

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**April 3, 2007**

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on April 3, 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  
Katherine McCarthy, Planning Board Member  
Daniel Odell, Planning Board Member  
Chris Motta, Planning Board Member  
Howard Engel, Planning Board Member  
John Smolinsky, Planning Board Member

Michael Morelli, Deputy Director of Economic Development & Planning  
Terry Ritz, Assistant Town Engineer

Agenda: Glenmont Plaza  
Corner Market  
Jericho Drive-In  
McDonalds

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

**Glenmont Plaza**

The first item on the agenda was a proposed site plan amendment for two (2) free standing signs at Glenmont Plaza at the corner of Feura Bush Road and Route 9W. They had obtained a variance for the two (2) freestanding signs from the Zoning Board of Appeals on March 21, 2007. The last approval the applicant had received from the Planning Board stated that the applicant must return to the Planning Board for a final approval of the signs.

Mike Choppa presented for the applicant. He said that the proposed sign for Route 9W was a pylon sign constructed of steel framing and aluminum panels in the colors on the rendering. The inside of the sign holds the individual tenant sign panels. The bottom of the sign, the legs, would be wrapped in red brick up to a height of two (2) feet eight (8) inches. The sign on Route 9W would be internally illuminated, but the proposed sign for Feura Bush Road would not. The proposed height of the sign on Route 9W was eighteen (18) feet and the proposed height of the sign on Feura Bush Road was eight (8) feet. The sign on Feura Bush Road would be at the west entrance to the plaza to the inside of the sidewalk.

The Board reviewed the draft SEQR document prepared by staff.

A motion to approve the SEQR Determination of Significance, Negative Declaration as drafted was offered by Mr. Smolinsky, seconded by Mr. Engel and approved by all Board members present.

---

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

The Board reviewed the draft Site Plan Amendment S.P.A. 60-A10 prepared by staff.

A motion to approve S.P.A. 60-A10 as drafted was offered by Mr. Odell, seconded by Mr. Smolinsky and approved by all Board members present.

### **Corner Market**

The project is located at the intersection of Route 9W and Maple Avenue in Selkirk in a rural hamlet district. The project was last on the agenda on October 3, 2006.

Mr. Hennessey, P.E. presented for the applicant. The project had started at the Zoning Board level for a use variance prior to the zoning changes and then they went back to the Zoning Board for an area variance for the proposed gas canopy. The project proposes two (2) underground storage tanks for fuel service with the existing convenience store. The canopy will be at the front of the site with three (3) pumps. Diesel fuel will be available for cars but not trucks. The green space has been enhanced. The front of the building will be landscaped and green space will be added to the Maple Ave intersection. They will be modifying the existing right turn out onto Route 9W which is close to the intersection. NYSDOT agreed with the modification. The applicant had made modifications to the canopy, as suggested by the Board. It will have a gable roof and will not contain any signage. The site will have a monument sign in the front. The rear area of the building would be used for the required parking. The rear entrance would be modified for an additional entrance for cliental. That improvement would include a new door and light with a small identification sign and a canopy shed roof over the door. A new stockade fence was installed between the site and the adjoining property about six (6) months ago and additional plantings of arbor vitae would be along that fence.

The traffic on the site would have two (2) way interior movement with a ingress, egress onto Maple Avenue, a right turn only onto Route 9W and another full ingress, egress on Route 9W. One of the current exit points on Route 9W would be eliminated. Vollmer Associates did a traffic study, which was submitted with the initial application. The rear gravel portion of the site had a large enough area for a truck to make a complete turn on the site without having to travel through the site to get back onto Route 9W. Maple Avenue had a maple tree that might be in the way but it is diseased and at the suggestion of planning, would be removed as part of the project. The proposed plantings would be low enough as to not interfere with site distance. The plan had been sent to NYSDOT for their approval. The storm drainage would be improved at the entrances. They had included a catch basin at the Maple Avenue entrance because the slope at the intersection brings some water onto the site from Maple Avenue. Curbing around the corner would be extended to direct the runoff. Mr. Ritz said the applicant was not disturbing more than one (1) acre and is not required to do any additional storm water management. The grade in the rear of the parcel would direct the sheet flow of water to a catch basin in the rear.

Mr. Engel wanted to know if truck traffic was being discouraged on the site. There wasn't a lot of room for those trucks. Mr. Hennessey said signs would be on the site stating "no thru traffic for trucks". Only refueling trucks would be allowed to travel thru the site. Mr. Engel said that sometimes the trucks would park along Route 9W if there was not a spot for them on the site. Mr. Hennessey said that NYSDOT wanted the exit onto Route 9W that was closest to the intersection, constructed in such a way that trucks would not be able to negotiate the exit. He thought the additional green space and curbing would inhibit trucks from parking along the road.

