

**PLANNING BOARD
TOWN OF BETHLEHEM**

March 16, 2004

The Planning Board, Town of Bethlehem, Albany County, New York held a **Public Hearing Meeting**, on Tuesday, March 16, 2004, RE: **TROUBADOR SUBDIVISION**, Rt. 9W at Church Road, Selkirk, NY at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Parker D. Mathusa presided and called the meeting to order at 7:35 p.m.

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

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

Bernice Ott, Troubadour Subdivision
Frank Fazio, P.E., C.T. Male, Troubadour Subdivision
Tammy Seabridge, 1022 Rt. 9W, Selkirk, NY 12158, Troubadour Subdivision
Herb Strumpf, 977 Rt. 9W, Selkirk, NY, Troubadour Subdivision
Wayne Seabridge, 1022 Rt. 9W, Selkirk, NY 12158, Troubadour Subdivision
Al & Carol Penk, 387 Clapper Rd., Selkirk, NY, Troubadour Subdivision
Jeff & Gene Ward, 470 Clapper Rd., Selkirk, NY, Troubadour Subdivision
Joan L. Graf, 58 Old Ox Rd., Delmar, NY 12054
Robert & Linda Stockwell, 201 Wycham Ct., Slingerlands, NY 12159, Delmar
Construction & Interior Design
Richard Hoffman, 1735 Central Ave., Albany, NY, Delmar Construction &
Interior Design
Bruce Ginsburg, Schuyler Companies, Town Squire Phase II
Steve Powers, Nigro Companies, Nigro Retail
John & Gloria VanDerPoel, Rt. 9W, Glenmont, NY, Nigro Retail
Tod Curley, Nigro Companies, Nigro Retail
John Allen, Esq., Shanley, Sweeney, Reilly & Allen, Nigro Retail

CHAIRMAN MATHUSA: Mr. Fazio hasn't made it here as yet, so we will proceed with Bernice Ott. The project we are looking at here tonight is the proposed Troubadour Subdivision. It's located at 9W and Church Road in Selkirk. It's one that we are soliciting comments from the public, both for and against the project itself. We will ask you to come to the microphone to make your comments, if you would state your name and address, we will take your comments verbatim so we want to make sure we have all that very clear. It's a project that the Planning

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Board has reviewed a number of times, we're at the point where we thought it was appropriate to for us to hold a public hearing and bring the public's comments into this particular project. I don't know if the Board members have any comments at this point to raise or if staff has any comments at this point. If not I would ask Bernice Ott to just give us a short thumbnail sketch of the project itself to the public.

BERNICE OTT: What we have here is fifty acres that I own here that comes off of 9W. We're utilizing about eleven acres of the fifty and we're only putting in here eleven single family homes that are marketed towards the senior. Everything will be on one floor but they will be individual homes, single family homes but they will be so that the living area's all on one floor for the seniors such as myself. I will also be living here, I will have one of these lots and I will maintain the back of the other fifty acres that's left for nothing can be built there is what they cannot be. This goes all the way through to Jericho Road, this right here. At this time we don't have no plans or anything or building anything, so it's just going to be eleven lots and their going to be single family, their going to be very exclusive \$350,000 and above it what their going to be. And their gonna have an association in here to take care of the pond and the common areas. You want to take over?

FRANK FAZIO: I'm sorry I'm late.

DANIEL ODELL: That's OK given the weather.

BERNICE OTT: But anyway, the whole object of doing this was to make something for the seniors that can come in from Delmar from your four bedroom, two and half bath colonial and stay in the Bethlehem area and be able to take all their furniture. They're going to be about 2300, 2400 square feet so that they can take all their belongings that they have all these years with them. And I'm one of those seniors, so not only am I an owner, and not only am I a real estate agent but I'm also a consumer that wants something coming out of a two story house that wants to be into something that would be all on one floor and there's nothing in Bethlehem that will give me the single family that will be all on one floor. But it should be really nice, we were going to put a berm in here, I mean and again but like I said, I don't know, it's only eleven lots that's gonna be in here. And again this back here's not gonna be utilized. Do you want to take over?

