

**PLANNING BOARD
TOWN OF BETHLEHEM**

May 18, 2004

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on Tuesday May 18, 2004, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Parker D. Mathusa presided and called the meeting to order at 7:30 pm.

Agenda: Van Valkenburg Subdivision – William Van Valkenburg – Dawson Rd.
Discussion of the Moratorium and Waiver Process – Keith Silliman

Present: Parker Mathusa, Planning Board Chairman
Keith Silliman, Planning Board Counsel
Brian Collier, Planning Board Member
Thomas Cotrofeld, Planning Board Member
Katherine McCarthy, Planning Board Member
Christine Motta, Planning Board Member
Daniel Odell, Planning Board Member

Jeffrey Lipnicky, Town Planner
Janine Saatman, Deputy Town Planner

Howard Johannessen, Boutelle & Sons, Van Valkenburg Subdivision
William Van Valkenburg, 18 Werner Ave., Van Valkenburg Subdivision
Edward Feinberg
Simone Sebastian, Times Union

Van Valkenburg Subdivision

Chairman Mathusa turned the Board's attention to the first item on the agenda, a 2-lot subdivision named the Van Valkenburg Subdivision. This would be an initial presentation for the Board. Howard Johannessen from Edward Boutelle & Sons would present for the applicant.

Mr. Johannessen said that the parcel to be divided was owned by the applicant. The parcel is approximately 3/4ths of an acre. The deed to the property consists of two (2) parcels. The applicant wants to basically reconfigure the line between the two (2) parcels. This new configuration would divide the parcel into two (2) almost equal sections. One section, which contains the existing house, would be 15,000 sq. ft. The other parcel would be about 19,000 sq. ft. Mr. Johannessen said that Dawson Road had public utilities with a water main across the street from the proposed subdivision. This would be tapped into for the water service. There was a sewer line in close proximity that would be utilized for the project. He mentioned that there was also a storm sewer in place on

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

Dawson Road that runs along the south side. They were proposing to extend it approximately fifty (50) feet. The storm sewer out front could be utilized for the connection of a footing drain.

Chairman Mathusa asked Mr. Johannessen to clarify the track of the storm drain on the east side of the property. Mr. Johannessen said that it went through a property and then eventually to a pond that could be seen from Delaware Avenue. He was not sure of the owners.

Mr. Lipnicky said that a memo had been sent to Mr. Johannessen to let him know what changes to the plat would be needed. One of the major items that need to be addressed had to do with the proposed storm water easement for extension of the pipe. Staff had done research on the mapping that had been done back in the late 1950's and some of the mapping indicated a fifty (50) foot wide easement along the property line. A map with a Board approval stamp on it to verify this easement could not be found. Staff had checked with the Engineering Division and they did not have a copy of the supposed easement. The land in question was not part of the original Kenaware Subdivision even though the same owner had owned it. Subsequent maps show the fifty (50) foot easement but staff had not been able to locate any approval documents to support the claim of this easement.

Mr. Lipnicky stated that the Engineering Division did not have an objection to a twenty (20) foot easement in this area, but the Highway Department had to review these dimensions.

Mr. Johannessen said he forgot to mention during his presentation that he had already spoken with Mr. Cirillo in the Engineering Division about this matter. Subsequent to that conversation, he had included a twenty (20) foot easement in the area of question.

Mr. Collier wanted to know the width of the drainage easement that was north of this parcel. Mr. Lipnicky stated that it was fifty (50) feet. Mr. Johannessen said that when Mr. Van Valkenburg purchased the property, the deed included a fifty (50) foot parcel of land.

Mr. Collier wanted to know what would happen if the Highway Department decided that a wider easement was needed. Mr. Johannessen said that they would not be able to give a fifty (50) foot easement and still subdivide. They could give another ten (10) feet but not much more. The engineers in his office had felt that twenty (20) feet would accommodate the machinery that would be needed for repairs. He didn't feel that the topography was steep enough to warrant more land.

Mr. Lipnicky stated that a thirty (30) foot easement for drainage was common. He still wanted input from the Highway Department prior to making a final determination. Mr. Johannessen said there was room for additional footage for the easement in the area near the property line.

Mr. Cotrofeld noticed that the rear of the property was substantially higher than the center and the front. Mr. Johannessen had stated that fill would be brought in and Mr. Cotrofeld wanted to know at which height the property would be leveled. If they graded up to the height of the rear of the property, the property would be higher than the properties on both sides.

Mr. Johannessen stated that the drainage would flow towards the road and the building would be about the same height as the one next door. Some of the runoff would also drain to the lot lines of each lot and back into an existing swale. Mr. Lipnicky stated that the lot was not flat. The slopes graduated away from the house between a 20% to 30% grade.

Mr. Lipnicky said that the project needed to be referred to Albany County Planning Board because it was within 500 feet of Delaware Avenue. He thought that if the changes were made per the memos the applicant had received that a public hearing might be able to be set at the next Planning Board meeting.

A motion to table was offered by Mr. Cotrofeld, seconded by Mr. Collier and approved by all present.

Discussion of the Moratorium Waiver Process

Chairman Mathusa introduced the next item on the agenda, a discussion of the moratorium waiver process lead by the Planning Board Council, Keith Silliman.

Mr. Silliman had sent a memo to staff and the Board members that outlined the statutory provisions to be used as guidelines during their review of the waiver applications. He then discussed the memo.

Staff and the Board members thanked Mr. Silliman and Mr. Lipnicky for their input and the discussion concluded.

A motion to approve the minutes as amended was offered by Mr. Odell, seconded by Ms. McCarthy and approved by all present.

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

The meeting adjourned at 8:45pm.