

**PLANNING BOARD
TOWN OF BETHLEHEM
January 20,2004**

The Planning Board, Town of Bethlehem, Albany County, New York held a **regular meeting**, on Tuesday, January 20, 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 p.m.

Agenda Items: Hedgefield Subdivision
 Town Squire Phase II
 Lands of Klein Subdivision

Present: Parker D. Mathusa, Planning Board Chairman
 Keith Silliman, Counsel to the Planning Board
 Howard Engel, Planning Board Member
 Christine Motta, Planning Board Member
 Thomas Cotrofeld, Planning Board Member
 Brian Collier, Planning Board Member
 Daniel Odell, Planning Board Member

 Jeffrey Lipnicky, Town Planner
 Janine Saatman, Deputy Town Planner
 Randall Passmann, Senior Town Engineer

 Paul Hite, L.L.S., Hedgefield Subdivision
 Mr. Kasparian, Hedgefield Subdivision
 Tom Andress, ABD Engineers, Lands of Klein Subdivision
 Kevin Klein, 203 Murray Ave., Lands of Klein Subdivision
 Steve Neuremburg, Town Squire Phase II
 Bruce Ginsberg, Town Squire Phase II
 Rob Spiak, Bohler Engineering, Town Squire Phase II

Hedgefield Subdivision

Chairman Mathusa opened the meeting by welcoming the new Board members, Christine Motta and Thomas Cotrofeld and asking them to tell the other members about their background. Mr. Cotrofeld stated he had been employed by General Electric for the past 35 years, had a degree in accounting, experience in government contracting, had been a licensed real estate broker since 1979, and he was also a certified NYS Real Estate Appraiser. Ms. Motta stated that she was an attorney who had graduated from Albany Law School in 1997, and Cornell University College of Industrial and Labor Relations in 1993. She had worked in New York City in a law firm for 3 ½ years then moved back to the area. She then worked for General Electric Power Systems in Schenectady and was presently home raising her children.

Chairman Mathusa turned the Board's attention to the first item on the agenda, the Hedgefield Subdivision. Mr. Hite stated that one of the requirements was the filing of a Notice of Intent.

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They had been informed today that they have a permit and would be submitting a copy of such to the Engineering Division. Mr. Hite stated that he had one small item that needed to be done to satisfy the Health Department that would allow him to finalize the grading plan with the Engineering Division. They would be ready within a few weeks to make a submittal for their Conditional Final Approval.

The Board had been supplied with three documents for their review prior to the meeting. Chairman Mathusa turned the Board's attention to the SEQR Resolution, Classification of Action and Negative Declaration. Having no comment from the Board or staff, Chairman Mathusa asked for a motion to accept the draft Resolution as written.

A motion to approve the draft SEQR Resolution was offered Mr. Collier, seconded by Mr. Odell and approved by all present.

The next document for consideration was the Resolution, Reservation of Public Parkland. This decided whether a parkland area to serve the residents of the subdivision should be reserved or a parkland fee attached to the project. In this case, it was the Board's recommendation to require a fee. Chairman Mathusa asked for a motion to adopt the draft Resolution as written.

A motion to approve the Parkland Resolution was offered by Mr. Odell, seconded by Mr. Engel and approved by all present.

The final document for the Board's consideration was the Preliminary Plat Approval. Having no comment from the Board or staff, Chairman Mathusa asked for a motion to accept the draft Preliminary Plat Approval as written.

A motion to approve the draft Preliminary Plat Approval was offered by Mr. Collier, seconded by Mr. Odell and approved by all present.

Mr. Lipnicky stated that the applicant was aware of the conditions in the approval and as soon as a revised map had been submitted, the project would proceed to the next stage.

Next on the agenda was the Town Squire Phase II project. Neither the applicants nor their representatives were presently in the meeting room. Chairman Mathusa decided to proceed.