FRANK FAZIO: I don't know if she got into the utilities and things but we did submit the plans to the Town and they've been reviewed by the engineering department and if we have addressed those comments, they were submitted yesterday. One minor change we had since we originally presented this plan is that we were putting a storm water management basin right in this location. We did some new calculations and we found we're not in need of this basin, what we're gonna do is collect all the storm that comes down the road and then back up it up through here and then go down the same sewer easement that we were for sanitary. So the storm water could follow this same easement and then we'll discharge it out to the creek out here. This will save anymore disturbance in the back and eliminate some grading we were going to do in the back here all the way down to the creek. The Town would like us to pipe this rather than discharge to this open swale in here and that would have meant a lot more disturbance down that way. So we were able to eliminate this basin in here , we did an analysis on the entire Dowers Kill there and found that the additional runoff from here is far less than what the entire drainage shed quarter shed area takes in there, so that should work out well. The sanitary sewer again will come down, we extended this out to 9W should there be any future connections on 9W to deal with connections with the site. Again we'll come down through here and then come down through this easement to

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the sewer main that runs along the Dowers Kill along the back there. As Ms. Ott mentioned, we are keeping this pond intact. We are disturbing some wetlands in here and part of our mitigation is to enhance this pond so we'll be putting in some enhancements in through here, a bench in here, some aquatic vegetation through this location. We have already talked to the Corp about this very briefly last year on this and it seemed to be a plan that they would be willing to work with. The pond will be controlled by a weir when we grade in through here we'll put a weir in here to support slow down and follow the same path as much as it does right now through the back. We'll put an easement in through here for the Town for any maintenance that goes in there. We also in the Town requirements because there are some steep slopes we set the setback line through here based on the one on five slope. We also went out there and did a soil boring and a soil analysis to make sure that we don't have any split feature or anything like that and to confirm where that line is typically sometimes with some soil characteristics you can go a bit further than that line, obviously if you can show the soil bore is OK. But we basically found that the soils in this area about similar to what you would want for the Town requirements for the one on five. So rather than try to adjust anymore we left it right where it was it pretty close to that location. We've located the site distance in here, we have plenty site distance both ways we'll use the existing entrance that's there now. The only detention we'll have is a small basin right in this location and that's to collect the water that would run off onto 9W because we're required to do some minor detention. That basin would be located on Lot # 6 here and that would be maintained by the homeowners association. The grading we've limited that to the area surrounding the project, the rest will remain natural as much as possible. First trees will be removed, the existing trees that are along in through here will pretty much remain all through the back in there and the existing buildings will be... the barn has been relocated and is going to be reassembled somewhere else and a portion of the house has been relocated and the remainder will be removed also. The only last thing we have right now is with this NYS Historic office and I've contacted them three or four times and have not gotten a return phone call from them. We did submit the report to them the report that we did (inaudible).

MAN FROM THE AUDIENCE: Can we ask questions on the project?

CHAIRMAN MATHUSA: I need to do one technical thing and then I'll get back to that. In my interest to move this along quickly because of the weather I forgot to do one technical thing. I need a motion to indent the notice of the pubic hearing and to our record for the minutes and I need a motion to do that.

MR. ODELL: So moved.

MR. COTROFELD: Second.

CHAIRMAN MATHUSA: All those in favor.

BOARD MEMBERS: Aye.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, March 16, 2004 at 7:30 p.m., at the Town Offices, 445 Delaware Ave., Delmar,

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New York, on the application of Ms. Bernice Ott, 390 Columbia Turnpike, Apt. 1, Rensselaer, NY 12214, for approval of a twelve (12) lot subdivision located on Rt. 9W at Church Road, as shown on map entitled PRELIMINARY PLAT, SUBDIVISION PLAN, TROUBADOR ESTATES SUBDIVISION, Town of Bethlehem, Albany County, New York, last revision February 26, 2004 prepared by C.T. Male Associates, P.C., 50 Century Hill Drive, P.O. Box 727, Latham, NY 12110.

