

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**June 3, 2008**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on June 3, 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  
Nick Behuniak, Planning Board Member  
Howard Engel, Planning Board Member  
Christine Motta, Planning Board Member  
John Smolinsky, Planning Board Member  
Kate Powers, Planning Board Member

Mike Morelli, Assistant Director of DEDP  
Jeff Lipnicky, Town Planner  
Rob Leslie, Senior Planner  
Terry Ritz, Assistant Town Engineer

Agenda: Dowerskill Village  
McCormack's Hollow Subdivision  
Delmar Pointe Condominiums  
Glenwood Village

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

**Dowerskill Village – Section 2**

Chairman Mathusa stated the project was last before the Board on May 6, 2008 for their Public Hearing. They were before the Board this evening to discuss an issue raised by NYSDEC regarding any potential archeological significance.

Mr. Hite presented for the applicant. Mr. Lipnicky had informed the applicant the project might have to look at the project archeologically. Mr. Hite said that is predicated on the possibility of applying for any permits from NYSDEC for any portion of the development. He does not believe they will need a permit from NYSDEC for anything. He said prior to the Dowerskill Village PRD being developed, the entire area was active farmland. It was regularly cultivated and likely disturbed throughout. He said during the last phase the land from Hague Blvd. all along Rotterdam Dr. was disturbed to put in the sewer system about twenty (20) feet back. The rear portion of the lot has not been disturbed. He said the area of three (3) of the proposed lots was completely disturbed for the installation of utilities. The area has not had an archeological dig. Mr. Hite said on the other side of the creek during the major part of Dowerskill Village did have an archeological study done and no significant artifacts were found. Mr. Hite didn't think anything significant would be found on this some site.

Chairman Mathusa thought the impact of the proposed amendment from apartments to single family homes would be much less. He thought the applicant had tried to minimize the environmental impact to the property. Mr. Hite said sixteen (16) four (4) unit apartments had been approved for this area with associated driveways and parking lots.

Mr. Lipnicky said this issue arose from a NYSDEC letter in response to lead agency coordination. It was stated if the project required any NYSDEC permits, a SHPO consultation would be necessary. He said historically the Board for smaller subdivisions has not required the developer to do archeological investigations because of the cost and time involved. This has been required of larger subdivisions. During the approval process of Dowerskill Section 3 there was an investigation done and a site was found but it was not significant. The more significant sites were usually found in upland areas near water, such as the one in Elm Avenue East. Mr. Lipnicky said this was the only potential environmental issue for this project. There has been ground disturbance on the site and that was one of the criteria SHPO would look at. Ms. Powers said a study was done on the site of Mystic Woods and asked the difference between the projects. Mr. Lipnicky said there would be more land disturbance for Mystic Woods. It's a nine (9) lot subdivision that needs detention ponds, roadways, infrastructure and utilities. He said that site was also adjacent to the Phippin Kill. Mr. Lipnicky said the mitigation plan for the site found was avoidance. Ms. Powers asked if his recommendation was to not require a study. Mr. Lipnicky said it was the Board's decision, but historically it would not be required for a project of this size.

Mr. Smolinsky said it was typical that in the 1970's archeological studies were not required. Things have changed and he thought it was a more common practice. He thought a compromise between doing an investigation or not could be to condition the approval or recommendation with a requirement to stop work and investigate if something were found. Mr. Lipnicky said there have been projects that an archeologist was required to be on call. Chairman Mathusa agreed with the adding the requirement.

Mr. Lipnicky said engineering was doing a final review of the plans and then the project could come back before the Board for a recommendation to the Town Board.

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

### **McCormack's Hollow Section 1 Subdivision Amendment**

Chairman Mathusa turned the Board's attention to the next item on the agenda. The project was last before the Board in September 2003. The amendment proposes a change from a road between North Street and Harding Avenue that was to be known as Merrifield Place into a multiuse pedestrian and bike path.

