

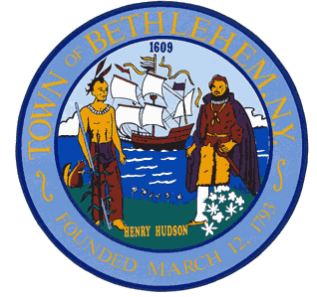
# TOWN OF BETHLEHEM

*John Clarkson*  
Town Supervisor

## Planning Board Minutes

*John Smolinsky*  
Board Member/Chairman

Thursday, November 9, 2017  
6:00 PM



### I. Call to Order

A Regular Meeting of the Planning Board of the Town of Bethlehem was held on the above date at the Town Hall Auditorium, 445 Delaware Avenue, Delmar, NY. The Meeting was called to order at 6:00 PM.

Attendee Name	Title	Status	Arrived
John Smolinsky	Chairman	Present	
Brian Gyory	Board Member	Excused	
Margaret Sherman	Board Member	Present	
Scott Lewendon	Board Member	Present	
Kate Powers	Board Member	Excused	
Michael Moore	Planning/Zoning Board Counsel	Present	
Deborah Kitchen	Assistant to the Planning Board	Present	
Kenneth Kovalchik	Senior Planner	Present	
Robert Leslie	Director of Planning	Present	
Leslie Lombardo	Senior Planner	Present	

### II. Public Comment on Regular Agenda Items - 10 Minutes

None associated with the discussion items found in Item VI.

### III. Minutes Approval

#### A. Tuesday, October 03, 2017

**RESULT:** ACCEPTED [UNANIMOUS]  
**MOVER:** Margaret Sherman, Board Member  
**SECONDER:** Scott Lewendon, Board Member  
**AYES:** John Smolinsky, Margaret Sherman, Scott Lewendon  
**EXCUSED:** Brian Gyory, Kate Powers

#### B. Tuesday, October 17, 2017

**RESULT:** ACCEPTED [UNANIMOUS]  
**MOVER:** Scott Lewendon, Board Member  
**SECONDER:** Margaret Sherman, Board Member  
**AYES:** John Smolinsky, Margaret Sherman, Scott Lewendon  
**EXCUSED:** Brian Gyory, Kate Powers

### IV. Public Hearings

**A. Nathan and Joy Farrell - Accessory Apartment - 110 Dumbarton Drive, Delmar - Special Use Permit / Site Plan Application - Date of Public Hearing, Thursday, 11/09/2017, at 6:00 p.m. (17-01400004)**

The project was before the Board for a public hearing and possible action on the Special Use Permit / Site Plan application. David Bernacki of Capital District Construction & Decks, the applicant, and the homeowner, Joy Farrell, were present to provide information and answer questions. Staff comments were provided by Robert Leslie for Kenneth Kovalchik. To date, the project was placed on the following agendas: 10/17/2017, 11/09/2017

**Discussion / Information Items:**

- applicant seeking approval for an accessory apartment above a newly constructed two car garage addition at 110 Dumbarton Drive
  - building permit has already been issued for construction of the garage
  - installation of kitchen triggers the need for a Special Use Permit
  - property owner currently resides in the residence; and intends to continue to do so
  - the space is for multi-generational living
  - the existing two car / side loading garage will be converted to living space
  - proposed apartment complies with standards of the Zoning Law
- <https://ecode360.com/print/BE1011?guid=8995565>; as confirmed by Mr. Kovalchik, Senior Planner
- homeowner understands that they are required to reside in one of the two dwelling units
  - core residential zoning

**Public Hearing / Comments:**

**Martha Keens, 114 Dumbarton Dr, Delmar**

- did not have clue about what was going to transpire next door until construction equipment arrived and work began
- since a building permit was issued, she assumed what was happening had been approved by the Town and had no cause to worry
- in October she received a notice concerning the special use permit
- she visited the Town and was told it was for a garage with storage
- Mr. Farrell's father had already told her this was going to be an in-law apartment that the Town had approved
- Is this the way homeowners and contractor sidestep the law?
- Did the homeowners and contractor believe that once the structure was up no one would have recourse?
- Why do we have zoning laws if they can be so easily discarded?
- "make no mistake, storage space is not living space"
- was chatting with neighbor across the street and Mr. Farrell paid us a visit