The Board reviewed the draft SEQR Negative Declaration, Notice of Determination of Non-Significance prepared by staff.

A motion to approve the SEQR Negative Declaration as prepared was offered by Ms. Motta, seconded by Mr. Engel and approved by all Board members present.

The Board reviewed the draft minutes of March 20, 2007.

### **Jericho Drive-In**

Chairman Mathusa turned the Board's attention to the next item on the agenda, a proposed ice cream stand on the Jericho Drive-In site.

Mr. Johannessen presented for the applicant. The project was sent to Albany County Planning Board and their recommendations were to have the project reviewed by the Albany County Department of Public Works. Mr. Anslow from that department has reviewed and accepted the plan. Mr. Morelli confirmed by saying he had received an email from Mr. Anslow saying they approved the highway access permit subject to a performance bond.

Mr. Johannessen said that 80% of the disturbance, was land that was currently being used as part of the drive-in. There is very little additional land being used for the ice cream stand so storm water management was not required. He said that PVC fencing was replacing an existing fence and would continue up to the new building.

The Planning Board had asked for an additional pedestrian sign to be shown on the plans. Mr. Johannessen said that a portable sign would be placed at the area for crossing to the picnic area when they were open.

Mr. Smolinsky said his understanding was that the building permit and the certificate of occupancy would limit the uses within the building, making sure that the area listed as storage would remain so until such time as the applicant obtained the necessary approvals to serve ice cream to the drive in cliental.

The Board reviewed the Draft Site Plan Approval document S.P.A. 131 prepared by staff.

A motion to accept the Site Plan Approval document as amended was offered by Ms. McCarthy, seconded by Mr. Odell and approved by all Board members present.

### **McDonalds**

Chairman Mathusa turned the Board's attention to the application of McDonalds to demolish the existing restaurant at 132 Delaware Avenue and construct a new building. The applicant has received a variance from the Zoning Board of Appeals for the number of off-street parking. He said that the design of new structures along Delaware Avenue was of great interest to the Planning Board. They had worked closely with CVS to insure a building that improves the overall community design.

Mr. Chris Boyea, Bohler Engineering, presented for the applicant. Mr. Ed Beeler, a representative for McDonald's Corporation and Victor Caponera, Esq., the land use consultant for the project were

---

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

present. Mr. Boyea stated that the applicant was seeking site plan approval and a special use permit for the drive-thru. McDonald's wished to upgrade the restaurant. The current building had drainage issues in the basement. The proposed restaurant would not have a basement. The proposed building is approximately one hundred twenty (120) square feet larger than the existing restaurant. That additional square footage does not include the current square footage of the basement. Overall square footage is being reduced. The reduction in the square footage was taken into consideration during the application for the variance for parking. One (1) parking space has been added to the proposed site plan, increasing the number to forty-four (44). The proposed structure would be completely ADA compliant. The proposed façade would be a split face block veneer with accent awnings. It would be a slab on grade construction with earth-toned colors. Two (2) different types of block would be used. The hours of operation would be twenty-four (24) hours per day. There is not an anticipated increase in water usage or sewer demands. They planned on reusing as many of the existing services on the site as possible. The entrance and exits onto Delaware Avenue would remain in the current locations with modifications to bring them to current NYSDOT standards. The proposed lighting would be twenty-two (22) foot high poles around the perimeter and additional lights over the entrance doors and windows. There would be a decrease in the impervious service by about 6% with additional green space. There would be a new storm water system. Landscaping would be added around the perimeter of the site, the majority being in the front of the site. Trees to the rear of the site would be kept as a buffer between the site and the adjoining neighbors. They had originally applied for two (2) variances from the Zoning Board of Appeals, one for signage and the other a parking variance. The parking variance was granted but the sign variance application was withdrawn. The applicant had worked with staff and had been encouraged to submit a compliant sign package with the site plan application. They are proposing a monument sign in the front and building wall signage that complies with the regulations. The height of the existing sign was about twenty-two (22) feet; the proposed monument would be between nine (9) and ten (10) feet high.

Chairman Mathusa asked if the Board could see the design of the building McDonalds had done for Portland, Maine. Mr. Beeler said they had constructed an addition onto an existing historic building in Freeport, Maine. The historic portion of the building was used for the dining space and the addition for the kitchen. The new proto type building for McDonalds was being constructed in Massachusetts, Maine New Hampshire and Rhode Island. Ms. McCarthy said she had seen a cottage style McDonalds building on Long Island that fit in with the community.

Mr. Caponera, Esq. said under the new sign regulations the existing sign could stay if the applicant wanted. He said that after speaking with the Mr. Morelli, it was indicated that the applicant should look to the new CVS sign for design and size. The corporate office did not want to loose the existing sign because it's their calling card. They had convinced corporate to conform to the Town's sign regulations. The building design is the new brand identity, which is more modern and contemporary. It was from focus groups that the design evolved.

