

**PLANNING BOARD
TOWN OF BETHLEHEM
July 21, 2009**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting on the above mentioned date, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY.

Present: George Leveille, Planning Board Chairman
Keith Silliman, Planning Board Counsel
Nicholas Behuniak, Planning Board Member
Daniel Coffey, Planning board Member
Kathy McCarthy, Planning Board Member
Chris Motta, Planning Board Member
Kate Powers, Planning Board Member
John Smolinsky, Planning Board Member

Michael Morelli, Director DEDP
Rob Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Russell Sawyer	Stephen Lapienski
Connie VanValkenburg	Cindy Radliff
N. Alerson	Garry Horne
Jarrett Carroll	

Agenda: Horne Subdivision
Delmar Pointe Condominiums
Maple Manor Apartments

Chairman Leveille noted the presence of a quorum and called the meeting to order.

Public Comment Period

Chairman Leveille opened the floor for public comment on agenda items. There were no comments from the public. Chairman Leveille closed the public comment period.

PUBLIC HEARINGS

Horne Subdivision

Chairman Leveille said the first item on the agenda is a public hearing for a proposed subdivision on Maple Ave. and Cottage Lane in Selkirk. The applicant proposes to subdivide the land into three (3) building lots and one remaining land lot.

A motion to indent the public hearing notice into the record was offered by Mr. Behuniak, seconded by Mr. Smolinsky and approved by all Board members present.

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, July 21, 2009 at 6:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application of Garry Horne for a 4-lot minor subdivision on NYS Route 396 and Cottage Lane in Selkirk, NY.

Mr. Hite, LLS presented for the applicant. He represented Mr. Horne and the estate of his brother. The property is bordered on the north with existing homes fronting on Cottage Lane and to west by single family homes and a mobile home park to the east is Rt. 396 (Maple Ave.). The proposal is to develop the parcel into three (3) building lots. Lot #1 would be about 1 ¼ acres, Lot #2 will be 1 ½ acres and Lot #3 will be 1.43 acres. Lot #1's access will be onto Rt. 396 with a driveway that was reviewed by NYSDOT and if this Board approves the subdivision they will give their approval to construct the driveway. The sanitary sewer systems were designed after a meeting on site with the Albany County Health Department. Soil tests were done on each lot and all are within the parameters for the systems designed. Drainage from the lots will be directed to the wet areas on Lot #1 or towards the natural runoff areas. None of the drainage will go onto the adjoining lots. They don't anticipate much runoff because the soil is sandy. There is a federal wetland area on Lot #1 that was delineated by Bagdon Associates and was identified on the plat. Another some area is to the west of Lot #3 consisting of 0.2 acres of land. Neither of the areas of wetlands will be disturbed and there is a note on the map stating that any disturbance in the future would require ACOE review and approval. Town water is available from Rt. 396 for Lot #1 & #2 and from Cottage lane for Lot #3.

Norvell Alderson, 218 Maple Avenue, Selkirk thought the Town wanted town sewers all the way through the area. Mr. Ritz said the original proposal a few years ago was for a cul-de-sac with about a dozen homes. If that was still the case, the developer would have extended the sanitary sewer from Cottage Lane to service those lots and existing homes on Cottage. Because the current proposal is for three (3) lots involved, the developer has chosen to install septic systems. Ms. Alderson said there is a petition from some of the residents that want sewers. Mr. Ritz hoped the petition told the residents that signed that the people that benefit from the sewer district extension will have to pay for it.

Russell Sawyer, corner of Cottage Lane & Rt. 9W. He asked about the future development of the strip of land near the driveway for Lot #3. Mr. Hite said that strip reaches back to about nineteen (19) acres of land. Of those acres there are only four (4) useable acres. In the future they would like to propose one (1) shared driveway back to two (2) additional building lots. If that doesn't work, it will be one lot. A public highway in that area would be too expensive to only service one (1) or two (2) lots. Mr. Sawyer asked if there would be two (2) driveways off of Cottage lane. Mr. Hite said it would be one shared driveway, which is allowed in the district as long as the frontage requirements can be met. Chairman Leveille said the three (3) building lots being proposed and the remaining land lot were separated by other existing lots except for the long narrow piece from Cottage Lane. Mr. Hite said Mr. Horne needed to create these three (3) building lots to gain finances to clear up an estate. There are a considerable amount of wetlands on the remaining lots.

