

**PLANNING BOARD
TOWN OF BETHLEHEM**

October 2, 2007

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on October 2, 2007, 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
Dan Odell, 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
Robert Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Dave Ingalls	Kathy Manilenko	Ted Kolankowski
Mike Worden	Bill Hammer	Edward Carey
Frank Hessari	Edi & Moses Samaniego	Bob Trybalski
Tony D'Adamo	Bill Youuos	Sante Mahan
Eric Sprague	Steve Frisch	Roberta Worden
Bill Powell	Jim Demetriades	Russ Rizzo
Kevin Egan	Bruce Busharo	Chris Boyea
Anthony Defranco	Rex Ruthman	Ed Feinberg
Joe Bianchine		

Agenda: Cottonwood Estates – Public Hearing
Glenmont Plaza
Glenmont Mobil
Keybank
McDonalds
Van Dyke Spinney
Hamden Woods

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

PUBLIC HEARINGS

Cottonwood Estates

This proposed seven (7) lot subdivision was last before the Board on September 18, 2007.

A motion to indent the public hearing notice was offered by Ms. McCarthy, seconded by Mr. Smolinsky and approved by Board members present.

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

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, October 2, 2007 at 7:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application of Carmelo Crisafulli for a major subdivision as shown on a map titled "PRELIMINARY PLAN, Cottonwood Lane Estates, Lands of Carmelo Crisafulli, Jr.", Town of Bethlehem, County of Albany, State of New York, dated April 12, 2007.

Mr. Dave Ingalls from Ingalls and Associates, presented for the project. He said the proposal is for a seven (7) lot subdivision and an extension of Cottonwood Lane into a cul-de-sac along with water lines, sanitary sewer lines and storm water lines. They had completed a drainage analysis, looking at pre and post conditions. The existing system drains to a trunk system that had been installed when Wildwood Estates was built. He said there was a potential drainage concern along Elm Avenue. There is minimal flow from the backyards of two (2) of the lots that will be directed to an existing eighteen (18) inch pipe. They had received a permit from NYSDEC for the limited impact on the wetlands that they were proposing. The parallel ACOE PCN permit has expired. Their next approval after preliminary plat would be the ACDOH for approval of the subdivision in regards to water and sewer utilities.

Mr. Ingalls pointed out the area of delineated wetlands on the site. He said the impacts to those wetlands would be point one five three (.153) acres. He said part of the permit process with the ACOE and NYSDEC was that the applicant would put the remainder of the wetland areas into a preservation through deed restrictions. He said that the closest portion of the home on Lot #10 would be fifty (50) feet.

Chairman Mathusa opened the comment period to the audience.

Eric Sprague, 607 Elm Avenue. His concern was the runoff of water into the back corner of his lot. He currently has a very serious water problem in that back corner. His lot has thirty (30) feet of yard from the house to the edge of the wetlands behind him. There is currently a swale that pushes all the water to a corner. There was a culvert that was put in when the house was built that was supposed to go to drainage system along the road. In the six (6) or seven (7) years since he lived there he has never seen the water reach the height of the drainage pipes. The water stays in one spot and never drains. He said he has five (5) children and has a mosquito problem all year long. He is concerned if lot #10 displaces more water in his direction, his current problem will be worsened. Even in the driest of seasons, he has a water and mosquito problem. He can't improve the drainage himself because it is designated wetlands. He said his sump pump runs all the time.

Mike and Robert Worden, 6 Cottonwood Lane. Their concern is the water runoff. He said his basement is now dry and they are concerned that if the pattern of runoff is changed, they will have a problem with water in their basement. Ms. Worden said that they were told they would need permits before doing anything in the wetlands. She is opposed to the project; she did not want it approved. She thought the proposed house on lot #10 is close to her house. She said that she was worried about the water runoff coming onto their property. Mr. Worden said that land in the right-of-way in front of their house had been dug up and left that way. He asked that if they dug up any more properties, they would put the land back to its original condition.

Bill Powell, 579 Elm Avenue. He has lived there for about five (5) years. He said that between two (2) of the houses was an old driveway that used to go to the old house in the back. He said the water seems to follow that old driveway. Some of it ends up in his back yard. If more water is added to that runoff, both sides of the driveway will be wetter and basements will have a water problem. He has a fairly dry basement now. He wanted to know if there would be a bond in place that address future damages caused by water runoff. He has a cost concern for damages and marketability. He said there is a mosquito problem now.

