

**PLANNING BOARD
TOWN OF BETHLEHEM**

December 20, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on December 20, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:00 pm.

Present: Parker Mathusa, Planning Board Chairman
Howard Engel, Planning Board Member
Christine Motta, Planning Board Member
Thomas Cotrofeld, Planning Board Member
Katherine McCarthy, Planning Board Member
Daniel Odell, Planning Board Member (2nd Agenda Item)
Brian Collier, Planning Board Member

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

Mr. & Mrs. Pasternack
David Wendth, Northeast Health
David Caesar, Northeast Health
Brett Steenburgh

Agenda: Amendment to Terramere BPA – Mr. & Mrs. Pasternack
Beverwyck Phase IV & V -

Amendment to Terramere BPA

Chairman Mathusa called the meeting to order at 7:00PM and noted a presence of a quorum. The applicant was requesting an amendment to the Terramere project on New Scotland Rd., to add an enclosed porch onto their home that would encroach into the setback line. The project was referred from the Town Board to the Planning Board for a recommendation. Once they receive the Planning Board's recommendation, as per the Zoning Law, the town Board would make a decision. The Town Board, on December 14, 2005 had approved a motion to declare the project a Type II SEQR action. No further SEQR action is required.

Mr. Morelli stated that the original project included forty-eight (48) courtyard homes with smaller lots as well as estate lots. The smaller lots had certain setback requirements established within the Building Project Approval Document. Mr. & Mrs. Pasternack were proposing a screened porch that would encroach into that rear yard setback. The Pasternack's had obtained

letters, from the neighbors on either side of them, supporting their request. The rear of their property backs up to land owned by the Home Owners Association that will remain open space. Staff supports the Pasternack's request.

The Board reviewed the draft Information Waiver and offered no changes.

A motion to approve the Information Waiver as drafted was offered by Mr. Cotrofeld, seconded by Mr. Collier and approved by all Board members present.

The Board reviewed the Recommendation to the Town Board from the Planning Board to approve Amendment #5 to BPA #29.

Mr. Collier thought the percentage of the encroachment was significant. Mr. Collier asked how many of the courtyard homes had Home Owner Association lands behind them. Ms. Saatman said most were arranged so they had some lands between them. Some areas had more land than others.

Mr. Morelli said that Terry Ritz had visited the site and there were no drainage issues. There was lawn area and then a wooded area behind the Pasternack's that was owned by the Home Owner's Association. Mr. Collier said that the setbacks were considered during the original approval and though it didn't seem that this would impact the neighborhood, it was going outside of the original concept of the project. He suggested moving the lot line to retain the setback, but Mrs. Pasternack didn't think that the Home Owner Association Board had the authority to convey property. Ms. McCarthy thought with no objections from the neighbors and the common area lawn and woods, she was in favor of the amendment. Mr. Morelli said that the Town Board and the Planning Board would be looking at any future requests on a case-by-case basis. Mr. Collier was not in favor of allowing the applicant the request of the encroachment to within six (6) inches of the property line. He thought it was setting a precedent. Mr. Leveille stated that the only precedent would be one that mimicked all the circumstances of the proposed amendment.

A motion to approve the Recommendation to the Town Board from the Planning Board to approve Amendment #5 to BPA #29 was offered by Ms. McCarthy, seconded by Ms. Motta; vote from the Board was 5 for, 1 against, 1 absent.

Beverwyck Phase IV & V

Chairman Mathusa turned the Board's attention to the next item on the agenda, an update from the applicant on the progress of the Beverwyck Phase IV & V project. The Town Board had referred the project to the Planning Board for their recommendation.

Mr. Wendth presented for the applicant. There are two (2) phases to this project, the construction of seven (7) duplexes as well as an additional eighteen (18) beds for Alzheimer patients and twenty (20) bed skilled nursing. The design had not been changed since the last time they were before the Board. The sign location would be changed. They had received the letter from Barton

& Loguidice and were working on those comments.

Mr. Fletcher highlighted a few major points of the comment letter. He asked for an update of the wetland mitigation offering area. Mr. Steenburgh said that they sent in a preconstruction notification to the ACOE in regards to the disturbance of the wetland area. They had offered conservation easements over the remaining portions of the property as mitigation for the increased impact. The ACOE has verbally agreed to that offering. They were waiting for NYSDEC to finalize the joint application permit. The SWPPP was being reviewed by the Town prior to it being forwarded to NYSDEC. There were a few other items pertaining to the wetlands that the applicant was currently working on.

Mr. Ritz stated that the Town wanted the internal roads to be built to Town standards. This was in case the roads ever needed to be turned over to the Town. One of the internal roads needed to be renamed. It was established that the small section of the storm drainage that ran under Beverwyck Dr. would be owned and maintained by the Town.

Mr. Fletcher assumed they were looking at a sixty (60) day review period because some the storm water would not be meeting water quality. Mr. Steenburgh said he would look into the regulations and work with NYSDEC. Mr. Fletcher wanted input from NYSDEC to make sure they were all on the same page. Mr. Mathusa asked if a fence would be placed around the detention pond area. Mr. Wendth said they were evaluating but had not made a decision.

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

A motion to approve the minutes of November 15, 2005 as amended was offered by Mr. Collier, seconded by Mr. Engel and approved by all Board members present.

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

The meeting adjourned at 7:40 PM.