

**PLANNING BOARD
TOWN OF BETHLEHEM**

January 15, 2008

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on January 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
Keith Silliman, Planning Board Counsel
Nicholas Behuniak, Planning Board Member
Howard Engel, Planning Board Member
Christine Motta, Planning Board Member
Kathy McCarthy, Planning Board Member
John Smolinsky, Planning Board Member
Kate Powers, Planning Board Member

Mike Morelli, Assistant Director of Economic Development and Planning
Jeff Lipnicky, Town Planner
Rob Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Agenda: Public Hearing - 333/335 Delaware Avenue
Farm Family
Gary Barkman
Brookside Meadows

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

After wishing everyone a Happy New Year, he introduced the newly appointed member of the Planning Board, Nicholas Behuniak. Mr. Behuniak had served on the CPOC Committee along with Chairman Mathusa. He stated that he was a CPA and attorney that had worked for Price Waterhouse and other private companies. He is currently employed by NYS Tax and Finance.

PUBLIC HEARING

333/335 Delaware Avenue

The project was last before the Board on December 4, 2007.

Mr. Altounian presented for the applicant. He said that there were two (2) parcels involved, 333 Delaware, a commercial building, & 335 Delaware Avenue, a three (3) family dwelling. The proposal is to move the property line behind 335 Delaware to give more parking area to 333 Delaware Avenue, move the parking in front of 335 Delaware Avenue to the rear to the structure, repave the existing lot at 333 Delaware Avenue and the additional parking around the rear of that parcel and add landscaping to the entrance of the parking lot. The landscaping had been enhanced because of the comments from the Board and subsequent meetings with staff. The two (2) islands at the entrance to the parking lot would be twelve (12) feet wide with light posts and masonry piers. The landscaping within the buffer had been doubled since the last meeting. They had also included curbed islands within the parking lot. The new sidewalk would be continued to the property line.

The Board reviewed the draft SEQR Resolution, Negative Declaration prepared by staff.

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

A motion approve the SEQR Resolution as drafted was offered by Mr. Engel, seconded by Ms. Powers and with a vote of six (6) for and one (1) abstention, the motion was approved.

Chairman Mathusa opened the Public Hearing at 7:04.

A motion to indent the Public Hearing notice was offered by Ms. McCarthy, seconded by Mr. Engel and with a vote of six (6) for and one (1) abstention, the motion was approved.

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, January 15, 2008 at 7:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application of Hadi Ipek, for a site plan located at 333 Delaware Avenue, Delmar, Albany County, N.Y., as shown on map entitled: PARKING LOT EXPANSION, made for Hadi & Havzi Ipek, Location, 333 Delaware Ave, Town of Bethlehem, Albany County, State of New York, dated August 13, 2007, last revised November 14, 2007, map prepared by Z. Altounian.

There were no comments from the public.

A motion to close the Public Hearing was offered by Ms. Powers, seconded by Mr. Engel and with a vote of six (6) for and one (1) abstention, the motion was approved.

The Public Hearing closed at 7:05.

Farm Family

Chairman Mathusa stated that Farm Family's proposal was to amend their site plan to include twenty-one (21) additional parking spaces with an internal sidewalk for pedestrian safety. They were last before the Board on December 4, 2007. Since that time, the project had gone to the Albany County Planning Board and that Board deferred to local consideration.

Mr. Green, Facilities Manager at Farm Family, said the site plan had not changed since it had been presented to the Board on December 4, 2007.

The Board reviewed the draft SEQR Resolution prepared by staff.

A motion to approve the SEQR Resolution, Negative Declaration, as drafted was offered by Ms. McCarthy, seconded by Mr. Smolinsky and with a vote of six (6) for and one (1) abstention, the motion was approved.

The Board reviewed the draft Site Plan Amendment prepared by staff.

A motion to approve Site Plan Amendment SPA 039-A4 as drafted was offered by Ms. Powers, seconded by Mr. Smolinsky and with a vote of six (6) for and one (1) abstention, the motion was approved.

