

**PLANNING BOARD
TOWN OF BETHLEHEM
October 20, 2009**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting on the above mentioned date, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY.

Present: George Leveille, Planning Board Chairman
Keith Silliman, Planning Board Counsel
Nicholas Behuniak, Planning Board Member
Daniel Coffey, Planning Board Member
Kathy McCarthy, Planning Board Member
Chris Motta, Planning Board Member
Kate Powers, Planning Board Member
John Smolinsky, Planning Board Member

Michael Morelli, Director DEDP
Jeffrey Lipnicky, Town Planner
Rob Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Ed Esposito
Peter Lynch, Esq.
Dick Tice, PE

Agenda: Devonshire Hills – Section 2
Phillipin Kill Manor
Russell Road Partners

Chairman Leveille called the meeting to order and noted the presence of a quorum.

PUBLIC COMMENT PERIOD

No comments were made.

REGULAR AGENDA ITEMS

Devonshire Hills – Section 2

This project is an amendment to a previously approved subdivision. Staff prepared a memo, a Parkland Resolution and the Conditional Final Approval document for the Board's consideration.

Mr. Lipnicky said the public hearing was held at the last meeting with one comment from a neighboring resident. Mr. Lipnicky said the ACOE had contacted him by phone and fax stating that the proposal had addressed the wetland issues and they are authorizing the proposal as submitted. A copy of the correspondence had been given to the Board members. The comment from the resident concerned slopes. Mr. Lipnicky said the slope issue had been reviewed by the engineering division.

It was established that the buffer zone to the back of the property and the deed restricted wetland areas are shown on the plat and the wetland deed restrictions were already filed with the Albany County Clerk's

office. That plat will be used by the building department when reviewing building permits. Mr. Ritz said the slopes on the property were not steep enough to require a steep slope setback line within the proposed disturbance area. Mr. Esposito, representing the applicant, said the grading plan submitted shows the twenty (20) foot buffer and only one area of the wetlands will be crossed. Any change to the map will need another review by the ACOE. The grading plan shows some of the slopes being landscaped and there are also two (2) feet to six (6) foot high maximum retaining walls shown on the plans. He said one of the potential purchasers has asked for a six (6) foot high retaining wall to be shown at the edge of the twenty (20) foot buffer to the rear of the lot on the set of plans submitted for a building permit.

The Board reviewed the draft Parkland Resolution prepared by staff.

A motion to approve the Parkland Resolution as drafted was offered by Mr. Smolinsky, seconded by Mr. Coffey and approved by all Board members present.

The Board reviewed the draft Conditional Final Approval 134-S2-CF-M prepared by staff.

A motion to approve the Conditional Final Approval 134-S2-CF-M was offered by Ms. McCarthy, seconded by Mr. Behuniak and approved by all Board members present.

Phillipin Kill Manor

Mr. Leslie provided the Board with a memo that provides the rationale for the Planning Board to recommend the Town Board to allow a reduction in the PDD setback for some of the lots from fifty (50) feet to twenty-five (25) feet. At the last meeting the Board had deferred the issue until the wetland impact areas had been reviewed by a wetlands specialist. The applicant has had that done and the delineation boundaries have not changed from what is shown on the proposed plat.

Mr. Lynch, representative for the applicant, said the letter, that was submitted to the Board, states the wetland boundaries have not changed. On further review of the proposed plans, the applicant needed to do a recalculation of the number of lots. The proposed lot along Fisher Blvd. has been eliminated and the current lot count is as follows: thirty (30) townhomes, fifty (50) detached single family homes, that includes two (2) existing homes, and six (6) estate lots along Orchard Street. There will be a total of eighty-six (86) lots. The Chairman asked the applicant to identify the constrained lands and the developable lands. They discounted the wetlands, steep slopes and the lands not readily accessible along the Phillipin Kill. One hundred four (104) acres were left as developable acres on the site. The density yield is one point one four eight (1.148) units per acre which is below the five (5) units per acre allowed for single family units and below the eight (8) allowed for attached units in a PDD. Usually within a PDD, there is an increase in the density from what would normally be allowed. The PDD has been requested in this instance to allow the variety of housing styles. The Comp Plan speaks to the need for alternative housing types. The advantage of townhomes is they usually attract less children thereby not putting additional stress on public service. Other than those issues, the project is the same as last presented. They're requesting a reduction of the required PDD setback to twenty-five (25) feet along a limited number of the proposed lots that abut properties with a twenty-five (25) foot setback. A few of the existing lots that access Fisher Blvd. have buildings on them but are currently vacant. The applicant has not yet contacted Five Rivers as to whether they would be interested in the lands along the Phillipin Kill. Mr. Lynch said if Five Rivers was not interested in the land in question it would remain open space subject to deed restrictions. Mr. Cade had previously met with them but not recently. Mr. Leslie had contacted the manager of Five Rivers and he indicated that they were still interested in the land. Mr. Leslie asked the Board if they were agreeable to the limited relief of the fifty (50) foot setback as shown

on the proposed plat. They agreed to the limited relief and it will be a part of the final resolution that will be presented at a later date.

A motion to table was offered by Mr. Behuniak, seconded by Mr. Smolinsky and approved by all Board members present.

Russell Road Partners

This PDD proposal is located on the corner of Russell Road and Krumkill Road. This matter was in front of the Board for a possible extension of the PDD/SEQR review time. Hershberg and Hershberg had submitted a letter requesting and consenting to extend the review time. Mr. Morelli said the last time extension was due to expire on November 7, 2009. Due to Election Day the Board will not be meeting until November 17, 2009. The delay has been due to Albany County DOT's review of the proposed curb cuts. The applicant hired Creighton Manning to do a traffic study and they have shared that report with Albany County DOT. Staff is waiting for a letter affirming that Albany County allegedly agrees to a full access onto Russell Road and a limited right-in/ right-out access onto Krumkill Road. The applicant is in agreement with those access points. The applicant is trying to coordinate a neighborhood meeting at the North Bethlehem fire house to answer questions of the residents.

A motion to approve the extension of the SEQR review period for an additional sixty (60) days was offered by Mr. Behuniak, seconded by Mr. Coffey and approved by all Board members present.

Minutes

The Board reviewed the draft minutes of October 6, 2009 prepared by staff.

A motion to approve the minutes as amended was offered by Mr. Smolinsky, seconded by Mr. Coffey and approved by all Board members present.

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

The meeting adjourned at 6:40 pm.

Respectfully submitted,

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