

**PLANNING BOARD
TOWN OF BETHLEHEM**

April 5, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting** on April 5, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:00 pm.

Agenda: Supervisor Theresa Egan and Mr. George Leveille, Director of Economic
Development and Planning

Lands of Gary Barkman
Garcia's Tacqueria

Present: Parker D. Mathusa, Planning Board Chairman
Daniel Odell, Planning Board Member
Howard Engel, Planning Board Member
Christine Motta, Planning Board Member
Thomas Cotrofeld, Planning Board Member
Katherine McCarthy, Planning Board Member
Brian Collier, Planning Board Member

Randall Passmann, Town Senior Civil Engineer
Jeffrey Lipnicky, Town Planner
Janine Saatman, Deputy Town Planner

Paul Hite, LLS, 230 Delaware Avenue, Lands of Barkman
Gary Barkman, Rt. 9W, Lands of Barkman
Jim Giacone, Garcia's Tacqueria
Daniel Dembling, Dembling & Dembling Architects, Garcia's Tacqueria
Rick Lamperelli, Garcia's, Garcia's Tacqueria
George Waldenmaier

Chairman Mathusa called the meeting to order at 7:00 pm and noted the presence of a quorum. He welcomed Supervisor Egan and stated that it was the first time in his eight years on the Board that the Supervisor had addressed the Board. Chairman Mathusa also welcomed Mr. George Leveille, the Director of Economic Development and Planning. They had wanted to update the Board on the status of the Comprehensive Land Use Management Plan and give the Board an understanding of the responsibilities that they would have as the Plan was finalized in terms of policies and procedures dealing with site plans, subdivisions and zoning requirements. Chairman Mathusa introduced Supervisor Egan.

Supervisor Egan thanked the Board for convening at an earlier time. She stated there was an Executive Summary in the front of the Comprehensive Plan binder that had been distributed. It had been decided that if there were inconsistencies in the body of the Plan,

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the Executive Summary would take precedence. She stated that prior to the vote of the BPAC committee on this plan there had been well-attended workshops in which people had an opportunity to comment. Supervisor Egan stated that everyone had worked hard to be sensitive to the needs of all the people. The reality was that not everyone would get everything they wanted in the plan. A balanced approach had been taken. A community survey and an additional survey of landowners greater than seven acres were sent out. The response percentage had been high from both groups. Those responses were taken into account when the Comprehensive Plan had been drafted. Supervisor Egan stated that the BPAC committee and the consultant had done a great job of combining all of the input and concerns into the one document. She was comfortable with the document that would be presented to the Town Board. The timeline for the progression of the Comp Plan was now on the website with the end of July being targeted for the approval of the Plan and the new Zoning ordinances. She stated that the extension of the moratorium had been adopted for six (6) months or thirty (30) days after the adoption of the Comprehensive Plan and Zoning Ordinance, whichever came first. It was important for the Planning Board and the Zoning Board to be in compliance with what the Town Board and BPAC had recommended. The Board would be notified if there were any updates or revisions to the Plan in the coming months. She told the Board if they had any questions pertaining to the Plan to call her or Mr. Leveille.

Supervisor Egan stated that recently staff changes had been made which included the new position that Mr. Leveille now held as Director of Economic Development and Planning. The new Commissioner of Public Works was Mr. Oliver Holmes and Mr. Erik Deyoe was the Head of the Engineering Division.

Mr. George Leveille stated that it had been agreed that the Executive Summary would make policy statement as to priorities. The recommendations of BPAC were broken down into Tiers. The first Tier consisted of items that had a general consensus and were key recommendations from BPAC. One of those recommendations, the Conservation Advisory Council, had raised many questions. BPAC's recommendation to the Town Board was that it not be a statutory Council but an informal advisory group. They would be able to assist the Town Board with conservation issues for people that were interested in tapping into that resource. The second Tier were topics that were very prevalent throughout the process but encountered very strong opinions on either side of the topic. They had been identified as items that needed more discussion. The third Tier were ongoing items that related to Town administration, programming and operations.

