

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**February 5,2008**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on February 2008, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:00 pm.

Present: Parker Mathusa, Planning Board Chairman  
Keith Silliman, Planning Board Counsel  
Nicholas Behuniak, Planning Board Member  
Howard Engel, Planning Board Member  
Christine Motta, Planning Board Member  
Kathy McCarthy, Planning Board Member  
John Smolinsky, Planning Board Member  
Kate Powers, Planning Board Member

Mike Morelli, Assistant Director of Economic Development and Planning  
Terry Ritz, Assistant Town Engineer

Sheila and Frank Pacowski	Jason Sableski
Robert Jones	Karen Knapp
Ted Kolankowski	Liz Urban
Karl Gohlie	Tom Cotrofeld
Dan & Pat Peters	Cyndi & Michael Martin
Barbara Fournier	Mike Tucker

Agenda: Mystic Woods Subdivision  
The Pines @ Normanside  
Verstandig's Site Plan

Chairman Mathusa called the meeting to order at 7:00pm and noted the presence of a quorum.

**Mystic Woods Subdivision**

The project located on Orchard Street, was last before the Board on February 20 2007.

Jason Sableski from Spectra Engineering presented for the applicant. He said he had everything done except a few comments from Barton & Loguidice. He said each of the nine (9) lots in the subdivision were at least two (2) acres each. He thought that the minimum lot size for this zoning district was half (1/2) acre lots. He said the subdivision would connect into Orchard Street and come off the road with a water main. The main would run off the east side of the road down and around the cul-de-sac and end with a fire hydrant. The sewer would be pressurized about two (2) inches in diameter running down the same side of the street. They are proposing two (2) detention ponds. That was done for a better alignment along the existing grounds to reduce the amount of cut and fill. Mr. Sableski said the house locations could be moved on the site as long as they stayed within the setback lines. He said that driveways over one hundred (100) feet need special requirements. He said that if the house on lot one (1) were moved in, it would eliminate that one hundred (100) foot driveway requirement. On lot nine (9) there was an issue with the fire hydrant out by the street that was waived by the Town of Bethlehem over the one hundred (100) foot requirement.

Chairman Mathusa asked Mr. Sableski to identify some of the adjacent lands. Mr. Sableski said that to the east there is a recreation facility and trails. There are two (2) existing residential parcels on one (1) side of the project and the Phillipin Kill on the back. There are a couple of four thousand (4,000) to five thousand (5,000) square foot homes located on the south side of Orchard Street overlooking the subdivision. He pointed out the location of Five Rivers Environmental Center.

Mr. Sableski said they were working on addressing the comments they had received from Barton & Loguidice on the last plans submitted. Some of the issues were notes left off the plans pertaining to trip generation calculations. He said the amount of cars for this subdivision entering and exiting per day at peak hour are minimal.

Chairman Mathusa asked him about site distance. Mr. Sableski said site distance of the proposed road at the intersection with Orchard Street was well above the required. That determined the location of the intersection. The applicant had wanted to move that intersection to gain the two (2) foot minimum required cover over the top of the culvert pipe but after looking at the site distance it was decided that the site distance was more important.

Mr. Smolinsky said that Section 103-25 of the Subdivision Regulations demonstrate a density calculation that a developers and staff use to determine density of a site. He asked for the density calculation they had used. Mr. Smolinsky recalled that an archeological study had been required. He asked if the results affected the site. Mr. Sableski said the study had found some arrow shaving heads in one (1) area of non-disturbance. It's about three hundred (300) feet by fifty (50) feet. Chairman Mathusa asked if SHPO had given the applicant any feedback and if they had any interest in the finds. He said the findings were not significant and didn't warrant any further investigation.

Mr. Morelli said the size of the entire parcel is twenty-five point three (25.3) acres and the zoning district is residential large lot with a minimum lot size of two (2) acres. During the last revision of the Zoning Law and map, this portion of Orchard Street was recognized as having typically estate type lots and the zoning was changed from Residential A, half-acre lots to the present Residential Large Lot.

The Board reviewed the draft SEQR Resolution, Negative Declaration prepared by staff.

A motion approve the SEQR Resolution as drafted was offered by Ms. Powers, seconded by Ms. Motta and approved by all Board members present.