CHAIRMAN MATHUSA: Thank you. So now I'm in good stead with the secretary, so we know where our priorities are. OK, I think I would prefer to have you come to the microphone, introduce yourself and ask the question, so we understand what your questions are.

MAN FROM THE AUDIENCE: I think before I do that I just got a couple questions to ask, that he hadn't discussed. – You seem to have an access.

CHAIRMAN MATHUSA: Could you do it at the microphone so we can hear you?

MR. PASSMANN: The microphone is for the tape recorder so that's why.

AL PANK: Hello, my name is Al Pank I reside on Clapper Road in Selkirk, NY. On this cul-de-sac you seem to have an access coming off the cul-de-sac going to the back acreage. Is that correct?

MR. FAZIO: Yes that's a for the remaining lands lot in the back there, it's not for a road or anything like that, if it's for anything it would be for a private driveway to have access.

AL PANK: Has that been taken into consideration by the Board?

MR. COLLIER: What's your concern?

AL PANK: I've never seen an access off a cul-de-sac before in the Town of Bethlehem I don't believe or I don't know where there is one.

CHAIRMAN MATHUSA: You can't land lock that, they have that there...

AL PANK: It isn't landlocked, he said it comes out on Jericho Road.

CHAIRMAN MATHUSA: They have an easement there and it's not what I call a legal conveyance at this point, so we had to give them access to it.

MAN FROM AUDIENCE: Legal frontage.

AL PANK: Well I don't like that idea because if he doesn't get his easement to Jericho Road that means all the traffic for them sixty acres in back is gonna come out the end of that cul-de-sac and all that traffic is gonna hit into a cul-de-sac. I don't understand that.

MR. FAZIO: This is for one lot which is remaining lands back here. If this ever gets developed, Mrs. Ott right now does not have access she has ingress/egress easement to that parcel in the

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back. It'll only be one lot, this will not be a road, this cannot be a road that will go to the back. There's several reasons for that, one is that it's very hilly back there, there's ravines in there...

AL PANK: I've walked all that property at one time or another.

MR. FAZIO: So based on the slopes and the creek and the setbacks and everything, the only area that is able to be developed is the area up along here. And the only way any development would occur over here is if she was able to purchase land along Jericho Road to gain frontage on Jericho Road. But right now the only way this parcel is by itself is that it's one lot for a single-family house. It's only got 24-foot frontage on here so it wouldn't take a Town road, so there won't be a Town road.

AL PANK: So that's not giving you acreage to more than just one lot? Or is that giving you access to all the acreage?

MR. FAZIO: It gives access for the lot so it doesn't become landlocked. It needs Town road frontage which is... the minimum is twenty-eight (28) feet.

AL PANK: It seems like you should have to have an access off of 9W to get to that back lot. So we can determine what's going to be built back there later on for the access.

CHAIRMAN MATHUSA: They have to go back for approval to develop that, and if all those conditions are not met they won't get approved.

AL PANK: But in the mean time, we're gonna have access off of that cul-de-sac.

CHAIRMAN MATHUSA: To go where?

AL PANK: To get to them back acres. Where's the easement, OK I'm lost.

MR. FAZIO: On Jericho Road in the back...

AL PANK: You told me they couldn't get to it off of Jericho Road.

MR. FAZIO: There's an ingress/egress.

AL PANK: So if you can't get to it from Jericho Road now how can you approve this with a cul-de-sac when you don't have access from Jericho Road.

CHAIRMAN MATHUSA: That's why we put that in there to satisfy the Code.

