

**PLANNING BOARD  
TOWN OF BETHLEHEM  
December 2, 2003**

A **regular meeting** of the Planning Board, Town of Bethlehem, Albany County, New York, was held on Tuesday December 2, 2003, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Douglas C. Hasbrouck presided and called the meeting to order at 7:30PM.

Agenda: Hedgefield Subdivision  
Town Squire Phase II

Present: Jeffrey Lipnicky, Town Planner  
Randall Passmann, Town Senior Engineer  
Douglas Hasbrouck, Chairman of the Planning Board  
Keith Silliman, Counsel to the Planning Board  
Katherine McCarthy, Planning Board Member  
Howard Engel, Planning Board Member  
Brian Collier, Planning Board Member  
Daniel Odell, Planning Board Member  
Parker Mathusa, Planning Board Member  
Paul Hite, L.L.S., Hedgefield Subdivision  
Murat Kasparian, Hedgefield Subdivision  
Bruce Ginsburg, Town Squire Phase II  
William Gable, Town Squire Phase II  
Robert Cartwright, Town Squire Phase II

**HEDGEFIELD SUBDIVISION – Weisheit Road – 3 lots**

Mr. Hasbrouck turned the Board's attention to the Hedgefield Subdivision. This subdivision had not been in front of the Board since April 2003. There had been a question as to whether the four lots would be able to be maintained. Mr. Hite presented for the project. The problem that they had faced was the configuration of a (4) four-lot subdivision. One of the lots would have required a substantial amount of drainage work. The applicant had agreed to change the number of lots to (3) three. The size of the lots was changed after the results of the perk tests were obtained. The Health Department had basically agreed to the proposed location of the buildings and septic systems in the front of the lots. The reasons for the amount of the set back were that the subdivision was located in a light industrial district which requires a 50-foot set back, the Health Departments design of the septic system and the grading required by the Town. Mr. Hite stated that there were a few issues to be worked out with the Engineering Division pertaining to the grading plan. It had been confirmed with SHPO that the buildings that were in question had no bearings on this project at all. The proposed buildings would have to be moved back about (5) five feet to accommodate future expansion, if necessary, of the septic systems. Mr. Lipnicky stated that in relation to the federal wetland

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delineation, he realized that on this particular project the wetlands were not to be disturbed and were in a location on one of the lots not associated with any development. Mr. Hite had done the delineation on this project but he wanted to raise the point that a precedent not be set as to who was qualified to delineate wetlands and what documentation would be needed to substantiate those qualifications. This project was not a significant SEQR issue because of the location. Mr. Hite agreed to hire Bagdon Environmental for the delineation if the Board wanted. Mr. Passmann stated that after examination of the current plan for storm water, it does not appear that the design would fall within the Phase II Storm Water Program. The Engineering Division had commented that culverts and drainage ditches should be shown under the driveways on Weisheit Road to eliminate pocketing of water. Mr. Mathusa asked if any drainage would be conveyed onto the lot containing the wetlands. Mr. Hite pointed out that the design of the storm water management did not include water from any one of the lots draining onto the other lots. There were no further questions or comments.

A motion was made by Mr. Mathusa, seconded by Ms. McCarthy, and passed by a unanimous vote of those members present, that an application having been filed with the Planning Board of the Town of Bethlehem by Murat Kasparian and Arjanti Kasparoglu, for approval of a proposed subdivision, to be known as "Hedgefield" located on Weisheit Road as shown on map entitled, "Preliminary Plat, Proposed Subdivision, "Hedgefield", Weisheit Road & Wemple Road, Town of Bethlehem, County of Albany, State of New York, dated February 13, 2003, last revised October 18, 2003, prepared by Paul E. Hite, Licensed Land Surveyor, 230 Delaware Avenue, Delmar, New York 12054, on file with the Planning Board, it is hereby ordered that a public hearing be held on Tuesday, December 16, 2003 at 7:30 pm, for the purpose of hearing all persons interested in the matter; and it is further ordered that copies of the notice of public hearing be sent by regular mail to all property owners within two hundred (200) feet of the premises involved at least five (5) days prior to the date of this public hearings.

Mr. Hite stated that new plans showing an additional five (5) foot setback of the proposed buildings would be available at the public hearing. He also stated that the reason that all of the driveways were off of Weisheit Road was a safety issue. He felt that Wemple Road would eventually be a more heavily traveled road.