A motion to set the Public Hearing for March 18, 2008 @ 7:00PM was offered by Ms. McCarthy, seconded by Mr. Engel and approved by all Board members present.

The project will be sent to the Albany County Planning Board for their review.

A motion to table the project was offered by Mr. Smolinsky, seconded by Mr. Engel and approved by all Board members present.

### **The Pines @ Normanside**

The project was last before the Board on October 17, 2006.

Mr. Michael Tucker, PE from Infinigy Engineering presented for the applicant. The parcel is approximately twelve (12) acres and located at the end of Leonard Place. There are three (3) components to the project, a Planned Development District, two (2) conventional single family lots with frontage on Salisbury Road and a mixed use building proposed with frontage on Delaware Avenue that would include first floor office space and three (3) apartments above. The PDD includes thirteen (13) single-family homes situated on top of a plateau, which drops off steeply in both directions into some drainage swales. The entire project except for the single-family homes accesses Leonard Place. As part of the project they would improve the road. The road would be widened and extended to the

project and putting in a cul-de-sac. The public part of the road would end and from that point into the development

would be a private driveway. The thirteen (13) family homes would be covered under a homeowners association; they are not standard lots. The project has changed over the last three (3) to four (4) years to get to this design. Mr. Tucker showed proposed elevations. The footprints that are being showed would be the largest that would be built. Chances are they would not be that large. Since the project was last before the Board, they have done a lot of additional work after hearing the concerns at the last public hearing specifically related to the erosion of the existing swales. They have done a geotechnical analysis; the recommendations have been worked into the revised design. They have pulled everything back from the tops of slopes and designed in slope drains to keep the ground water table down. In addition the backs of the homes will be walkout basements. The backs of the houses would be a full story below the front. That cuts back the potential for erosion on those slopes by knocking the nominal top of slope down. The other recommendation from the geotechnical report involved the repair of both of the existing drainage swales. The swales are under the jurisdiction of the Army Corp of Engineers. They have met with that agency on site. One of the concerns that was voiced at the last hearing was the repair those swales. They pick up a lot of runoff from Delaware Avenue, from the school and from some street runoff in the residential areas. The swales don't flow all of the time. The applicant is working with the ACOE to come up with a design solution both permit-able by the ACOE and a solution that will work.

Mr. Tucker said an archeological study had been completed and submitted to SHPO. There wasn't anything of significance that was found on the site. The recommendation of Pratt and Pratt was for a no effect letter. They were currently waiting to hear back from SHPO.

The applicant has gone through a round of revisions on the plans by the TDE, CHA. They have submitted a full drainage report, a full SWPPP to CHA. They have walked the project with ACOE and are currently in process with them. The big outstanding issue is the repair of the swales. Mr. Tucker said that the ACOE was not reviewing the SWPPP. The SWPPP has been done in accordance with NYSDEC regulations and reviewed and accepted by CHA. In general they are reducing the runoff from the site into those swales, which alone is not enough to fix the existing problem. Mr. Tucker said there was a large outlet pipe off the property that picks up runoff from the existing commercial uses and parts of Delaware Avenue. When it rains heavily it dumps it out into the swale and there are parts of the swale that has vertical walls, four (4) or five (5) feet deep from erosion. They are anticipating that the solution will include working with the Town to fix problems that are off of the property they have control over. They will do what they can to fill in the existing swale, knock down the velocity of the water that's coming into the swale and provide some intermediate check dams or plunge pools that will knock down the speed of the water as it flows through. When asked Mr. Tucker said it did not appear that the school contributed much runoff to the issue. He said that the discharge pipe was borderline on their property at might be split by a couple others. The anticipate working with the planning and engineering staff to come up with a solution. He said that the swale meandered on and off of their property. He said it would be a coordinated effort to implement what the Army Corp wants done.

