all this land was being wasted with the success of the rentals of the six units that we have there, which are very nice units and I'm sure just about every member of the Board and probably most of the people in the audience have driven by these and they are very well constructed, very well maintained, completely rented and in my opinion an asset to the entire area. When we looked at what we could do with the rear of these two large lots that extended between the homes over here, and as you can see there's a tremendous amount of land, what we proposed to build were two more duplex lots. We came before this Board and presented it in a general presentation and probably more my fault than anyone else's, it kind of got put to the side because we were developing another project down Wemple Rd. known as Meadowview. That was completed, construction in here went through and in the last 6-8 months decided to revisit this site and that's why we are here tonight. Our proposal is to take the rear portion of these two lots that contain existing buildings on them, subdivide now into two lots, one here consisting of approximately 25,000 sq. ft. and the other one here consisting of about the same size, more than adequate to build the same type of building that you see here. We have looked at numerous types of buildings to put on here but our schematics are laid out in such a manner that the same type of building is proposed to be put on these two lots. All utilities are available; we propose to extend the sanitary sewer from a manhole existing in Foxfire throughout the front of the site and the southerly side of the existing site and then to provide sanitary sewer to the two new lots. Water exists on the southerly side of the street. A tap will be made across to the two lots. Electrical, telephone, cable TV, all utilities are available to the site.

When this was originally presented some 3-4 yrs. ago, the engineer at that time was John Fenzl, who most of you remember I'm sure, went through our proposal and in his comments felt that this ditch that exists along Bender Lane may be a situation that the

kids that would live in these two homes would be out there wading in this ditch and track mud into the buildings, so, one of his comments was that we construct a drainage system along Bender Lane that would pick up the water that's in here, take it through this underground system and release it at this point and back into the existing system that is here and along the Delmar Bypass. That was designed and is presently being reviewed by the Dept. We received comments on it and we will address those.

Driveways into the two new buildings will be placed appropriately if this is approved on these two lots, will be in this general area and in this general area. If I could switch maps I will show you that, keeping in mind that our subdivision approval must come first and then we have to come back to you for a Site Plan Approval for any buildings that would be constructed on this proposed subdivision. This would be a proposed building in this area and a proposed building in this area with driveways, turnaround, parking and driveway, turnaround and parking. One of the comments from the Planning Dept. has been that the present maintenance of Bender Lane is approximately from this point southerly and easterly and out here it is the State of New York and if we propose to do what we're doing here, we may have to get a permit from them to put some rip-rap at the end of that. So there's a very good possibility that this building would be flipped over and the driveway would come out here but we feel that that would not be necessary because in dealing with what we are dealing with and the Town of Bethlehem Highway Dept., we don't have to have any specific permit that you do with the State. Grading would be done so that all surface runoff would be into these catch basins and manholes that we will construct with this system and drift to the back into a drainage system that's here. We will be retaining as many trees as possible from the site. That's something we will be looking at and may have to show the Planning Dept. exactly which trees will be removed along this highway in order to maintain the necessary sight distance for the driveways on each of the lots. There's no problem with it; we have looked at that and with the clearing that is necessary to install this system there would be more than adequate clearing and sight distance from either side so that eliminates any danger of collision out of these driveways here or over here. I believe that is the extent of my presentation. I will try to answer any questions that the Board and audience may have. With me tonight is Mr. Swift who can comment about what he proposes to build. I'm sure he can answer that.

CHAIRMAN HASBROUCK: Thank you, Paul. Does the Board have any questions first of all?

MR. MATHUSA: Can I just ask one question—from the back line of lot #15 to let's say the duplex just north of it, about how far would that be?

MR. HITE: #15?

MR. MATHUSA: Yeah, let's say from the back line there to that..

MR. HITE: To that duplex, you know I'm going to..if you don't mind I'm going to step over here. I specifically brought this along, this is #15, from that building...this is a 1

inch = 50 scale, I'd say probably about 175 ft. something like that. This area is covered with trees. I'm aware of the fact that you have a letter from the owner of the building that I have shaded in yellow, that she would like some additional plantings and for the Board to specifically be able to see the relationship of her building to the two proposed duplexes, I put together this composite and as you can see there is a slight opening through here. I believe the Planning Dept. went over and took some pictures to show this area. We're more than willing to address that issue if it's necessary. The distance from this building to that proposed building is some 460 ft. and from this building to this one is about 425 ft. Since the time that these surveys were done a couple more trees have been planted in here, I believe by the Town of Bethlehem Public Works. We did not locate those; I did not have time to do it. We will certainly do that. And as I said, we're more than willing to address that if the Board so desires. Thank you.