-Mr. Farrell told us to come to him if we had any concerns and the project was nobody's business but theirs

-no one is above the law and she has every right to protect the value of her property, which is not enhanced by having a two family house next door

-opposed to granting a special use permit for an accessory apartment with a separate entrance and separate address

**Erick Silver, 111 Dumbarton Drive**

-resides in home across the street from 110 Dumbarton Dr

-against it

-Town has let us down

-other in-law apartments in the neighborhood were put on the roof and in the garage, there was no huge imprint like this one

-this house is enormous, if I was looking for a house I wouldn't buy it, it's just too big

-why do we have zoning laws if you can come in and do whatever you want

-I have lived in my house for over 50 years

-has seen enough

-this is ridiculous

-neighbors have rights too

-the house is way oversized

**David Bernacki, Capital District Contractors**

-works for the homeowner

-applied for the building permit

-folks are confused; nothing is stopping any of the neighbors from putting an addition on their homes

-the applicant is legally allowed to build the living space based on lot occupancy

-the only thing that is stopping them is the kitchen

-the homeowner is following the rules

-if you take the kitchen out of the formula they have the right to build a garage with living space above it

-I would not allow the homeowner to build this addition to the degree that it has been built if I felt we were in violation of any law

-in-law apartments are very common today; in many cities

-the homeowner has a right to build the garage and the parents have a right to live there

**Robert Keens, 114 Dumbarton Dr, Delmar**

- has no problem with in-laws above the garage
- has a problem with knowing the house could be sold and the apartment could be rented to other people
- against the apartment having a separate address (110A)
- does not think the apartment can be accessed from inside the home which makes it a separate unit from the house; it is not part of the house
- no problem with the additional kitchen
- it is a separate address which makes it a two family residence
- problem with creating apartment that could be rented
- they are nice people, I have no problem with them

**Christine Doran, 104 Dumbarton Dr, Delmar**

- opposed to the project
- does not understand why notice was given after bldg permit was issued and addition was constructed
- fine with in-laws living there; they are very nice people
- addition to the home makes it out of proportion with neighborhood; it doesn't look right
- wondered if it could have been designed differently
- opposed to unit being rented to other people
- wondered if there was a way to prevent the owner from renting to someone other than family
- doesn't want college students living next door
- only learned about project after construction

**Joy Farrell, 110 Dumbarton Dr, Delmar - The Applicant**

- does not want environment of the meeting to become contentious
- she respects and values her neighbors
- does not intend to rent even though it is within their legal right
- has two small children; would not want strangers living with her
- parents are planning to stay with her and age and she will be able to help them when they are older
- will be able to access the apartment from one of the bedrooms in her home
- this project is for our family; our children and aging parents
- separate address needed for Emergency Services / 911 System; to help with response time
- wishes neighbors had been notified earlier to alleviate neighbor concerns

-home looks bigger because garage had to be closer to the road in order to meet the rear yard setback requirement

**Board Member / Staff Comments:**

-the project involved a building permit for the garage addition and a special use permit application for the accessory apartment

-there are requirements for every zoning district, including core residential, which pertain to setbacks, height restrictions, lot coverage, etc.