MR. LIPNICKY: The issue here is essentially that the Code requires 28 feet of frontage to a public street to any lot. This particular parcel does not have direct frontage on Jericho Road, easements do not satisfy the Code requirements. So that in order to form this back lot which will be labeled and treated as remaining lands, it is not an approved and will not be an approved building lot. But in order to do this subdivision and have those lands as remaining lands they need frontage on a public street and the minimum frontage requirement in the Town Code is 28 feet. Therefore the flag lot that's created to the cul-de-sac. But this don't include any approval fro development of that back piece. In terms of future roadway 28 feet cannot accommodate a

Town street so there is no and will not be any road access to that back piece through here. And our analysis would agree with the developers that there's a lot of ravines back there and what have you and to try to develop off of this cul-de-sac that remaining lands is just not practical. To the extent that any of that can be developed it will be done at some time in the future. At which time if and when Mrs. Ott, or who ever might own this in the future, can find and purchase frontage along Jericho Road to gain access that way. There's just no way that any amount of development is going to be serviced off of this cul-de-sac.

AL PANK: That's not wide enough to put a road through is what your telling me?

MR. LIPNICKY: Thanks correct.

AL PANK: If that's not wide enough for a road, you don't have access to the back lot anyways, so why have it?

CHAIRMAN MATHUSA: It's required under the Code to have a lot.

AL PANK: When we refer to a lot we're talking about 60 acres? Am I correct here?

MR. FAZIO: It's one lot.

AL PANK: What is the zoning on this piece of property here now, light industrial?

MR. LIPNICKY: AR

AL PANK: What's AR?

CHAIRMAN MATHUSA: Residential.

MS. SAATMAN: Agricultural, what, it's not called that?

CHAIRMAN MATHUSA: Residential AR.

AL PANK: Well I'll see what everybody else has to say now.

CHAIRMAN MATHUSA: Would anyone else like to make comments for or against the project or ask questions to the developer?

JEFF WARD: Jeff Ward from 470 Clapper Road, we live first place off 9W on Clapper Road we border the Vlomans Kill Creek. Since the developments that have been going on upwards from where you're going to be, back on Wemple Road and back on Feura Bush, and so forth, that creek has steadily been rising and therefore getting erosion and wash away. We have noticed that right in back of our house and are very concerned about that. You mentioned you are putting in a runoff that's going to go into that creek which is going to create more water. Unless somethings done with that creek especially where we are and down further you're going to get blockage cuz it's not big enough to handle that water. Somehow the Town's gonna have to go down through and open that up. When we first moved here which was 13 years ago, that creek during the summer went dry. In the past 3 or 4 years, that creek's never dry and the water's always flowing in this time of year. That creek is high enough that it's washing away the bank. As we sit where

we are we can see where the trees and so forth along that bank are going down. So I don't know, either the Town's gonna have to address that issue to accommodate this extra run off which is going to be immediate to the creek from where he's showing there.

WAYNE SEABRIDGE: Good evening, Wayne Seabridge, 1022 Route 9W, right across the street. I really have no objections against it, I was just wondering with this sewer line coming through here coming out to 9W, will people have access to that? We don't have sewer now.

CHAIRMAN MATHUSA: I don't understand your question.

WAYNE SEABRIDGE: I'm wondering if other families will have access to that sewer line.

CHAIRMAN MATHUSA: Is that line in now?

MR. FAZIO: No, there's a main trunk line through here, we'll be installing sanitary sewer up through here and up to 9W and that will be turned over to the Town. It will be a Town sewer up to this point right here. If you're across the street, the Town would have to extend it to the other side of 9W.

CHAIRMAN MATHUSA: They would have to extend the sewer district.

MR. LIPNICKY: At this point in time, a portion of this parcel is outside of the sewer district, so the applicant here will need to apply to the Town Board for an extension to the sewer district. I don't think we can answer your question at this point in time as to whether or not you would have access to it. I think what you need to do is get in contact with the Public Works Department. If you are interested in access to this sewer, it may be a situation in which when the sewer district is extended that you are included or incorporated within that sewer district. But I can't be specific about that tonight I think the best person for you to talk to is really the Public Works Department. Unless Randy can shed some light on this at this point.

MR. PASSMANN: I really can't elaborate at this point but I agree with Jeff's recommendation.

WAYNE SEABRIDGE: What do you mean by a sewer district?