CHAIRMAN HASBROUCK: Thanks Parker. Any other questions from the Board? All right some people have come in since we started here so let me repeat a little bit of what I said before and I'll add one other comment also. We will open the floor in a minute for public comment to anyone who has questions or comments about this proposal. We ask you to come up front, use the microphone and give us your name and address for the record. Everything that is said tonight will be recorded verbatim as a public hearing record, and, let's see, the other thing I will say is that if you have questions, both the applicant or the Board, or staff, are welcome to try to address those questions tonight if we have easy answers, we'll try to give them to you, if we know exactly what those answers are but we are under no obligation to answer questions tonight. The only thing that I can assure you is that any questions that you have if it is something that we haven't already looked into, we certainly will look into it and get back to you one way or another to make sure certain questions are addressed, but, the purpose here for tonight's meeting is for us to listen to you and not necessarily to respond in every way to every question you might have. We will do that to the extent that we feel that we are ready to. With that, unless the applicant has any more, I'll open the floor to public comments.

Anyone? Ma'am, please use the mike.

UNIDENTIFIED: I just wanted to be sure...we don't know what item this is on the board there.

CHAIRMAN HASBROUCK: I'm sorry. This is The Meadows Subdivision on Bender Lane. Anyone have any questions on this project at all, or comments? Maybe I should have asked that first, Paul. OK, if there are no questions or comments from people attending here, then I'll ask for a motion to close the public hearing.

MR. ODELL: So moved.

MR. COLLIER: Second

CHAIRMAN HASBROUCK: All in favor.

ALL: Aye.

CHAIRMAN HASBROUCK: Opposed. OK, thank you.

At the close of the public hearing, Mr. Hite asked the Planning Board to consider the plat submit a final plat, since there was little public comments. Chairman Hasbrouck said at staff meeting earlier in the day, it was determined that it was not definite that the project would be further considered at the April 15<sup>th</sup> meeting because the Engineering Dept. wanted additional information on the Engineering report, among other things. The Board will be looking at what step in the approval process to utilize and when feasible, because the proposal would be considered minor, it is more efficient to eliminate the preliminary step. He said the Board would consider the plat for Conditional Final Approval.

As part of the record, a letter dated March 21, 2003 was received from Stuart M. Lasnik, 25 Sage Lane (who could not be present because of a prior commitment), voiced objection and concerns, stating that they were "blindsided by the revelation of this project" and would not have purchased an expensive home knowing that they would have a view of duplexes. He stated that Mr. Donald Swift should have made them aware of the proposed project but instead charged a \$5000 lot premium. Mr. Lasnik said the project would decrease the value of their home and that it would no longer be fairly appraised. He goes on to state that, "our objections to the proposed project would be mitigated if tall white pine trees or tall Canadian hemlocks could be strategically planted on our side of the road in such a manner as to screen our view of the proposed duplexes. Our other neighbors on Sage Lane have woods and brush to obscure their view of the proposed duplexes. We think this would be an equitable compromise for the situation at hand."

**PLANNING BOARD  
TOWN OF BETHLEHEM  
APRIL 1, 2003**

The Planning Board of the Town of Bethlehem, Albany County, New York, held a second public hearing on Tuesday, April 1, 2003, at the Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY, re: **WILLOW ESTATES**, 4 lot subdivision proposed by A.T. Zautner & Son. Chairman Douglas C. Hasbrouck presided and called the hearing to order at 7:50 p.m.

PRESENT: Douglas C. Hasbrouck, Chairman  
Howard Engel  
Parker Mathusa  
Dan Odell

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Paul E. Hite, LLS, Delmar  
Greg Swift, Foxfire Townhomes, LLC, Glenmont  
William Zautner, A.T. Zautner & Son, Glenmont  
Thomas Rizzo, offices of Paul Hite  
Ranee & Michael Lipnick, 522 Huron Rd.  
Chelsea Ratcliffe, 2575 Reno Rd., Castleton  
David Blaustein, 526 Huron Rd.  
Harriet & Frank Hauser, 8 McKinley Dr.  
Keith Pause, 6 Columbine Dr.  
Loretta Carney, 29 Leaf Rd.  
Alice Murphy 22 Spruce Court  
Elizabeth Mattox, 22 Willow Dr.  
Rena & Daniel Button, 16 Spruce Court  
Alice Adell, 22 McKinley Dr.  
Mary Phillips, 18 Spruce Court  
Elaine & Brian Kotz, 14 McKinley Dr.  
Elby & Joyce San Chez, 9 Spruce Court  
Gregory Ressegieu, 30 Willow Dr.  
Terry Egan, Cherry Ave.  
Kristen Olby, The Spotlight  
Jane McNally, 530 Huron Rd.

CHAIRMAN HASBROUCK: The next thing on the agenda is Willow Estates. This is also a public hearing. The procedure is the same and I'll start again by asking for a motion to indent the notice into the public record.

MR. MATHUSA: So moved.

MR. ODELL: Second

CHAIRMAN HASBROUCK: All in favor.

ALL: Aye.