Sante Mahan, 6 Wildwood Lane. He said he was the first house there. He had been told back then that all the

other area was wetlands and no one could build. He said that between his house and Mr. Powell's house, there

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used to be a culvert that drained down to a Town culvert. The town culvert doesn't see water now that the other houses have been built. He said that his yard is wet all the time and his sump pump runs all the time. His yard might be dry before the first snow. The water is trapped and can't go anywhere. He said he wanted to raise the level of his yard up, but the ACOE looked at the property and told him to not even think about it. He said it seems that the existing homeowners can't touch the wetlands but everyone else can. He said that if they wanted to get rid of all the wetlands, it would be OK with him. He knew that the developers would work within the confines of the bureaucracy of government. He's on his third sump pump. Between the ticks and the mosquitoes, he has to check his children everyday.

Tami Wind, 10 Wildwood Lane. She said her main concern was the sloping of the proposed houses. It is very wet in her yard, like a swamp year round. There is always a pond in the back. The two (2) concerns were the drainage and the mosquitoes. She has young children and the mosquitoes in the area are a big problem. She said she would not have a problem if they wanted to take out the wetlands and put in drainage.

Bill Hammer, 5 Cottonwood Lane. He said that he found out when his house was being built that the 3/4's of his lot were designated wetlands. During the winter runoff three (3) ponds will form that don't drain anywhere. There had been an old culvert under the road years ago that drained the water past and through Elm. One concern was the water; he has a sump pump that runs twenty-four (24) hours a day. His other concern was the length of time of the project.

Yaron Danon, 34 Wildwood Lane. He lives on the north of this project, he was concerned with runoff making his property much wetter.

Edicecil Samaniego, 28 Wildwood Lane. He said they were one of the lowest lots in this area with a "small" lake in the back. He said he was on his second sump pump. He wanted some sort of bond as part of the approval document to ensure against increased water problems.

Mr. Ingalls said the concern that most current homeowners had was the drainage. He said that they had done a complete drainage study, looking at where the existing drainage patterns are located, looking at peak runoff rates today as well as looking at those rates after the plan is developed. The majority of the home sites are graded so that everything from the front of the house will drain to the street and go to the proposed extension of the storm drainage system. That will come down Cottonwood Lane, cross over and continue down Elm Avenue East. He said that a portion of the land around the cul-de-sac drops to the rear to the west and to the north into the large complex of existing wetlands behind the existing homes on Wildwood Lane. He said there is an existing drainage swale that drains back to the wetlands. He said everything else forward to go to a culvert. He said they have looked at the pre & post runoff rates and they were very similar. Mr. Ingalls said that the town's engineering division was reviewing the reports that had been submitted. He said the plan maintained the existing runoff patterns on the site. He said that the proposed homes would not alleviate any of the water in the wetland; they would maintain the existing drainage conditions. One of things they proposed to do for lot 5 (Mr. Hammer's property) was to place a swale that would take the rear yard runoff and bring it into the closed drainage system. Mr. Ingalls said there was an existing swale that comes from the corner of lot #10 through the back of 603 and 607 Elm Avenue and ends at a culvert. Mr. Sprague said the water was not getting to that culvert, Mr. Ingalls said they were not aware of that problem.

Chairman Mathusa wanted to look closer as to why that swale and culvert were not working. Mr. Ingalls said that he personally looked at that area and it appeared that the culvert was blocked off and not taking any flow across Elm Avenue. He said the water should be flowing to the entrance of the culvert. Chairman Mathusa asked if the culvert could possibly be too high. Mr. Ingalls said they would look at that location and report back to the Board.

Eric Sprague, 607 Elm Avenue. He said when his youngest child that is two (2) goes around the corner of the

house to play, he chases after them because of the water. He said there isn't any runoff rate in that area. He said he

has never seen the water make it down to the culvert. He said he was very close to water problems now. He says that his sump pump runs all the time. He said if he takes on more water he wouldn't be able to use his property. He said that after the investment made to live in the Town, they shouldn't have to deal with any more inconvenience. He said it was hard to believe that with additional homes, unless something is done with the existing drainage, that there wouldn't be a larger water problem. He said that everyone in the area has a water problem.