-there is nothing being done that any one else in the neighborhood couldn't do provided they met the area, yard and bulk requirements

-Ms Sherman asked if there was a difference between the term in law or accessory apt

-Mr. Leslie noted that the Town is not allowed to discriminate who resides in a dwelling unit

-reference was made to the Fair Housing Act

-Town code dictates that the owner must live in one of the two dwelling units and the applicant must file a revised deed with the Albany County Clerk (ACC) which states this

-Ms. Sherman drove by the site and understands the neighbors thinking it is a large addition but knows it is within the homeowner's right to have that size addition and does not think it is apparent when looking at the front of the home that there is a secondary unit

-Mr. Leslie suggested that landscaping could be added to help mitigate the neighbor's concerns and break up the size of the facade

-Mr. Lewendon thought a larger shade tree between the driveway and the property line might be more effective and serve as a benefit to the entire neighborhood

-applicant would need to locate underground utilities

-Ms. Sherman noted that the Planning Board did not have grounds to notify the neighbors any sooner

-Mr. Moore noted that a "ministerial act", such as a building permit, does not require public notice

-the approval document will be amended to add a condition related to landscaping

-Mr. Leslie noted that the proposed apartment is in compliance with all of the performance standards found in Section §128-73 of the Zoning Law (location, size, utilities, access, parking, revised deed, etc)

-Town could take enforcement action if owner does not abide by the Town Code

-Mr. Smolinsky noted that approval would not authorize the owner to utilize either unit as a B&B as described in Sections 128-22 (Definitions) & 128-45 (Bed & Breakfast) of the Town Code

-owner must file a revised deed with the (ACC) and provide a copy of the filing receipt to the Planning Board before the final / approved drawings are endorsed by the Chairman

-Mr. Lewendon noted that he would be pleased to assist with the landscape plan

-tree caliper should be between 3" and 3 1/2"

**Next Steps:**

-applicant to meet conditions of approval

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Scott Lewendon, Board Member  
**SECONDER:** Margaret Sherman, Board Member  
**AYES:** John Smolinsky, Margaret Sherman, Scott Lewendon  
**EXCUSED:** Brian Gyory, Kate Powers

**V. Action Items**

**A. Nathan and Joy Farrell - Accessory Apartment - 110 Dumbarton Drive, Delmar - Special Use Permit / Site Plan Application - Possible Action on Special Use Permit - SUP 44 (17-01400004)**

**PLANNING BOARD  
TOWN OF BETHLEHEM  
ALBANY COUNTY, NEW YORK**

**SPECIAL USE PERMIT RESOLUTION - SUP 44**

**NATHAN AND JOY FARRELL  
ACCESSORY APARTMENT AT 110 DUMBARTON DRIVE, DELMAR**

WHEREAS, an application has been filed with the Planning Board of the Town of Bethlehem, Albany County, New York by Capital District Contractors and Decks, agent for Nathan and Joy Farrell (owners), for a Special Use Permit under Sections 128-68 and 128-69, of the Zoning Law, for a proposed +/- 980 square feet accessory apartment within an existing +/- 2,699 square feet single-family dwelling. The property is located at 110 Dumbarton Drive, Town of Bethlehem, New York; and,

WHEREAS, the Planning Board, acting on said application, duly advertised in the Spotlight Newspaper, held a public hearing on said application at the Town Hall, 445 Delaware Avenue, Delmar, New York on November 9, 2017 at 6:00 p.m.; and,

WHEREAS, Members of the Board are familiar with the area in which the proposed construction is to be done and the specific site of same; and,

WHEREAS, notices having been provided as required by law, all those who desired to be heard had the opportunity to be heard at the above hearing; now therefore,

BE IT RESOLVED, that the Planning Board makes the following Findings of Fact and Conclusions of Law in this matter:

### **FINDINGS OF FACT**

Nathan and Joy Farrell are the owners of the property located at 110 Dumbarton Drive, Delmar (Town of Bethlehem) and seek a Special Use Permit under Town of Bethlehem Code Chapter 128, Article VII for an accessory apartment.

1. The site of the proposed action is located in the Core Residential (CR) zoning district. A special use permit is required for accessory apartments in the CR zone district.
2. Zoning Law §128-73 of the Town Zoning Law outlines accessory apartment performance standards to be considered by the Planning Board. The performance standards applicable to the proposed accessory apartment include:

- *§128-73 (B)(1) The apartment shall be clearly subordinate to the single-family dwelling unit.*

The accessory apartment has a smaller amount of square feet as compared to the single-family dwelling. The entrance to the accessory apartment is proposed on the south side of the residence, which does not directly face Dumbarton Drive.