#### NOTICE OF PUBLIC HEARING

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Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, will hold a public hearing on Tuesday, April 1, 2003, at the Town Offices, 445 Delaware Ave., Delmar, NY, at 7:45 p.m. to give consideration to the application of A. T. Zautner & Son, Inc., 32 Manor Dr., Glenmont, NY, for approval of a proposed four lot (4) subdivision to be known as Willow Estates, located on Willow Dr., as shown on map entitled, "Preliminary Plat, PROPOSED SUBDIVISION, 'WILLOW ESTATES', Property of A.T. Zautner & Son, Inc., Town of Bethlehem, County: Albany, State: New York" dated January 16, 2003, revised to March 1, 2003 and made by Paul E. Hite, LLS, Delmar, NY.

CHAIRMAN HASBROUCK: Thank you. Having set the ground rules and so forth, same things I talked about before will apply to this as well and I'll ask Mr. Hite to make the presentation.

MR. HITE: Again, Mr. Chairman and members of the audience, my name is Paul Hite, Land Surveyor and Land Planner in Delmar. I'm here tonight representing A.T. Zautner & Son, Inc., in their proposal to develop a four-lot subdivision on some 4.5 acres (error on Mr. Hite's part, the acreage is 2.5) of land located at the southerly terminus of a Town highway known as Willow Dr. You can see the terminus point. Our proposal will be to extend Willow Dr. southerly and...

CHAIRMAN HASBROUCK: Excuse me just a second. Can everybody hear? I see somebody back there...can you use the hand mike, Paul, so everybody can hear.

MR. HITE: Shall I start again.

CHAIRMAN HASBROUCK: I think we know who you are.

MR. HITE: Our proposal is to develop a four-lot subdivision located at the southerly terminus of a Town highway known as Willow Dr. We would extend Willow Dr. in a southerly direction into a cul-de-sac and develop these four lots around that cul-de-sac. Each one of them average about 22,000 sq. ft. The entire project is about 4.5 acres, I'm sorry 2.5 acres, so, you can see it is not a large project. All the utilities are available at the end of Willow Lane (Drive), sanitary sewer, water, electric, cable TV and we would simply extend those into this site. The original presentation of this site we had proposed to provide storm drainage that would take the drainage from the site into a collection system out through an existing storm drainage pipe that is under Huron Rd. and then traverses down through a ravine that goes some large distance down through Delmar itself. In the review by the Town Engineering Dept. there were a couple of problems with that in that we had proposed to take the drainage system along the southerly line and over to this catch basin and there was a problem that they thought was here, very small drainage area that they wanted to be picked up so we redesigned that storm drainage system to be as you see which would provide a pipe line and drainage through to take care of that small drainage area there and also move away from the tree line that divides the lots on Huron Rd. and our proposed subdivision. The grading will be done in a

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manner that it will all be brought to the street or into this catch basin and into a small catch basin that exists here and only a very small area would come to that and I will show you those plans in a moment.

These lots more than meet the zone that is required to develop this type of a subdivision. They will be very nice homes. The homes that are around it are homes that were developed sometime in the late 70's, I believe. They are condo type units and each building as you see adjoining contains two homes, I believe, either owned or may be rented, but most of them I believe are owned by individuals with one unit in each building.

Let me slide this grading plan right up. As I stated before, the grading on this site will be strictly to the proposed drainage systems that we're going to construct here, in the streets, at this point and at that point and then would be taken through that into a drainage system and into this pipe that goes under the road. This area here is the former paper street that is owned by the Town of Bethlehem and when we first proposed this project, we met with the Supt. of Public Works, with the Planning Dept. and the Highway Dept. and it was decided at that time that this was not the way to bring this street through and out onto Huron Rd. because there are only four lots, that this was the better design and to take the drainage into the existing system that's here. Therefore, with this strip through here there will be only minimal clearing of trees in order to take this pipe out and drain it. Also, there's a drainage easement that was granted to the Town a number of years ago that is in an angular position that goes through here. It is my understanding that through some error by the County, that that 50 ft. strip of land was put on the market and was subsequently sold at a tax sale, I believe, to the gentleman next door. I hope he was able to recoup his money because it was certainly never put up for sale by the Town of Bethlehem. They have a clear and full deed to that piece of property.

We picked four buildings. They are not the types of buildings that would be built immediately but they are your typical Colonial type buildings that seems to be the building that throughout the Town that most of the people that move here like to build, or something similar to that but it was simply to pick a building to give the Board and the audience a general feeling of what could be constructed and the location of where they would be constructed on these four lots, with the driveway to access the public highway that we would construct. I believe that's the extent of my subdivision. I will try to keep it simple and if I need to answer questions, I will. With me tonight is Mr. Zautner who can also answer questions about the type of the homes that he would build and hopefully go from there.