Bill Powell, 579 Elm Avenue. He asked if the front yards drained to the front, he assumed that the back yards would drain to the back adding more water to a wet area.

Roberta Worden, 6 Cottonwood Lane. She said here sump pump runs all the time. She is concerned that the location of one the houses is too close to her property. She said she wants to finish her basement but they are afraid because of all the existing water problems.

Mike Worden, 6 Cottonwood Lane. He said that he was an engineer and when he is told that "basically" nothing will change, it tells him that things will change. He wants to know how much it's going to change. He asked if the drainage study could be made available to him. He also wanted a copy of the plans.

He was told to come into Town Hall, request copies through a foil and he would be accommodated.

Sante Mahan, 6 Wildwood Lane. He said that before the Board sacrifices all the existing homeowners for the proposed seven (7) homes, they should consider that they might drive out fourteen (14). He said that all these people have an existing problem with water, they pay taxes and they vote and they're unhappy with the current drainage in the area.

Mr. Ritz told Mr. Hammer that some storm drainage would need to go in the front of his property, all within the Town right-of-way but his yard would need to be excavated.

Chairman Mathusa said that the Board would take all the comments into consideration.

A motion to close the Public Hearing was offered by Mr. Odell, seconded by Mr. Engel and approved by all Board members present.

The public hearing closed at 7:40pm.

REGULAR MEETING

Glenmont Plaza

This amendment is for the signs for Famous Footwear and Bed, Bath & Beyond and the façade renovation of Bed, Beth, & Beyond. The applicant was last before the Board on August 21, 2007. The Albany County Planning Board has deferred to local consideration.

Mr. Trybalski, Benderson Development, presented for the project. He showed the proposed elevation for Bed, Bath & Beyond. He said they had proposed a canopy in the front of the store that extends out into a portion of the sidewalk. He then showed the proposed signs for Famous Footwear and Bed, Bath & Beyond.

The Board reviewed the draft Site Plan Amendment S.P.A 60-A11 prepared by staff.

A motion to approve Site Plan Amendment S.P.A. 60 –A11 as amended was offered by Mr. Smolinsky, seconded

by Ms. Powers and approved by all Board members present.

Glenmont Plaza

Mr. Trybalski from Benderson Development Corp., presented for the proposed Amendment # 12 that would include the realignment of the rear driveway to accommodate a rear loading dock and a landscaping plan near the area of the realignment. They will need another truck dock for future tenants and the current configuration of the driveway would not accommodate trucks and a loading dock. The proposal is to straighten the roadway and remove six (6) existing trees. They will replace those trees with ten (10) evergreens.

Mr. Leslie said that the applicant has agreed to eight (8) foot replacement trees to maintain the existing buffer.

The Board reviewed the draft SEQR Resolution Negative Declaration for Site Plan Amendment S.P.A. 60-A12 prepared by staff.

A motion to approve the SEQR Resolution Negative Declaration for Site Plan Amendment S.P.A. 60-A12 as drafted was offered by Mr. Odell, seconded by Ms. McCarthy and approved by all Board members present.

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

Glenmont Mobil

The Glenmont Mobil Site Plan is located at the intersection of Glenmont Road and Rt. 9W and was last before the Board on September 4, 2007.

Mr. D'Adamo from Capital Architecture, presented for the applicant. He stated that the proposal is to convert the existing bays into a convenience store. They will eliminate two (2) of the existing ingress/egress points closest to the intersection. NYSDOT has accepted that proposal. They will be installing new pumps and canopies and updating the landscaping. NYSDOT has reviewed the proposed drainage and have given their preliminary approval.

Mr. Leslie said that as part of the sidewalk installation the Town will be accepting an all purpose easement for the sidewalk and would then be responsible for maintenance. The applicant needs to include the metes and bounds description of the easement on the site plans and address the other conditions in the last comment letter.

Mr. D'Adamo showed the elevation of the building, the canopy and the pumps. Comments received from the Board at the last meeting were incorporated into the plans.

The Board reviewed the draft Site Plan Resolution S.P.A. 136 prepared by staff.

A motion to approve Site Plan Resolution S.P.A. 136 as amended was offered by Ms. McCarthy, seconded by Mr. Engel and approved by all Board members present.