- *§128-73 (B)(2) The number of bedrooms in the apartment shall not be more than two.*

The floor plan indicates two bedrooms are proposed.

- *§128-73 (B)(3) The floor area of the apartment shall be greater than 400 square feet.*

The floor area of the accessory apartment is +/- 980 square feet.

- *§128-73 (B)(4) The floor area devoted to the apartment shall be less than 40% of the entire floor area of the single-family dwelling or 1,000 square feet, whichever is less.*

The total square footage of the single-family portion of the residence, once the addition is completed, will be +/- 4,575 square feet. Based on the floor plan for the accessory apartment the square footage is +/- 980 square feet, which equates to 21.4% of the entire floor area of the single-family dwelling.

- *§128-73 (B)(5) The apartment and single-family dwelling shall have a safe and proper means of entrance, clearly marked for the purpose of fire safety and mail service.*

Access to the accessory apartment is proposed via one exterior entry on the south side of the residence and via one interior entry from the 2<sup>nd</sup> floor of the single-family dwelling. Exterior access to the single-family dwelling is provided via two service doors. Interior access to the single-family residence will be provided from the garage.

- *§128-73 (B)(6) If the water supply is from a private source, the Applicant shall certify that the water supply is potable and of adequate flow.*

This provision does not apply considering the water supply is from a public source.

- *§128-73 (B)(7) The applicant shall certify the sewage disposal is adequate for the two units. Failure to correct promptly any resulting sewage system problem shall result in revocation of the special use permit.*

The site is served by a public sanitary sewer system.

- *§128-73 (B)(8) No special use permit shall be granted in any case where the County Department of Health has determined that the water or sewage system serving the dwelling or dwellings in question is for any reason not capable of handling the additional demand that would be imposed upon it in the event the special permit were issued thereunder.*

This provision does not apply considering the site is served by a public sanitary sewer system.

- *§128-73 (B)(9) Stairways leading to any floor or story above the first floor shall be located within the walls of the building wherever practicable. Stairways and fire escapes shall be located on the rear wall in preference to either side wall. In no instance shall a stairway or fire escape be located on any wall fronting on a street.*

The floor plans for the proposed addition indicate that the access to the accessory apartment located on the 2<sup>nd</sup> floor will be provided via an interior stairwell.

- *§128-73 (B)(10) The owner(s) of the single-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units on the premises.*



The addition of the garage and interior finished storage area is currently in the process of being built. If the Planning Board approves the accessory apartment the Applicant will apply for an additional building permit to complete the interior improvements for the accessory apartment. In the project narrative provided by the Applicant it states the owners will reside in the single-family portion of the residence.

- §128-73 (B)(11) *Any apartment within a single family dwelling that is in existence at the time of the adoption of this subsection shall be subject to the provisions outlined above.*

This provision does not apply considering the accessory apartment is not existing.

- §128-73(B)(12) *Upon issuance of a special use permit, the owner shall refile the deed to the property in the County Clerk's Office incorporating the following notice in said deed: "The single-family residence on the property includes an accessory apartment approved by the Town of Bethlehem Planning Board subject to the provisions of §128-73 of the Town Code, which among other things requires that one of the dwelling units on the premises shall be occupied by the lot owner."*

The owners indicate they will live in the single-family portion of the dwelling.

3. By adding an accessory apartment the Applicant will be required to provide four parking spaces.

There is an adequate parking on site to accommodate 4 parking spaces.

4. Pursuant to the State Environmental Quality Review Act, the Planning Board at its meeting of October 17, 2017 considered the potential environmental impact of the proposed project and issued a Negative Declaration, finding that the project would not have a significant impact on the environment.