CHAIRMAN HASBROUCK: Thanks Paul. Any questions from the Board? OK, if not I will open the floor to public comment. Again, I ask you to please come to the microphone, give us your name and address. You can ask any questions; make any comments and we'll respond if we feel we need to or want to at the time. So, the floor is yours.

MRS. HAUSER: I'm Harriet Hauser and I live at 8 McKinley Dr., which is the corner...the lot in the southeast corner of that property. My concerns are the drainage because it's an area that has water problems and I just want to be assured that the drainage is going to go some other place, other than onto the existing properties, and in the corner of my lot. The ground level is actually quite high in the one corner, and, goes off sharply down into an existing pit or gully or whatever you want to call it right now. If it's graded up to that level, if it's filled in, than the water is going to wind up in my yard, so, I do have that concern about that one corner.

CHAIRMAN HASBROUCK: Could you point out your lot for Mr. Hite and he could show what...you know...

MR. HITE: I believe this is your property here. This is a high knoll that's existing here; there's a low area right in here, that's why we propose to install this catch basin.

MRS. HAUSER: So, the low area goes all the way between my lot and the next one. It's quite a low area.

MR. HITE: Down through here?

MRS. HAUSER: The other direction on McKinley...on McKinley...there...

MR. HITE: There? Because that's generally high ground. I shot elevations all through there.

MRS. HAUSER: But here, in here I think this is the former sand pit.

MR. HITE: Right. And that's why we...

MRS. HAUSER: And all of this goes down into here.

MR. HITE: And that's why we're proposing this catch basin right there. Everything would be graded right to that catch basin. The Engineering Dept., our Engineering Dept. and myself have looked at this very carefully and we think that we have the design here that provides that catch basin that everything will be graded to that, will be picked up and out of there.

MRS. HAUSER: OK, I just wanted the grading away from my property so I don't fill up with water because it's actually that area is quite wet naturally as it is now. I think originally a lot of it was swampy, OK.

CHAIRMAN HASBROUCK: Thank you. Just a quick comment in response to your concern because we hear that a lot, the same kind of thing. In general what we try to do, the Town tries to do, is make sure that when any project like this is developed, we never wind up having more water running off onto adjacent property than runs off there before

we start working on it. OK, usually it's less but we try to make it so there's never more, OK. Thank you.

MR. BUTTON: My name is Daniel Button; I live at 16 Spruce Court. We've heard quite a bit about drainage here, but I think the most important aspect is the use of the land and the people who are involved in the area. Spruce Court is one edge of the community of Woodgate, which is populated almost exclusively either by single people or couples. There may be children living in those properties, but it's very scarce. I can't speak of course for the residents on Huron but I think it's very important to think about the impact, though Mr. Hite referred to the fact that it's only 2.5 acres so it's not a big development. Well turn that around a little bit, it's only 2.5 acres and you're trying to put four houses of unknown dimension on it. I think I heard him say that the houses would be customary to design in Delmar but I think he said that might not be what we put up, or words to that effect.

Woodgate was developed in the mid 1970's by Bill Strong, a developer who undoubtedly is well known to this Board. Bill Strong did a wonderful thing when he came in to the undeveloped area that Woodgate has occupied for nearly 30 yrs. now. He left just as many of the standing trees there as he possibly could and it has added a great deal to the living aspect of the community and a great deal to the attractiveness of it. The houses on this side of Spruce Court, the ones that are depicted there, back up to this property really quite close. In between there is some rough territory, some undergrowth, which I'm fairly familiar with having gone in there to find a dog once, and the property itself under question is quite heavily wooded. I would like to establish the proposition that the developer who has not referred to the nature of the property there ought to be committed in some way to retaining the individual nature of that whole area and a desirable quality of retaining nature instead of going in and the first thing you do is to saw off the trees and tear up the stumps. There are deer who live in that 2.5 acres and one of our neighbors said she has seen a fox coming out of there. We saw two deer on the edge of the property yesterday. You can see that it isn't simply a matter of saying we're going to put up four houses. What happens to an unspoiled spot so far is that the complete nature of it is about to be changed if this goes through as planned? I think that it is worthy of further description by the proposed developer to the...hopefully to the satisfaction at least to address the concerns of the nearby residences on at least three streets and also that these elements of personal, individual concern by people who at this point can't help themselves, except through introduction of these elements by the Board, itself, I think these are deserving of attention and I hope that they will fully receive it and again I will say I think that the people aspect is much, much more important than where the water runs off. Thank you, Sir.

MS. ADELL: Alice Adell, I live at 22 McKinley Dr. I've seen Woodgate put in; I've gone up there since I was 6 yrs. old. and I second what he said about the trees because you do see quite a number of trees from that area, even from our house, and the other thing I had of concern was quiet. This probably going to be doing..being built this Spring-Summer...

CHAIRMAN HASBROUCK: That's up to the developer once we give approval.

MR. HITE: Probably this summer if we get approval.

