

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**November 18, 2003**

A **regular meeting** of the Planning Board, Town of Bethlehem, Albany County, New York was held on Tuesday, November 18, 2003 at 7:30pm in the Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Douglas Hasbrouck presided and called the meeting to order at 7:30 pm.

Agenda Items:           Van Dyke Spinney – Van Dyke Spinney, LLC

Present:                 Douglas Hasbrouck, Chairman of the Planning Board  
                              Brian Collier, Planning Board Member  
                              Howard Engel, Planning Board Member  
                              Parker Mathusa, Planning Board Member  
                              Keith Silliman, Counsel to the Board  
                              Daniel Odell, Planning Board Member  
                              Katherine McCarthy, Planning Board Member  
                              Jeffrey Lipnicky, Town Planner  
                              Randall Passmann, Town Senior Engineer  
                              Ed Feinberg, Van Dyke Spinney  
                              Rex Ruthman, Van Dyke Spinney  
                              Rob Cartwright, Van Dyke Spinney

**VAN DYKE SPINNEY – Van Dyke Road**

Mr. Hasbrouck turned the Board's attention to the question of affordability and if this project satisfies the criteria and meets the intent of the Zoning Code pertaining to the Senior Citizen District. The answer to that question would determine where the Board would go with SEQR. The Chairman had requested that the Board review all of the documentation that had been provided to them with respect to the criteria from both the applicant and Mr. Lipnicky. Mr. Hasbrouck felt that the Board should be able to come to a consensus for a recommendation to the Town Board. The access issue was discussed at the last meeting and at that time the Board didn't find a major problem. Mr. Ruthman stated that since the last meeting they had Vollmer Associates do a summary of the criteria and show how they thought the plan had met the criteria. Mr. Cartwright presented for Vollmer Associates. A copy of the summary was supplied to the Board members. Mr. Cartwright identified 11 items in the Code on which they had comments. The first issues were public water and sewer servicing of the site. The site was partially within the sewer district but outside of the water district. They would work with the Town to determine the maximum daily demands of the project. They believed that the water district extension moratorium imposed by DEC should expire in May of 2004. The

---

**For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.**

storm water plans were displayed. There were two areas identified by the Army Corp as wetlands, one next to the community center and one on the northern site. There were small pockets of wetlands throughout that were identified during the delineation. The Army Corps were not taking jurisdiction over those. The storm water management plan had been conceptually developed. There were basins into which the storm water would be routed. The predevelopment flow would be matched to post development flow. The third criteria stated that the development be in an area suitable for residential purposes. The proposed site was zoned residential AA. The high school was in the general area as was the proposed site for an elementary school. The topography was discussed next. The area where the development would take place was fairly level. There would be a series of pedestrian walkways throughout the site with islands of green space between the main access road and the eyebrow roads in front of the homes. Additional space was available for outdoor recreation such as bocce ball, croquet and horseshoes. Tree lines and brush lines around the perimeter would be maintained plus a landscaped buffer along the back and trees disbursed throughout the site. Landscaped berms would be used to shield the project from Van Dyke and make the overall site more visually pleasing. The access to services had been discussed at the previous meeting. Mr. Cartwright displayed an aerial map showing concentrically the proximity of some identified services to the proposed site. Most of the services fall within a three-mile radius of the site. Pedestrian access was also a criterion. There was a multi-use path shown along the bypass extension to Elm Avenue and to the Town Park. The applicants would construct a sidewalk from the proposed site to that series of paths. Also to be considered was the proximity to public transportation. There was a park and ride lot within 3/4ths of a mile from the proposed site and the residents would be able to use the Senior Shuttle Services offered by the Town. Mr. Cartwright stated that one of the concerns voiced by the Board had been the intersection of Van Dyke Road and Meads Lane. The applicants realized that was a problem and would participate in the necessary measures to address that intersection. He felt that the majority of the residents would exit the site in the opposite direction to access services within the Town. There were a number of intersections onto Van Dyke from the project. The site distance was looked at and with the bare minimum of 30 miles per hour; the site distance calculated confirmed that modifications would need to be made to increase the site distance. The eyebrow roads were 60-foot one-way roadways. Those roadways were added to increase safety while people were backing out of their driveways. The green space would make the space more attractive. The architecture was varied to help with the appearance of the site. The entryways were place directly off the driveways for easier access for the elderly or handicapped persons. Space inside the garage would be increased to meet the Town's requirements in regards to parking. Mr. Cartwright asked for questions from the Board. Ms. McCarthy wanted to know where the sidewalk they proposed constructing would tie into. Mr. Ruthman stated that it would be at the intersection of the bypass extension and Van Dyke Road. Ms. McCarthy stated a concern that the multi-use path would have more bicyclists and high school student usage causing interference with someone trying to walk there. Mr. Lipnicky stated that the "multi-use" pathway was built for the specific purpose of a bike path. Mr. Ruthman stated that the path was narrow and without straight-aways that would prohibit a bicyclist from gaining speed. He stated that many people in their other project, Adams Station, use the path for walking. Mr. Cartwright felt most bicyclists used the road. Mr. Ruthman

