

**PLANNING BOARD
TOWN OF BETHLEHEM**

May 20, 2008

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on May 20, 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
Nick Behuniak, Planning Board Member
Howard Engel, Planning Board Member
Katherine McCarthy, Planning Board Member
Christine Motta, Planning Board Member
John Smolinsky, Planning Board Member
Kate Powers, Planning Board Member

Mike Morelli, Assistant Director of DEDP
Rob Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Agenda: Cottonwood Lane Subdivision
48 Hudson Avenue, Delmar – Site Plan

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

Cottonwood Estates

Cottonwood Estates was last before the Board on May 6, 2008 when the current status of the project was reviewed. Chairman Mathusa thanked the Planning and Engineering staff and the applicant for supplying the Board with the additional information that had been requested. He noted that comments raised by the Engineering staff had been adequately addressed by the applicant.

Mr. David Ingalls, P.E. of Ingalls and Associates updated the Board for the applicant. He said the majority of the comments from the last meeting surrounded the wetland impacts and the permits that had been granted by the ACOE and NYSDEC. There was concern on how the fifty (50) foot rear yard was measured. He said the plans to be filed have restrictive covenants to preserve those lands. It will clearly indicate the wetland impacts permitted and the areas to be preserved. The deeds for the lots will reference the restrictive covenants. Each plot plan presented to the building department would show the restrictive line.

Chairman Mathusa noticed the ACOE wanted a split rail fence along one (1) of the side yards. He asked if a similar split rail fence could be placed on the rear restrictive line of Lot #10. He thought it would help to show the future property owner the fifty (50) foot rear yard line. Mr. Ingalls didn't think it was necessary, the reason that the ACOE had suggested more impacts was to give the future home owner a reasonable rear yard. The reason the fence was required on the side yard was it was only twenty (20) feet from the proposed building footprint. Mr. Ingalls said if the Board wanted some type of marker, the applicant could monument the side lines with iron rods to help identify the rear yard line.

Mr. Smolinsky said there were two (2) ideas raised early in the process he wanted to mention; either eliminating Lot #10 or placing a smaller house on that lot. He was disappointed the Board didn't pursue those options. He

thought the elimination of Lot #10 made sense. He said it would protect a natural resource and doesn't require

additional impacts. He knew the ACOE approved the additional impacts but based on staff's explanation he understands the ACOE was over whelmed with larger projects and this was a smaller project. He thinks from an environmental point of view Lot # 10 should be eliminated. Though he agreed that the impacts were small, he thought recommendations from staff should have been pursued earlier prior to the plan being more fully developed.

Chairman Mathusa said if the ACOE was willing to allow additional impacts to the wetlands and the applicant was willing to put in the iron rods to show the restrictive line, he didn't want to argue over a foot or two. He understands the sensitivity of the issue but if the ACOE agrees that the impact to the Hudson River would be nominal then he thought it would be difficult to deny the applicant when the Federal Government, says it was OK.

Mr. Smolinsky thought one of the reasons the ACOE agreed to more wetland impacts was because they didn't want to deal with the permit application for wetland encroachment in the future. He thought that was a terrible piece of logic if their job was to protect the environment. He said the Board had heard from Town Engineering staff that some of the drainage issues in the neighborhood was a result of lots on Wildwood filling their backyards. He said the Board would be allowing the same type of thing that causes the drainage problem. He thought it was a bad precedent.

Chairman Mathusa said the ACOE recognizes that giving up some smaller impacts up front helps stop more significant impacts later on. He said that was the information he had received at the class given on wetlands by the ACOE.

Mr. Ingalls said the area in question meets the criteria for poor wetlands. He said the area is basically an old meadow that has grown up; it's not an environmental sanctuary, they are low grade wetlands. To put the impacts in perspective, the impact area is twenty (20) feet wide by one hundred (100) feet long. The total acreage is well within the density for the zoning. He said the proposed lots are about twice as large as some of the neighboring existing lots. A complete drainage analysis and report had been done and accepted by engineering. He said the road would be lower than the homes, thus forcing the drainage forward to the closed drainage system in the road. That would substantially change the acreage draining out towards the existing homes on Elm Avenue. Mr. Ingalls said the rear of Lot 20 would drain to the wetlands near the NIMO lines. Mr. Ingalls said the increase and decrease of the runoff amounts varies with rainfall amounts in a storm event. Mr. Behuniak asked if that information was included in the Storm Water Report that was signed. Mr. Ingalls said yes.

The Board reviewed the draft Resolution, Reservation of Public Parkland, Cottonwood Subdivision prepared by staff.

A motion to approve the Resolution, Reservation of Public Parkland, Cottonwood Estates Subdivision as drafted was offered by Ms. Motta, seconded by Mr. Engel and approved by all Board members present.

The Board reviewed the draft Preliminary Plat Approval, 237-P prepared by staff.

A motion to approve Preliminary Plat Approval 237-P as amended was offered by Ms. Powers, seconded by Mr. Engel and with a vote of six (6) for and Mr. Smolinsky against, the motion was approved.

48 Hudson Avenue

Chairman Mathusa turned the Board's attention to the next item on the agenda, a proposed site plan for 48 Hudson Avenue in Delmar.