MR. LIPNICKY: There are portions of the Town that are within the sewer district, it's a special district. People who are within that district pay sewer district taxes to maintain the sewer lines to run the sewer station, whatever. At this point in time part of their property is not within the sewer district, so under the laws of the health department, under the state health department, county health department, in order to extend the sewer district there needs to be an engineer's report and plan done, it has to be approved by the county health department, the state health department and only in that point in time can sewers be extended beyond the existing sewer district in other words what we're doing here is extending the boundaries of who was within the sewer district. When those boundaries are extended anybody who is brought within there now begins to pay taxes, just like anybody else who is within the sewer district.

CHAIRMAN MATHUSA: There are public hearings that are held on that and they will be held by the Town Board. It's like extending the water district, extending the sewer district, so the structure has to be in place and then you can hook up for some fee.

WAYNE SEABRIDGE: I see. OK.

CHAIRMAN MATHUSA: Good point.

MR. LIPNICKY: To the extent that residents in the area are interested they ought to contact the Public Works Department to see if the district could be extended beyond just this particular subdivision.

CHAIRMAN MATHUSA: We can talk to you later and help you out with that.

CAROL PANK: My name is Carol Pank, I live at 387 Clapper Road. I have a couple of concerns. Jeff brought up the water situation in the Vlomen Kill. On Clapper Road part of Al's and my property is a tributary that comes off of that Vlomen Kill and in the past few years that has flooded over to the point where no traffic can go through Clapper Road until the water recedes. The ambulance currently is out on 9W close to our home and our road is a point for that ambulance to travel across quite frequently. When that road is flooded they can't use it. My concern is that it's also eating away part of our property that tributary creek is eating away, we're losing a little bit of our property all the time. Another concern I have which I think the Town needs to be really zeroing in on is the traffic. We're taking bits and pieces of the southern part of our Town and I know that this is the only area where there's vacant property and those bits and pieces are gnawing away at the open green space but it's also causing a traffic problem on 9W which continues to be a two lane country road. I don't know if any of you drive that daily, it's congested all the time, where we coming off of Clapper Road onto 9W maybe we have to sit 5 minutes now if we continue to develop it without doing something about the traffic situation, you know we'll be late for work everyday. 144 is getting just as crowded because the people that come off of 32, I have a friend that lives on 32, can't get to PIA Insurance so she goes down the hill to 144 and back up again, just to get to work because of the traffic on 9W. I think the Town really needs to take a good good hard look and do something about the traffic as well. But we've got to watch this water problem. OK.

CHAIRMAN MATHUSA: Thank you.

AL PANK: Al Pank, Clapper Road, Selkirk NY. As I understand it. We're going to go through a moratorium on building, I think Theresa Egan is working on that which I think is an excellent idea. Problem I have is that Mr. Ward brought up, my wife brought up is the rising water. The poor gentlemen over on Long Lane, his house gets flooded he can't even get in or out of his driveway right now. I don't know who owns that house now but I would be up in flames if it was me. Contacted the Town, Town really isn't too concerned with water runoff form all the developing. Contacted the environmentalists, their a little concerned only if it's eroding the land. The question is should the Town be interested in the water runoff. We put the senior center I up on 9W, that's got be to draining into that same little creek behind our house. Their talking about putting in another development on the old Heath's farm and that water's got to drain to our house. That's on the water. How do we find out if the Town is handling the water problem for drainage because it's somebody else's responsibility when you talk to our Town Representatives. Do I have an answer on that or I shouldn't at this meeting?

CHAIRMAN MATHUSA: Well, we don't answer questions like this at this point but I think that there's a number of people in this room that have dealt with storm water and storm water runoff extensively in the last couple of years on some of the major projects. The requirements from the

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Department of Environmental Conservation and other agencies are quite explicit on how that has to be handled but ultimately it will wind up into some public creek. The Vloman Kill, the Normans Kill and so on and so forth. Incrementally how much more water is added by the collection systems here as opposed to the normal runoff is problematic, let's assume that it's more than was than with this runoff. Your point's well noted and we'll take a look into it.

