

**PLANNING BOARD
TOWN OF BETHLEHEM**

July 20, 2004

The Planning Board, Town of Bethlehem, Albany County, New York held a **Public Hearing Meeting**, on **FEENEY - CASTRONUOVO SUBDIVISION No. 2**, Orchard Street, Delmar, NY on Tuesday July 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 pm.

Present: Parker Mathusa, Planning Board Chairman
Howard Engel, Planning Board Member
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
Randall Passmann, Senior Town Engineer

Paul Hite, LLS, 230 Delaware Avenue, Delmar, Feeney-Castronuovo Subdivision
Dr. William Feeney, 28B Collegetown Dr., Loudonville, NY 12211
Carole Nemore, 184 Rowland Ave., Delmar, Feeney-Castronuovo
Tracy Burton, Feeney-Castronuovo
Norman & Ann Drapeau, Orchard St., Delmar, Feeney-Castronuovo
Peter Lynch, Esq., 48 Columbia St., Albany, NY, Beacon Pointe Harbor
Mike Groff, Chas H. Sells, Inc. 7 Washington Sq., Albany, NY, Beacon Pointe Harbor

Feeney-Castronuovo Subdivision No. 2

CHAIRMAN MATHUSA: I would like to begin our agenda tonight. I welcome you all to the Planning Board meeting of the Town of Bethlehem, on Tuesday, July 20, 2004. We have a busy agenda tonight and I'd like to begin moving along. First item on our agenda is a proposed subdivision and we have scheduled a public hearing on that subdivision, Feeney-Castronuovo Subdivision No. 2, a project that is located on Orchard Street. I will begin by asking for a motion to indent the Notice of the Public Hearing into our record. I need a motion.

MR. ODELL: So Moved

CHAIRMAN MATHUSA: Second?

MR. ENGEL: Second

CHAIRMAN MATHUSA: All in favor

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

All Board Members Present: Aye

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, July 20, 2004 at 7:30 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application of Dr. William Feeney and Dr. Susan Catronuovo for approval of a two (2) lot subdivision located on Orchard Street, Delmar, NY 12054, Albany County, N.Y., as shown on map entitled: PRELIMINARY PLAT PROPOSED FEENEY & CASTRONUOVO, SUBDIVISION NO.2. ORCHARD STREET, Town of Bethlehem, Albany County, State of New York, dated June 16, 2004, revised June 30, 2004 and prepared by Paul E. Hite, Licensed Land Surveyor, 230 Delaware Avenue, Delmar, New York 12054.

CHAIRMAN MATHUSA: Opposed?That's approved. Now we'll call on Paul Hite, representing the applicant to give us a short summary on the status of the project.

MR. HITE: Can everyone see? Thank you Mr. Chairman, Members of the Board and audience, my name is Paul Hite, Land Surveyor, Delmar, NY. I'm here tonight representing Dr. William Feeney and Dr. Susan Castronuovo to subdivide lands that they own, located on the southerly side of Orchard Street approximately a half a mile westerly from Fisher Blvd. Very simple proposed subdivision consisting of two (2) lots, first lot being approximately 5.7 acres which will encompass the existing home, outbuildings, pond, driveway. It is presently occupied, needs no construction of utilities, water connections, septic systems or nothing. It is completely capable of being a lot on its own. The remaining lot land of approximately 23 acres will be Lot #2 which is from the division line proposed here all the way across to the lands of two (2) lots that were originally sold off a number of years ago and have been constructed on, one in here and one here, just recently. We had been before this Board asking to subdivide all this land into four (4) lots and there were some problems with access to the three (3) lots for this area. We are presently trying to resolve that but in the mean time Mr. Feeney and Dr. Castronuovo had an offer to purchase the building and the one (1) lot around it. The time span for closing on that was so tight, we didn't feel we could accomplish the problems that were involved with the three (3) lots here and get this taken care of in order for him to close, so I came before this Board and asked to have that subdivision withdrawn and this two (2) lot proposal presented to you and also at this Public Hearing. Lot #2 will in all likelihood be subdivided into three (3) lots in the future. Right we're showing it as a one (1) lot subdivision. There would be a driveway in the future, if this was developed as one (1) lot, would be approximately in this area here. Orchard Street is a very good road, recently reconstructed by the Town. All the utilities, water, sewer everything exists along this street for access to this lot. I believe that is, in a simple presentation, the crux of my request here tonight. I'll try to answer any questions. With me is Dr. Feeney and if there are questions of him, he can answer.