stated that a section of the code directed the developer to take into consideration development of walkways and interior pedestrian areas in a Senior Citizen Resident District. He felt that the intention of the statute was to encourage social space, recreation and safe passage of people. They created islands of green space between the public roads and the homes with a gazebo on them. This would give the residents a common area other than the community center. The islands would also help with snow dump and service drainage. Mr. Collier stated that with all the eyebrow roads and one-ways, the flow paths for the cars were complex. Mr. Ruthman felt that the elderly were careful drivers. He didn't expect any problems. He thought the eyebrow roads kept people from backing out onto the main roads through the complex. Ms. McCarthy inquired about the size of the green space near the gazebo. Mr. Cartwright stated that they were about 200 ft by about 30/40 feet. Mr. Ruthman stated that the berms placed around the project would not interfere with the area used by the residents; they were incorporated for a more variable terrain. Mr. Mathusa brought up the point that if the Board reduced the rents as proposed then the landscaping as shown would not be possible. Mr. Ruthman stated that they were trying to keep the rents of the units to \$1 per sq foot. Anything less would definitely change the look of the project and the size of the units. The units would also have short basements for storage and mechanical access. It was established that the walkway would be fully connected throughout the site. They could also place certain amenities such as a croquet court in green spaces to encourage socialization. Mr. Mathusa asked about the possibility of a swimming pool or tennis courts. Mr. Ruthman stated that the community center could change to incorporate those types of additions. They were trying to make this a benchmark project that could inspire other communities. There was room for a pool and tennis courts, if the Board wanted, they could be added to the plans. They could move the community center if necessary. The site being relatively flat, allows movement of buildings without too much difficulty. The area across the street was discussed. It could be taken out of the project but Mr. Mathusa stated that some people might want more privacy. Mr. Ruthman stated they had also considered adding more garage space or another room to the corners units. Of course that would change the rent. Mr. Hasbrouck stated the buildings all had a single car garage. He felt that many households had two cars. It would be very difficult to maneuver around the eyebrow roads if there was parking in those areas. Mr. Ruthman stated that 1.1 parking spaces were mandated in the Code for Senior Citizen Districts. They could increase the width of the eyebrow roads to accommodate parking along one side or redesign the greenways for additional parking. Ms. McCarthy felt that the design of some of the houses was not pleasing. She preferred the ones that had the garage recessed. Mr. Ruthman stated the fronts were at varying depths to keep the units from looking regimented, but they could be changed. He showed the interior layout of the units to the Board, which included cathedral ceilings. Different consultants would be hired during the site plan review, such as architects and traffic consultants. They were waiting to hire until the project was approved.

Mr. Hasbrouck turned the Board's attention back to the intent and objective packet. He asked the Board's opinion of whether they feel the proposed project reasonably fulfills the criteria. Mr. Collier felt that relative to the other Code compliance issues, in concept, the project fits within the Senior Citizen Code parameters. In terms of the affordability

issue, he felt that the economic circumstances of areas differ. After speaking with seniors in the community, he concluded that this project's proposed rents of \$900 to \$1200 per month would be affordable and moderately priced to a large number of seniors that live in Bethlehem. Mr. Odell agreed with Mr. Collier. He also spoke with seniors in the Town; they felt that it was another opportunity and option for them. They considered this amount within the realm of affordable. He felt that this project would be acceptable. Even though it was not a part of the Code, in the back of his mind was the benefit of a housing development that would not have children needing to be educated by the public school system. He admitted that this colors his perception of the project. In response to the access to the other amenities in the community, he felt that the distance was about the same as other senior housing choices in the community. The applicant had proposed to construct sidewalks that would connect to existing ones within the Town. Ms. McCarthy felt that the project was not affordable. She was comfortable with the project fitting into the other criteria in the Code and she believed that about half of the people could afford the rents. She wished that more of the seniors in the Town would be able to afford the rents of the project. Mr. Engel stated that his main concern was the roadway structure of the area. He understands that the applicants were willing to work with the Town on this. He felt that Van Dyke Road needed some work before seniors were driving on it on a regular basis. He had spoken with some friends and relatives in the area and they thought it would be a place that they would consider in the future. He stated he had a relative in the Van Allen Apartments, and they were isolated from the community. They depended heavily on senior projects to provide transportation. They also have limited parking and none of it was covered which was very desirable to seniors, especially in this climate. The feedback he received was favorable. He looked positively on the project. Mr. Mathusa stated that he was looking at it in a slightly different perspective. A person in Delmar could sell their house and use the equity to pay rent over a long period of time without having to give a large sum of money up front to the facility, such as at Beverwyck. He felt it gave another option to the senior residents of Delmar. It would be slightly upscale from the definition of affordable but he felt there was a large enough segment of the seniors in the community that would feel comfortable and live there for a long period of time. He felt that with some adjustment in the architecture of the buildings, circular roadways, possibly a swimming pool and tennis court, one segment of the senior population would be addressed. Even though it was pushing the definition of affordable, he felt it would address the needs of many seniors that had lived and worked in the Town for many years. His assumption was that many of the people who would move in would be very active and if given a choice in a one or a two-car garage, he felt they would prefer a two-car garage. Mr. Silliman stated that the statute and the statement of intent do not statutorily define the words affordable and moderately priced. The Board does have maximum flexibility in their interpretation of those terms. Mr. Lipnicky had included criteria in his memo, but stated that it was by way of example. It may be that the intention of the statute was to follow the types of examples used, but it isn't included and does not bind the Board to those examples of the terms. The statement of intent left the Board with a legal basis for their interpretation of affordable and moderately priced. Mr. Hasbrouck stated that of the five Board members who spoke, there were four that supported the idea that the project was affordable, Ms. McCarthy being the only one who doesn't. The Board had a consensus of four people. He felt he needed to make some comments