Mr. Hite presented for the applicant. He said within the approval for McCormack's Hollow, Section 1, was the proposed construction of Merrifield Place between Harding Avenue and North Street. He said the construction of the street was started with the installation of the storm sewer, water lines and gravel to a point in the road. The construction then stopped. Mr. Hite said after meetings with the neighbors and the Town, the applicant is now proposing to construct a ten (10) foot wide sidewalk within the fifty (50) foot Town right of way. The sidewalk will be similar to the sidewalk along Wemple Road. He had used the topography of that sidewalk to design the proposed path. It was designed to have water drain to an existing catch basin. The catch basin on the other side of the path needed to be raised about three (3) feet and that would allow the replacement of soil to give Mr. Whitney back his yard. No driveways would enter onto the pathway. The one (1) lot that had a proposed driveway onto Merrifield Place, when built, would now enter from North Street. Chairman Mathusa said the right of way was fifty (50) feet wide and the path only ten (10), he wanted to know what would be done with the remainder of the land. Mr. Hite said the path was located on the right side of the right of way. He said the remainder would have new fill and be seeded. Chairman Mathusa asked if the Town would maintain the lawn. Mr. Hite said yes, the Town owned the right of way. Chairman Mathusa said one of the neighbor's home needed some fill and grading at the end of his lot. He thought it could also be seeded and the gentleman could then maintain it.

In answer to comments from the audience, Mr. Ritz said because the new storm drainage crossing would not be put in, the catch basin would be raised. He said the grade of the driveway would be used to adjust the rim so it blends in.

Someone from the audience said Supervisor Cunningham had met with the neighbors on several occasions in an effort to come to a resolution on the unfinished road issue. Chairman Mathusa said the applicant needed to resubmit revised plans to staff but he thought the construction could be done this summer. Mr. Hite said the applicant would do what was necessary to complete the pathway. Mr. Ritz asked the Board if the alignment of the pathway was acceptable to the Board. The field inspector will take care of the construction in the field without additional plans from Mr. Hite. Chairman Mathusa wanted to make sure that after the pathway was completed, the additional grading and seeding were taken care of. Mr. Ritz said the additional forty (40) feet of the right of way would be rough graded before the sidewalk is paved. He said the Town and the developer would work together to make sure the project is completed. Mr. Ritz said the pathway needed be ten (10) feet wide to accommodate emergency vehicles if ever needed.

Mr. Leslie said they will take the comments from the Board into consideration and staff would be ready to bring this back before the Board at the next meeting for consideration of an approval. After that the developer will be able to proceed with the construction. Some landscaping would be included, that aspect would be worked out between the developer and the Town.

Mr. Hite didn't think trees could be planted in the Town's right of way. Mr. Silliman said there might be some leeway in this instance because this is not a highway. Ms. Motta suggested signage at either end of the pathway to discourage vehicle traffic. Mr. Smolinsky thought some time frames should be in the approval. Mr. Hite said his client was not opposed to doing the work. Mr. Ritz said the pile of sand on site would be used during the grading.

Mr. Behuniak asked if the past drainage problem would be eliminated. Mr. Ritz said the drainage would be improved with the raising of the manhole and the grading. Ms. Powers wanted to know if the walkway would have marked areas for biking and for walking. Mr. Leslie said there wouldn't be a high volume of traffic and with a ten (10) foot width, there wouldn't be room to delineate areas. It's meant to be a multiuse path.

The Board agreed that the design was acceptable and directed the applicant to finalize the map for approval.

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

### **Delmar Pointe Condominiums**

The next item on the agenda is a proposed condominium Planned Development District project located off Delaware Avenue in Delmar.

