

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**April 15, 2008**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on April 15, 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  
Nick Behuniak, Planning Board Member  
Christine Motta, Planning Board Member  
Kathy McCarthy, Planning Board Member  
John Smolinsky, Planning Board Member  
Kate Powers, Planning Board Member

Rob Leslie, Senior Planner  
Terry Ritz, Assistant Town Engineer

Jarrett Carroll                      Howard Johannessen      Terresa Bakner, Esq.  
Paul Hite

Agenda: Dowerskill Village, Section 2B  
Carol Richards Subdivision

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

**Dowerskill Village, Section 2B, Planned Development District #4, Amendment**

The last time the project was before the Board was on April 1, 2008 for their initial presentation. The next step was to set a public hearing.

A motion to set a Public Hearing date for Dowerskill Village, Section 2B on May 6, 2008 at 7:00 pm was offered by Ms. McCarthy, seconded by Mr. Smolinsky and approved by all Board members present.

**Carol Richards Subdivision**

The proposed eight (8) lot subdivision is located on Fisher Blvd. The proposed subdivision includes six (6) new building lots, one (1) existing home and one (1) open space lot.

Terresa Bakner, Esq. presented for the applicant. The applicant, Carol Richards, inherited the property from her aunt who had lived in the Town for many years. Dr. Richards decided to develop it in such a way that it would be possible to convey the interior of the property to the Open Space Institute. Ms. Richards has reached an agreement with OSI and Ms. Bakner was before the Board to start the subdivision process. Ms. Richards would then be able to transfer the property to OSI and sell the lots along the New Scotland Avenue and Fisher Blvd. Ms. Bakner introduced Mr. Johannessen, Boutelle and Sons, the engineer for the project. Ms. Bakner said they had been before the Development Planning Committee and have also met with staff. She showed the survey of the property. She said there were several lots of record contained within the project. There aren't any subdivisions on record, they assume the property was acquired in this manner prior to the existing home being built. She said that the ownership of the existing home has been transferred and a lot line revision was recorded. Ms. Bakner said the wetlands on the

site were delineated by Bagdon Environmental. The Army Corp of Engineers and Carl Parker both reviewed the

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delineation map and determined none of the wetlands were connected to any NYSDEC wetlands. Ms. Bakner showed where the line between the Town of New Scotland and the Town of Bethlehem ran through the interior lot that was to be transferred to the Open Space Institute. All the lots in the subdivision to be sold for building lots were located in the Town of Bethlehem. The lot to be transferred to OSI would have deed restrictions to make sure that the lot was never built upon. Ms. Richards has a very strong attachment to the meadow area and she wants to see it preserved. The intention of the Open Space Institute is to eventually turn the lot over to NYSDEC to become a part of Five Rivers Wildlife Preserve.

Ms. Bakner said Mr. Leslie had asked the applicant to show what potential density could be developed on the site in a Residential A zone. She showed two (2) different scenarios. Those varied between nineteen (19) to thirty-seven (37) lots on the proposed site. She said even though the wetlands on the site were in several locations, they wouldn't inhibit the development of the property. There is considerable frontage on both New Scotland Road and Fisher Blvd. She said the next series of plans to be submitted for the Town's review would include driveways and building footprints. Sewer and water are in the vicinity of the site and the proposed lots could be hooked up to those.

Mr. Johannessen, PE continued the presentation. He said they had done some preliminary investigations and they didn't see any difficulties hooking up with water services or public sanitary sewers. He said the footing drains would be dry wells. They might be able to hook up one (1) or two (2) of the lots to the existing storm sewer. He said there are water mains in Fisher Blvd. and New Scotland Rd. and a manhole on Fisher Blvd. to tap into for sanitary sewer.

Ms. Bakner said the lot configuration was dictated by the road frontage and the location of the existing house. She said all of the lots have more than sufficient road frontage and lot five (5), six (6) and seven (7) were substantially larger than other lots along that road. Ms. Richards had wanted to obtain the minimum number of lots. Ms. Bakner said the proposed lots were pretty much sold. There are people interested in all of them. This is infill development in which infrastructure is already in place.

Chairman Mathusa asked if they had spoken with Five Rivers about the lot the Open Space Institute wanted to eventually turn over to them. Was a trail system on that parcel being considered? Ms. Bakner said they did not know OSI's intent for the interior. Until they acquire it and go to NYSDEC, she was not aware of a master plan. Mr. Leslie had asked the developer if they would supply the Town with an easement along Fisher Blvd. for a multi-use path. They preferred the area between the two (2) houses on New Scotland Avenue not be used as an access point because of easements for driveways that already exist. Mr. Leslie said the proposed project adjacent to this one is Phillipin Kill Manor. That project has an adjacent piece of property to Lot 1 of this project and has been identified by the developer of Phillipin Kill Manor to be deeded over to Five Rivers. Mr. Leslie suggested the Board might consider a ten (10) foot wide area along the southern side of Lot 1 to be included in the area proposed for OSI acquisition for access from Fisher Blvd.