MS. ADELL: And it is quite a residential area, what are the quiet hours? Who do I complain to when they don't stick to it?

CHAIRMAN HASBROUCK: In general the Building Dept. is the Dept. that oversees construction once the project is underway. They are the ones that grant Building Permits, and so forth, and you can call anyone at the Town but they are the people, and to some extent the Engineering Dept., are the people who are involved during the construction process and certainly if you have any concerns or questions during the time of construction, you can contact them and ask them to look into whatever concern you might have. Also of course you can contact Mr. Zautner or whoever the builder is at the time. Residential construction, I think, we don't generally tend to have a lot of complaints about...you know starts too early in the morning or weekend work, or afternoon work, or something like that, or late afternoon, evening work. We get that once in awhile more on commercial work, but again if you have any questions or concerns, certainly feel free to call us and we'll...

MS. ADELL: What are the hours?

CHAIRMAN HASBROUCK: I don't know that the Town has any specific hours that we limit builders to. I think the hours are dictated more by the normal workday for the construction. People, typically the builders tend to start probably 7-8 o'clock in the morning and be out of there by 4 o'clock in the afternoon, is that about right? Somewhere in that range. And I think in general with a project like this, they're probably not going to be working weekends. Again, I can't speak for the builder here but...

MR. ZAUTNER: Could be Saturday but not Sunday.

CHAIRMAN HASBROUCK: Not Sunday...OK...but again if you have any concerns at all with that or anything else, don't hesitate to call. Nobody else hesitates so you shouldn't.

MR. BLOUSTEIN: My name is David Bloustein; I live at 526 Huron, which is the property right next to the drainage ditch. I was particularly concerned with the cul-de-sac. If you can see my house, and this would be true also of my neighbors at 530 on the other side of the ditch...

CHAIRMAN HASBROUCK: You're on Huron, did you say?

MR. BLOUSTEIN: Huron, right...we would end up with the interesting situation of having a road in front of our house and a road in back of our house, which is a bit unusual and we're specifically concerned about lights and noise from the road. You can see the road comes right along our property line. My bedroom in my house has windows facing

back and my neighbor has a family room facing back, but now we're going to have headlights and noise problems directed at our rear windows. Two things I thought of were one and I don't know if it's possible to redesign that road so that we don't have headlights and cars aimed directly at our houses, or alternatively and much more cheaply, to put up some kind of barrier perhaps a line of evergreens that would...so we would not be looking at earth, the backs of houses into a roadway and would not be having headlights coming in our windows.

The second issue is a question, in speaking of drainage, are we talking about a situation where there would be more standing water in that gully between 526 and 530?

MR. HITE: Is this your lot here?

MR. BLOUSTEIN: Yes.

MR. HITE: You know there's an existing 12-inch pipe under the road now.

MR. BLOUSTEIN: Right.

MR. HITE: One of the reasons this area has any standing water in it at all is the fact that this thing probably has not been maintained and cleaned for I don't know how many years. I met with the Highway Dept. Superintendent and we are going to be cleaning out this end of it and installing riprap, which allows water to go into the pipe. The Highway Dept. is going to be correcting the situation that is here, that's been there for a number of years and there seems to have been a collapse of material, earth, and pipe that was here. That's going to be cleaned out so that this entire system you should not see any water at all standing there.

MR. BLOUSTEIN: So, actually you're saying the net result of this will be ending up with less standing water than we have now.

MR. HITE: Yes.

MR. BLOUSTEIN: Very good. Thank you very much.

CHAIRMAN HASBROUCK: Thank you. Just one note with respect to the road alignment and so forth. One of the options that we looked at at the beginning of this was to have that road come all the way through to Huron, through that right of way, and we didn't want that and we knew that probably the neighbors there wouldn't want that either, so we opted for the cul-de-sac as a better design, but, I certainly understand your concern and we'll look at that.

MR. HITE: Perhaps if he looks at these plans he will see that our intention is to retain this treed area here. This driveway...and again as I explained to him, I only tried to show a worst-case scenario. There's a very good possibility that whoever buys this house may

want their driveway over here, or maybe a front load over here. I simply tried to show the audience and the neighbors a worst-case scenario.

MR. BLOUSTEIN: But you said you intend to retain some trees that are along the property line.

MR. HITE: This area right in here, which is directly in back of your building.

MR. BLOUSTEIN: Right, there is a small mass of trees there I was wondering about. OK, thank you.

MR. HITE: In fact I designed this storm drainage to come out of here so that we do not affect your property whatsoever.

MR. BLOUSTEIN: OK, good.