AL PANK: The only problem I have, DEC will get involved...

CHAIRMAN MATHUSA: They are involved.

AL PANK: If we get them involved. The only way that they'll get involved is if there's erosion of the land. We do have erosion of the land. Every time the creek flows, it's the color of mud. Now, do we have to get the NC involved ourselves and go to DEC the way we did on that wonderful bypass that we're gonna put in over our way, or is our Town getting with DEC to solve the water problem and if they are shouldn't we be addressed on that in as much as we have lake Selkirk two of three times a year now that floods all of the Hillman Farm.

CHAIRMAN MATHUSA: OK, I understand your point. I don't know if Jeff or Randy had any other point to add.

MR. LIPNICKY: As with any development drainage it is something that will be looked at as we review this project.

AL PANK: It has to do with all the developments. So if we have a moratorium on building that's coming in.

CHAIRMAN MATHUSA: On residential.

AL PANK: I don't feel that we should rush through putting through anything in the Town as far as further project as far as building goes.

CHAIRMAN MATHUSA: You mean all buildings or just residential.

AL PANK: All buildings. That's what the moratorium is gonna be, the way I read it.

CHAIRMAN MATHUSA: No.

AL PANK: The moratorium's gonna be on all buildings and just can go into effect is the projects that's been approved previously.

CHAIRMAN MATHUSA: Just residential.

AL PANK: Just residential? So it's not gonna be on commercial.

CHAIRMAN MATHUSA: Correct.

AL PANK: OK, I guess I gotta sort out my mind, I had something else I wanted to address also. It's seems that when they do construction, referring to a construction site, is that when it's a construction site apparently when they get the right of way from our Town, they also get the

right of way that they have to keep the road clean. And this is spelled out as long as the building permit is issued, is what I found out. If a building permit not issued as the Town is concerned, it's nobody's responsibility again to see that the road is cleaned or that the proper drive access is put in. So you can actually take in the Town of Bethlehem now, as I understand it, and have been told, if I want to put a drive access in all I have to do is fill it up and drive across it. The reason I bring that to light is, I have a logger that come into the area just above where my home is. He come in he started logging the field, well it's very wet now, we wound up with a mud road the first day. The Town police, they can't do nothing, I got the building department, there's no building permit issued when they log anything. So we're understanding that they can come in and do what they want to do and disrupt the whole area, even though they're outside the area. They also, without having to get a permit for a drive access which you would state in the that permit, so I'm told, that they must keep the road clean. They don't have to keep the road clean. The only way it gets involved to keep the road clean is if it's creating a hazard that would cause an accident. I think that before we OK any more building in the Town of Bethlehem, we should get something regarding the drive access. This individual that's logging, is also going across a good piece of Town property. And he got no permit to go across the Town property. So not having anything to do with this other than what's going come out of there with trucks or whatever right, that's a state highway, I'm sure that's going be kept clean. I'm sure that Elm Avenue where you had a development was kept clean, Wemple Road is kept clean, Clapper Road, nobody seems to know where it is.

CHAIRMAN MATHUSA: I know where it is, I grew up on it.

AL PANK: And there's no way, no way I found out, of having the Town represents us and do anything to keep our road clean.

CHAIRMAN MATHUSA: OK, I can't answer that at this point, but your point's noted and I will see if there's something else I can do. But in terms of the current project that we have under way, we make every effort to have gravel put down so the trucks go across it and the mud comes off the tires before it goes on the road.

AL PANK: OK. The other third thing I have and I have an opportunity to bring this up by the way so you have to pardon me for taking up your time. I was under the impression that when we cut trees in the Town of Bethlehem we have to have a permit for cutting trees? Now, I since found out that no we don't. So we can strip as much land as we want. So, that little creek that's going be helped along with this project and with the other projects along 9W consequently is going to keep eroding. Right now it's four times the size of what it was originally, why do we allow people to just strip the wood from the land and allow the ground to seep into the crick. Once again if this is allowed we have to get DEC involved. Is that done at the Planning Board or what board is that done at?