### **CONCLUSIONS OF LAW**

Based on the above Findings of Fact, this Board has taken into consideration the public health, safety and general welfare of the Town and the comfort and convenience of the public in general and the surrounding properties in particular and concludes that permitting the proposed accessory apartment will be in compliance with the standards as set forth in §128-69 and §128-73 of the Town Zoning Law.

Accordingly, the Planning Board hereby grants the Applicants' request for a Special Use Permit subject to the following conditions:

- a. The following notice shall be incorporated in the deed for 110 Dumbarton Drive, Delmar; "The single family residence on the property includes an 'accessory apartment' approved by

the Town of Bethlehem Planning Board and subject to the provisions of section 128-73 of the Town Code, which among other things requires that one of the dwelling units on the premises shall be occupied by the lot owner.”

- b. The Applicant shall incorporate into the deed the notice listed in item (a) above and file such deed with the Albany County Clerk’s Office. A copy of the filed deed shall be provided to the Planning Board, along with proof of filing.
- c. Approval of the Special Use Permit for the accessory apartment does not authorize the use of the apartment as a short term rental unit as defined in the Bed and Breakfast definition found in Town Zoning Law 128-22 and provisions in Zoning Law 128-45 Bed-and-Breakfasts.

On a motion by Mr. Lewendon, seconded by Ms. Sherman and a vote of three (3) for, zero (0) against, zero (0) abstained and two (2) absent, this Resolution was adopted on November 9, 2017.

BY ORDER OF THE PLANNING BOARD  
John Smolinsky, Chairman

The foregoing Resolution was filed with the Clerk of the Town of Bethlehem, Albany County, New York, on November 15, 2017.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Scott Lewendon, Board Member  
**SECONDER:** Margaret Sherman, Board Member  
**AYES:** John Smolinsky, Margaret Sherman, Scott Lewendon  
**EXCUSED:** Brian Gyory, Kate Powers

**B. Nathan and Joy Farrell - Accessory Apartment - 110 Dumbarton Drive, Delmar - Special Use Permit / Site Plan Application - Possible Action on Site Plan Approval - SPA 251 (17-01400004)**

**PLANNING BOARD  
TOWN OF BETHLEHEM  
ALBANY COUNTY, NEW YORK**

**SITE PLAN APPROVAL**

**NATHAN AND JOY FARRELL  
ACCESSORY APARTMENT AT 110 DUMBARTON DRIVE, DELMAR**

**CERTIFICATE NO. SPA 251**

**DATE: NOVEMBER 9, 2017**

1. TYPE OF APPROVAL: Site Plan Approval  
NAME OF PROPOSAL: Nathan and Joy Farrell - Accessory Apartment  
DESCRIPTION OF PROPOSAL: Allow a +/- 980 square feet accessory apartment within an existing +/- 2,699 square feet single-family dwelling.  
LOCATION OF SITE: 110 Dumbarton Drive, Delmar  
TITLE OF DRAWINGS:
  - A. Site Plan Titled: Map of Special Use Permit/Site Plan, Accessory Apartment, 110 Dumbarton Drive and 110A Dumbarton Drive, Town of Bethlehem, Albany County, NY, Per the Map Prepared by Paul E. Hite, Licensed Land Surveyor, 230 Delaware Avenue, Delmar, NY 12054 dated October 6, 2017, Sheet 1 of 2.
  - B. Exterior Renderings Titled: Farrell Residence, 110 Dumbarton Drive, drawn by Al Packard Drafting Services, 2107 Concord Street, Malta, NY 12020, dated June 8, 2017, Sheet 2 of 2.
2. THIS WILL CERTIFY that the Planning Board, at a regular meeting held November 9, 2017 granted Site Plan Approval for the development of the site described above, such approval being contingent upon compliance with the MODIFICATIONS (Item 7) and CONDITIONS (Item 9) which follow, and also with:
  - A. All standard specifications, requirements, and conditions pertaining to the development of the site as set forth in approvals of detailed plans granted by the Planning Board, the Albany County Department of Health and/or any other governmental authority having jurisdiction thereof.
3. Access to the site is provided via one existing driveway from Dumbarton Drive, a Town Road.
4. The site is located in a Core Residential (CR) Zone District.
5. Prior to the granting of this Site Plan Approval the Board considered:
  - A. The potential environmental impacts of the proposed site development, declared the proposal an Unlisted action, conducted a uncoordinated SEQR review of the project and issued a Negative Declaration for compliance with SEQRA on October 17, 2017.
6. The site is within the boundaries of Water District No. 1 of the Town of Bethlehem and the Bethlehem Sewer District.
7. Approval of the Site Plan was granted with the following MODIFICATIONS to be shown on