MR. LIPNICK: My name is Michael Lipnick, I live at 522 Huron, which is the other side of the gully there. Couple of concerns. I've lived there for almost 18 yrs., love my yard. I have a family room, a Florida room with windows around the complete back of my house always looking onto trees, deer and there's two foxes back there not one, OK, there's a family back there. I believe it was last summer that a lot of the trees were taken down in the property there so we could see more of the development, Woodgate, OK. With that road coming in, my concern as Dave's is, headlights coming right into my family room. I took pictures of my family room with the windows. I don't know if you want to see that, and that's a major concern there, and I mean leaving existing trees is one thing but now with the road coming in there are you going to put in more trees and actually put in a blockade of evergreens? I mean is that going to be screened from our yards? That's one question that I have and the concern also is with the standing water which you addressed and having more water there with West Nile Virus, and so forth and I was concerned about that with having children, and about the property, I was the one that actually purchased that in June from the County, OK. I think it was in the beginning of February someone from the Town mentioned that well the County, and I paid for it and I have a deed for it, said they shouldn't have done that, you don't own that and the Town was very nice. I talked to Mike Cirillo who I believe is here, OK, and I called the County back and talked to someone there. I believe his name was Jeff Neil. He told me that the Town was wrong, you do own that, don't worry about it, please have Mike FAX the information that he has and he said let the County Lawyers take care of that and for me not to get involved with that and that I do own that, OK. Now I haven't heard from anyone since then whether I own it or not. I don't know but I do have a deed and I did pay for it. I mean that's that. I mean I don't...

CHAIRMAN HASBROUCK: I don't know that we can answer the question, at least at this point. I mean I know I can't but Mike has seen some of the paperwork and so forth, I don't have an answer for you.

MR. CIRILLO: We have a deed from 1950, the mid 1950's, from Charlie Buckman who was the subdivider of the land at that time and he conveyed it to us. That's what I made a copy of..

MR. LIPNICK: Yeah...

MR. CIRILLO: and he should have FAXED it to you.

MR. LIPNICK: Have you heard from him? Yeah, I mean the last time I spoke to him he said not to worry about it, the Lawyers will take care of it and as far as..you shouldn't be concerned because you own that. I haven't received a check back at all, OK. I mean that's a concern to me but also it's just the whole aspect of the neighborhood looking into this wooded area with deer, fox, and so forth, and having a park like backyard and all of a sudden having a road with headlights coming into my family room is my main concern.

CHAIRMAN HASBROUCK: Thank you again. There's no way for us to answer the ownership question. That's something that will come out in the wash I guess between you and the County and the Town, but I don't see from our perspective that it has any...that that ownership question has any relationship to the design here because we're not planning to do anything in that right of way in terms of terrain changes or anything like that. I think the Town plans to go in and clean that up but again they have an easement through there as I understand it and they have a right to do that whether you own it or the Town owns it. The Town still has a drainage easement, so, they could still do that. There's nothing in the design as I understand it that would change the terrain in there or there will be no grading done in there beyond whatever the Town will do to clean it up.

MR. LIPNICK: Is there a drainage pipe that goes behind my backyard in the plan there. I believe I saw that originally?

MR. HITE: The pipe will end right here and rip-rap here but these trees will be retained, so...you also have a number of trees on your own property along here with some ivy growth. I think one of the concerns you may not be aware of and I don't know if anyone has brought it to your attention, I have to be honest with you perhaps my client and myself also were negligent in that this is your shed.

MR. LIPNICK: No, I know that...

MR. HITE: It is 15-20 or more feet over onto this existing property. Whenever you move that, whatever trees are in here we certainly intend to retain them. That goes back to one of the concerns the Planning Dept. had in cutting trees through here to bring the drainage up this way, so we went the other direction and took that out to try to retain any trees in here that we can and there again, the same thing applies here and is shown over here, whoever builds this home here may not want a side load on this way. They may want to use the front or put a side load over here, so, again I tried to show you as an adjoining owner what would be the closest proximity to your driveway.

MR. LIPNICKY: Paul, just for clarification, I think he was referring to one of the original plans had a drainage pipe or easement along his rear property line.

MR. HITE: Yes..

MR. LIPNICK: That's not on there now?

MR. HITE: No, that's gone. That is over here and down to the road.

MR. LIPNICK: OK, thank you.

MR. KOTZ: I'm Brian Kotz, 14 McKinley. I would just like to ask you to explain what sort of privacy trees or whatever will you leave along the three houses on the eastern side of the...

MR. HITE: Well as you can see we have tried to show that the trees in this general area will be retained. We have to clear these because we've got to put in this drainage structure and we also need a yard for these two buildings, but no more than absolutely necessary will be cleared out of here and out of this one. All these trees will be retained. That's why the drainage was redesigned. The original proposal was to come through here, up through here which would cut out all of these trees through here. Most of these trees along this property line will be retained.

MR. KOTZ: Is there a yard that's going to be right back to the edge of the boundary there?

MR. HITE: No, there will be a yard in the back of the building but there will also be a treed area.

MR. KOTZ: So, you'll leave a natural area back there?