Cynthia Radliff, 30/32 Cottage Lane. She has tried to get sewers to her home before and she was told when houses were built near her the Town would help her. She thinks that time has come, houses are all around her and more are coming. She is getting a petition to try and get sewers down her road. She will present a petition to the Town within a week. She has a lot of signatures. She said speaking with the people, they have told her they are frustrated because petitions in the past haven't gone anywhere. Her other concern that as houses are built along RT. 396, they're higher than the other land on Cottage Lane. She was told the water is running off and the houses on Cottage Lane are built on slabs or crawl spaces. Water is a concern. At 32 Cottage Lane, she has a pond every year in the back. She can't put anything there. She wants to make sure that the three (3) houses are going to do something with their runoff. She said where the new driveway is proposed is a dirt road, instead of disturbing the trees, why couldn't they put the driveway where the dirt road currently is located. Mr. Hite said the petition for sewers is a town issue. The three (3) proposed lots is not a large enough development to warrant the extension of a sewer district. The proposed drainage has been looked at by the engineering department and the drainage will not affect the homes on Cottage. The area of the roadway is being reserved for access in order to get to lots on the remaining lot parcel. He said he centered the proposed driveway on the frontage for Lot #3. He could shift it a little but there would still be trees between the driveway and her lot. Ms. Radliff asked if it was likely that something would be built on the back lot. Mr. Hite said yes, at least one or two lots. Ms. Radliff asked if Mr. Horne was interested in sewers. Mr. Hite said not for three (3) lots.

Chairman Leveille said any proposed lots for the remaining lands would be subject to Planning Board approval.

Russell Sawyer asked to see the map with the remaining lot. Mr. Hite showed them the map.

Mr. Smolinsky asked Mr. Ritz if there is a petition to bring sewers to the area, how long would it take to bring that service to the community. Mr. Ritz said this project will be long completed before the area sees any sewers. At least fifty-one percent (51%) of the owners of the assessed valuation for the lots within the proposed sewer district need to agree to pay for the sewer extension. Once that is done then the Town Board has to agree to spend money to hire engineers to design the sewer, come up with a final cost and then figure how much it will cost each person in the district. Based on the numbers of lots and the spacing of the lots on Rt. 396 and Beaver Dam Road, he thought it would be too expensive. The lots on Cottage Lane would be more of a possibility but it will still be expensive. Mr. Smolinsky asked if there was a history of problems with septic systems. Mr. Ritz said he knew of a few but those owners don't want anyone to know. It's not a community wide problem. Chairman Leveille asked Mr. Hite what critical mass would be necessary for this subdivision to handle the cost of extending the sewer. Mr. Hite said he has never tried to calculate that cost. He did know it would be a considerable amount of money to extend the sewers. He didn't even think eleven (11) lots would have been worth the cost. Chairman Leveille asked what review was done on the drainage. Mr. Ritz said he had worked with Mr. Hite on the grading plan for the project. His comment letter indicated that no water from this project will drain onto the existing homes on Cottage Ln. He said the ground water table is high in the area which is why the newer homes are built higher. The soil drains well because it's all yellow sand.

Ms. Radliff asked if this was the final meeting. Chairman Leveille said there would be another meeting where the approval of the project would be considered. Ms. Radliff said Stewart's on Rt. 9W has sewers. She didn't think there would be a problem to bring it down her road. Because the water is high, there are a lot of people concerned with their septic. The lots on Cottage are small and the septic has to go in the back yard. One of her properties are always flooded, that's why its vacant. She wants the town to help. She's petitioned Cottage Lane and there's two (2) people against, two (2) she hasn't contacted and five (5) that are for it. She said the majority of people on Beaver Dam Road want sewers. Some were upset that some of the people on the street have sewers and some do not. She says she needs more time about wetlands. She thought they were state wetlands, she just found out they were federal. She thought they were very strict. She doesn't think anything could be built on the vacant land. She wants time to check with the federal government to see if something could be built and if nothing could be built, she wants the driveway where the dirt road is located.

Mr. Sawyer said he was glad the Town was concerned with the wetlands and drainage. He asked if anyone had been on site to see the dirt road after a day of rain. It's flooded; he's concerned that the natural drainage will be disturbed or overcome with runoff. He said there's puddles on it after a little rain. He says it needs to be protected. Mr. Hite said the natural drain he is speaking about is not located on the road but it goes through the Town's property, Mr. Ritz's property and to Mr. Horne's property in the back. He showed the area on the topographic survey that was done for the project. He said there may be water on the dirt road because it's flat and hard packed. The ACOE will review this plan for impacts on the wetlands.

Chairman Leveille said the action for the subdivision before the Board doesn't include any improvements to that dirt road. If the applicant comes back for development of the back parcel; it will be looked at then.