CHAIRMAN MATHUSA: Thank you Mr. Hite. Does the Board have any questions at this point? Janine anything at this point? At this time I'll open the floor to receive comments from the public both for and against the project or any questions related to it. I ask that those who plan to speak

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come to the microphone, speak into the microphone so we can record your statements word for word. We ask that you state your name and address for our records, so if we have to get in touch with you we can do that. So I'd entertain anybody who would like to come and discuss this project for or against it, any thoughts about it.

CAROL NEMORE: Can I ask you a question?

CHAIRMAN MATHUSA: Please state your name and address.

CAROL NEMORE: It's Carol Nemore, 184 Rowland Avenue, Delmar. Are you building on the second lot anything now?

MR. HITE: No, it's an unapproved lot.

CAROL NEMORE: And with the potential for three (3) in the future

MS. SAATMAN: It will be approved as a lot.

MR. HITE: Under this request this will be approved if the Board so desires, as one lot and if someone came along after this approval was granted they could buy this and build one house if they wanted to.

CAROL NEMORE: But I thought you said it had the potential for three.

MR. HITE: It does and we will in all likelihood come back before this Board and ask to continue the proposed three lot subdivision within this area. The whole purpose of this is to get this one lot set up so Dr. Feeney and Dr. Castronuovo can sell it. The closing span I believe is somewhere in the first part of September if at all possible.

CAROL NEMORE: My testimony is really about not for or against the project but a concern about it. My name is Carol Nemore and I am representing the Board of Directors of the Albany Land Conservancy. I am also a resident. The Conservancy is a nonprofit land trust... excuse me for reading, I'm used to doing this for the State...preserving natural resources and community character in the greater capital region and in our community. We own several land preserves in the Town of Bethlehem, including the Swift Wetland Preserve near the High School, the Normanskill Preserve across from the Stevens Farm and on the Normanskill, and the Phillipinkill Preserve just behind the Mansions of Delmar on Fisher Boulevard and it includes the Phillipinkill. Our interest in the Feeney-Castronuovo Subdivision is twofold: we're an adjacent neighbor and we have environmental concerns and also we want to take this opportunity to begin to realize the recreational potential for a trail system through the Town along the Phillipinkill. Our Phillipinkill Preserve is situated just downstream of the this proposed subdivision. We are concerned about the cumulative effects of current and future developments along the Phillipinkill and the degradation of the entire stream corridor as it flows through the Town of Bethlehem from Five Rivers and into the Vlomankill and ultimately the Hudson River near the Town Park. Our Phillipinkill Preserve is approximately 20 acres large and plans are underway to make this beautiful spot publicly accessible for walking and nature study. At the same time, we envision the possibility of a stream corridor protection plan along the Phillipinkill from the Five Rivers Nature Center to our Preserve located at Delaware Avenue. Along with some members of the Friends of Five Rivers, we also envision the possibility of connecting the two areas with a publicly accessible trail system. This trail link

between Five Rivers and the Phillipinkill Preserve could also extend beyond in either direction to the Elm Avenue Town Park and to the D&H proposed Rail to Trail to the north. It is important that the Planning Board use your authority to invoke the “Set-Aside for recreation “ in order to create a trail along the Phillipinkill. This could become part of an emerald necklace around Delmar, a community that is rapidly losing its quiet, small town character. As more people choose Bethlehem as their home, we believe it is critical to provide access to natural areas located in close proximity to our homes. The Conservancy does not oppose development. We just want to see it take place within a balanced approach that also protects sensitive natural resources like the Phillipinkill and respects our community character and our quality of life. We like to walk in this town. This would provide a safe and beautiful walking trail. This proposal would be a cost saving approach for the developers since the alternative is a fee in lieu of the set-aside. Also, a “set aside for recreation” would not affect the number of lots to be developed, I don’t believe and the homes built next to protected areas are higher in value, which is yet another benefit for developers. Thank you for your consideration.

CHAIRMAN MATHUSA: Thank you. Are there any other people that would like to address the Board? I don’t see any at this time. Based on that, unless there is some other comment, I’ll move to close the public hearing.

CAROL NEMORE: I’d like to leave my comments.

CHAIRMAN MATHUSA: Sure. I’ll entertain a motion to close the public hearing. Do I have a motion?

MS. MCCARTHY: So moved.

CHAIRMAN MATHUSA: Second?

MR. COLLIER: Second

CHAIRMAN MATHUSA: All in favor?

ALL BOARD MEMBERS PRESENT: Aye.

CHAIRMAN MATHUSA: Opposed? Alright, we’ll close the public hearing.

The public hearing closed at 7:45pm.