Chairman Mathusa said that Five Rivers closed at a certain time of the day and wondered how that would work if people were on this parcel and Five Rivers was closed. He thought it might need to be patrolled so that the area was not abused. He wanted to make sure that Five Rivers' interest was well protected.

Ms. Bakner said NYSDEC and OSI would work out those details before and during the transfer of the property. They ultimately would decide how the property would be used. She said the developer had kept the lots longer so people could put up appropriate fences. She did not think that trespassing from those homeowners would be a problem. She thought they would welcome the forever wild area behind them.

Mr. Leslie said Supervisor Cunningham had met with Mr. Gene Kelly, Region 4 DEC Director, that afternoon. He had been informed about this proposed development and the Phillipin Kill project. He was glad to hear there were

lands being considered for transfer to NYSDEC. He was more open to the option of foot access rather than any

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pocket park or parking lot along that area. His concern was the access on Game Farm Rd. is the only access that has a gate. No final decisions have been made concerning how the parcel would be used. He would inform the Town of NYSDEC's overall plan for the newly acquired lands once it was formed.

Mr. Smolinsky said when the project was before the Development Planning Committee, they had shown access from Fisher Blvd. He thought the OSI parcel also encompassed Lot 4. Ms. Bakner said they had shown an additional flag lot at that presentation. Ms. Richards decided after speaking with OSI to remove that access and to not have any additional lots in the rear. She felt if there was an additional lot it would not be fair to Lot 4 and Lot 3. She didn't think that public access at that spot made sense. The developer had heard about the Cade project, Phillipinkill Manor, and they were aware that some of the property from that project would going to be available.

Mr. Smolinsky said on a number of the lots, the wetlands encompass almost half of the lot space. He asked if the wetlands would be deed restricted. Ms. Bakner said they would. He said it would need very careful placement of the house. Ms. Bakner said the lot sizes exceeded the minimum lot size. She said they had made sure there was plenty enough room on the lots for a house and a lawn. Mr. Smolinsky asked about sidewalks. Ms. Bakner said they would give an easement to the Town. Mr. Leslie said the existing asphalt path would be continued for continuity. Ms. Bakner said that Ms. Richards has given some property to the Town as part of the sewer work. Mr. Ritz and Mr. Leslie had asked the developer to adjust the lot lines slightly to give the Town a little more right of way for the future adjustment of the interconnection of Fisher Blvd. and New Scotland Ave. Ms. Richards agreed.

Mr. Smolinsky thought it was great that additional land would be given to NYSDEC. He said in the Comp Plan and CACC's initial look at sidewalks and connections, Five Rivers was identified as a destination that was desirable for bicycle and pedestrian access. He thought it would be good to have access from this neighborhood. He thought there were ways to manage the problems brought on by pathways.

Chairman Mathusa said he didn't want the Board to impose on Five Rivers unless they were involved in the process.

Mr. Behuniak asked if Five Rivers directly abutted the Richards property that would be going to the Open Space Institute. Ms. Bakner said it did. He asked if that property would be legally restricted as to development. Ms. Bakner said again that it would be deed restricted. She said that OSI would hold the property just as a holding company and they will then transfer it to NYSDEC almost immediately. Mr. Behuniak asked if all the houses would be set back the same distance from the road. Ms. Bakner said some would probably be to the back of the lot and some closer to the road. She said the placement of the homes would be dictated by the location of the wetlands. They have been flagged and surveyed. A house, a driveway and a lawn could be placed on all of the lots with no difficulty. The lots would be sold but not developed by Ms. Richards. She fully expected the lots to be sold individually. There was interest in the lots already. There wouldn't be any commonly owned land or HOA for these homes.

Ms. Motta wanted to know if the driveway for the corner lot would be coming out onto Fisher Blvd. Ms. Bakner said that lot's driveway would be onto Fisher Blvd. as far from the intersection as possible.

Ms. Power asked if the people who purchased the lots would be restricted to use environmentally friendly materials in the construction of the homes. Ms. Bakner said in NYS there are the energy star requirements for residential housing but no LEED certifications for single-family housing. It would be difficult to put restrictions on a land transaction.

Mr. Behuniak indicated the architecture and historical value of the existing older home and his desire that the newer construction enhance the area. Ms. Bakner said the person who has purchased that home is currently renovating it to modern standards.

There were not further comments from the Board.

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

The Board reviewed the minutes of April 1, 2008 prepared by staff.

A motion to approve the minutes of April 1, 2008 as drafted was offered by Mr. Smolinsky, seconded by Ms. McCarthy and approved by all Board members present.

A motion to adjourn was offered by Ms. Motta, seconded by Mr. Behuniak and approved by all Board members present.

The meeting adjourned at 7:50 PM.