Mr. Leveille stated that the review process of projects had been solely by internal staff up to this point. The volume of projects necessitated a change to that system. The Town was in the process of hiring outside engineering firms to review projects under the supervision of Town staff. This would free up the Town Planning staff to do planning for the Town instead of review. The cost of the review process by these outside engineering firms would be an expense of the applicant with no cost to the Town. The practice of utilizing Town Designated Engineers was used by most of the neighboring communities and throughout the region.

Mr. Leveille stated that he would like the Board to consider having every third or fourth meeting of the Planning Board as a planning session. The staff would present a planning issue that they were working on to the Board for their feedback and input. This would give them the opportunity to be part of the planning efforts being pursued by the Town.

Chairman Mathusa thanked Supervisor Egan and Mr. Leveille for their time and explanations. He stated that the Board looked forward to working with them.

Lands of Barkman

Chairman Mathusa turned the Board's attention to the next item on the agenda, a site plan located on Rt. 9W, submitted by Gary Barkman. Mr. Barkman was proposing to convert a single-family residence, adjacent to Hague Boulevard, into an office.

Mr. Paul Hite presented for the applicant. He stated that the project was located on the northwesterly side of Rt. 9W. Hague Blvd. borders the property on the northeast. Across the street was a small store. He stated that the property currently contained a residential property that they would make some minor revisions to. The existing driveway would be widened to eleven (11) feet to accommodate emergency vehicles per Town standards. There would be five (5) parking spaces in the rear with an additional two (2) in the garage. The handicapped parking would be in the front with a ramp to the front door. The length of the ramp was such because of the difference in elevation from the driveway to the entrance to the first floor. They had managed to keep the large tree that was in the front of the building. Mr. Hite stated that their proposal was to extend the driveway to the parking spaces and then exit onto Hague Boulevard. The type of business that Mr. Barkman was proposing was not a large traffic generator. By making the driveway one-way they were able to preserve the existing trees in the front of the property. It was also safer for the cars to exit onto Hague Boulevard instead of Rt. 9W. This approach would keep the site very similar to how it currently looks. They had left a space in the shrubs to the rear of the parking spaces so the plow could push the snow there and not cause a problem on Hague Blvd. Mr. Hite stated that the sign in the front would face Rt. 9W and have two (2) lights illuminating it from the ground and would be hidden by yews.

Ms. Saatman stated that she had done some research and determined that there wasn't any wording within the approval documents for Dowerskill Village that would prohibit a driveway connection onto Hague Boulevard. She had done a site visit and it appeared that a connection across Hague Boulevard so that cars could make a left hand turn was unrealistic. There wasn't enough room for a car to wait between lanes for another to pass and site distance would be affected by existing vegetation. The number of cars exiting the site was expected to be minimal.

Ms. Saatman asked Mr. Hite to point out the lighting that would be on the site. He stated that there would be a light on the garage and a flood light by the side door of the house near the driveway to light up the parking area. The hours of operation didn't warrant more lighting. There was also an existing light on the front porch to light the handicapped parking. He said that the main entrance would be in the front. Ms. Saatman stated that the

vegetation in the front might interfere with the proposed sidewalk in the front. Mr. Passmann agreed that the arborvitae might need to come out. Mr. Hite thought they just needed a trim but if not they could be replaced.

Ms. Saatman stated that the main concern was with the sight distance around the driveway onto Hague Boulevard and the drainage in that area. She stated that the project needed Albany County Planning Board review. The project had been sent but nothing had been received back yet.

Mr. Passmann stated that during the site visit, it appeared that the drop in the driveway area was about five (5) feet from the hedges which might give a higher than 6.63% slope. He suggested placing the driveway at more of an angle to Hague Boulevard to reduce the slope. He said that a lot of the parking lot and driveway was pitching down towards Hague Boulevard. The Engineering Division has asked other commercial sites to collect their storm water and convey that to the nearest drainage structure. The nearest catch basin was north of the site.