MR. ODELL: It's really a Town Board issue. The types of issues that you're bringing up here would be very appropriate as the Town puts in place a moratorium and then reconsiders the zoning code for the Town, planning ordinances and other ordinances as part of what's going to go on. The kinds of issues you are raising are very broad issues they apply in all parts of the Town and they are the kinds of points that I think need to be made in a forum before the Town Board and to be considered in that environment rather than here because in here all we can focus on tonight is this one project although the point is well taken about clearing land.

AL PANK: Shouldn't the Planning Board do this first...

MR. ODELL: That is not part of the Planning Board's role under the law.

AL PANK: Shouldn't the Planning Board first before they OK a project find out about the runoff and whether erosion is gonna exist?

MR.ODELL: That's part of the Planning Board's job.

AL PANK: Yes it is, so when it's not done and nobody enforces it in the Town of Bethlehem where do you go?

CHAIRMAN MATHUSA: If you own the property and you don't bring a project forward and you just cut the trees, it's your property, theoretically you can because it's your property.

MR.ODELL: Other Towns do have ordinances, that have to do with tree removal and this Town could have one should the Town Board choose to pass it.

AL PANK: So we agree that the owner can do what he wants to do.

CHAIRMAN MATHUSA: Under the Law now.

AL PANK: So now we're back to the water problem. So now if they cut the trees off and the water flows and we get flooded out, I've also been advised it's nobody's responsibility in the Town of Bethlehem because you lose your property because you're on the low land which were normally farm property. And it's a dedicated farm that's being flooded right now. So before any project is put in any place in the Town, the water problem should be addressed. Thank you.

WAYNE SEABRIDGE: Just like to ask you now are going to open this access up to these eleven parcels is it? You're using the original access where it is right now?

MR. FAZIO: Just about, yes.

WAYNE SEABRIDGE: Is there any issues been brought up about the actual traffic on 9W? About trying to get the traffic slowed down?

MR. FAZIO: On 9W?

WAYNE SEABRIDGE: Yeh. There's a fifty-five (55) mile an hour speed limit. You're trying to get eleven more people or families or whatever, in and out of that area now on a fifty-five (55) mile an hour road.

MR.FAZIO: We had to do a study for DOT that shows that there's a sight distance so when the cars come out here they have the proper site distance to see both ways before they turn onto 9W. And we've done that and it does meet the requirements.

WAYNE SEABRIDGE: For fifty-five (55) mile an hour? Just asking.

CHAIRMAN MATHUSA: Any other questions or points? Does the Board have any questions or points at this point?

JEFF WARD: Going back to... Jeff Ward, 470 Clapper Road, going back to the water issue, would somebody from the Town, I don't know if it's the Town highway or who controls or looks at the wear of the creeks where it erodes. Is somebody from the Town presently available to come and look at the different areas to evaluate this and see if this is what is occurring?

CHAIRMAN MATHUSA: We will ask the Engineering Department to take a look.

JEFF WARD: OK, thank you.

MR. PASSMANN: I would like to interject on behalf of the Engineering Department, that you should feel free to stop down and talk to us about it. We could look at the situation for you. The Town Engineering Department we're upstairs.

CHAIRMAN MATHUSA: As part of the follow up on the comments here we understand your point and we'll help out. And Mr. Pank's, we understand all your points. Any other points, thoughts?

AL PANK: Al Pank, Clapper Road, Selkirk, NY. When you get the approval for the sewer district, why can't they get the sewer district approved for those houses along 9W, being there're being put into the situation of having that development across the road from them. Because to get an approval for the sewer district the way it is, if you get it approved out to 9W and I'm not saying you should pick the expense for it, is they should be able to approve those houses along 9W within that area for like 2,000 feet or whatever the heck that might be.

