

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**July 6, 2004**

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on Tuesday July 6, 2004, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Parker D. Mathusa presided and called the meeting to order at 8:35 pm.

Present: Parker Mathusa, Planning Board Chairman  
Howard Engel, Planning Board Member  
Thomas Cotrofeld, Planning Board Member  
Katherine McCarthy, Planning Board Member  
Christine Motta, Planning Board Member  
Daniel Odell, Planning Board Member

Jeffrey Lipnicky, Town Planner  
Janine Saatman, Deputy Town Planner  
Randall Passmann, Senior Town Engineer

Percy Cotton, 30 Bellwood Way, Castleton, Beacon Harbor  
Frank Tate, 1698 Central Ave., Colonie, Beacon Harbor  
Tom Yardley, BFJ Planning & Consulting, Beacon Harbor  
Steven Kinley, ACO Property Advisors, Inc.  
Paul E. Hite, LLS, Feeney-Castronuovo Subdivision  
Regina Wagner, Feeney-Castronuovo Subdivision  
Simone Sebastian, Times Union  
Howard Johannessen, Boutelle & Sons, Van Valkenburg Subdivision  
William Van Valkenburg, 16 Werner Avenue, Delmar, NY, Van Valkenburg Subdivision  
Esther Sosman, 510 Dawson Rd., Delmar, NY, Van Valkenburg Sub.  
Sally Rooney, 24 St. Claire Dr., Delmar, Van Valkenburg Sub.  
Michael Rooney, 24 St. Claire Dr., Delmar, Van Valkenburg Sub.

**Van Valkenburg Subdivision**

Chairman Mathusa acknowledged the number of comments that were raised at the public hearing concerning the possible wetlands in the area. The option of tabling the project and addressing the comments was raised. Mr. Odell stated that considering the size of the project, he was willing to discuss the draft approval documents that had been prepared by staff. Chairman Mathusa noted that in addition to the standard draft documents, attached to the Conditional Final Approval document was an addendum that had been prepared by Mr. Ritz of the Engineering Division and would be incorporated into the approval document. The draft SEQR Resolution was discussed first. Mr. Lipnicky suggested deleting Item # 8 that stated the project would not impact any federally designated wetlands, if the Board wanted to proceed with approving the documents. His recommendation was to require the applicant to have a qualified professional determine if there were federal wetlands on the site prior to the Conditional Final Approval. It was reiterated that the applicant had not had this done. Mr. Engel didn't feel that the extension of the pipe would have any

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significant impact on the water issues of the neighbors. He was concerned that there had not been any professional delineation of the wetlands. Mr. Lipnicky stated that previous Planning Board Counsel had recommended that the Planning Board not become involved in the Federal Wetland question. We began getting included in this issue because in the past, many applications needed amending after the applicant and Corp discovered wetlands on the property. In order to avoid reviewing applications two (2) or three (3) times, it was decided that subdivision applications should show wetlands. During the review of some projects the wetlands had been looked at in the context of environmental impact. Mr. Odell stated that applicant did not make an assertion one way or another on the issue of federal wetlands. Even if federal wetlands were discovered on the property, staff review of this project appeared to be finished. He suggested that Item #8 be stricken under the "Be It Resolved Section" and Item #9 be renumbered to Item #8 and the SEQR Resolution be discussed with that change.

Mr. Engel stated that without the issue of the wetlands, he didn't see that the project would add any significant increase to the drainage. Chairman Mathusa wanted to make sure that the grading would direct any runoff into the area of the existing swale. Mr. Odell stated that the runoff created from the impervious surfaces of the project was minimal and the extension of the pipe, although it placed the runoff discharge in a different spot, didn't significantly increase it's volume.

A motion to approve the draft SEQR Resolution with Item #8 removed and Item #9 renumbered to #8 was offered by Mr. Odell, seconded by Mr. Cotrofeld and approved by all present.

Chairman Mathusa explained the Local Law which covers Parkland fees and Mr. Lipnicky let the applicant know that the fee would be due at the time of the application for a building permit.