MR. HITE: Yes. You well know as a homeowner that if you wanted to go in and clear your lot, I don't think there is anyone that could stop you, but most people today we've found...people like trees...like yourself. They want trees, so we try in every way that we can to retain them, specifically if it's a very nice shaped tree, the maples, the oaks. You know we make every effort in the world to retain those. No one wants to cut them. I certainly don't and I know my client doesn't want to either. We try to retain all that we can. We do have to give them a backyard and there are cases where whoever buys this may want to put in a pool. He has every right to if he wants to, you know, but, anything along that property line you also have to remember those are line trees and can not be cut in any way, shape whatsoever. A line tree cannot be cut without the permission of the adjoining owner.

MR. KOTZ: OK.

MR. HITE: So, any tree along that rear line, there's a fence line and there are some very nice trees along that line, they certainly will never be cut.

MR. KOTZ: I certainly can't speak for the other homeowners that are adjacent to this property, but, if there is any excavation that's done and you have extra dirt, is there any chance of leaving a berm with perhaps some oh say Canadian Hemlocks, or something along the line of that?

MR. HITE: The biggest problem you have with leaving a berm, there again you put fill material up around a maple or an oak, you will kill it.

MR. KOTZ: Oh, sure, I wouldn't mean against existing trees but...

MR. HITE: I think you'll be more than surprised when you see the number of trees that can be left in there. There's a considerable distance between the homes that exist here and the proposed homes here, considerable distance, plus there are some trees in your backyard also.

MR. KOTZ: Very few now but...thank you.

CHAIRMAN HASBROUCK: Thank you Mr. Kotz. Ma'am.

MRS. EGAN: Hi, Terry Egan. I've got the property on Leaf Rd. I'm the former owner of the property that we're talking about. How are you doing? I apologize first of all for being late due to a prior commitment. I guess I have a couple of concerns. When we owned the property prior to selling it to Mr. Zautner, we came to the Town and said, what can we do with that property. And we were told that under no certain condition could you put more than two homes on that property. If it were split in half you can do exactly what we did as far as selling it off, that it was two homes and only two homes that could possibly go in there. Originally, we were told one. My home use to be on Cherry Ave. and we moved it back and with all due respect to the neighbors, when I moved, I probably got the same reception as far as what are you doing, what trees are you cutting down, you know, what are you doing? We cut literally three trees and that was it to put the driveway in. We did build a berm so that there was a blockage between our house and Woodgate. Appreciating the fact that a property owner has the right to do what he is going to do with his property, I think there's some real concerns. I mean four homes on 2.5 acres, including a street, including sewer, including setbacks, including easements, we are putting too many homes in that particular area. You know between the wildlife there's at least two foxes. I have seen them. I have a family of deer that ranges anywhere from 3-7 on any given morning that eat on my front lawn. I think there's got to be more planning put in regard to either sound zone buffers, evergreens that are actually..bermed and then treed...I don't think anyone is suggesting that we put sand up against the trees that are there. I've been there; I know...it's been my family's property since the 1920's. I know what trees have been taken down already; I know...I've walked that property in my sleep. I know how many trees are going to be taken down and I appreciate the fact that you're telling these homeowners xxx amount of trees are going to be left. I guess I'm

having a real hard time believing that, knowing what's going to have to come in to have to put that road in and I guess at this time I would just ask the Board to really consider the nature of the development that's there, the nature of the neighborhood that's there and really put some time in and require the builder, if they're going to put homes in, I think four is way too many, especially since we were told that we could only do two. And the fact that there's got to be something done for the adjoining landowners and not just leaving the trees that may be left after you're done. That's all I'd ask.

MR. HITE: I don't know how to answer your question or what surveyor you went to, or the Town, to find out if you could only build one to two homes. I find it absolutely incredible that anyone in this Town would tell you that.

MRS. EGAN: Well, let me just add, the property that I kept is more than the property that we sold off and I've been told that if I decided to do anything with the property that chances are I'm only going to be able to put one more home on the property that I already own and I own more than Mr. Zautner does now, so...

CHAIRMAN HASBROUCK: Let me, if I may just address this question a second because I can't answer for whatever somebody in the Town may have told you before or whatever.

MRS. EGAN: It was the Building Dept.

CHAIRMAN HASBROUCK: Let me just tell you the basic facts of what we're dealing with here. This is a Residence A District. In the Residence A District the minimum square footage for a building lot is 12,000 sq. ft. The smallest of these four lots is 50 percent larger than that; it's about 18,000 sq. ft. The largest lot is more than double the minimum, it's over 28,000 sq. ft. and all of these lots are considerably larger than any of the lots in the surrounding neighborhood. So, these are well beyond in terms of the area of the lots. I understand the difference in the architecture and the difference between Woodgate and what might be built here. I understand all that and I understand the backyard concerns, but what's proposed here is well above the minimum Code requirements for the Residence A area, OK. Sir...Jeff did you have comments?

MR. LIPNICKY: I know that this has been a project that was...

