

**PLANNING BOARD
TOWN OF BETHLEHEM
MARCH 18, 2003**

The Planning Board of the Town of Bethlehem, Albany County, New York, held a regular meeting on Tuesday, March 18, 2003, at the Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY. Acting Chairman Parker Mathusa presided and called the meeting to order at 7:30 p.m.

PRESENT: Parker Mathusa, Acting Chairman
Dan Odell
Brian Collier
Katherine McCarthy

Keith Silliman, Counsel to the Board
Janine Saatman, Deputy Town Planner
Paul E. Hite, LLS, Delmar
Greg Swift, Foxfire Townhomes, LLC, Glenmont
William Zautner, A.T. Zautner & Son, Glenmont
Thomas Rizzo, offices of Paul Hite
Marie Capone, Delaware Ave.

Acting Chairman Parker Mathusa said he would be sitting in for Chairman Hasbrouck who was out of Town.

THE MEADOWS, SECTION 2C, four duplex lots on Bender Lane and Foxfire Lane, Glenmont (2 existing lots to be revised), was the first item on the agenda for the purpose of scheduling a public hearing. Acting Chairman Mathusa asked Mr. Hite to update the Board on the proposal.

Referring to the subdivision map, Mr. Hite said his client, Foxfire Townhomes, wishes to subdivide two existing duplex lots on Foxfire Lane and create two additional lots on the northerly side of Bender Lane. He said the question was posed to the Board several years ago. The lots meet all of the Town's requirements for duplex construction. The property abuts the Delmar Bypass. The Meadows Subdivision consists mostly of single-family homes, he said. The two new duplexes have more than adequate sight distance on Bender Lane.

Acting Chairman Mathusa asked Ms. Saatman if she had any comments to make. Ms. Saatman said she had none. The Chairman said he talked to Mr. Passmann of the Dept. of Public Works and he indicated that he was satisfied with the proposal. Board members had no questions at this point.

A motion was made by Mr. Odell, seconded by Mr. Collier and passed by a unanimous vote of those members present, that an application having been filed with the Planning Board of the Town of Bethlehem by Foxfire Townhomes, LLC,

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

Glenmont, NY, for approval of a proposed four lot subdivision to be known as The Meadows, Section 2C, located on Bender Lane and Foxfire Lane, as shown on map entitled, "Subdivision Plan, PROPOSED DUPLEX LOTS, BENDER LANE, 'THE MEADOWS' SUBDIVISION, SECTION 2C, Town of Bethlehem, County: Albany, State: New York" dated February 11, 1997, revised to 02/13/03 and made by Paul E. Hite, LLS, Delmar, NY, on file with the Planning Board, it is hereby ordered that a public hearing be held on Tuesday, April 1, 2003, at 7:30 p.m., for the purpose of hearing all persons interested in the matter; and it is further ordered that a copy of the notice of public hearing be sent by regular mail to all property owners within 200 feet of the premises involved at least five (5) days prior to the date of this public hearing.

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WILLOW ESTATES, a proposed four (4) lot subdivision proposed by A.T. Zautner & Son, Inc., was the next item on the agenda for the purpose of scheduling a public hearing. Acting Chairman Mathusa asked Mr. Hite to make his presentation.

Mr. Paul E. Hite, representing Mr. Zautner, noted the proposal was reviewed several weeks ago. The 4-lot subdivision is to be located at the end of an existing Town highway, which would be extended into a cul-de-sac. The lots meet all Town zoning requirements and utilities will be provided to the site. Mr. Hite recalled concerns raised by Engineering and Planning relative to drainage, which have been satisfied, thereby eliminating the need to clear along the south property line and along the lots fronting Huron Rd. Mr. Hite also talked about the concern for a small drainage area behind lots on Spruce Court. Through negotiations with the Engineering Dept., an agreement has been made to construct a pipeline and riprap the area in order to pick up area drainage. He hoped it would be acceptable to the Board as well. Acting Chairman Mathusa said that was the main contention—drainage—that appears to have been satisfied. Ms. Saatman said the easement areas were worked out with the Engineering Dept.

Mr. Collier asked about the elevations. Mr. Hite said this aspect was resolved and his clients agreed to construct a drop catch basin (manhole) which more than meets the standards of the Town. Mr. Collier said now that there would never be an access from Huron Rd., the Town owns the right of way and a very wide drainage easement of 50 ft. He wondered if the Board would be creating an unusual situation. Mr. Hite said the first thing that took place was the angular easement which was brought about because years ago in the development of the entire section, there is a low drainage area which traverses in a southeast direction down until it reaches Delaware Ave. That easement was acquired from Charles Buckman who was the builder in the area because the Town knew that someday the entire area would be developed. Later on the Town asked Mr. Buckman to convey the ROW although the street was not developed. Things are different today because with today's requirements, a developer would have to build the stub to the property line. When Mr. Zautner proposed his subdivision to the Town, it was reviewed by Engineering, Planning and the Supt. of Highways who found the cul-de-sac desirable and avoid disturbance of the Huron Rd. area. Mr. Collier said he was thinking the other

way since it has been made useless basically. Mr. Hite said Mr. Lipnick, the adjacent property owner, actually purchased the stub street twice at County auction, which should never have taken place. Perhaps the Town would be amenable to disposing of the parcel. Acting Chairman Mathusa said the property could be considered forever wild. Mr. Hite said the parcel would continue to be used for drainage purposes. Mr. Collier asked Mr. Hite the status of Mr. Passmann thoughts of piping the northerly portion of the property. Mr. Hite said he disagreed with Mr. Passmann but after consultations/negotiations they agreed to extend a pipe and provide an elevation for the whole area to be graded so all drainage will be diverted to the pipe. The matter has been resolved, he said.

Acting Chairman Mathusa asked Ms. Saatman if she had any follow-up questions. Ms. Saatman had none. The Chairman said he would now entertain a motion to schedule a public hearing.

A motion was made by Mr. Collier, seconded by Mr. Odell and passed by a unanimous vote of those members present, that an application having been filed with the Planning Board of the Town of Bethlehem by A. T. Zautner & Son, Inc., 32 Manor Dr., Glenmont, NY, for approval of a proposed subdivision to be known as Willow Estates, located on Willow Dr., as shown on map entitled, "Preliminary Plat, PROPOSED SUBDIVISION, 'WILLOW ESTATES', Property of A.T. Zautner & Son, Inc., Town of Bethlehem, County: Albany, State: New York" dated January 16, 2003, revised to March 1, 2003 and made by Paul E. Hite, LLS, Delmar, NY, one file with the Planning Board, it is hereby ordered that a public hearing be held on Tuesday, April 1, 2003, at 7:45 p.m., for the purpose of hearing all persons interested in the matter, and it is further ordered that a copy of the notice of public hearing be sent by regular mail to all property owners within 200 feet of the premises involved at least five (5) days prior to the date of this public hearing.

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Acting Chairman Mathusa said based on consultation with staff, the minutes of the March 4, 2003 meeting would be deferred until the next meeting. He asked members if they had anything additional to bring to the Board's attention. No one had any comments.

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All business concluded, a motion for adjournment was offered by Mr. Odell, seconded by Mr. Collier and passed by all present. Acting Chairman Mathusa declared the meeting closed at 8 p.m.

Respectfully submitted,

Alice A. Cirillo, C.P.S.
Secretary to the Board