Mr. Odell noticed that the windows appeared to have either blinds or mullions in them. Mr. Boyea said they were one pane of glass.

Mr. Smolinsky asked if there were alternative designs for the building being considered. He said that just because it was a prototype, it wouldn't necessarily work in all areas. Mr. Boyea said that they had been before the Lake Placid Planning Board recently and for them they had changed some of the outside finishes. They had also put a single mansard roof on that structure. Mr. Smolinsky wanted to know if the architect had looked at the Comprehensive Plan and some of the goals to upgrade new structures along

Delaware Avenue. He was looking for a consistent look. Mr. Boyea said the proposed building design had been reviewed by numerous individuals throughout corporate and because their signage would fully comply by taking down the larger sign; they wanted the building to maintain the look of the prototype. He said that the building did meet most design parameters within the Zoning Law. The building was approximately eighteen (18) to twenty (20) feet in height.

Mr. Caponera, Esq. mentioned that a neighbor at the Zoning Board public hearing said he liked the new traffic pattern because it took the cars behind his garage instead of next to it. The penetration of the headlights onto his property would be reduced and the speaker was now directed away from the house.

Mr. Smolinsky asked about the current hours of operation. Mr. Boyea said that McDonalds was open 24 hours at the drive thru and the restaurant was opened from six (6) am to twelve (12) am. He was not sure if the drive-in was currently opened twenty-four (24) hours. Mr. Smolinsky asked him to submit that information. He was concerned with the impact the additional traffic would have on the adjoining neighbor.

Ms. Motta asked for a designated crosswalk to go from the side parking lot to the door for safety. She asked if there was a children's play area in this design. Mr. Caponera said there was not. The building size was constrained by the site and parking spaces were determined by square footage of building space and the parking variance was based on this size building. With the newly designed kitchen and storage on the main floor, there was not room for a very large play area. There might be a small one. Mr. Boyea said the back area was increasing because of the storage and the fact that the drive-thru business has increased.

Mr. Odell said the new building appeared to be much narrower than the current structure. He asked Mr. Boyea to supply a front picture of the existing structure and the proposed structure or the one in Mechanicville, from about the same distance. He wanted to see how they would compare. Chairman Mathusa asked to see the lighting plan for the site. Mr. Boyea said the lights were around the perimeter, they felt it worked the best on this location. This placement allows them to direct the light to the inside of the site with a light shield.

Mr. Smolinsky asked if they would have state of the art ventilation that would control the odor. Mr. Beeler said odor was caused by grease particles and the new ventilation system was designed to filter those particles. Mr. Boyea said that new grease traps would be installed. He said they were not aware of any existing problems with odor from the site and the new structure would be approximately in the same location.

McCarthy said her main concern was the design of the structure. She would like to see other options.

Mr. Engel was concerned with the location of the handicapped parking spaces. The existing spaces were on the same side as the building and directly in the front. The proposed position was on the other side of the drive-thru lane, though there was a crosswalk. He wanted to know if the driveway could be moved to allow parking on the same side so people would not need to cross the traffic pattern. Mr. Boyea said they were not allowed to have parking in the front yard setback, but if the Board wanted to waive that regulation it would allow the spaces to be placed in the front, where they are currently located, instead of the green space. Mr. Boyea said that ADA standards for grading was a 2% slope to stop wheel chairs from rolling away when unloading. The proposed handicapped spaces met those standards. The entry

drive cannot be moved to the lot line because NYSDOT has a regulation as to how close a driveway can be to a lot line when NYSDOT has jurisdiction over the road.

Ms. Motta asked if there was more stacking space than currently exists. At other locations, she has seen a lane across the front of the building if there were too many cars stacked. Mr. Boyea called that a bypass lane. He said this site had two (2) lanes of traffic that would allow cars to drive around. He said that the Town wanted more green space in the front versus the lane. They would put the lane in if the Board wanted.

Mr. Ritz asked if the applicant had spoken with NYSDOT about the catch basin they would be tying into. Mr. Boyea said they had done a drainage report that had been approved by NYSDOT. He would supply a copy to Mr. Ritz.

Mr. Boyea said his understanding was that they needed to supply the Board with hours of operation, a crosswalk design, a comparative elevation of old and new structures at same scale, pictures of the Mechanicville store. The Board decided that they preferred the green space in the front instead of the lane or parking spaces. Backing out of spaces in that location could prove to be dangerous.

A motion to table the project was offered by Mr. Engel, seconded by Mr. Odell and approved by all Board members present.

The Board reviewed the draft minutes of March 20, 2007.

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

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

The meeting adjourned at 8:50 PM.