himself. He spent a lot of time going through the criteria along with the other documents obtained. He kept going back to the affordability issue. Pointing to the specific wording in the Code, which stated, the specific objective was to provide moderately priced housing for those senior citizens living on fixed or limited incomes. He didn't feel that the wording was focused on senior citizens in general. He agreed there wasn't a definition for the terms but he came to a different conclusion after looking at the census data supplied and also the information from Mr. Thompson's letter that the applicant supplied. He used the age breakdown for the 62 and above bracket when doing his calculation because that was the target range of this legislation. The median income in that range figures out to be \$32,000 to \$34,000, not the \$40,000 and up the applicant has targeted. The average rentals in Albany County from an article dated 2003 stated that the average rent for a 2-bedroom, 2-bath unit with 1,000 square feet of space was \$873, which is below the lowest proposed rent in the applicant's project. Mr. Hasbrouck felt that the affordability criteria had not been satisfied based on these calculations. He realized that the majority of the Board had come to a different conclusion and they wanted to send a favorable recommendation to the Town Board. Mr. Odell stated that the structure of this special district was based on a trade off that if the majority of the criteria were met, than an applicant's project could be denser. This applicant was not seeking that benefit, but wanted the ability to target a specific age group. That may not be intent of why the district was constructed but it seemed to be permissible and achieved a benefit to the Town's seniors. He liked that it was a residential project that did not put additional burden on the school district. Mr. Mathusa agreed and supported that statement. He stated that the applicant had stated that they could reduce the rents somewhat but a with a reduction in amenities. Mr. Mathusa would rather have it slightly upscale to make it attractive and it would still be within the realm of affordable. He doesn't disagree with Mr. Hasbrouck's numbers, but would rather have something in a little higher range with more amenities. Mr. Hasbrouck stated that Code anticipated and assumed that anything built under this Code would not have an impact on the school district due to the 62 and over age limitation. He felt that the point was incidental. He stated that the Board now needed to consider the favorable recommendation for rezoning to the Town Board. The SEQR analysis would be the next step prior to that recommendation. Mr. Collier agreed with Mr. Odell that to have a residential project without putting additional stress on the schools was an advantage. Mr. Lipnicky stated that it was not a criterion that the Board was charged with considering. The Code was very specific as to the criteria that the Board had to consider in the rezoning. Mr. Silliman, speaking for Mr. Odell, stated that even though the schools were in the back of his mind, it was not the primary factor in reaching his decision on the affordability issue. Mr. Odell agreed. Ms. McCarthy pointed out that when the seniors sell their homes in Delmar, that the likelihood of a family with children buying them was very high. In the long run, it would still have an effect on the schools. Mr. Hasbrouck stated that they would now consider what was needed for SEQR. Mr. Feinberg stated that when a person sells a \$250,000 house, it frees that money up for use. A HUD program would take that equity into consideration. Mr. Ruthman stated that they believed that their project would be affordable to the average person who lives in Bethlehem. If the Board wanted them to put in fewer dollars, then it would cost fewer dollars. He was concerned what would be cut out. The proposed rents reflected leaving the swimming pool and the tennis court out of the project.

---

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

A motion to table was made by Mr. Odell, seconded by Mr. Collier and passed by all present.

A motion to approve the minutes of September 16, 2003 as amended was made by Mr. Mathusa, seconded by Ms. McCarthy and passed by all present.

A motion to approve the minutes of October 21, 2003 as amended was made by Mr. Mathusa, seconded by Mr. Engel and passed by all present.

A motion to adjourn was made by Mr. Mathusa, seconded by Mr. Odell and passed by all present.

The meeting concluded at 9PM.

Respectfully submitted,

Nanci Moquin  
Planning Board Secretary