

**PLANNING BOARD
TOWN OF BETHLEHEM
June 16, 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: Kathy McCarthy, Acting Planning Board Chairwoman
Keith Silliman, Planning Board Counsel
Nicholas Behuniak, Planning Board Member
Daniel Coffey, Planning Board Member
Chris Motta, Planning Board Member
Kate Powers, Planning Board Member
John Smolinsky, Planning Board Member

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

Bill & Jeanne Hamilton, 296 Maple Ave.
Steve Dickson, 230 Delaware Ave.
Garry Horne, 16 Inman Ave.
Jarrett Carroll, Spotlight Newspaper

Agenda: Pines @ Normanside
Horne Subdivision

Acting Chairwoman McCarthy noted the presence of a quorum and called the meeting to order.

Public Comment Period

Acting Chairwoman McCarthy opened the floor for Public comment on agenda items. There were no comments from the public.

Acting Chairwoman McCarthy closed the public comment period.

Pines @ Normanside

Acting Chairwoman McCarthy introduced the first project on the agenda, the Pines @ Normanside Subdivision. The applicant was before the Board looking for direction about access for the commercial portion of the project. The question is whether the Board preferred the access to be from Leonard Place or Delaware Avenue.

Mr. Leslie said the applicant had been before the Planning Board in March with the new layout for a subdivision. At that point the applicant was informed that they needed an area variance for the lot width for the lot fronting on Delaware Ave. The applicant has received that variance with conditions pertaining to the access point for that lot. The access, as proposed now, goes through a core residential district and because the driveway will be to a commercial use, the driveway access will need a use variance. They were looking for the opinion of the Board for their preference on the access.

Mr. Silliman asked what information had been received from NYSDOT and what does the Comprehensive Plan say. Mr. Leslie said the Comprehensive Plan speaks to minimizing curb cuts on major arterials, keeping in mind pedestrian accommodations. With a project like this, a curb cut would be introduced on Delaware Avenue breaking up the sidewalk and adding a conflict point for pedestrians. It also talks about providing mixed use buildings in the hamlet centers that are pedestrian oriented. This site plan shows the project is built up to the street frontage with the parking in the rear.

NYSDOT has taken a look at the project and indicated that their preference for access would be Leonard Drive. They are trying to minimize traffic conflicts on Delaware Avenue and reduce curb cuts where possible.

Mr. Tucker, Infinigy Engineering, presented for the applicant. He said the site plan was the same one given to the Planning Board in March. Since that time they have gone before the Zoning Board and obtained a lot width variance. The lot is seventy-five (75) feet wide. Currently the entire project is a single lot; the lot fronting Delaware Avenue will be subdivided off during the remainder of the project. He showed the Board the zone line between the core residential and commercial hamlet. He said it appeared that the line was laid out along the back property lines of lots on Delaware Avenue. Access to the commercial lot is constrained by that line. Since the last Zoning Board meeting, they approached the adjoining property owner, a pediatric dentist, about getting an access point through their property. That property owner did not want to give them an access easement to get to the commercial lot. At this point the applicant was getting close to resubmitting to the Zoning Board for a use variance to allow the access to the commercial space from Leonard Place. The mixed use building has three thousand (3,000) square feet of commercial space and three (3) residential units. He said if they were not successful in getting the use variance, they would probably flip the building and put the parking in the front with access on Delaware Avenue. It is not something they want to do. The only part of the mixed use lot in the core residential district is the driveway; the structure and all of the parking are in the commercial hamlet.

Acting Chairwoman McCarthy asked the types of business they anticipated in the commercial space. Mr. Tucker said they thought a professional office such as an attorney, a financial office, an engineering firm etc. would be tenants; more of a nine to five establishment.

Mr. Smolinsky said one of the possible requirements per Section 128-71 E (2 a), is a buffer zone between a commercial hamlet and a residential district and there is also a requirement to screen headlights. Although the driveway is a good solution for the access, he thought it compromised lot #1 because there isn't much area for a buffer. He asked what the applicant proposed to do for buffering. Mr. Tucker said the lots could easily be reconfigured to accommodate a buffer area. Mr. Smolinsky thought that before the access point was discussed, there should be a proposal for screening and buffer zone.

Acting Chairwoman McCarthy asked the applicant if they could provide screening and if they had an idea of what it could be. Mr. Tucker said at a minimum they would provide landscape buffering. He said they wanted the buffering to look more natural instead of a row of arbor vitae. Acting Chairwoman McCarthy assumed that most of the headlights would be from people coming home to the units above.

Mr. Smolinsky said the Planning Board had the authority to require buffering or additional setbacks. Acting Chairwoman McCarthy said the Board could either elect to require the buffering and additional setbacks or not. Mr. Smolinsky said the headlight issue was covered in a different section of the Zoning Law. He thought there were two (2) different issues that needed buffering between the commercial use and the residential district. Mr. Tucker said the only headlight glare would be cars pulling out and shining onto one house and he was confident that they could provide sufficient screening.

Mr. Smolinsky brought up the safe setback line that was discussed at the last meeting. He thought the backyards were compromised. He thought if they reduced the lots by one (1), the applicant could come up with a better solution to safe setback line on Lot four (4) and provide an adequate area for a buffer zone. Mr. Tucker said he could suggest that to his client but could not make any commitment.