A motion to approve the draft Parkland Resolution was made by Mr. Cotrofeld, seconded by Ms. McCarthy and approved by all present.

Chairman Mathusa stated that the Conditional Final Approval document would include an addendum prepared by the Engineering Division.

Mr. Passmann stated that the most significant item of the eleven (11) mentioned in the addendum was that the Engineering Division was asking the applicant to tie their proposed sanitary sewer connection into a different manhole than the current one they were proposing. The remaining comments refer to engineering details.

Mr. Lipnicky stated that with the submission of the final plat, an erosion control plan needed to be submitted and the applicant should note that they would have to closely adhere to the grading plan that was submitted.

Mr. Johannessen stated that the site would be graded so that any runoff would be directed to an area along the lot line and then to the existing swale.

A motion to approve the draft Conditional Final Approval was offered by Mr. Odell, seconded by Mr. Engel and approved by all present.

### **Beacon Pointe Harbor**

Chairman Mathusa turned the Board's attention to the Beacon Pointe Harbor project. They had

been placed on the agenda for a discussion of the draft scoping document that had been submitted. A recommendation to issue a Positive Declaration for the SEQR Determination had been submitted by the Planning Board to the Town Board and they officially adopted a Positive Declaration on June 9, 2004. The applicant had submitted an outline of the Draft Scoping Document to the Planning Board. Chairman Mathusa stated that the document the applicant had submitted did not contain enough information. They were here tonight to discuss that document.

Mr. Lipnicky had distributed an outline to the Board containing the items he wanted to discuss. He stated that the Scoping Document's purpose was to determine the contents of the DEIS. The final product would be a written document that outlined the issues that needed to be addressed, the methodologies that would be used, alternatives that would be considered and potential mitigation that may be employed. Scoping would be conducted with input coming from the lead agency, the applicant, involved agencies and the public through a written comment period and a public scoping session.

Mr. Lipnicky proceeded to outline the Procedures for Scoping as defined in the 6 NYCRR Part 617.8. He then discussed the items that need to be included in the Draft Scope as defined in Part 617.8(b). In addition to these items, the document that the applicant had submitted appeared to be inadequate for the following reasons: The Draft Scope references a DGEIS but the Positive Declaration speaks to a DEIS. There hadn't been an agreement to treat this as a DGEIS. The Draft Scope also identified the review as a joint DGEIS for Beacon Heights and Beacon Harbor. A Pos Dec had not been issued on Beacon Heights which meant that there weren't any SEQR requirements attached to the project. Beacon Heights was also subject to the residential moratorium and this prevented the Board from reviewing Beacon Heights. Mr. Lipnicky stated that the environmental review of Beacon Harbor should proceed independent of Beacon Heights though cumulative impacts with Beacon Heights would be considered. Mr. Lipnicky concluded by stating that the Draft Scope submitted consisted of a generic outline minus what would be studied or how. There needed to be a greater level of detail submitted concerning environmental issues and remedies.

Mr. Lipnicky stated that the Board would set the time frames for the written public comment and the date for the public scoping session. Those time frames would have to be noticed in the Environmental Notice Bulletin and the scoping session would need to be identified to the other involved agencies.

Mr. Odell wanted to know if the Draft Scope would also look at other areas of development within close proximity to the proposed project that might have an impact, as was done with the Bethlehem Town Center project. Mr. Lipnicky agreed that it would be a similar approach.

Mr. Lipnicky stated that he had spoken with Mr. Yardley about these issues and the need to elaborate. Mr. Yardley had requested and would be supplied a copy of the draft and final scopes for the Bethlehem Town Center project. Mr. Lipnicky felt that the documents would be helpful to the applicant.