CHAIRMAN HASBROUCK: Can you hear him in the back?

AUDIENCE: No.

MR. LIPNICKY: A number of years ago somebody did come to the Town with respect to trying to do something here and if in fact somebody said in Town Hall that only two lots could be built here, that in fact...or one lot, in fact, probably be true if a road wasn't constructed here, OK, but by the fact that Mr. Hite was able to get a cul-de-sac in here and extend the Town road, the development potential of this land increased, OK. If one is not extending the road, then the most one can get here is 1-2 lots.

CHAIRMAN HASBROUCK: That would be based on the frontage requirements.

MR. LIPNICKY: Yes.

CHAIRMAN HASBROUCK: Someone in the back.

MRS. HOUSER: I don't...someone in the Building Dept...I ran into the same thing that Terry did. When this property was for sale before Mr. Zautner even bought it, I came down to inquire about the zoning and what could be done with it and I was told that it was already divided as many times as it could be, so, what she was told and what I was told, I barely know her, so someone there is dispensing that type of information.

CHAIRMAN HASBROUCK: Again, I can't answer for what other people may have been telling you in the past but I'll say again that the design we have in front of us meets all of the Zoning requirements and exceeds the lot requirements by a considerable margin.

MS. McNALLY: My name is Jane McNally and I live at 530 Huron Rd. and I just want to reiterate a couple of things that were brought up. One of the things that I'd like to ask Mr. Zautner to consider is not necessarily being sensitive to what is there but perhaps in the design, the overall design, and I'm under the impression that this is not a hard and fast design that you have on the board, that perhaps some type of berms that could be treed after the construction would provide some relief from the residence of both Huron Rd. and the duplexes while the construction is going on and would also preserve some of the residentiality of the property. The other thing that I haven't heard anyone talk about tonight is the fact that right now we're in a rather unique position because while this property construction is being considered, Cherry Ave. is being worked on, so, we have construction crews on Cherry Ave. in our neighborhood at the same time that this is going on and we're in a position where while there are residential quiet construction rules or something that we're talking about, I don't know what the construction rules are for highway departments. So, we're going to have construction on all sides of us for a while and I think that if the Town could be more sensitive to that it would be very helpful to the neighborhood. Thank you.

CHAIRMAN HASBROUCK: Thank you. Any other questions or comments?

MS. BUTTON: I'm Rena Button, we're at 16 Spruce Court and I understand that Mr. Zautner can't say what kind of a house he is planning to build on this property, but, the neighbors missing our family of deer and our red foxes, we have a real feeling for what kind of architecture and how large the houses will be on the lot, whether he's considering 3 bedroom houses, or what? I'm saying 3 hopefully. I just think that it's something that certainly the Woodgate end of this are primarily people who have lived in large homes most of their lives and are now living in a condominium community that's really sort of very precious because it's unique in the fact that we are living in the middle of a park and we love it and most of us would not have moved onto Spruce Court if we didn't have

woods behind us. So, I realize that all of that is not a problem for the Planning Board but I think that if there were some idea of the kind of architecture or the kind of housing that we weren't going to get a 6-bedroom monster like they have on Western Ave. in Slingerlands, or something of that nature. If you know, I would like to know.

CHAIRMAN HASBROUCK: Thank you. Any others?

MRS. LIPNICK: My name is Randee Lipnick and I'm at 522 Huron Rd. and I just have a question from start to finish—any idea how long this project will take?

MR. ZAUTNER: Would you like me to respond?

CHAIRMAN HASBROUCK: Sure.

MR. ZAUTNER: Getting up in years is like a lot of us I'm slowing the pace down and at the most I would intend to do one house possibly this fall or late summer, whatever, and no more than...I don't intend to do more than two per year, so, one this year and maybe two next year at the most and one the year after. That's my anticipated pace would be of building. A question was asked about what we build. We did Manor Drive and so forth, in Glenmont recently, and other houses in the area and basically Colonial design and architecture. We don't do off the wall kind of wild contemporaries or anything. You have to build to the market and 3-4 bedroom style houses, Colonials possibly, ranches, and that's what we've been doing and I think we've maintained that pace and I enjoy building for people and try to build nice properties and I do like to save trees. In fact I had a guy who wanted me to cut all the trees down on the lot and I said you'd better go to somebody else because I won't do it.

CHAIRMAN HASBROUCK: Anyone else? OK, if there are no other questions or comments, then I'll ask for a motion to close the public hearing.

MR. ODELL: So moved.

MR. MATHUSA: Second.

CHAIRMAN HASBROUCK: All in favor.

ALL: Aye.

CHAIRMAN HASBROUCK: Opposed...OK, thanks to you all for coming out. We've got another project on the agenda tonight if anybody wants to sit and listen to the goings on, you're welcome to. Please stay tuned.

HEARING CLOSED AT 8:30 P.M.