Mr. Anthony DeThomasis, the applicant, presented to the Board. The project would consist of a three (3) unit apartment building, a two (2) unit apartment building with commercial space on the first floor and a five (5) space detached garage. The area is located in a Hamlet District. He said presently a single family home in poor condition

is on the property. That will be demolished. There would be nineteen (19) parking spaces on the site; fourteen (14)

paved spaces and five (5) more in the garage. The commercial space in 48 Hudson Ave. measured about thirteen hundred (1,300) square feet. The residential building would be 50 Hudson Ave. The proposed driveway would be between the two (2) buildings with sidewalks on both sides and they planned on repairing the sidewalk along Hudson Avenue. The proposal is for landscaping trees on the property border protecting the house next door. Most of the units would have porches except the rear ones. He said most of the commercial space on Hudson Avenue was located in older converted houses.

Mr. DeThomasis said the detention pond area was to the rear of the property. One of the earlier comments from engineering was to eliminate the detention pond. His engineer submitted a drainage report that showed for the pond to be eliminated, they would need six or seven hundred feet of eighteen (18) inch pipe to accommodate the same amount of water as the detention pond. The slope is one on three, which is mowable and maintainable. It will not look like the commercial detention ponds. He mentioned a few notations on the plans that needed to be corrected and would be on future submissions. He said the combined building areas was correct at five thousand five hundred eighty-eight feet (5,588). The proposed site coverage statistics was correct.

Chairman Mathusa asked if landscaping was included to buffer the lights in the parking lot and if there was adequate handicapped parking spaces. Mr. DeThomasis said that handicapped spaces were included for the commercial space but they are not required for the residential building. A ramp and landing area will be installed to the entrance of the commercial space. He said the parking lot spaces would be striped but not specifically dedicated to either the commercial or the residential area.

Mr. Behuniak wanted to know what was decided between the engineering divisions suggested underground stormwater units versus the detention pond. Mr. DeThomasis said he had asked his engineer to look into the underground units. According to his engineer it would require extensive piping of various sizes. The calculations were submitted to the engineering division in the drainage report for their review. He thought the piping would be very costly for five (5) units and a small commercial space. The detention pond would be mowable and maintainable. The only area that would require riprap would be the outlet pipe. He said he would rather not go into the expense of the piping.

Mr. Ritz said engineering had asked the applicant to consider underground piping. It was not a requirement. Mr. Ritz said the applicant had his engineer come up with a plan and Mr. Ritz agrees that the piping would be cost prohibitive. He said the detention pond would only hold water for a little while and then it would slowly release through the outlet pipe. It would be dry the remainder of the time. Mr. Ritz said it would be adequate for the site.

Mr. Smolinsky asked staff if there was a required ratio of commercial to residential in the Hamlet zone. Mr. Leslie said the Town looks at what the applicant proposes, there isn't a specific ratio. Mr. Smolinsky said he noticed the scale of the proposed buildings in relation to the existing homes around the project. Mr. DeThomasis said they would be larger than the surrounding homes but they were standard height walls with higher trusses but he felt the higher trusses made the buildings more attractive. If the building was smaller it would be more difficult to rent. Mr. DeThomasis said the reason they placed the commercial space in the building where they had, was to have the ability to expand the area if a potential client wanted more space. There was room to the side to expand without encroaching into the side yard. He said the expansion, if done, would fit in with the architecture of the building. He said one of the comments they have been receiving from potential lenders is that Hudson Avenue isn't Delaware Avenue as far as visibility. The appraisers are saying that this will more difficult to rent than if it was on Delaware Avenue.

Ms. Powers asked if they had any potential clients for the commercial space. Mr. DeThomasis said the space has not been marketed yet but he is open to any use that is allowed within the hamlet zone. Mr. Behuniak asked if a buffer area was proposed. Mr. DeThomasis pointed out some of the proposed trees on the submitted site plan. He said there were a few existing trees on the neighbors property but nothing was planned for that side.

Chairman Mathusa asked if they could put some landscaping around the parking lot to minimize the car lights. Mr. DeThomasis said there were evergreens in that area and he would be willing to add more trees.

Mr. Engel asked if all the storm water runoff from the parking lot and the roof drains would be directed to the detention pond. Mr. DeThomasis said all the drainage would go to that area.

Ms. McCarthy thought the buildings were an attractive design. Mr. Smolinsky thought there should be some sizeable landscaping to the front. Mr. DeThomasis said he could do that but the idea of the Hamlet zone was to have buildings closer up to the sidewalk for a walkable community. He said in order to put larger landscaping up front, they would need to push the buildings back. There wasn't room for him to move the buildings back and maintain the necessary setbacks. Mr. Leslie said the applicant was keeping the four (4) larger trees in the front. He said even though these were larger buildings, in the hamlet district you want the variation of building sizes and style. Mr. DeThomasis said he would go back to his landscaper to see if there was additional plantings that could be added. He then showed the Board some samples of façade materials that would be used. It was a combination of brick and cedar siding.

Mr. Morelli said staff has been working with the applicant. The Town is supportive of the single driveway with the buildings pulled up to the street, no front yard parking and it meets a lot of the goals and objectives of the Hamlet Zoning.

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

The Board reviewed the minutes of May 6, 2008 prepared by staff.

A motion to approve the minutes of May 6, 2008 as amended was offered by Mr. Engel, seconded by Mr. Smolinsky and approved by all Board members present.

The Board discussed wetland jurisdiction and storm water regulations.

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

The meeting adjourned at 8:10 PM.

Respectfully Submitted,

Nanci Moquin