Mr. Hite stated that the applicant didn't own the property that Mr. Passmann was suggesting to use for the drainage. Mr. Passmann stated that drainage outside of the right of way was the applicant's responsibility. Mr. Hite stated that the high point of the driveway was a small area. He said he would submit a set of calculations to show how much water would be draining to Hague Boulevard. The drainage from other areas stayed on the site. Mr. Hite said that all the contours were field survey contours; they were not taken from any prior map.

Mr. Collier wanted to know if the parking lot could be graded to have the drainage flow to the back yard. He thought that should be enough perk in the yard to handle the runoff from the spaces. Mr. Hite said he would look at that possibility.

Ms. Saatman asked if he could show some spot elevations. Mr. Hite said the area was relatively flat. He said that he hadn't thought that the square feet of area that would be draining to Hague Boulevard would be significant. Mr. Lipnicky stated as a general principle, it was not desirable to have commercial properties shed water onto Town roads.

Mr. Passmann stated that the slope from the northeast corner of the property to Hague Boulevard was steep with existing vegetation. He said it might cause a site distance issue. He said that some grading might need to be done in that area to improve the site distance. When Mr. Hite stated that they didn't own that property, Mr. Passmann suggested that the applicant might need to get a grading easement from the adjacent property owner. Mr. Hite said that the vegetation was within the Town right-of-way. They would cut it down if the Town wanted them to.

Chairman Mathusa wanted to make sure that there were one-way signs on the premises for traffic flow. Mr. Collier wanted to know if anything could be done to the look of the handicapped ramp because he thought it was distracting to the appearance of the building.

He wondered if it could be built on the back of the house. Mr. Hite stated that there wasn't a back door and the grade in the rear was higher.

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

Garcia's Tacqueria

Chairman Mathusa turned the Board's attention to the next item on the agenda. The applicant was requesting a Site Plan Amendment to change the elevation on the portion of the My Place building that had been a Deli, into a take out Garcia's Restaurant. They were before the Board for an amendment because the current building elevation was part of the original site plan approval.

Mr. Rick Lamperelli, the owner of Garcia's, stated that he was the owner of the existing full service Garcia's in Colonie. He had owned the business for the past twenty-two (22) years. The new restaurant would be primarily a take-out restaurant with six (6) stools around a counter. The space would be leased from Mr. Giacone.

Mr. Daniel Dembling, of Dembling & Dembling Architects, would present the project to the Board. Mr. Dembling showed the Board a picture of the structure as it exists today. He stated that the idea was to take the elements that exist and rework them to identify the space as Garcia's. They would utilize the roofline for their awning. This area would have their trade logo, the Mexican sunburst, painted onto newly installed metal on the roof to simulate an awning. They would replace the 3.5' x 7.0' Mr. G's sign with a smaller 16 square foot backlit triangular sign. They wanted to use the standard trade dress that Mr. Lamperelli currently had at his other restaurant that included LED lights and black. They weren't increasing the parking or changing the traffic circulation. They expected about fifty (50) take-outs per a four (4) hour time in the evening. That translated into 12 cars per hour during their busier time. The hours of operation would be 11am to 9 or 10pm.

Mr. Dembling showed the Board the proposed elevation. It included samples of the paint and metal material that would be used. They wanted to put on a forty (40) inch corrugated metal wainscoting on the exterior. LED light sticks in red and blue would be around the roofline. They wanted to dress the building in this manner to draw attention to it. They were in competition with the other food businesses in the area and he produced pictures of the competitors trade dress. Mr. Odell and Mr. Cotrofeld wanted to know if they went to their existing restaurant at night, would the lighting and colors be the same as their proposal for this restaurant. Mr. Dembling stated that they would be similar. The awnings on their restaurant were material and the proposed restaurant awnings would be metal. The paint colors would be the same but they might appear different shades. The light sticks would be the same. The general appearance would be the same, if you knew one restaurant, you'd be able to identify the other.