Mr. Smolinsky asked how the density calculations were done. Mr. Tucker said there are thirteen (13) units proposed on about ten (10) acres of land, which comes to about 1.3 units per acre within the PDD. To qualify for a PDD they had to show there were a minimum five (5) acres of developable land. This takes out wetlands, steep slopes, easements and right of ways. They have over five (5) acres of developable land on the top of the plateau. They are under three (3) units per acre of developable land. In a PDD the maximum allowed is five (5) units per developable acre for detached homes. Mr. Tucker said there was a wetland area in the plateau and they were exceeding the tenth of an acre threshold for wetland disturbance. He said they were working with the ACOE on that disturbance by either creating a new wetland in kind or getting the erosion repair and swales to count towards the mitigation for that disturbance. That has not been approved by the ACOE yet. Mr. Smolinsky said that two (2) of the homes didn't have back yards and were fronted by streets on three (3) sides. He wanted to know if Mr. Tucker could give him an example where that layout had been done. He could not give an example. He said though the units would not be age restricted, the applicant felt that was the main cliental they would attract. Those people don't want yards to maintain. He said all the property would be part of a homeowners association. Mr. Smolinsky said there wasn't any provisions made for street parking. Mr. Tucker said the roads were designed to be twenty-two (22) feet wide. Mr. Ritz said the typical subdivision road is twenty-four (24) foot wide. In the Comprehensive Plan it

recommends where possible a reduction in the width of the street. In this instance, staff had agreed to reduce the

width to twenty-two (22) feet. Mr. Smolinsky said that made circulation a problem if there was any on street parking. Mr. Tucker said that the mixed-use building provided seventeen (17) parking spaces and other than the three (3) apartments, the evenings would free up the spaces used by the commercial area of the building. He said that structure would be outside of the limits of the PDD. He said that it would not be a public road. Mr. Smolinsky asked if any of the plans showed the safe setback line to the slopes. Mr. Tucker said it had been submitted to the Town. Mr. Ritz said the most recent set of plans he had looked at did not have a safe setback line shown.

Mr. Engel said that the area was very prone to erosion for various reasons and increasing the impervious area. He said on the plans were twelve slope drains that would drain into the existing swales. Mr. Tucker said they were not designed to pick up any surface runoff, they are meant to keep seasonal high ground water below the elevation of foundations on the homes. They would empty into the swales. Mr. Engel asked if the ACOE would take those into consideration. Mr. Engel thought that twelve (12) drains were a lot. Mr. Tucker said they were there to protect the homes. They had a geotechnical report done. Mr. Engel asked if other measures besides riprap would be used to repair the swales. He said he has seen water get around riprap when the discharge is large. Mr. Tucker said that the ACOE has already said that riprap would not be an option. He said that it would be a different design. He anticipates that the solution would be more natural and encompass a few different items. Mr. Engel said part of his concern with the project was considering the expense of the erosion solution, would the applicant seek more density. Mr. Tucker said they didn't have a plan to increase the density. They had not finalized the plan so the cost of the units had not been calculated yet. Mr. Engel thought there are just some places that should not be built on.

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

### **Verstandig's Condominiums**

The proposed site plan would be located on the property currently used by Verstandig's retail facility. The proposal is to demolish the residence and retail facility and construct nine (9) two story residential buildings with four (4) and five (5) unit versions.

Mr. Stephen Buldoc, owner of Keystone Builders presented for the project.

He said they were a family run business and they employ local contractors and subcontractors. They pride themselves on quality. When he noticed that the Verstandig's property was for sale, he explored several ideas and then went to the Town and spoke with them. He said that the Comprehensive Plan rezoned that parcel for multi-family housing. His company arrived at the idea of condominiums. They thought it would give an alternative lifestyle to the community that wasn't present. He said empty nesters were looking for that diversity and it was attractive to professionals that didn't want the maintenance of a single-family home. Mr. Buldoc retained Saratoga Associates to work with them on preliminary plans that were then presented to the Town's staff. The plans they were presenting tonight were still a work in progress but they were. He said the condominiums would be high-end units.

Mr. Dave Albrecht and Mr. Gregg Ursprung from Saratoga Associates continued the presentation. Mr. Albrecht said the site is five point two (5.2) acres with point one eight (.18) acres of wetlands on the site. The proposal is to disturb and utilize about five (5) acres of the site. All of the current structures will be demolished. The project consists of nine (9) two (2) story buildings with a total of forty (40) units. That is in compliance with the multi-family district. Four (4) of the buildings will have (5) five units each and five (5) buildings will have four (4) units each. The two (2) access points will be from Delaware Avenue. Sixty-four (64) parking spaces are provided on the site. There will be some on site visitor spaces as well as garages. Stormwater management will be achieved through underground storage with water quality treatments structures. The water service will come in from Adams Place and sewer will be brought to the same intersection at Adams Place. As part of the project, a twelve (12) inch sewer main that runs through the center of the project. They have been working with the Town to relocate and up

size that main. The main would run down the center of their new road and connect back to the existing main. The

future main would be extended at the discretion of the Town. Mr. Buldoc said the project had been delayed because of the sewer study. It was something that would benefit the Town.