KeyBank

The Keybank is located at 370 Delaware Avenue and the proposal is to modify the existing site. The project was last before the Board on September 4, 2007.

Mr. Rizzo from KeyBank, presented for the applicant. He said that landscaping plan had incorporated comments from the Board at the last meeting. A stop sign had been added at the end of the drive thru lanes and trashcans had been added in the same design as the benches.

The Board requested that the dumpster on the site be enclosed. It was added as a condition of the C.O. in the approval document.

The Board reviewed the draft Site Plan Resolution S.P.A. 137 prepared by staff.

A motion to approve Site Plan Resolution S.P.A. 137 as amended was offered by Ms. Powers, seconded by Ms. Motta and approved by all Board members present.

McDonalds

The project was located at 132 Delaware Avenue and last before the Board on September 18, 2007.

Mr. Speulster from Bohler Engineering, presented for the applicant. He said they have added the following items to the site plan: a six (6) foot fence along the whole boundary with the Verhagens to block headlights, a bike rack, revised the elevations to remove the striping on the siding and they've included a code compliant sign package.

Chairman Mathusa asked if the ornamental eyebrow could be centered so it did not project off of the structure. Mr. Boyea said that the eyebrow projecting from one (1) side of the building by one (1) foot was the proposal. They thought it was a minor overhang. They thought that the position of the eyebrow gave the building some character, given its square nature. Mr. Boyea said it was a standard arch and part of the prefabricated sign design.

The Board was poled and the majority did not have a problem with the overhang of the eyebrow. The sign would not be internally illuminated.

Mr. Smolinsky wanted to make sure that the architectural details of mullions in the windows were on the final plans. He also asked that the approval document note that the applicant would be required to retain the current hours of operation. Mr. Smolinsky asked that all the dumpsters be contained within a screened area. Mr. Boyea said that the proposed screened area could hold the dumpsters needed for the facility.

Mr. Boyea said that once the existing structure was demolished, it would take one hundred twenty (120) days for the reconstruction.

The Board reviewed the draft Special Use Permit, SUP-05 prepared by staff.

Mr. Smolinsky wanted both the restaurant and the drive thru to comply with the hours of operation. Chairman Mathusa pointed out that the hours for the drive thru window could be limited because it required a Special Use Permit. The restaurant, being a permitted use, could operate without a Special Use Permit and the Planning Board could not limit the hours of operation for the restaurant. Mr. Silliman stated that even though the applicant represented that they would not change the current hours of operation, they have that option under the law without needing an approval from the Planning Board. Mr. Boyea said that at this time, the applicant's intention was to continue with the current hours of operation.

A motion to approve Special Use Permit, SUP-05 as amended was offered by Ms. McCarthy, seconded by Mr. Engel and approved by all Board members present.

The Board reviewed the draft Site Plan Resolution S.P.A. 138 prepared by staff.

A motion to approve Site Plan Resolution S.P.A. 138 as drafted was offered by Mr. Engel, seconded by Ms. Motta and approved by all Board members present.

Van Dyke Spinney

Chairman Mathusa turned the Board's attention to the next item on the agenda, the Van Dyke Spinney Senior Citizen Planned Development District. The project was last before the Board on August 7, 2007.

Mr. Anthony DeFranco from Stantec, presented for the applicant. He said that the project remains two hundred twenty-nine (229) units. They have removed about four (4) acres that will now be used for single-family residents on the opposite side of Van Dyke Road. They have met with Town staff and the TDE's to work through some outstanding issues. One of the issues raised by the adjoining neighbors was the possibility of trespassing onto their property. The trails have been removed on the southeastern portion of the site. They had hired Longworth Environmental to do an environmental study on the site and they have investigated barrels and pipes on the site that had a sewer odor. His findings called for a Phase II report. Some water sampling and testing is in the process of being done. Soil sampling around the drums will also be done. If the existing pipe turns out to be a sewage pipe, it will be tied into the proposed PDD sanitary system. The storm water will be routed around the site, primarily eliminating the majority of the discharge across the street at the two (2) culverts. There will be three (3) discharge points into energy dissipaters. The amount of storm water runoff from the site in post development will not be any greater than the pre-development conditions. The runoff along the roads will be caught by a closed drainage system and routed to the detention basins. A P5 detention basin is about four (4) to five (5) feet deep with an aquatic bench to eliminate a potential drowning and allows the vegetation to clean contaminants.