Mr. Dembling stated that the metal was being added to the roof for two (2) reasons, one for aesthetics and the other so they could put in a pediment over the entrance to defer

water runoff. The metal would enable them to integrate the backlit sign into the overall design instead of putting it on the top of the roof.

There were a few questions concerning the proposed light strips. Mr. Dembling stated that the LED lights were more dependable and cost efficient. Mr. Lamperelli would consider reducing the number of light strips to two (2) if the Board wanted. Mr. Dembling stated that they wanted to use the lights to draw attention to the area that they had. When asked, Mr. Dembling identified the paint color that would be used on the pillars on the corners of the building and identified the metal as galvanized metal, not aluminum. He stated that the metal would be repeated inside. They wanted to use the material because it made a statement about who they were and it was a fun look.

Mr. Collier agreed that their design was a refreshing way of making their presence known. He commended them on the care they had taken in thinking of how to present their business to the community. He thought that the design they were presenting would enhance the look of the building. He did concur that the four lines of lights were a bit over the top, but the applicant had stated that they would reduce that number to two.

Mr. Dembling stated that all the colors in their pallet were accurate on the paint samples shown, not on the computer-generated image. The paint for both restaurants would be the same Benjamin Moore but they were being applied to different surfaces. The appearance of the colors would be slightly different.

Ms. McCarthy said that she would not be in favor of covering the brick with the galvanized aluminum. She also felt that the lighting needed to be toned down, two LED lights being sufficient. She asked them to consider changing the shape of the columns to a tapered column that was used on craftsman style houses and toned more to the brick color.

Mr. Dembling wanted to keep the metal wainscoting. He said the wainscoting humanized the structure by giving it scale. He said that their colors were working with the brick color. The colors were their calling card and trade dress was very important in this business.

Chairman Mathusa wanted to know if the outside patio would be open for the customers of Garcia's. Mr. Giacone and Mr. Lamperelli stated that all the details of operations of both businesses still needed to be worked out. Mr. Giacone stated that both businesses needed to work together. Mr. Lamperelli said that their intention was for their customers to order and take their food home.

Ms. Motta asked the applicant to explain the parking. Mr. Lamperelli stated that the parking was a cross easement parking lot. Owners from the surrounding businesses sometimes used their back lot. He estimated that his busiest time would be at lunch and dinnertime. They were not planning on a delivery service at this time but limited catering would be available. He said there would be six stools for eat in customers.

Mr. Odell stated that considering the location and size, the impact of the brighter colors would be minimal. He thought they had done a good job of integrating the design with the overall structure and he thought the colors complimented the brick. He said that the patio brick wall was blocking that corner of the building; the design would help it be noticed.

Mr. Lamperelli stated that Garcia's had been a national chain at one time and he had been a franchisee. The chain failed and he was able to continue as a local business. He felt it was very important to have trade dress. He was very excited to come to Town. He was leaving his managers to be in charge of his current restaurant and he was going to run the new endeavor himself.

Mr. Lipnicky wondered if the southwest motif and the bright colors were what the Comp Plan had in mind for along Delaware Avenue. He said the design was reminiscent of the commercial strip.

Chairman Mathusa said that when the addition to My Place was added previously there was a traffic pattern that was established with signs. He thought that the pattern should be changed to be one way around the building. He was concerned with the amount of traffic that would be generated with the new business added to the existing. He wanted to make sure that the safety within the parking lot was taken into consideration.

Mr. Giacone stated that one side of the parking lot went back to the house behind My Place. He said that they had left their lanes wider than the standard. He stated that the surrounding businesses worked cooperatively with their parking lots.