Mr. Buldoc said they have been developing floor plans. He said that the four (4) unit building would have two (2) units up and two (2) units down. The second floor units will be accessed by stairways. The five (5) units buildings will have two (2) units on the first floor and three (3) units with an elevator. He said the unit sizes vary; they will have at least two (2) bedrooms with some units having three (3) bedrooms. They range from fifteen hundred (1500) square feet to twenty two hundred (2200) square feet. They all have two (2) bathrooms and a single car garage.

Chairman Mathusa asked if there were any designated handicapped parking. Mr. Buldoc said there was parking in the garages that would give access directly into the buildings. There would also be parking in the driveways.

Ms. Powers asked the cost of the units. Mr. Buldoc said they were not completely sure but thought they might be starting in the mid three hundred thousands (300,000) and go up from there. He said they already had a list of people that were interested in the project. He said they were mainly empty nesters but families could move in. The outside maintenance would be taken care of and that is a positive feature for many people. He said it was an alternative life style for some. Mr. Buldoc said there wouldn't be any community center on the site.

Mr. Behuniak asked why they decided on condominiums. Mr. Buldoc said it was the configuration of units, with town homes each unit would have to be two (2) floors. He said that the Capital District was going more and more towards condominiums.

Ms. Powers wanted to know how close the buildings would be to the adjacent landowners. She said it was a big change for them. Mr. Albrecht said all the buildings were within the acceptable setbacks. The closest one would be about forty feet. He showed the Board architectural renderings of the site. Mr. Buldoc said the buildings would be sided and would have multiple colors. Not every building would be the same.

Chairman Mathusa asked Mr. Buldoc to have the design ninety (90) percent done for the Public Hearing he planned on scheduling. He asked if there had been any community feedback about the walkway that would extend to Adams Place. Mr. Buldoc said he has had meetings with the neighbors and their main concern was they did not want the connection to be a vehicular connection. Mr. Ritz said there wasn't any emergency access through the back of the site. Mr. Morelli said there were two (2) access points on Delaware Avenue.

Mr. Smolinsky thought the roof proportions were non-residential looking. He wanted the scale of the buildings to be the same as the single-family homes around them. He suggested the roof scale be changed. Mr. Buldoc said they could change to roof pitch to bring it down. He said if you compared the ridgeline of these buildings with some of the existing structures, there wouldn't be much of a difference. Mr. Smolinsky asked if the project would be age restricted. Mr. Buldoc said no.

Mr. Buldoc said that Keystone Builders would be the general contractor on this project. He has waited many years to be able to do a project of this type and will remain hands on.

Ms. McCarthy asked to see the elevations that would front Delaware Avenue. The garages would not front the street. There would be porches and front entrances. Mr. Albrecht showed the Board the landscaping plan. It was a mix of evergreens, deciduous trees and flowers.

Mr. Behuniak asked if the project would need a zone change and Mr. Morelli said that during the Comprehensive Plan it was decided to zone the parcel multifamily. This project fits into that zoning designation.

Mr. Engel asked Mr. Buldoc if Keystone Builders would remain a part of the homeowners association once the project was complete. He said they would probably own a unit and stay involved for a while. Mr. Engel asked if the

interest was mostly empty nesters, why the three (3) bedrooms. Mr. Buldoc said this was more of a life style change

but a lot of people still want the same space they would have in a single-family home. He said there would be some flexibility in the floor plans of the units.

The board discussed having a public hearing in March.

A motion to table the project was offered by Mr. Smolinsky, seconded by Mr. Engel and approved by all Board members present.

The Board reviewed the draft minutes of January 15, 2008.

A motion to approve the minutes as drafted was offered by Mr. Smolinsky, seconded by Ms. Powers and approved by all Board members present.

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

The meeting adjourned at 8:37 PM.