Mr. Palesci, ABD Engineers, presented for the applicant. The project is located just west of Bethlehem Central High School off Delaware Avenue. The project is about twenty-three and one half (23 ½) acres with a ravine running through and federal wetlands. It is currently zoned Residential A and the proposal is to change the northern portion of the site that is thirteen point seven (13.7) acres, to a PDD. The PDD would consist of ten (10) buildings totaling fifty-four (54) condominium units and the remaining ten (10) acres would be divided into four (4) single family lots and remain Residential A. The project will have public water and sewer. The adjacent properties are a mix of residential housing that include apartments and single-family homes. Mr. Palesci said this project would fit within those mixed uses. They market they feel that would be interested in the condominiums units would be empty nesters and young professionals. The storm water management area will comply with the NYSDEC regulations. The roadway into and through the site would be a boulevard. The roadway is about twelve hundred (1,200) feet in length. They have been working with Town staff on the boulevard and on other technical issues such as parking circulation and steep slope setbacks. The applicant is willing to work with the Town to make the project work.

Chairman Mathusa asked if the project include a sidewalk along the boulevard and into the medical building

located on Delaware Avenue. Mr. Palesci said they are proposing a future connection to the medical center to

eliminate a curb cut along Delaware Avenue. They had looked at connections into the Mansions development but wetland areas would make that connection difficult.

Ms. Powers asked if the ACOE requires fifty (50) feet from the edge of wetlands to the structures. Mr. Lipnicky said it isn't a requirement but a guideline. Mr. Palesci showed the area on the map identified as wetlands. He said the fifty (50) foot rear yard setback could be achieved because the current location of the buildings is conceptual. They could be moved to better fit the grading to get a better backyard for the single family lots. The PDD will not be impacted by the wetlands. People that live in condominiums usually use their decks as back yards. Ms. Powers wanted to know if the wetlands would be fenced. Mr. Palesci said no they usually use deed restrictions. Chairman Mathusa said those types of details as well as slope setback line will be handled as the project progresses.

Mr. Palesci showed proposed elevations for the project. There will be eight (8) two (2) story six (6) unit buildings with an additional two (2) buildings with four (4) units.

Mr. Smolinsky asked if the PDD would be age restricted. Mr. Palesci said no. Mr. Smolinsky thought the steep slopes and parking issues could affect the density of the site. He would prefer to have some feedback on those issues prior to the Board moving ahead. He would like to see a less dense site but will wait until the constraints on the site are defined for a final opinion. Mr. Palesci said sometime last year a geotechnical engineer was on the site to do several borings. The Town's slope requirement is a 1 on 5 angle of repose. The geotechnical engineer said due to the soils on the site the angle of repose or safe setback is a 1 on 3. They have a line delineated from where the steep slope starts back up to a 1 on 3 to where the building is acceptable.

Mr. Morelli said staff has met with the applicant and they discussed parking, circulation and over all density. After this initial presentation there will be more information coming to the Board but staff felt they were at a stage that an introductory presentation was warranted. Staff will continue to work with the applicant on resolving the issues before the project comes back before the Board.

Mr. Smolinsky said in his opinion one (1) of the criteria the Planning Board should take into consideration is access to public transportation. He asked if there were any other amenities on the site for the residents. Mr. Palesci said there isn't any proposal for a clubhouse or any other recreation facility on the site. Mr. Smolinsky asked if there was van service to take people to public transportation. Mr. Palesci said no. CDTA buses go as far as Cherry Avenue but no further down Delaware Avenue.

Mr. Behuniak asked what the anticipated re-grading would be on the project. Palesci said some wetlands would be impacted and a ravine runs through the center of the site. The lot is somewhat flat at the entry and then the road crosses perpendicular to the ravine and the grading there would be the low point in the road to minimize the amount of grading to cross the stream to get to the upper side, which is flat terrain. He pointed out the part of the lot containing the wetlands. He said the impact to the wetlands would be around one tenth (1/10) of an acre.

Chairman Mathusa asked the length of the boulevard. Mr. Palesci said it was about one thousand (1,000) feet. Chairman Mathusa had a concern that there was only one (1) road out of the development. He wondered if some other entrance/exit could be added from the Mansions. Mr. Palesci said there wasn't an area that could be used for that connection and there were significant wetlands between the two (2) projects. Chairman Mathusa was not comfortable putting all those people on one (1) road. He was concerned what would happen if the road became blocked and an ambulance or fire truck needed to get through. Mr. Palesci said that was the reason they had proposed a boulevard for the project. He said the proposed right of way was eighty (80) feet for a boulevard and fifty (50) feet for a none boulevard road. The width of a road is thirty-five (35) feet leaving fifteen (15) feet. So if there is an accident there would be fifty feet to use.