Mr. Engel said as per a memo from staff, the sidewalk along Rt. 9W had been discussed at a meeting with Farm Family executives and Supervisor Cunningham. Nothing was to be done at this time but will be looked at in the future, again.

Chairman Mathusa said the issue was being looked at during the Rt. 9W Corridor Study. He said that once that was approved by the Town Board they would have a working document that contained recommendations. There is a lot of interest by the Town to address the sidewalk situation.

Mr. Engel did not understand why the sidewalk was such an issue for Farm Family. He wanted to hear an

explanation from Farm Family as to why they were opposed to the sidewalk. He noted that within the Site Plan for

these parking spaces, the applicant will install a sidewalk to increase internal pedestrian safety. He thought they were overlooking boundary pedestrian safety.

Chairman Mathusa said that senior management at Farm Family had reservations about the sidewalk. He said the employees were not happy because they had to walk across the Niagara Mohawk property to get to Town Squire.

Mr. Engel felt as a Planning Board they needed to take a stand on issues like this one. In the Comprehensive Plan, sidewalks, especially in areas like Rt. 9W, are critical as far as he was concerned. Mr. Engel said that he was very unhappy with Farm Family's decision. He said he would never approve another project for Farm Family until the sidewalk issue is dealt with properly. Chairman Mathusa said this particular amendment was for their employees and their safety, which was why it was not held up for the property boundary sidewalk. Mr. Engel agreed, which is why he voted in favor of the amendment.

Mr. Smolinsky wanted to add his disappointment to the sidewalk issue. He thought it was notable that site pedestrian safety was something important to Farm Family but the lack of recognition of community safety was a little bothersome and he was disappointed.

Victoria Stanton, General Counsel for Farm Family, was present. She said she has been the General Counsel for sixteen (16) years and is also a twenty (20) year resident of the Town. She said that Farm Family was aware that people were interested in having sidewalks along Rt. 9W on their side of the street. However, Farm Family has for years expressed their opposition to Town officials with respect to having the sidewalk on the Farm Family side of the street. She noted that the Walmart Plaza and the other plazas, where the pedestrian traffic would be going to and coming from, were on the other side of the street. Those are where most of the sidewalks were currently located, in front of those plazas. Farm Family has asked the Town to look into having the sidewalks on the opposite side of the street from them. They would prefer to keep the pedestrian traffic unrelated to Farm Family on the other side of the street. The Glenmont Elementary School is adjacent to Farm Family and she stated that as a parent, not of anyone in Glenmont Elementary, she would prefer to have some of that pedestrian traffic on the other side of the street, away from the school. A concern of people when some of the plazas were being proposed, was how to keep the unrelated pedestrians, people not related to the school or to Farm Family away from their property. The other concern that Farm Family had was their driveway served as the entrance and exit, twice a day, to five hundred (500) employees, about one hundred (100) that live in the Town. They were concerned with pedestrians crossing that driveway. That driveway is also used for the Glenmont Elementary School's buses exiting to the south. An easement was granted to the school for that purpose. Farm Family believes that they have been a good corporate citizen and a good employer. They understand the benefit of the sidewalk to the whole Town but they want the Town to seriously consider putting the sidewalk on the other side of Rt. 9W.

Chairman Mathusa said there should be a sidewalk on both sides of the road. He said that he saw a lady walking from Town Squire with a baby carriage and dog on a lease, between the guardrail and the trucks. He wished he had taken a picture to show Farm Family. It happens frequently and it's a sad situation. Chairman Mathusa said he gets calls from Farm Family employees who disagree with the Ms. Stanton. People who were on the committee for the Comprehensive Plan, himself included, understand the reluctance of the Farm Family to give the easement to the Town for the sidewalk the Town would install and maintain. The issue of flying objects being thrown from a lawn mower was brought up but there hasn't been any accidents reported on the other side of the driveway where a sidewalk from the school currently exists. Chairman Mathusa asked Ms. Stanton to reconsider on behalf of the people in the Town. Because of recent proposed projects, there could be more seniors in that particular area and they might want to walk up to the school to do things such as vote. He did not think that the ten (10) foot easement, which would be maintained by the Town would in any way prejudice the operation of Farm Family. He understood the safety issues at the driveway but pedestrians were walking along the road anyways outside the guardrail instead of inside the guardrail, to that driveway. The Town wanted to increase safety of those pedestrians. Ms. Stanton said she checked with senior management before coming to the meeting tonight and their position has been well documented for years. They are disappointed that they didn't know the sidewalk was being considered. They want the Town to put the sidewalk on one (1) side of Rt. 9W, the side away from their property.