CHAIRMAN MATHUSA: Well that's a petition that it's my understanding that the Engineering Department can work with people in the general location along there to see if there's an interest in it and the people can actually vote as to whether they want to be in the district or not in the district. If they vote not to be in it, they don't have to be in it as an entity. If the district is in, then everyone has to pay the taxes. If they vote not to have it in unless the Town Board by some edict does make it official on their own motion then you don't have to be part of the sewer district.

AL PANK: But if they got it approved at the same time...

CHAIRMAN MATHUSA: It sounds logical to do that.

AL PANK: What they're saying, if they get approved at the same time which is logical and given the neighbors of having the offset of having the extra traffic or whatever. OK, if they don't hook up to the sewer and they don't want the sewer even though it's approved later on they may decide to do it, once it's approved they don't have to pay taxes until they get the pipe as I understand it. It's a pipe tax.

CHAIRMAN MATHUSA: When you are part of a district, you will pay some tax, it may not be full, but you have to physically put in the sewer lines yourself and if it's a high pressure line will cost you \$8,000 to do it.

AL PANK: OK, it was just a thought. Thank you.

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CHAIRMAN MATHUSA: Any thoughts, any points.

MR. COLLIER: Well Parker I had a question along the same lines about the sewer, there are neighbors across the street that would like to get into that line. Are there not design considerations that should be taken into with that sewer line, that would accommodate the potential expansion in the future of putting additional neighbors on that line.

CHAIRMAN MATHUSA: I think it's a design that Engineering will have to take a look at. The connection on one end might have to be a larger line of some sort to accommodate that as opposed to the connection to the other side, so that's an engineering detail that instead of putting in a six (6) inch line maybe an eight (8) inch line or something like that. I think that's an Engineering detail as to that but it's a valid point, thank you.

MR. FAZIO: Just as note, we originally had that designed just for the subdivision up to the last house and then due to the Engineering Department requests us to extended it out to 9W so should it be needed to be extended the access would be to 9W directly. The eight-inch pipe is large enough to accommodate the development.

MR. LIPNICKY: But are we at a sufficient depth here to reasonably extend it a reasonable distance. In other words are the lines deep enough OK to extend it a reasonable distance.

CHAIRMAN MATHUSA: As far as I know the Town really doesn't put any money into doing those types of development it's all done by the developer or the individual families who want to tie into the district.

MR. FAZIO: This will be borne by the developer.

MR. COTROFELD: You mentioned that it looks like you identified Lot #23 that you're going to be filling in some wetland there. And you mentioned that on the one side of the pond you're going to be planting vegetation. Do you think that that's going to be satisfactory to mitigate any problems from maybe some overage from that pond going back into that area and then further than those lands still becoming wetlands again?

MR. FAZIO: This area right in here is basically a drainage channel because it's so flat in there the water's going to migrate out and we got what you call growth which you call phragmites which is on the scale of water from one to ten is a zero in Army Corp. they don't like them it's a very invasive species and it's a very low level wetage, it's an indigenes species and it grows rapidly and it actually chokes out some of the plants and vegetation that are beneficial to wetlands. These are the ones that look like big giant cattails and are really not a very desirable species, sometimes you even try to limit them. So we are going to remove those in there and then the creek flow will go through there. And then put more desirable types of plantings that will replace what we're taking out. We're taking out I'll say about 2/3rds of an acre, then plant vegetation and them enhancing this area with better vegetation. As part of the homeowners association the grounds will be taken care of through their fees so there will always someone mowing and clearing so that will always be mowed and cleared to keep that vegetation from coming back. And there are some chemicals that can be applied, you have to be licensed for some of that stuff to remove that but also mowing helps that.

MR. COTROFELD: Thank you.

CHAIRMAN MATHUSA: I'll ask for a motion to close the public hearing.

MR. ODELL: So moved.

MS. MCCARTHY: Second.

CHAIRMAN MATHUSA: All in favor.

BOARD MEMBERS: Aye.

CHAIRMAN MATHUSA: The public hearing is now closed.

The hearing closed at 8:20pm.

Respectfully Submitted,

Nanci Moquin