

**PLANNING BOARD
TOWN OF BETHLEHEM**

August 16, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on August 16, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:30 pm.

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

Janine Saatman, Deputy Town Planner
Michael Morelli, Deputy Director of Economic Development & Planning
Joseph Romano, Clough Harbour & Associates

Brad Grant, Boutelle & Sons
Howard Johannessen, Boutelle & Sons
Robert Walsh, Charlew Builders
Joseph Anastasio, Empire Information Services

Agenda: Carriage Hill Amendment

Carriage Hill

Chairman Mathusa called the meeting to order and noted the presence of a quorum. Carriage Hill Subdivision, located in Glenmont on Jericho Road, was before the Board to present an amendment to their approved subdivision. The change was necessary due to the changes in DEC regulations pertaining to Storm Water Quality.

Mr. Johannessen presented for the applicant. He stated that it was the same subdivision with small changes that were necessary to comply with the new requirements. They were proposing three treatment ponds on the site and this caused them to lose five (5) lots on the site. They wanted to use the excess grading material on the site instead of removing it to another location. This additional grading would balance the site by spreading the excess material out amongst the lots. He said those were the major changes that were done to the original plans. He said that Mr. Grant had been working with DEC on the proposed design. The next step was for the Town to accept the design and then DEC could issue their certification. They had been working simultaneously with the ACOE and they had indicated that when DEC issued the certification, they would approve the proposed design.

Ms. Saatman asked if there were additional federal wetland impacts and was the mitigation plan affected. Mr. Johannessen said that they had negotiated with the ACOE to use some of the

wetland mitigation area for the detention ponds. They would do additional mitigation on an isolated thirteen (13) acre site that the applicant owned.

Mr. Romano from Clough, Harbour Associates, reviewed the project and prepared comments for the Town. They had reviewed the SEQR document's Findings Statement prepared in 1990 and recommended updating some of the findings, such as improvements to Jericho Rd. Mr. Johannessen stated that since that time the County of Albany had made improvements to Jericho Road and the applicant had been given a short list of what was still needed to be done. They were all on Sheet #24 of the plan set. He was told by Albany County DOT that when they applied for the highway permit, that would be their approval. Mr. Walsh stated that they needed to have the Storm Water Pollution Prevention Plan approved before they could apply for that permit.

Mr. Romano pointed out that the findings statement sought to preserve a certain caliper of tree. Ms. Saatman stated that the area west of the Dowers Kill was the wooded part of the site. She stated that the project, when first approved, had been adjusted to minimize the clearing in that area instead of trying to preserve individual trees. Mr. Johannessen stated that the grading scheme had not changed the direction of the drainage. Though the center of some lots would be higher the drainage pattern would remain the same. Charlew Builders wanted to use the material that would otherwise need to be trucked offsite.

Chairman Mathusa asked about the buffer that was originally required for the two adjoining properties that were to have a road run between them. Ms. Saatman stated that it was listed in the Conditional Final Approval Document as needing to be done. A landscaping plan was to be approved by the Planning Board in conjunction with the property owners' approval. Mr. Johannessen stated that the landscaping would need to go on the property owners land because the Town did not want anything planted in their right-of-way. He said there was existing vegetation that would be a buffer but suggested doing any additional work when the project was finished.

Mr. Romano continued with the remainder of the comments. He stated that he had received a geo-technical report recently and some of the comments might be addressed in the report. He said that in general the Storm Water report was in conformance with a few minor issues. The documentation for the NOI should be re-filed and the access to the storm water retention basins needed to be shown on the plans. Chairman Mathusa suggested the applicant work with the superintendent of highways in relationship to the access because ultimately the Town would be taking over the system. There was also a concern about placing dry swales in the back yards again because of an access issue and also because homeowners have a tendency to fill them in or build on them. Mr. Romano suggested a catch basin instead. Mr. Grant stated that the dry swales were a part of his water quality volume. He said they were an important component of the water quality. Mr. Johannessen said that he would meet with Mr. Sagendorph.

Other comments suggested that the offsite water extension plan show the limits of clearing on the plan, any additional documentation pertaining to the wetland mitigation area needed to be submitted to the Town.

Mr. Collier stated that he always thought of a swale as a gentle invert not a ditch that a property owner would want to fill. Mr. Grant agreed that it was a gentle slope but there was some depth to it. He said that when he had designed the system, he had tried to work with what was there and

not touch areas that didn't need to be changed. Five (5) lots were lost.

Ms. Saatman stated that the lots that were being changed would fall under the new zoning law and subdivision regulations. There were two (2) lots that would be affected. The new regulations require a seventy- (70) foot highway frontage versus the old regulations the required twenty-eight (28) feet. If they could change one of the lots back to the original configuration, it could maintain the approved forty- (40) foot frontage. The other lot would need to be adjusted to have a seventy (70) foot highway frontage. For 911, staff requested that the numbering of Trotter Circle and Trotter Road be changed.

Chairman Mathusa asked if there was anything that needed to be done by NIMO at this time. Mr. Walsh said that they needed to move a pole and they were in the process of designing the relocation of that pole. NIMO had an easement over the Carriage Hill property. Chairman Mathusa asked the applicant to supply the easement language. Mr. Johannessen stated that NIMO has the privilege of going over public highways, not an easement; they placed their poles in the public right-of-way.

Mr. Collier wanted to make sure that the two (2) reconfigured lots needed to conform to the new zoning law. Ms. Saatman said that they would since the amendment would not be approved prior to the new code going into effect. Mr. Johannessen said that they were generous in the design of the storm water ponds to give the Town sufficient room to maintain the area. Mr. Collier did not want to put undue hardship on the applicant; he had already lost five (5) lots to storm water requirements. Mr. Morelli suggested looking at the layout of the storm water basins once again. Mr. Walsh asked what would happen if they couldn't reconfigure the lot to obtain the additional highway frontage. Mr. Collier suggested a motion to approve the amendment with conditions in order to have an approval under the old regulations. He was sensitive to the length of the process that the applicant had gone through up to this point. Ms. Saatman stated that usually the Board would review the changes that had been requested prior to an approval. Mr. Walsh was hoping to not lose any more lots. Mr. Johannessen said that if you change one line, it could affect multiple sheets, nothing would be a small change. Mr. Grant was not even sure the change could be made. Mr. Morelli stated that because of all the circumstances of this project, he thought they would have a strong case for an area variance in front of the Zoning Board of Appeals so they would not lose another lot. Ms. Saatman stated that the Zoning Board approval would need to happen prior to the Planning Board's approval.

Mr. Johannessen stated that the project was in a sewer district and they were waiting for an answer from NYSDEC for the water district extension.

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

A motion to approve the minutes as amended was offered by Mr. Engel, seconded by Ms. Motta and approved by all Board members present.

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

The meeting adjourned at 8:50.

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