A motion to close the public hearing was offered by Mr. Smolinsky, seconded by Ms. McCarthy and approved by all Board members present.

The hearing closed at 6:28.

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

Delmar Pointe Condominiums

The next item is an update from Delmar Pointe Condominiums, a proposed Planned Development District off of Delaware Avenue. Mr. Morelli said the twenty-three and one half acre parcel located on the north side of Delaware Avenue about a quarter of a mile from the signal light at the high school. The applicant has submitted a PDD application. It was accepted by the Town Board in 4/2008 and referred to the Planning Board in 6/2008 for review and recommendation. The original plan had fifty-six (56) units on about thirteen acres of their land. There had been comments on the road layout, location of certain buildings and steep slopes. The applicant has submitted a revised plan with twenty-six (26) acres being utilized and sixty-six (66) condo units and one (1) single family home. There is a boulevard entrance at Delaware Avenue that turns into a cul-de-sac at the end. This will be turned over to the Town.

Mr. Bianchine with ABD Engineers presented for the owner and developer of the project Mr. Viscusi. The site is behind the medical building on Delaware Avenue and adjacent to the Mansions. The land is currently zoned RA. The ravine along one side of the property works as a natural buffer between this project and existing homes. They are asking for a zone change on twenty point six (20.6) acres of the parcel. The site contains wetlands and there is some constrained lands because of the steep slopes. He said that leaves twelve point five (12.5) acres of developable lands. Zoning allows eight (8) units per acre which would be one hundred (100) units. They're proposing sixty-six (66) condo units which comes out to about five point three (5.3) units per acre on the site. Two point nine (2.9) acres of wetlands would be disturbed and they are going through the process with the ACOE for that disturbance. They've had a steep slope analysis done and provided the steep slope setbacks on the plan and where the buildings need to be located. They did a Phase I archeological survey done on the site. There were two (2) areas identified and they were in the process in going to a Phase II study. The roadway has evolved per requests from the planning staff and the highway department. A connection to the medical office parking lot will be provided from the road. To compensate for having one road, they are proposing a sidewalk that could be plowed and maintained and serve as a wider roadway if emergency vehicles needed to get around an accident. This road will be turned over to the Town. Further into the site, the roads will be private and private water and sewer. The drainage meets the Phase II stormwater regulations. There are two (2) detention areas proposed for the site. Dry swales will be provided along the roadways. Eleven buildings are proposed; nine of them are six unit buildings, one building to have four units and one building would have eight units. They would be in a range of fourteen hundred (1,400) to sixteen hundred (1,600) square feet with two bedrooms and two baths. The down stairs units will have a patios area in the back and the upstairs units will have a deck. Each unit will have a one car garage and two additional uncovered parking spaces. Amenities on the site are larger grass areas, a gazebo, a bus stop and central mail box area. Street trees will be planted along both sides of the streets and there will be foundation plantings on the front and rear of the buildings and plantings in the cul-de-sac area. Mr. Bianchine showed the elevations of the buildings; stone and composite siding with architectural shingles on the roofs and metal roofing on other areas. Mr. Viscusi said he is trying to bring the base price of the units at \$249,000 but that will be dependent on the market at the time. He said most condos to not attract families with children so they shouldn't have an impact on the school system. They don't expect this project to be a large traffic generator.

Ms. Motta asked if they had spoken to CDTA about the project. She thought it was great that a bus stop was included in the project. She asked if bus service went out that far on Delaware Avenue. Mr. Morelli said the plans had been sent to CDTA last year and their comment was that they don't have service out that far. Ms. Motta asked if they would consider service to the area. Mr. Morelli said when there is enough demand, it would entice them to bring the service. He doubted they would bring the service into that internal road. The bus stop might be at the boulevard entrance.

Mr. Smolinsky asked if it would be age limited. Mr. Bianchine said no. Mr. Smolinsky said that would leave a potential for families with children. Mr. Bianchine said condos typically attract seniors or empty nesters because they like the maintenance free living. Mr. Smolinsky asked even there were any other amenities. Mr. Bianchine said no.

Mr. Smolinsky asked how many units would be allowed in the current zoning district. He asked what the main advantage of the Planned Development District was to the Town. Mr. Bianchine said its affordable housing, people that want to continue to live here without the large house, tax base, low impact on the school district. Mr. Smolinsky asked if there was

any developable land to east. Mr. Bianchine said there was some but it was very limited and the remainder of the land was steep slopes and ravines.