Chairman Mathusa said the sidewalk was needed on both sides. There are people that live on the west side of Rt. 9W behind the old post office. He said that a lot of the Farm Family employees did not like walking across Niagara Mohawk's property to get to Town Squire. He wondered what would happen if Niagara Mohawk put a fence across their property and all of their employees had to walk along Rt. 9W outside the guardrail. Ms. Stanton thanked the Board for their time.

Gary Barkman

Chairman Mathusa said that this site plan at 797 Rt. 9W in Glenmont was last before the Board on November 13, 2007. The applicant's proposal is to change an existing residence into a business office.

Paul Hite, LLS presented for the applicant. He said the applicant had been working on the existing structure to make it his home but his circumstances had changed and he now wanted to move his business to this location. They wanted to create a parking area to accommodate the business. They have obtained a permit from NYSDOT for the entrance. They were putting an island in the middle of the entrance way to save a large maple tree. The engineering division has requested that a dry well be installed in the corner of the lot to catch any overflow that might come from a freeze over. They will grant an easement to the Town for a future sidewalk if they ever want to install one. The grading for the stormwater system across the existing driveway will be changed per the Engineering Division. He said the handicapped ramp will lead from the handicapped space to the front porch that has double doors. The lighting for the sign will be angled so as to not put lights into the site of traffic in either direction.

Ms. Powers asked the type of business. Mr. Barkman said it was a Financial Business with very light traffic.

Mr. Lipnicky said the applicant had been responsive to the comments from staff.

The Board reviewed the draft SEQR Resolution prepared by staff.

A motion to approve the SEQR Resolution as drafted was offered by Mr. Smolinsky, seconded by Ms. Motta and with a vote of six (6) for and one (1) abstention, the motion was approved.

The Board reviewed the draft Site Plan Approval SPA 142 prepared by staff.

A motion to approve site plan SPA 142 as drafted was offered by Mr. Engel, seconded by Mr. Smolinsky and with a vote of six (6) for and one (1) abstention, the motion was approved.

Brookside Meadows

Brookside Meadows is a proposal for a major subdivision along Clapper Meadows.

Mr. Walsh presented for Charlew Construction. Mr. Zee their attorney and Mr. Mead their engineer were also present to answer questions.

The project has about twelve hundred (1,200) feet of road frontage on Clapper Road. The lands, that are under contract to Charlew, are owned by Henry Hillman. The total project is fifty-seven (57) acres. The historic house and house next door will be retained by Mr. Hillman. A piece of property adjacent to the proposed subdivision (opposite Church Road) is owned by the applicant.

They will tie into the sanitary trunk main where it crosses the Vlomens Kill. The sewer will be brought to the project at that point and then out to Clapper Road. They had discussed the depth of the sewer with department heads and they want to keep the sewer as deep as practicable so they could feed north of Clapper Road. They will

tie into the existing water line along Clapper Road. Most of the surface storm water will be brought to an area near

the Vlomans Kill where it will be retained, treated and then released. An area along Clapper Road will be saved for the realignment of Clapper Road, as per the Town's request.

Mr. Walsh said that the original Clapper Meadows project had been withdrawn. The acreage owned by Charlew Construction adjacent to this parcel is not a part of this proposal. The applicant is still exploring their options for that parcel.

