

**PLANNING BOARD
TOWN OF BETHLEHEM**

April 4, 2006

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on April 4, 2006, 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
James Potter, Town Board Counsel
Daniel Odell, Planning Board Member
Howard Engel, Planning Board Member
Christine Motta, Planning Board Member
Thomas Cotrofeld, Planning Board Member
Brian Collier, Planning Board Member

Michael Morelli, Deputy Director of Economic Development & Planning
Terry Ritz, Assistant Engineer
Jeffrey Lipnicky, Town Planner
Janine Saatman, Deputy Town Planner

Rob Spiak, Bohler Engineering, Cumberland Farms
Martin Affreudou, Esq., Cumberland Farms
C. Howard Johannessen, Boutelle & Son, Carriage Hill
Mark Dombal, Alta East, Inc.
John O'Brien, Alta East, Inc.
Ralph Mancini, Esq., Alta East, Inc.
Steve Powers, Nigro Companies, Bethlehem Town Center II
Thomas Shepardson, Esq., Bethlehem Town Center II
Steve Thompson, Bergmann Associates, Bethlehem Town Center II
Jack Buholt, Bergmann Associates, Bethlehem Town Center II
Jay Jakovic, Esq.
Mr. & Mrs. Van Derpoel

Agenda: Cumberland Farms
Carriage Hill Subdivision
Alta East, Inc.
Bethlehem Town Center II

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

Cumberland Farms

Cumberland Farms had been on the agenda with an initial presentation on March 21, 2006. Mr. Spiak from Bohler Engineering presented for the applicant. He stated that staff had requested additional topographic information and a traffic study that they had started. The plans had been submitted to NYSDOT for their review and comment. The Board had made comments on the canopy at the last meeting. Mr. Spiak stated that the canopy elevation was set up to match the building façade. He said

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that due to the fire suppression equipment within the canopy, it made it very difficult to put a peaked roof on the structure. They would dress up the façade of the building more if the Board wanted. The applicant would meet with staff to address engineering issues. Mr. Collier wanted to know if the canopy could be dressed to match roofline of the building. There were technical reasons why they could not put a peaked roof on but they would look at changing the edging on the canopy.

Mr. Morelli stated that the applicant had submitted a circulation plan for the tractor-trailers and it was determined that radius on the corners needed to be widened. Mr. Collier asked again about the internal circulation. He suggested a barrier or median to direct the truck traffic away from the regular gas customers. Mr. Spiak indicated one of the medians that could be extended to accomplish that goal.

The Board reviewed the Information Waiver prepared by staff.

A motion to approve the Information Waiver as drafted by staff was offered by Mr. Odell, seconded by Mr. Engel and approved by all Board members present.

A motion to set the public hearing date for the Special Use permit on May 2, 2006 at 7:15 PM was offered by Mr. Collier, seconded by Mr. Cotrofeld and approved by all board members present.

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

Carriage Hill Subdivision

Chairman Mathusa turned the Board's attention to the next item on the agenda, Carriage Hill Subdivision. The project had been approved in 2002 but needed to wait for DEC to allow a water district extension. During that time the new NYSDEC Storm water Regulations went into effect and they needed an amendment to come into compliance with those regulations.

Mr. Johannessen presented for the applicant. He stated that their revised plans and SWPPP had been submitted to Town staff and the TDE. Those plans and SWPPP have been reviewed and accepted by both. The Town Board has approved the water district extension and it was now in the hands of NYSDEC.

The board reviewed the draft SEQR Supplemental Findings Statement document that staff prepared.

A motion to approve the SEQR Supplemental Findings Statement was offered by Mr. Cotrofeld, seconded by Mr. Collier and approved by all Board members present.

The Board reviewed the draft Information Waiver prepared by staff.

A motion to approve the Information Waiver as drafted was offered by Mr. Engel, seconded by Mr. Odell and approved by all Board members present.

A motion to set a public hearing date for May 2, 2006 at 7:00PM was offered by Mr. Collier, seconded by Ms. Motta and approved by all Board members present.

Alta East, Inc.

Chairman Mathusa turned the Board's attention to the next item on the agenda, Alta East, Inc. The applicant proposed to convert the gas station and repair shop at 317 Delaware Ave. to a convenience store. At a previous meeting the Board had asked the applicant to redesign the existing gas canopy. Mr. Dombal presented revised building elevations to the Board. The number of curb cuts onto Delaware Avenue would be reduced, the landscaping would be increased, the large sign would be removed and a monument sign was proposed. He stated that a blue fabric wrap was being proposed around the fascia of the canopy as the extent of the upgrades. Though it was proposed to be illuminated, they would not illuminate it if the Board preferred. It would be very costly to completely redo the canopy. A covering could not be placed over the existing roof without limiting the access to the mechanics of the structure. The approximate cost to the applicant could exceed \$75,000. Mr. Mancini stated that structurally and functionally, the existing canopy did not have any problems.

The Board reviewed a draft Site Plan Approval document.

A motion to approve the draft Site Plan Approval document S.P.A.120 as amended was offered by Mr. Odell, seconded by Mr. Engel and the vote was 5 for, 1 against and 1 absent.

Bethlehem Town Center II

Chairman Mathusa turned the Board's attention to the next item on the agenda, Bethlehem Town Center II. He stated that the issue before the Board was the architectural elevations for PetSmart. Mr. Buholt presented for the applicant. He revisited the original approval and revised the PetSmart elevations to reflect that approval.

A motion to reaffirm the SEQR Negative Declaration that had been approved on September 6, 2005 was offered by Mr. Collier, seconded by Mr. Cotrofeld and approved by all Board members present.

The Board reviewed draft 2 Site Plan Approval Amendment S.P.A. 118-A.

A motion to approve the draft 2 Site Plan Approval Amendment S.P.A. 118-A as written was offered by Mr. Collier, seconded by Ms. Motta and approved by all Board members present.

Chairman Mathusa turned the Board's attention to a concern of a northern neighbor, Mr. and Mrs. VanDerpoel, for residential access across the applicant's property. The Board had received copies of correspondence between the applicant and the VanDerpoels. Mr. Jakovic presented information for the neighbors. They were not satisfied with the proposed access area that the applicant had placed on the plans. They wanted commercial access. The applicant had stated at an earlier Planning Board meeting that they would allow residential access but not commercial.

Chairman Mathusa noted that if it was a commercial access, then trucks and other vehicles could use the VanDerpoel's driveway for access to Bethlehem Town Center II. He also noted that the applicant's property was not the adjacent property to the Van Derpoels.

Mr. Powers stated that the proposed site plan drawings showed and noted the proposed access for residential purposes. If the applicant wanted to make a change to those drawings, they would need to come back to the Planning Board for an amendment.

Chairman Mathusa stated that he was satisfied with the proposal being on the drawings. The board agreed. He noted that if the proposed access were to be developed, the VanDerpoels would need to

acquire an easement over Town property and the gas easement. The Chairman stated that during the Route 9W corridor study, the access of the VanDerpoels property on both sides of Rt. 9W, as well as other commercial parcels, should be taken into consideration.

The business concerning Bethlehem Town Center II concluded.

Chairman Mathusa turned the Board's attention to the draft minutes of March 21, 2006.

A motion to accept the draft minutes of March 21, 2006 as written was offered by Mr. Cotrofeld, seconded by Mr. Coller and approved by all Board members present.

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

The meeting adjourned at 8:50.