Mr. Morelli said in a Residential A zone the applicant could put thirty-six (36) single family homes on the site if they could be designed considering steep slopes and stormwater considerations.

Mr. Behuniak asked what the traffic implications would be on Delaware Avenue. Mr. Bianchine said a condo unit will average one half trip per unit during the peak hours. Mr. Behuniak said that area is becoming busier as far as traffic goes and wondered if the Town had looked at or had any plan for that area concerning traffic. Mr. Morelli said a copy of the plans will be sent to NYSDOT for their review and recommendation since it is a state highway. They did identify the site distance on the plan. Mr. Morelli said if it was approved by NYSDOT, a highway work permit would be issued.

Mr. Coffey said there was an extension of the one hundred twenty (120) day period and asked what issues were still left open. Mr. Bianchine said they would like to get the nod from this Board on the plan before advancing the additional studies needed. Mr. Morelli said the applicant has been refining the plans addressing concerns of the Board and the staff. The Planned Development District, though it will still need site plan approval, needs to contain enough detail so the Planning Board can make their recommendations back to the Town Board prior to the zone change. There also needs to be enough information for a SEQR recommendation. If the zone change is approved by the Town Board, the project will still need to come back to this Board. This project meets the Comp Plan's call for diversity in housing.

Mr. Behuniak said the Mansions at Delmar, an apartment complex, is also a PDD. He asked if it was originally planned as condominium units. Mr. Smolinsky said it was always planned to be apartments. Mr. Behuniak said the applicant is stressing the assertion that this type of development would be good for the Town's tax base. Mr. Morelli said this type of residential development doesn't typically generate a lot of school age children; putting less burden on the school district. He said the combination of private roads also puts less maintenance burden on the Town.

Chairman Leveille said the School District routinely looks at different types of residential development and evaluates the cost of providing school services and condominiums are the lowest of the residential types. It is a desired residential use as far as the school district is concerned. Mr. Morelli said even though Walden Fields is a different type of development, the target buyer is similar, and they have not produced one school age child.

Mr. Behuniak asked why the boulevard was stopped at the point decided. Mr. Morelli said the highway superintendent felt the boulevard was a maintenance issue for the Town and advised against making it any longer.

Chairman Leveille said the applicant was going in the right direction and encouraged them to further the plans.

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

Maple Manor Apartments

Chairman Leveille introduced the last item on the agenda from Mr. Crisafulli, owner of Maple Manor Apartments, for a site plan/special use permit to install a two (2) car garage. Mr. Morelli said Mr. Hite was the applicant's representative.

Mr. Morelli said Mr. Crisafulli owns the forty (40) unit complex. Him and his wife currently live on Murray Avenue and are looking to down size. They are moving into the end north unit of the complex and they want to build a two (2) car attached garage to accommodate Mrs. Crisafulli who has a physical disability. When the applicant first submitted their plans to the building department, they were directed to the Zoning Board. The Zoning Board determined that the project should have been directed to the Planning Board as an expansion of a non-conforming use. Under SEQR this is a type II action meaning it is exempt from SEQR review.

Mr. Hite said Mr. and Mrs. Crisafulli are looking to downsize from their large home into one of the apartments they own in Maple Manor; specifically the last apartment on the northern side of the complex. Mrs. Crisafulli has some physical difficulties and it would be easier for her to have an attached garage to get in and out of the apartment. The three (3) parking spaces that will be lost will be replaced by the two (2) within the garage and the complex meets the parking requirements even without the third parking space. The apartment they want to move into is currently vacant.

Ms. Powers said the apartment complex is a pre-existing non-conforming use. She asked if the non-conformity changed because they were adding onto it. Mr. Morelli said there was a discussion among staff as to whether this was really an expansion of a non-conforming use because the number of apartments will remain the same. It was determined because the garage will be attached to the apartments, it is an expansion. The apartments were built in 1968 and will retain their pre-existing non-conforming status. This expansion is permitted under a special use/ site plan approval. Mr. Silliman said these types of expansions were far and few between.

Mr. Hite said the land behind this parcel was owned by the Albany County Land Conservancy, about twenty (20) to twenty-five (25) acres. He said back in the sixties Delmar didn't have hardly any apartments. Then apartments became the big thing to build for developers. These apartments have been well maintained through the years.

An offer to set the public hearing for August 4, 2009 at 6:00PM was offered by Ms. McCarthy, seconded by Mr. Smolinsky and approved by all Board members present.

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

The meeting adjourned at 7:12 PM.

Respectfully Submitted,

Nanci Moquin