the plan set endorsed with the Planning Board's stamp of Approval.

- A. Provide a shade tree (3" - 3 ½ " caliper) between the driveway and property line. Show the utility lines (sanitary sewer and water) on the plan to confirm the tree would not conflict with underground utilities.
8. Any Site Plan submitted subsequent to the receipt of this approval by the Owner shall list the changes made to the plan since the last plans dated October 6, 2017 with a corresponding date for each such change.
9. This Approval is granted subject to the following CONDITIONS:
  - A. Prior to the signing of the approved plans by the Planning Board Chairman, the Owner shall prepare or cause to be prepared the following items, and shall provide the following items to the Town for its review and approval as indicated below:
    - a. The Owner shall address all modifications as listed in item #7.
    - b. The following notice shall be incorporated in the deed for 110 Dumbarton Drive, Delmar, NY; "The single family residence on the property includes an 'accessory apartment' approved by the Town of Bethlehem Planning Board subject to the provisions of section 128-73 of the Town Code, which among other things requires that one of the dwelling units on the premises shall be occupied by the lot owner."
    - c. The Applicant shall incorporate into the deed the notice listed in item (b) above and file such deed with the Albany County Clerk's Office. A copy of the filed deed shall be provided to the Planning Board, along with proof of filing.
  - B. The accessory apartment is subject to all requirements of the New York State Building Code and requires a Certificate of Occupancy.
10. The site delineated on the Approved Site Plan shall be developed in accordance with:
  - A. The detailed plan for development shown on the Final Approved Site Plan.
11. In rendering its decision to approve this site plan application, the Planning Board has considered the standards of §128-71(E) of the Town Zoning Law, the applicable performance standards of §128-69(F), the applicable performance standards of §128-73(B) and the decision criteria contained in Section §128-71(K) of said law.

12. Upon submission of revised Site Plan drawings reflecting those MODIFICATIONS specified in ITEM 7, and upon satisfying those CONDITIONS specified in ITEM 9 A herein, the Chairman of the Planning Board is empowered to endorse the Site Plan with his signature, such Site Plan shall be known henceforth as the FINAL APPROVED SITE PLAN.

BY ORDER OF THE PLANNING BOARD

John Smolinsky, Chairman

**NOTE:** Expiration of Approval

Site Plan Approval in respect to a particular lot, plot, site or parcel shall expire 180 days following the date of such approval by the Planning Board unless all conditions and requirements established by the Board as a prerequisite to endorsement of the site plan have been satisfied and said site plan has been endorsed by the Planning Board stamp and signature. Prior to expiration and upon request of the applicant, the site plan approval may be extended by the Planning Board for up to two additional 90 day periods.

Site plan approval shall be void if construction is not started within one year of endorsement of the site plan as noted above, and completed within two years of said endorsement. Prior to expiration and upon request of the applicant, the site plan approval may be extended by the Planning Board for up to two additional 90 day periods.