Lands of Klein Subdivision

The next item on the agenda was the Lands of Klein Subdivision. Chairman Mathusa asked the applicant to make the initial presentation for the Board as a first look. Tom Andress from ABD Engineers and Surveyors, who represented Mr. Klein, made the presentation. He stated that the project was a proposed nine (9) lot subdivision off Murray Road to the west of Fieldstone Dr. The proposed project has a cul-de sac with lots surrounding it. There were presently two (2) parcels, one containing the main house, which Mr. Klein would keep, and the second parcel contained an older home that they were proposing to remove. The access would be from Murray and the utilities would also go back to that same road. Mr. Andress stated that the property did contain some federal wetlands. They had a consultant come in to indicate the areas on the maps. The proposal includes disturbing some of the wetlands but the disturbance will be under 1/10th of

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an acre. It may increase some but not over the 1/10th of an acre. There was one lot that was the closest to the wetlands and that lot was discussed during staff review of the project. The next time that they appear before the Board, it would include a comprehensive grading plan for all the lots. Chairman Mathusa asked if they could deal with the wetland issue. Mr. Andress did not want to go before the ACOE, they planned to remain under the disturbance threshold. The Planning Department had questioned the amount of buildable space on the closest lot to the wetlands. Ms. Saatman stated that a question for the Board was whether they would want a situation where the proposed wetlands were up to the back of the house or should there be a reasonable distance from the back of the house to the wetlands. Mr. Andress stated that the house that was planned on the lot probably would not have a conventional backyard but have a large deck that was overhanging the slope. It would be more for a person that did not want to have a backyard to maintain. Mr. Odell stated that he had a concern with that image of use in the backyard. There was a tendency of people to mow down and fill in wetlands. He was interested in seeing the location of the house and whether there was any usable space in the backyard. Chairman Mathusa asked whether the house that they proposed to remove was of any historic value. Mr. Andress stated that staff had mentioned in their memo that the house was not listed. Mr. Klein said that the house was an old farm house in disrepair that his father had maintained until his death. He wanted to dismantle the house and ship the beams and flooring to his son. Mr. Passmann stated that the storm water collection system was shown along the road and ending in a basin. He asked what happened to the discharge after the basin. Mr. Andress stated that they proposed a piping system into the wetlands. It would be built to comply with the Phase II standards. He stated that this helped to maintain the wetlands, which was what the ACOE encouraged. Mr. Collier questioned the area for the detention pond that was to be dedicated to the Town. He wondered about a piece of property that the Board created and then comes under the Town ownership which they may or may not want to own or maintain. He wanted to know how the Board wished to deal with new wetland regulations and also the setting aside of a piece of land for the Town for this project and projects in the future. Mr. Lipnicky didn't have an answer at the present time. Mr. Odell wanted to know the definition of the term "dedicated". Mr. Andress stated that the Town would be given a deed to the property, same as a right-of-way. Mr. Odell asked Mr. Passmann if there were advantages to having the Town own the property as opposed to an easement. Mr. Passmann stated that he would have to look into it but he felt that it might give the Town more control over the property. Mr. Odell felt that typically the Town took an easement instead of ownership when it came to a drainage situation. Ms. Saatman stated that the applicant had offered ownership, but that was still to be determined. Mr. Andress stated that they would be open to either an easement or the transfer of property. Mr. Collier wondered if the cul-de-sac could be moved slightly to the east to give lot six (6) more space considering its close proximity to the wetlands. Mr. Andress stated that the grading plan was not finalized and a certain amount of reworking of the lots could be done. They were trying to maintain the larger lots on the opposite side of the cul-de-sac from lot 6. Mr. Collier questioned what was to become of lots 9 & 10. Mr. Andress stated that because Mr. Klein would be remaining in the house, he did not want houses close to him. In the future if he sells the house, he might want to subdivide those lots at that time. They planned on taking them off of future maps because they would not be a part of the proposed subdivision. Ms. Saatman stated that in the future the Town might want to have sidewalks along Murray Ave. She would look into whether they would need additional easement area along Murray to accommodate future sidewalks or if it could be included in the sixty (60) foot right-of-way. Chairman Mathusa stated that there was an interest to put sidewalks in the Town if possible. The easement would facilitate being able to install them.