Mr. Yardley, the project planner for Beacon Harbor, distributed copies of the SEQR timeframe. Once the Draft Scoping Document was accepted, the lead agency had sixty (60) days to complete a final scoping document. He wanted to work as quickly as possible to incorporate the items that had been mentioned by Mr. Lipnicky to give the Board a draft scoping document that they were satisfied with. The treatment of the impacts were unclear in the scope and he believed that was a

key issue. He stated that the Beacon Harbor project would be looked at in a site specific way as would the impacts and the concept plan. The Beacon Heights project would be looked at in a generic way as to the impacts that would affect the Beacon Harbor project. He mentioned the effect on the traffic on Rt. 144. He stated that he would incorporate the additional information and quickly return it to the Board. He agreed that the document was bare bones but as consultants in the field, he felt it was a typical document to submit. He thought that it was the lead agencies role to fill in the details. He stated that he was looking for direction as to the details that the Board was looking for. He was worried that after he made these changes, then the Town Board would require changes and it would elongate the process.

Mr. Lipnicky stated that the submitted document would not be going to the Town Board. Once the Planning Board was satisfied with the Draft Scoping Document, it would be circulated to the involved agencies per the Town's MOU. Mr. Lipnicky stated that the Town Board, being lead agency, would be approving the Final Scoping Document.

Mr. Odell asked if there was any further information pertaining to the EPA selection of the de-watering site along the Hudson.

Mr. Lipnicky stated that the last information he had was that the final selection would be decided in the fall of this year. Mr. Odell wondered if this would effect how the Board should proceed with the Beacon Harbor project. Mr. Lipnicky and Chairman Mathusa stated that the Board should proceed as if the site was not being considered by the EPA.

Chairman Mathusa stated that there were a number of environmental agencies that would be keeping a close watch on this project.

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

### **Feeney-Castronuovo Subdivision**

Chairman Mathusa turned the Board's attention to the Feeney-Castronuovo Subdivision. They had recently withdrawn their application for a four (4) lot subdivision and resubmitted a request for a two (2) lot subdivision. Mr. Hite represented the applicant.

Mr. Hite stated that the project had first come to the Board for review about eight (8) months ago. At that time the proposal was for a four (4) lot subdivision. One lot included the existing house and out buildings and the remaining lands were to be divided into three building lots. They had been in the process of finalizing the plans for the four (4) lot subdivision, when the applicants received an offer on the parcel that contained the existing house. It had been on the market for some time. In order to expedite the sale, the four (4) lot application was withdrawn and a two (2) lot subdivision application was submitted. The lot dimensions with the existing house remained the same and the remaining acreage was being treated as one lot. Their intention was to come back at later date and further subdivide the other lot.

Ms. Saatman stated that Engineering Division and the Planning Department had discussed whether there was a need for an easement along Orchard Street for a future pedestrian or bike path. It was determined that the Town presently has a sixty (60) foot right-of-way. Engineering would be looking into whether with the grading in the area an additional amount of right-of-way would be

necessary. Ms. Saatman stated that they didn't see the need for an easement on this side of Orchard Street for that purpose. Mr. Hite didn't see a problem with granting it to the Town but he felt there was area on the road that would make it difficult to put in a sidewalk on that side of the street.

Ms. Saatman stated that in the future if roadwork occurred the road may shift a little bit to the north and that would give additional footage on the southerly side.

Mr. Passmann stated that Mr. Hite had kept a lot of the information from the previous subdivision on the current subdivision plat so a number of the Engineering comments had been satisfied. There were only minor items that needed to be addressed.

Chairman Mathusa asked Mr. Hite to show a proposed curb cut on the plat for the area labeled as Lot #2. He made the request because it would be an approved building lot and if the applicant chose to sell the whole parcel, a building permit could be obtained.

A motion to schedule the public hearing for July 20, 2004 at 7:30 pm was offered by Mr. Odell, seconded by Ms. Motta and approved by all present.

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

The minutes of June 15, 2004 were reviewed and amended.

A motion to approve the minutes of June 15, 2004 as amended was offered by Ms. Motta, seconded by Mr. Odell and approved by all present.

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

The meeting adjourned at 9:35pm.

Respectfully submitted,

Nanci Moquin