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Margaret Sherman, Board Member
<b>SECONDER:</b>	Scott Lewendon, Board Member
<b>AYES:</b>	John Smolinsky, Margaret Sherman, Scott Lewendon
<b>EXCUSED:</b>	Brian Gyory, Kate Powers

**VI. Discussion/Information Items**

**A. Valerie S. Andres - Agricultural Use (Livestock / Chickens) - 180 Adams Street, Delmar - Site Plan Application - Initial Presentation (17-00100011)**

The project was before the Board for an Initial Presentation. The applicant, Valerie Andres, was present to provide information and answer questions. Staff comments were provided by Robert Leslie on behalf of Kenneth Kovalchik. To date, the project was placed on the following agendas: 11/09/2017

**Discussion / Information Items:**

- application relates to an agricultural use (livestock / chickens) at 180 Adams Street, Delmar
- the property is located in a residential zoning district
- the site plan drawing shows the location of the house in relation to the proposed chicken coop

- applicant seeking approval to raise hens to provide eggs for sustainability / personal use
- no eggs will be sold
- has lived in her home for 19 years
- provided a letter of support from her neighbors, Bill & Sue Maddock of 178 Adams St, who have resided on Adams Place for 28 years
- there is a 4' fence around the property
- willing to install landscaping / arborvitae or a taller fence
- wishes to raise four chickens; if required to purchase more than four, mother willing to take the extra

**Board Member / Staff Comments:**

- Mr. Smolinsky asked the applicant to confirm if she was familiar with the Best Management Practices guidelines
- it was noted that NYS Law requires that a minimum of six chicks be purchased when they are less than two months of age
- recommended that the approval be revised to allow up to six chickens

**Next Steps:**

- possible action on SEQR and site plan application at next Planning Board meeting

**B. Windsor Development - Hamlet 2 - 1319 New Scotland Road, Slingerlands - Site Plan Amendment Application - Addition of 29 Parking Spaces - Initial Presentation (17-01400003)**

The project was before the Board for an Initial Presentation. David Ingalls of Ingalls & Associates, and David Sussman of Windsor Development, the applicant, were present to provide information and answer questions. Staff comments were provided by Leslie Lombardo. To date, the project was placed on the following agendas: 11/09/2017

**Discussion / Information Items:**

- applicant seeking approval to provide 29 additional parking spaces for the existing mixed use (commercial / residential) building at 1319 New Scotland Road
- the majority of parking spaces would be provided on the adjacent lot at 1327 New Scotland Road, just north of mixed use building approved by the Planning Board in November 2015
- tax lots would be merged
- the number of existing stalls, approved under the previous plan, meet the parking requirements
- the applicant indicated that additional parking will serve the needs of their prospective tenant(s)

- the .36 parcel was acquired after the Hamlet 2 building at 1319 New Scotland was constructed
- applicant hoping to attract commercial tenants
- 29 parking spaces proposed includes 26 spaces in the field and 3 additional spaces along the existing drive isle
- the proposed light poles (3) will match the style that will be used along Delaware Ave
- stormwater runoff will be absorbed thru infiltration practice via porous pavement
- drainage culvert under New Scotland Road / ditch / tributary
- parking encroaches into safe slope setback area / 1 on 5 slope
- a 9-10' retaining wall would be constructed
- geotechnical analysis confirms that proposal will work
- Hamlet area is unique in the fact that it does not have any additional parking nearby such as a municipal lot
- 2,200 sf commercial space available; additional parking is needed
- trying to attract food use, i.e., coffee shop, light fair, etc.
- Mr. Ingalls noted that the original plan required 72 stalls and 73 were approved
- Mr. Ingalls stated that the Town requires 1.5 stalls per dwelling unit but they are finding that more are needed
- sidewalk / pedestrian access to building at 1319 from the newly proposed parking lot
- waiver request for grading erosion and sediment control
- SWPPP / steep slope (geotechnical) evaluation by Town Engineering Division
- landscaping improvements / fencing
- amenities (bike rack, benches)

**Board Member / Staff Comments:**

- Mr. Smolinsky requested color renderings
- Ms. Sherman wondered if the prospective tenants had made any specific requests for parking?
- Mr. Smolinsky inquired about possible access from the rear parking lot
- where would someone park, other than the proposed lot
- Mr. Lewendon wondered if additional handicap parking was needed
- Mr. Lewendon inquired about the pedestrian access between parking lot and sidewalk along the street
- he recommended that three stalls be removed to make room for a crosswalk
- Ms. Sherman recommended that the applicant consider installing a bike rack
- she also suggested that the style of the decorative fence be changed to a simpler design that is more in character with the building