Ms. Powers asked if they had heard from the neighbors. Mr. Tucker said there were neighbors at the last Zoning Board meeting that had some concerns that the building had a commercial use component. Ms. Powers asked if they had a screening concern. Mr. Tucker said their concern was traffic attached to a retail or restaurant use. Ms. Powers asked if the proposal addressed any of the neighbor's concerns. Mr. Leslie said based on the number of parking spaces, this would not be a high traffic generator onto Leonard Place. He did not think the traffic concern was valid. The Planning Department definitely preferred the access to be from Leonard Place instead of Delaware Avenue. Mr. Smolinsky asked if uses, such as restaurants, were allowed in this district. Mr. Leslie said they were but the parking requirements were substantially higher and they couldn't accommodate a restaurant with the parking provided without another variance. Mr. Tucker said

the lot size did not lend itself to any more parking. Mr. Leslie said the applicant's proposal is exactly what the area was zoned for; small scale, pedestrian friendly commercial uses.

Mr. Behuniak asked how the stormwater would be handled for the commercial structure. Mr. Tucker said the stormwater basin for the development, is designed to handle the flow from the commercial space.

Mr. Coffey asked, procedurally, if after obtaining the area variance from the Zoning Board, was the outstanding question the access point. Mr. Leslie said the area variance was given with conditions. The applicant was directed to revisit the access location. It was decided to present before the Planning Board to get the Board's preference on the access prior to going back to the Zoning Board for a use variance. He said the Planning Department has made their preference known. Mr. Coffey said he preferred the access to be from Leonard Place for all the reasons explained in Mr. Leslie's memo; no additional curb cut and the ability to put the building up closer to Delaware Avenue with parking in the rear. He understood the concerns of the screening but thought those could be met. Mr. Tucker said as they worked through the subdivision process, they could incorporate the screening. Mr. Morelli said the remainder of this subdivision is in a core residential zone and the minimum lot width is sixty (60) feet. They're proposing ninety (90) foot wide lots, so there is some flexibility built in to be able to shift the lots. He thought the screening could be addressed through the review process of the subdivision.

Ms. Motta agreed with staff about the access being from Leonard Place and she was in favor of some screening. Acting Chairwoman McCarthy was also in favor of Leonard Place for the access. The remainder of the Board present concurred that the access should be from Leonard Place and they would be looking for screening from the applicant between the two (2) districts.

Acting Chairwoman McCarthy directed Mr. Leslie to draft a letter to the Zoning Board letting them know the Planning Board preferred the access to be from Leonard Place. When the applicant comes back to the Planning Board, they would need to address the screening and slope setback issues. Mr. Leslie said the meeting record from this meeting would be included.

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

Horne Subdivision

Acting Chairwoman McCarthy said this is an initial presentation of an application request to subdivide some property on Maple Avenue and Cottage Lane in Selkirk. Mr. Leslie said this is a four (4) lot minor subdivision on the south side of Maple Avenue. Water is available but sewer is not available in the area so the applicant is proposing septic systems for the three (3) building lots proposed. The fourth lot will be labeled as remaining lands and not approved for development..

Steve Dickson from Paul Hite LLS presented for the applicant. He said the applicant is proposing three (3) building lots and one (1) lot reserved for future development. Two (2) of the lots will be accessed from Rt. 396 (Maple Avenue) and one will be accessed from Cottage Lane. They have received a letter from the ACDOH approving the proposed septic systems. The fourth lot is behind existing lots along Maple Avenue and might be two (2) large lots in the future. They have met with NYSDOT concerning the design of the driveway. They have been designed to their standards. The wetlands have been delineated by Bagdon Environmental; they will not be disturbed. The larger established vegetation indicated by the dark green on the plans will remain.

Mr. Smolinsky asked where the fourth lot was located on the map. He asked staff if the Board should be looking at a long range plan for the fourth lot if there is a proposal for the future. Mr. Leslie said lot four (4) would need to come back to the Planning Board for approval to even put one (1) home on that lot. At that time the wetlands on the lots, proposed septic system and bringing in water would be reviewed. Mr. Smolinsky asked if this configuration was a way to avoid a full subdivision review. Mr. Dickson showed the Board where lot four was in relation to the other lots. He said the wetlands on that lot have not been delineated. Mr. Smolinsky asked if there was a significant difference between a minor or major subdivision. Mr. Leslie said the only difference between the two types was the major subdivision receives a

preliminary plat approval plus a conditional final approval and the minor subdivision gets just the conditional final approval. They both have a public hearing and SEQR review. Lot four is very constrained and the future proposal is for a maximum of two (2) lots. They have a thousand foot flag pole driveway to get into the lot, which would be a major undertaking. Mr. Dickson said one of those proposed lots would be accessed from Maple Avenue and the other from Cottage Lane. Mr. Smolinsky asked about the ground water levels on the site. He said there was very little difference in elevation between the wetlands and the buildable lots. He asked if there was a history of flooded basements in the area. Mr. Ritz said the ponds in the front of his property were ground water table. His home sits high to stay out of the ground water. Mr. Dickson said the proposed homes would be built in a similar manner. The ACDOH has specific requirements for the elevations of those lots, which would be followed.

Acting Chairwoman McCarthy said the next steps would be a SEQR Determination and setting of the public hearing. Mr. Leslie said Albany County Planning Board has reviewed the plans and the applicant is submitting additional information per its recommendations. He said they working to get the project back on the next agenda.

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

The Board reviewed the draft minutes of May 19, 2009 prepared by staff.

A motion to approve the minutes of May 19, 2009 as drafted was offered by Mr. Smolinsky, seconded by Ms. Powers and the approved by all Board members present.

Mr. Silliman said the Planning Board members are required to complete four (4) hours of training per year. Staff will start some in house training as of July. Every month there will be about a half hour of training. The first ones will cover site plan/ special use permit and then subdivisions, process and procedures. In the fall will be another stormwater presentation. He encouraged Board members to come forward with topics they would like to see covered.

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

The meeting adjourned at 6:45 PM.
Respectfully Submitted,

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