There being no further discussion, a motion to table was offered by Mr. Collier, seconded by Mr. Engel and approved by all present.

Town Squire Phase II

Next on the agenda was the Town Squire Phase II project. Chairman Mathusa stated that the two(2) issues that were to be discussed were the building elevation of Hollywood Video and an update on the Storm Water Prevention Plan. Mr. Spiak from Bohler Engineering represented the applicant. He believed that all of the Board's requirements concerning the site plan for Hollywood Video had been submitted. He showed new elevations encompassing all sides of the building. The drawings showed all the technical information that staff had requested, plus the four (4) courses of block under the front windows. The sign dimensions were compliant with what the sign code permitted. Mr. Odell suggested correcting the labeling of the elevations, as to what was right or left.

Chairman Mathusa turned the Board's attention to the draft Amendment to the Site Plan Approval Document SP-113. He stated that a number of conditions for the finalization of the Site Plan Approval Document were still outstanding. These conditions must be met prior to the signing of the maps. Mr. Collier stated that the original approval had conditions that were in excess of 10 pages. He felt that it was too long. He did not want to see that many conditions in a document in the future. Chairman Mathusa stated that this amendment was the only issue that needed to come back before the Board. The remainder of the conditions were to be viewed as one entity and staff would sign off on them. That being said, Chairman Mathusa called for a motion to approve the draft Amendment.

A motion to approve the draft Amendment to the Site Plan Approval Document SP-113 was offered by Mr. Odell, seconded by Mr. Collier and approved by all present.

Mr. Spiak stated that they had met with Mr. Cirillo, Mr. Passmann and Mr. Leveille with a new idea concerning the Storm Water Management that had been suggested to them by DEC. They saw benefits to the design. The underground storage piping that had been proposed under the parking lot was gone. They were proposing to pipe all the storm water into a surface sand filter. It was another method that DEC specifies for the treatment of Storm Water. The water would go into a sediment basin, it would then overflow into a sand filter for the treatment of water quality volume. The water would then overflow into a storage basin that was designed to accommodate the hundred year storm. Mr. Spiak stated that the design was more compact than the previous one. It would not involve standing water that was part of the wetland pocket idea. The proposed basin has drainage at the bottom that would allow slow release of water into the stream during the large storms. Typically the water quality volume from regular rain events would be treated through the sand filter then direct discharged down to the bottom. They had presented this idea which encompassed the DEC checklist point by point to staff. They had filed their Notice of Intent and had received coverage under the general permit. Their intention at this meeting was to give the Board a first look also and receive feedback from them. Chairman Mathusa wanted to know the advantage to this design verses the previous one. Mr. Spiak stated that it was more compact, there wouldn't be any standing water, maintenance would be easier to handle because of the elimination of the underground storage pipes and the design didn't encroach anymore onto

the neighbors than the previous design. Mr. Spiak stated that the drainage patterns had remained the same. There was an additional diversion manhole added. Mr. Passmann stated the applicant had submitted a drawing to the Engineering Division that showed the revised grading and Storm Water layout. This new approach did have advantages. The Engineering Division would review and comment as soon as possible. There would be some submitted documents and drawings as part of the project that would need revising because of the trickle through effect. Mr. Neuremberg felt that this was a more efficient approach to the Storm Water Management. They were not looking for an approval tonight but rather for the Board to be open to the possible change. What they were asking from the Board was permission to begin clearing and grading and work on the utilities and the remediation of soils that aren't suitable for the buildings to be constructed. These things would not have any change on the Storm Water Management. He felt that the comments or conditions that needed to be met didn't have anything to do with clearing and grading. The time factor was of the essence, they had to turn over the Chili's site by May 21st or suffer a large penalty clause. The Building Department had told them that their hands were tied until the conditions were met or the Board decided to allow the preliminary clearing and grading. Chairman Mathusa stated that he understood their dilemma but he reminded Mr. Neuremberg that there were pages of conditions that were still to be met. He didn't feel that breaking those conditions into pieces would be beneficial in expediting the final approval of the maps. He requested that they spend the next few weeks meeting those conditions and the Board would take a look at what they had accomplished. Chairman Mathusa stated that with as many pieces to the project as there were, it was imperative for the conditions to be met. He wanted to move the project forward as soon as he could, but his hands were tied. Mr. Neuremberg wanted to know if they satisfied the conditions that didn't have anything to do with the Storm Water Management, considering the new proposal, would they then be able to proceed. Mr. Lipnicky stated that the new Storm Water Management would require an amendment to the site plan. If they satisfy the other conditions, there wasn't any reason that the Chairman couldn't sign the Site Plan. The applicant could then return with an amendment pertaining to the Storm Water Management. Mr. Neuremberg thanked the Board. Mr. Silliman asked Mr. Neuremberg for clarification of the statement "remediation of soil". Mr. Ginsburg stated that it was not environmental remediation rather geotechnical in nature. Mr. Spiak stated that the drawings that were given to Mr. Lipnicky and Mr. Passmann were a complete Site Plan package that included the new Storm Water Management System.