The technical reports that have been submitted to staff are as follows: a Cultural Resource sensitivity study, wetlands map and jurisdictional letter from the ACOE, the endangered species inventory, the original traffic report that covered the entire Clapper Meadow project and an updated traffic report that covers the current project and the soil borings report for the project.

Mr. Walsh said the project would be a standard single-family detached home subdivision. Two (2) types of homes would be offered, The Portfolio Series similar to the Cherryvale Subdivision, at \$400,000 and up and the other would be the Family Classic similar to Dowerskill in the \$350,000 and up range.

Mr. Walsh said the proposed Selkirk bypass is located in the area and after a meeting with the department heads, the applicant was told that the exact location was not finalized though an approximate area had been determined. Mr. Walsh said that deed notices would be placed in the properties that abut the proposed bypass area.

Mr. Lipnicky said the consultants for the Rt. 9W study had prepared a map showing a corridor for a potential bypass that was nine hundred (900) feet wide. Eventually that corridor would be narrowed down. The layout of the project shows a six hundred (600) foot potential path for the bypass. He said that in the end, the recommendation of the Rt. 9W Committee and what would be acceptable to the Town Board and NYSDOT would determine the corridor. He said that in the long run, the Town was not looking to reserve a corridor that was nine hundred (900) feet wide. He told the applicant to keep in their mind that the corridor they show could move.

Mr. Zee said they had attended a DEDP meeting to discuss the fact that there had been discussions of a six hundred (600) foot corridor but the Rt. 9W Study map showed a nine hundred (900) foot corridor. Mr. Zee felt that the historic home on Clapper Road would be avoided as the development of the corridor pathway progressed. He said that at a prior DEDP meeting different roadway exits were proposed for Clapper Road. One (1) of the residents had been opposed to one (1) of the exit roads. That roadway had been moved.

Chairman Mathusa asked Mr. Silliman if potential future development on the other parcel owned by Charlew Construction should be shown now to avoid the issue of segmentation. Mr. Walsh said that they had not decided what they wanted to do with that parcel. He said it would depend on the results of the Route 9W Corridor study. Physically the parcel could be used for apartments, estate homes or single family homes or maybe business. He said the parcel could financially stand on its own. Mr. Zee said the Clapper Meadows project had been a mix of residential styles. After meeting with the Development Planning Committee, they had been told that part of the Comprehensive Plan was an encouragement of localized businesses within the mixed use development. There had also been a discussion of having a Stewart's type of business in the area. He said that there was substantial amounts of land, fronting on Clapper that is currently undeveloped. The property is owned by another company. If the Rt.9W Corridor study indicates that there is a need for commercial projects in this area, that might be a potential for the applicant. That was one of the reasons they were not ready to develop the parcel. Mr. Zee said that under SEQR case law, if a project can stand on its own with financing and planning, it would support separate environmental reviews. Charlew Construction is under time constraints for the purchase of the Hillman parcel which makes it necessary for them to move forward with this project.

Mr. Silliman said he had been discussing the segmentation issue with Mr. Leslie and would continue to do so. Mr. Leslie said the concern was if the two projects were looked at separately, were they segmenting them because the impacts of the projects if looked at separately could be different than if they were looked at together. He thought the

impacts of the two (2) projects should be addressed now. Chairman Mathusa asked if a potential project on the

second parcel could be used for SEQR purposes. Mr. Silliman said that not all segmentation was bad. He didn't think that it would be a problem moving ahead with the project. Some analysis of potential environmental impacts could be done for the parcel that was not being developed just to make sure that potential impacts were taken into consideration. But only go forward with the development on the parcel as proposed. There were options that could be explored.

Mr. Smolinsky brought up a few concerns that he was not sure would be addressed at a later stage. He had seen the density calculation included on other projects. He wanted to see the number associated with the constrained lands. Mr. Walsh said when they have a road and a lot pattern that is acceptable to the Board, they would be able to get into the more detailed engineering and produce the numbers Mr. Smolinsky wanted.