Mr. Behuniak asked the projected selling price. Mr. Palesci said they would be about \$280,000. Mr. Smolinsky asked what the usable green space would be without any of the constrained lands. Mr. Palesci said he would need to

calculate that number. He said the buildings in the PDD could be moved around a little to achieve some more green

space between the buildings. Mr. Smolinsky didn't think the single-family home next to the parking lot was a desirable situation.

Mr. Palsci said the site was heavily wooded and the tree line is shown close to the house. He said there was plenty of room from the rear of the house to the wetlands. Retaining walls could be used to attain the grade needed to make the lot desirable.

Mr. Engel asked if there would be a Home Owners Association. Mr. Palesci said there would be a Condominium Association for the Planned Development District portion and the property would be maintained by the association.. Mr. Engel asked if the roads would remain private. Mr. Palesci said the proposal is for the roads to be owned by the Town as well as the stormwater management area. He said the condominium association would maintain the facades, the driveways and the sidewalks. Mr. Behuniak asked Mr. Palesci to find out if there would be a restriction on allowing the units to be rented.

Chairman Mathusa told the applicant to continue to work with staff on the issues the Board raised this evening.

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

### **Glenwood Village**

The next item on the agenda was the proposed Glenwood Village project on Glenmont Road. The proposal seeks to construct one hundred and fifty (150) units for senior citizens along with a clubhouse for the residence. The project has been before the Zoning Board of Appeals and received a number of variances, allowing it to move forward.

This is an initial presentation to the Planning Board.

Ms. Herubin, Executive Vice President of Development for United Group, presented for the applicant. This is United Groups project. Mr. Ursprung, Saratoga Associates, is the engineer for the project. Mr. Haskins, United Group, is the project manager. Ms. Herubin said the company would not only be building the complex but would also be managing it. The proposal is for one hundred fifty (150) senior housing rental units on a fourteen point seven two (14.72) acre parcel. It's age restricted but market rate. There won't be income restrictions. It's independent living and targeted to moderate income seniors. There will be one (1), two (2) and three (3) bedroom apartments ranging from six hundred forty (640) square feet to thirteen hundred and seventy-one (1371) square feet. They have tried to address a variety of needs for the seniors. The units will have storage space, either a balcony or patio, kitchens with windows, washers and driers and quality finishes. The apartments are maintenance free and provided with twenty-four hour emergency service through an emergency detection system. To maximize the green space on the site, the buildings have been clustered around a center clubhouse. The design is a result of working with the Zoning Board and the Planning Department. It has allowed them to cluster the buildings on less than four (4) acres, preserving eleven (11) acres of green space. They encourage outside activity for the seniors and there will be walking paths throughout the site. Ms. Herubin said the majority of the variances were to allow the clustering. The buildings are four (4) stories over covered parking. They needed to have the height of the buildings at fifty (50) feet instead of thirty-five (35). They needed to increase the density to one hundred fifty (150) units instead of the allowed seventy-five (75) units. The footprint is larger than the allowed five thousand (5,000) square feet. She said the clubhouse is eight-four hundred (8,400) square feet and the largest building is thirty-five thousand (35,000) square feet. They have broken up the exterior façade to make the buildings look more varied. The final variance was for setback. They wanted to pull the buildings as far from the wetlands as possible and that required the reduction of the rear setback from forty (40) to twenty (20) feet. Less than five (5) acres of wetlands will be impacted on the site. During the development of the site, they will be planting more than eleven hundred ground cover, shrubs and trees. The idea is to line the entrance boulevard with red maples. The developer has had a conversation with the cemetery about the existing chain link fence. They are willing to work with them to make

their entrance more attractive also. Ms. Herubin said all the buildings will be sprinklered and comply with 13 R