## **TOWN SQUIRE PHASE II – Schuyler Companies**

Mr. Hasbrouck turned the Board's attention to the Town Squire project. As of the last meeting, documents for possible action were distributed to the Board for review, including the Full EAF part one and two, draft document for SEQR Resolution and the second Draft of the Site Plan Approval document. Mr. Lipnicky had spent numerous hours on the documents. The applicant had indicated that changes were being made to the plans but staff and Mr. Hasbrouck had decided that it would be more expedient to proceed based on the plans they had, which was why there were numerous conditions in

the document. They would all need to be filled prior to the plans being signed or the building permits being issued. Mr. Goble submitted new elevations for the Hollywood Video store. Two were artist's rendering of the colors and proposed landscaping and the other was the architectural elevation showing the dimensions of the building and the windows. The landscaping was pulled directly from the landscape plan that had been previously submitted. He felt that the elevations incorporated many of the issues that had been discussed. Mr. Hasbrouck stated that because the elevations were not available until now, one of the conditions in the draft approval document was the requirement to come back before the Board for the approval of the Hollywood Building after the Board had the opportunity to review the new elevations. Mr. Ginsburg wanted the Board to review and act on the documents tonight. Mr. Neuremberg stated that the only changes from prior elevations were the front ledge being higher and the reduction of the glass. Mr. Hasbrouck stated that the project was almost pulled from the agenda tonight because there had been such a long list of items that had been requested and not received. He could not recommend to staff or the Board to review and act on plans that had just been submitted. He stated that they would place them on the agenda again as soon as possible. He mentioned that the knee wall in the front should be four (4) courses not the three (3) courses being shown. Mr. Goble stated that in the rear of the property there had been a water quality swale that had been re-graded to create pocket wetlands in that area. This did not extend the area or increase disturbance. The pocket wetlands had been created to satisfy the DEC Storm Water Quality Phase II guidelines. They were in place of a swale. Mr. Lipnicky stated that there was a wetland area that was four (4) feet deep. It was designed to retain water except during infiltration into surrounding soil or through evaporation, which would result in water remaining in that area for a substantial period. There was a residential area close to the wetland and safety might be an issue. Mr. Passmann stated that Engineering met with Bohler to look at a revised plan for the Storm Water Management. Bohler submitted a letter from DEC stating that the proposed processes met the technical requirements of the Phase II requirements. The DEC pond practices have a safety bench along the outside rim of the pond. If someone were to fall in, they could stand up and not be underwater. That rim in the design needed to be widened. The Engineering Division's requests for details had been incorporated into the draft approval documents. Mr. Gobel stated that mosquitoes would not be an issue because water would be moving into and out of the pond.

Mr. Hasbrouck turned the Board's attention to the SEQR Resolution. The Environmental Assessment Form didn't require action but needed to be a part of the record. Mr. Collier stated that the statement about the mitigation escrow for "impact" was too vague in his estimation. Mr. Silliman stated that the escrow was detailed in the Draft SEQR Resolution, so the wording in the Long EAF was not an issue. Mr. Lipnicky stated that Mr. Hasbrouck had recommended a change to the Draft SEQR Resolution as follows; the addition of "Building Inspector" after the word Town in the last sentence of Item #17.

A motion to approve with amendments, the SEQR Resolution was made by Mr. Collier, seconded by Mr. Mathusa and approved by all present.

Mr. Hasbrouck turned the Board's attention to the 2<sup>nd</sup> Draft of the Site Plan Approval. Mr. Hasbrouck had suggested changes as follows: Item #9, Conditions I- 3<sup>rd</sup> line down, "construction of" delete and replace with "issuance of a building permit"; k - 2<sup>nd</sup> sentence " prior to construction of", delete and replace with " issuance of a building permit for"; at the end of k Mr. Hasbrouck suggested the addition of the wording " as previously agreed to by the Planning Board and the applicant, the knee wall below the windows facing Rt. 9W shall be thirty-two (32) inches in height". Mr. Collier stated that on j, the statement about the signage included Chilis; he was under the impression that the Chilis sign had been reviewed and approved. Mr. Lipnicky stated that drawings plotted to scale, had been requested and had not been received. They were needed to verify that the size of the signs would be within Code standards.

A motion to approve as amended the 2<sup>nd</sup> Draft of Site Plan Approval Document was made by Mr. Mathusa, seconded by Mr. Collier and approved by all present.

The plans would be signed once all the conditions in the Site Plan Approval Document were met.

A motion to adjourn was made by Mr. Odell, seconded by Ms. McCarthy and approved by all present.

The meeting concluded at 8:20pm.

Respectfully submitted by,

Nanci Moquin  
Planning Board Secretary