They have addressed the concerns of buffering and screening along the neighboring properties. The archeological people have been on the site and put in the limits for the Bradt-Oliver House. He said that the house would be renovated and made a part of the PDD.

Mr. DeFranco said the realignment of Meads Lane would be addressed at a later time. The traffic study in 2004 and updated in 2007 indicates that it currently functions at an acceptable level. Chairman Mathusa asked if the new Eagle Elementary School had been taken into consideration. Mr. DeFranco said they would update the report to include the impact of the school.

Mr. DeFranco said in closing that the project fills a need that the community needs and is consistent with the Comprehensive Plan. The applicant believes that the project is feasible and any concerns can be addressed during the site plan review.

Mr. Engel said that he had a lot of concerns with Van Dyke Road. It is a narrow road with no markings, has steep shoulders and the intersection of the road with Meads Lane was very difficult to negotiate especially during the winter. He acknowledged that some of the issues have been addressed to a certain extent but was concerned that the issues would not be completely addressed prior to the opening of the project.

Mr. DeFranco said that their discussions with the Town have focused on Meads Lane. After the initial traffic study they had shifted the locations of the driveways on Van Dyke Road for better site distance. Chairman Mathusa said the road itself was narrow and could be challenging for seniors to negotiate. Both Ms. McCarthy and Mr. Odell expressed their concern about the intersection of Van Dyke Road and Meads Lane. Mr. Odell said the proposed realignment seemed to work.

Mr. DeFranco said their proposal was to push Meads Lane over and end Van Dyke Road in a T intersection that would have better site distance. Mr. Morelli said there were some wetlands constraints in the area. Engineering has been looking at this issue for some time. Currently there aren't any final solutions to the problem.

Mr. Ritz said that when this project is under site plan review, more details would be on the plans such as the width of the existing road and the existing right of way. If the right of way is less than highway standards, the Town will request that they convey additional property for highway and sidewalk purposes. He said that the Highway and

Engineering Departments are aware of the Planning Board's concerns.

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The Board reviewed the draft Resolution, Recommendation on SEQR Determination of Significance and Zoning Application prepared by staff.

A motion to approve the Resolution, Recommendation on SEQR Determination of Significance and Zoning Application as amended was offered by Mr. Engel, seconded by Mr. Smolinsky and approved by all Board members present.

Hamden Woods

Chairman Mathusa turned the Board's attention to the next item on the agenda, the proposed Hamden Woods Condominium project. The applicant wants to rezone a parcel of land from Residential A to a Planned Development District. The Town Board will be the lead agency for the project. The Planning Board will review and make a recommendation to the Town Board.

Mr. Louie D. Palleschi from ABD Engineers, presented for the applicant. The project has single-family homes, power lines and vacant land surrounding it. The proposal is for eleven (11) condominium buildings, ten (10) with eight (8) units and one (1) four (4) unit building. One (1) single family home is part of the project. There are federal wetlands on the site and they are dealing with the ACOE. The majority of the wetlands disturbance will be during the road construction. The site has public utilities that will connect to Elm Avenue. The site will have a HOA and maintenance free living. The storm water management areas are throughout the entire site. All of the impervious surfaces will be directed to the storm water management areas. On the southern portion of the site the storm water will be released into the wetlands area. There is an existing buffer between the proposed project and the neighbors to the north.

Chairman Mathusa asked if this project would be contributing to the east west collector road. Mr. Palleschi said that a portion of Kimmey Drive is proposed and that would include sidewalks.

Mr. Palleschi said that they have a similar project in Niskayuna called Vly Point. The buildings would have units one (level) on the ends of the buildings with town homes in the center. Those town homes would have first floor master bedrooms. Each unit would have two (2) car garages. The project has sidewalks throughout, is not age restricted and would be for sale, not rent. He said that about half of the people living there were over sixty (60) years of age.

Mr. Smolinsky thought that additional sidewalks along all the roadways would be a nice addition.

Mr. Lipnicky said that per the Zoning Law the Planning Board has sixty (60) days to make a recommendation to the Town Board.

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

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

The meeting adjourned at 9:40 PM.