regulations. The residents will be able to drive into the parking garage under their building and take an elevator to their apartment. That has gotten tremendous support from the community. They have a petition with one hundred nineteen (119) signatures in support. They have had focus groups with some seniors to understand what they would want in a complex. The larger building will have three elevators and the smaller building will have one elevator. There are one hundred sixty-six (166) covered parking spaces for one hundred fifty (150) units, plus thirty-five surface parking spaces. Each unit will have one (1) covered parking space included in their rent. The complex will be part of United Group's Sun program. It facilitates relationships with community service providers and allows the residents to remain independent for as long as possible. Speakers will come to the clubhouse, they have an activities director, organized trips, a van that will take the residents shopping or to recreational activities such as SPAC. The clubhouse is to foster a sense of community. It will have an indoor lap pool, a surround sound media room, a great room, a salon, a fitness center, a library, entertainment and game room and a conference room. Ms. Herubin said within the target area, there are over fifty-eight hundred (5,800) seniors sixty plus years old with annual income levels of thirty-five thousand (35,000) and higher. Bethlehem Senior Services forecasts there will be nine thousand (9,000) seniors in this age group in the next three (3) years. This will provide a housing alternative for the seniors currently living in Bethlehem. At the Zoning Board meeting a past resident of Bethlehem now living in United Groups Heritage Village said he would have stayed in Bethlehem had there been a facility like this one without a buy in. This project will be a straight rental. Glenmont Road is on the Route 7 bus. She says it is part of the Town's Comprehensive plan to have senior housing in the Hamlet Zoning Districts. The project will have positive economic and fiscal impacts without the added burden on the schools. They had done a traffic study for the Zoning Board and it will be submitted to this Board. A noise study has been done, it is required by a lender to show that the levels of noise will be acceptable. Ms. Herubin showed the Board the elevations for the buildings. Energy efficiency is important to them because they pay for the heat. She showed the circulation of traffic for the site and under the buildings to the garage areas. Under the buildings would have two (2) lane traffic. Two means of ingress and egress are proposed. One road currently has a few single-family homes and the other is to be built. The one driveway in front of the single-family homes is on land owned by United Group. They would continue to maintain the driveway and the homes would continue to be able to use the driveway for access to their homes.

Chairman Mathusa asked if they had contacted CDTA to see if they would come into the site to get residents. Ms. Herubin said the developer would like that to happen but as of yet CDTA had not agreed. She said the developer would continue to work with CDTA. Chairman Mathusa asked about sidewalks to the Town Squire shopping center. Ms. Herubin said sidewalks were part of a larger plan for sidewalk development for the Town and they only have a small area in the front of their property to place sidewalks. She thought it was best left to the Town. Glenwood Village would have a van to take their residents shopping. She said the average age of the residents is seventy-five (75) so if they go shopping and are bringing back bags, they will need to take the van. There will be paths on the site for taking a walk.

Ms. Powers asked if there would be additional screening to block the noise of Rt. 87 such as trees. Ms. Herubin said the building will screen the noise in the courtyard and in the clubhouse. The noise level is somewhere between normal conversation and street noise. The lot is not directly next to the Thruway. They feel that the amount of green space left on the site will mitigate some of the noise. Ms. Powers said it looked like CDTA had made a determination and they would not provide internal bus service unless certain conditions were made. Ms. Herubin said they would continue to work with CDTA. The bus currently stops in the Town Squire Plaza across the street. Most of the residents rely on their own transportation or the van to get to places.

Ms. Motta asked if they had determined the range of rents. Ms. Herubin said they would be between twelve hundred fifty (1,250) dollars to two thousand fifty (2,050) dollars.

Mr. Smolinsky said the project will bring some diversity of housing to the community. It is one of the largest residential projects in Bethlehem. He hadn't read the traffic report yet but questioned the amount of driveways and curb cuts in the area of the project. There is a large open access to Glenmont Road across the street from the driveway for this project. He asked if alternatives to the driveway situation had been explored such as a boulevard

across from Weiser St., the elimination of the other driveway or a connection with Route 9W. He asked if there was any accident information for this section of Glenmont Road.