Mr. Collier wanted to know if they would be trying to finish up with conditions for the approved site plan and then come in with an amendment or were they proceeding with the amendment that included the new Storm Water System. Mr. Neuremberg stated that they would be working on the conditions to the approved Site Plan and return with an amendment. They wanted the new system to be approved because they felt it was a better plan, but if the review took too long, they would pull that idea and proceed with the original because of the time sensitive nature of the project. Mr. Lipnicky stated that the majority of the conditions or modifications to the Site Plan that were needed had been met on the most recent submission of plans with the exception of finalizing the Storm Water Management. But there were quite a few other conditions that still remained outstanding. They needed to be addressed before the Chairman could sign the Site Plan.

Mr. Lipnicky asked Mr. Spiak to further explain the cross section of the area where the first flush would be maintained and filtered. He specifically wanted to know if water would be standing

there for an extended period of time. Mr. Spiak stated that there was a proposed retaining wall around the first sediment area that is approximately eight (8) feet high. The water would enter and then overflow into the sand filter area, it takes about twenty-four (24) hours for the process to complete itself. There would be short time frames with minor amounts of standing water. In the area of the filter the water depth would be about 18 inches. Mr. Neuremberg stated that the retaining wall that would be going around this detention basin would be split-faced block that could be stained any color. Mr. Lipnicky stated that on first look it appears that the limits of grading are maintained but there was one area fifty (50) to one hundred (100) feet in length that the grading goes back further than previously shown for a depth of about 10 feet.

Mr. Collier wanted to know who would be responsible for the cleaning and maintenance of the filter material within the system. Mr. Spiak stated that the maintenance would be the done by the applicant. It would be a private system that dumps into the municipal system. Mr. Passmann stated that one of the requirements of the Engineering Division was the submittal of an Operations and Maintenance Manual which was prepared as part of the design. This would be used as a guide for the owner to use to maintain the system. Upon the filing of a Notice of Termination with the DEC they must supply this manual.

Mr. Collier stated that during a previous Board meeting a discussion took place about having retaining walls and fences around the detention ponds that were necessary to comply with the new Storm Water Regulations. He wanted the Board to look closely at these when looking at designs. Mr. Spiak stated that the wall would be tucked in and not visible. Mr. Passmann stated that on a visit to a site in Clifton Park, he noticed that the fence material used around their detention pond was a split rail fence with a wire fence attached to it. He felt that the fence was attractive. Mr. Neuremberg stated that they would landscape the area to the Board's satisfaction.

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

A motion to approve the minutes of the Public Hearing held on December 16, 2003 as amended was made by Mr. Collier, seconded by Mr. Odell and approved by those present with the two new Board members abstaining.

A motion to approve the minutes of the Regular Meeting held on December 16, 2003 as amended was made by Mr. Engel, seconded by Mr. Collier and approved by those present with the two new Board members abstaining.

A motion to adjourn the meeting was offered by Mr. Odell, seconded by Mr. Collier and approved by all present.

The meeting concluded at 8:35PM.

Respectfully submitted,

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