-Ms. Lombardo noted that there is proposed infrastructure in the angle of repose the applicant will need to request a waiver from the Grading Erosion and Sediment Control Section 128-49 of the Zoning Law

-Town Engineering Division will review the SWPPP in conjunction with the steep slope / geotechnical evaluation

-staff has recommended that additional shade trees be provided instead of evergreens because the original proposal was to screen the former residence on the adjacent lot which no longer exists

-also recommending additional evergreens be planted on the southeast portion of the lot and for screening of the large electrical box

-Mr. Leslie noted that the plantings to be used for screening the electrical box can be planted outside the bollards

-Ms. Lombardo referenced the Design Guidelines for Hamlet Districts, found in Section 128-33 of the Town Code, which encourages the installation of sidewalks and the minimum number of off-street parking spaces necessary to adequately serve the intended use

-staff recommending that 3 spaces on the north side of the parking lot be removed on the north side of the driveway to reduce conflicts with traffic entering the driveway and existing parking area

-the guidelines also recommend that off-street parking lots and loading areas, accessory use structures or storage other than sheds should be screened from walkways and streets utilizing appropriate vegetation and/or fencing

-staff also recommends that the three spaces be deleted on the south side of the driveway and replaced with landscaping

-Ms. Sherman recommended that future sidewalk & bike lane should be shown on the plan

-Mr. Leslie noted that the applicant provided a letter of credit for construction of the sidewalk along New Scotland Road

-project will require a highway work permit from NYS DOT

-Mr. Leslie noted that a stretch of New Scotland Road was transferred from NYS to the Town in 2017 and required legislation to amend the State Highway Law to define the boundaries of the Slingerlands bypass

-Mr. Smolinsky noted that the road transfer has been in the works for about 12 years

-the Highway Superintendent has asked NYS for a summary of the assets that will be taken over by the Town

-Mr. Smolinsky noted that the original approval for Hamlet 2 included a profile of streetscape improvements which should be provided with the current drawings

-the project was referred to the ACPB for review (11/16/2017) because the project is located within 500' of a State highway

**Next Steps:**

-applicant to provide color renderings



-applicant to include streetscape improvements (bike lane, sidewalk, on street parking, patios, etc.)

-applicant to address Member comments related to reducing the number of parking spaces, pedestrian accessibility, amenities, streetscape improvements, landscaping, fencing and screening of electrical box

-applicant to select a different style of fencing similar to the one installed at 250 Delaware Ave

## **VII. New Business**

### **A. Open Space Implementation Plan**

Mr. Leslie reported that the public meetings have been concluded and staff is looking to return to the Town Board with an Open Space Implementation Plan using the conservation criteria.

### **B. Delaware Complete Streets Study**

Mr. Leslie reported that the public meetings have been concluded and staff is looking to finalize the Delaware Complete Streets Study and return to the Town Board with it at the end of December.

### **C. Next Planning Board meeting will be held on Monday, 11/20/2017**

Mr. Smolinsky noted that the date of the Planning Board meeting was adjusted because the Town Board changed their meeting date from Wednesday, 11/22/2017 to Tuesday, 11/21/2017 due to the Thanksgiving holiday.

## **VIII. Adjournment**

**Motion To:** Adjourn - Next Meeting - Monday - 11/20/2017 at 6:00 p.m.

<b>RESULT:</b>	<b>ADJOURN [UNANIMOUS]</b>
<b>MOVER:</b>	Scott Lewendon, Board Member
<b>SECONDER:</b>	Margaret Sherman, Board Member
<b>AYES:</b>	John Smolinsky, Margaret Sherman, Scott Lewendon
<b>EXCUSED:</b>	Brian Gyory, Kate Powers