Ms. Herubin said they have been working with the Town about access onto Glenmont Road. Chairman Mathusa said the access road on the right was existing and thought it was necessary to have more than one means of access for the project. The existing road would be upgraded from its current condition. Ms. Herubin said if they tried to take a road to the west they would be going through wetlands and that would not be possible with the permissions they need to get into place for the project. It would disturb a much larger portion of wetlands. They want to keep the disturbance to a minimum. Ms. Herubin said they would look into accident information.

Mr. Smolinsky asked if it was possible to consolidate the entrances for this project and the cemetery. Ms. Herubin said the entrance for the cemetery gets very little use and this project would want a separate identity from the cemetery, especially for senior housing. She said they would work with the cemetery to improve the fence and landscaping.

Mr. Smolinsky said they didn't have any proposal for crossing Glenmont Road or for connecting the two (2) driveways. He thought those issues were important. Ms. Herubin said they were willing to work with the Town on the larger picture for sidewalks. They would work with NYSDOT on crossings, because Glenmont Road is a state road.

Mr. Smolinsky asked if a potential flooding issue in the parking garages had been addressed. Mr. Ursprung said they are providing subdrainage within the floor. Mr. Smolinsky asked if there were night time measurements done during the noise study. Ms. Herubin said the projection was for the next ten (10) years. There wasn't a delineation between night and day. Mr. Smolinsky said people's sensitivity to noise was greater at night. Ms. Herubin said the interior sound level would be much lower than the outside decibel level. There would be a drop of twenty (20) decibel points inside the buildings that would be accomplished through insulation and good windows.

Mr. Smolinsky mentioned that it did not appear that the project met the parking requirements for senior housing. Mr. Morelli said the project may have to show that they could supply the additional parking spaces required but the Planning Board has the right to waive the necessity of them actually being created. When the project was sent to the Zoning Board a 1.1 parking ratio was used instead of the 1.5. Staff would work with the applicant to show the spaces could be provided. Ms. Herubin said they could remove some trees to put in parking but they feel they have supplied adequate spaces.

Mr. Smolinsky asked if they could do computer simulations of the buildings in their actual setting. Ms. Herubin said the cemetery in front does rise up quite a bit so most the buildings would not be visible from Glenmont Road. He wanted to see how it would look coming from the Thruway, up Glenmont Road toward Route 9W.

Mr. Ritz asked how the residents had access to 24 hour emergency services. Ms. Herubin said every bathroom and every bedroom would have a pull chord to local emergency services. Mr. Ritz said that Van Allen Senior complex, which is about one hundred ten (110) units, is the number one call generator in the Selkirk Fire District. Ms. Herubin said their units usually have less calls because the residents are more independent. They have two (2) separate systems for emergency services and smoke alarms. The smoke alarm would be handled differently. Mr. Ritz suggested that the Selkirk Fire District have some input into the fire alarm/smoke detector system. Mr. Haskins said that a smoke detector going off in a unit would not cause a general alarm in the building. The smoke detectors are monitored by the 24 hour monitoring service that handles the fire alarm controls. During working hours, the smoke detector alarms would be handled by staff. Regular staff hours are from 8AM to 7PM, it will not be staffed through the night. The monitoring service is 24 hours. Ms. Haskins said there is a heat detector in the kitchen attached to the fire alarm system. He said they have a nurse call system that works the same as the smoke alarm system. Mr. Engel suggested the elevators be sized for a gurney. Ms. Herubin said they were. She said this is the style of housing this developer builds. They manage about 1200 units throughout the northeast and Florida. Most

of the projects average 150 units. The height of the structures depends on the area the projects are located in.

The Board reviewed the draft SEQR Resolution, Classification of Action and Lead Agency Designation prepared by staff.

A motion to approve SEQR Resolution, Classification of Action and Lead Agency Designation as amended was offered by Mr. Behuniak, seconded by Mr. Engel and approved by all Board members present.

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

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

The meeting adjourned at 9:10 PM.

Respectfully Submitted,

Nanci Moquin