Mr. Smolinsky said that berming and screening were brought up at the Development Planning Meeting and he didn't see anything on the plans. Mr. Walsh said the lots along Clapper Road were extra deep to accommodate the plantings that would be shown on a landscaping plan yet to be developed. Mr. Smolinsky asked if the traffic study addressed the Clapper/Church Road intersection. Mr. Walsh said that Mr. Leslie had requested that the intersection be included in the study. Other intersections were also included in the study. Mr. Smolinsky asked if any of the properties would be Energy Star homes. Mr. Walsh said all the homes they built were Energy Star homes.

Mr. Engel said Clapper Road didn't have shoulders or markings. He asked if the Town was looking to cut down on the sharp curve. Mr. Walsh said engineering staff had requested the applicant leave room to convey a right of way along Clapper Road for a future realignment. Mr. Walsh said based on the traffic report, the traffic increase would be minimal and does not change the level of service of any intersection or any road. Mr. Leslie said Clapper Road was a local road without much existing traffic that was why the level of service would not change.

Mr. Lipnicky said that there would be a significant increase of traffic but not a significant impact on the level of service. Mr. Engel said with each house having a two (2) car garage, there could potentially be an increase of one hundred forty (140) cars on a road that currently has about a dozen homes. Mr. Leslie said that was part of the reason the applicant was giving the Town a right of way and the sight distance issue at Church Street and Clapper Road would be addressed. Staff was working out how the Town and the developer were going to handle the improvements. The developer was introducing seventy-seven homes, eighty (80) plus trips to the curve and those numbers must be addressed.

Mr. Leslie said the original layout was not as connected as far as the street layouts. Staff recommendation was to connect some of the streets. Two (2) cul-de-sacs still remained and the applicant was looking to the Board for feedback on the street and lot layout as now presented. Mr. Leslie said the Comprehensive Plan recommends street connections internal to sites.

Mr. Zee asked the Board if they thought that the people in the cul-de-sacs would feel disconnected from the rest of the subdivision. He said that the applicant's experience was that people in cul-de-sacs walk the streets and the children play across all of the yards. The developer like cul-de-sacs because residents know there will not be any thru traffic and the lots tend to have a greater value. Mr. Walsh said that the homes on cul-de-sacs also end up being larger because of the size of the lots. Ms. Motta said she lived in Cherryvale Subdivision and she said her children went to the cul-de-sacs to ride their bikes because it's safe. She did not think the people who lived there felt disconnected. Ms. McCarthy felt that cul-de-sacs were isolating, she thought they divided a town up a little more. She understands the appeal but she was glad to see the applicant had reduced the number of cul-de-sacs down to two (2). Chairman Mathusa said that planners like the streets that go straight through but people buying homes prefer the cul-de-sacs. He asked if the applicant would eventually develop the remainder of the land down to Beaver Dam Road. Mr. Walsh said that it wouldn't be developed by them but others might. He said the time delay and the bypass going through the area stopped them from pursuing the larger project. He said they had turned over the wetlands work, the traffic study, boundaries, the topographics and all other reports they had to the owners of that property. He thought that other developers would probably come forward.

Mr. Lipnicky said the Route 9W Corridor Study committee would be having a public meeting sometime in February to get feedback. Sometime in April or May the final documents would then go to the Town Board.

Mr. Walsh asked if the road and lot configuration were acceptable so they could proceed with the engineering for the project. He said he wanted to start working with the sewer department. Hearing no opposition from the Board, Chairman Mathusa told the applicant to proceed.

A motion to table the project was offered by Ms. McCarthy, seconded by Mr. Engel and with a vote of six (6) for and one (1) abstention, the motion was approved.

The Board reviewed the draft minutes of December 4, 2007.

A motion to approve the minutes as amended was offered by Ms. McCarthy, seconded by Ms. Powers and with a vote of six (6) for and one (1) abstention, the motion was approved.

The Board reviewed the draft minutes of December 19, 2007.

A motion to approve the minutes as amended was offered by Mr. Engel, seconded by Mr. Smolinsky and with a vote of six (6) for and one (1) abstention, the motion was approved.

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

The meeting adjourned at 8:12 PM.