Chairman Mathusa stated that the Town was presently working on the Comprehensive Plan and they were very concerned with Delaware Avenue being an attractive place. They were looking for designs that would be compatible, that definition was yet to be established. That being said, he thought the end definition would be different from their proposal. He said the applicant shouldn't be comparing Rt. 9W near Bethlehem Town Center to businesses on Delaware Avenue. They were different places and would be treated as such. He said that on Delaware, BPAC was interested in structures that were more muted. He understood that they needed to stand out some but the proposal made the building appear half done.

Mr. Lamperelli stated that My Place's lobby area that jutted out was the break point between the two designs. He said that would stop the building from appearing half done. Mr. Dembling stated that he had reviewed the Comprehensive Plan and it did not address design standards. He wanted to know how the Board could hold him to standards that did not exist. He said that his proposed design was consistent with scale and proportion. He said they might not agree with the color, but there were no standards for businesses to look to.

Chairman Mathusa stated that those standards would be issues dealt in zoning revisions within the coming months. Mr. Dembling stated that he was working under the existing Code. He said that his task was to address the façade of their section of the building.

Mr. Lipnicky stated that it was the Board's job to make sure that his proposal fit in with the rest of Delaware Avenue. Mr. Dembling showed the Board photos that he had taken of existing establishments up and down Delaware Avenue. He said that if they wanted to make this business an example of the future of Delaware Avenue, they should do it with clearly defined standards.

Mr. Collier said that when you compare the applicant's proposal with the Delaware Avenue pictures, which had some designs that were not his personal favorite, he didn't think the scale of the project would have significant impact on the corridor. He didn't think it wasn't necessary to discuss the hues of the paint colors. He said that the design was an improvement from what existed.

Mr. Odell stated that the applicant shouldn't be held to standards that had not been agreed upon or enacted. He thought there was a range of opinions of what Delaware Avenue should look like, but standards were not in place. He said this was a small project with insignificant impact.

Ms. Saatman wanted to know if the roof would be changed. Mr. Dembling stated that the metal would be installed on the existing shingles. The roofline would not be changed. She wanted to know if the sign in the front was lit. Mr. Dembling stated that the sign would be backlit with a standard florescent fixture. It was an eight (8) foot long, four (4) foot high triangular sign. Ms. Saatman stated that in one of the corners, the proposed column would interfere with their electric box. Mr. Dembling said they would move it.

Mr. Passmann wanted to know if there would be lighting in addition to what was shown. Mr. Lamperelli stated that because the back parking area was somewhat dark, they were considering placing lighting in the parking lot for security. Mr. Passmann asked the applicant to supply that light output information for the LED lights.

Ms. Saatman stated in her opinion the applicant should change the color of the columns to match the proposed awnings. Mr. Dembling stated that he was the corporate architect for many restaurants and this colorful look is the new look for restaurants. Mr. Lamperelli stated that the reason he was still in business was partly due to Mr. Dembling's ability to give his restaurant a national finished look to his restaurant.

Mr. Engel said he had worked on the Comprehensive Plan all along. The different Hamlets would have different looks because of the existing structures. Elsmere would not look like Delmar. He thought that in today's business climate, if a building didn't stand out it wouldn't survive. He thought that the proposed design would be an enhancement. He thought the metal wainscoting was insignificant. But he would like to see the lights around the top reduced to two (2) strips. His main concern was with the traffic safety issues. Mr. Lamperelli hoped that many of his customers would come from people that

were already parked in one of the surrounding lots, such as the school and dance studio. Chairman Mathusa stated that if it was needed, they could change the parking lot arrangement once the business was up and running. Mr. Engel stated that to the question of design, there was no clear answer to the standards that would be developed. In general he like what he saw and felt it would be a welcomed addition to the community.

Ms. Motta said overall she thought it was an improvement. She still wasn't completely sold on the metal wainscoting. She wondered about the parking. Mr. Giacone stated that The Building Inspector had looked at the parking during their last Site Plan application. He had been surprised that he had to come back before the Board for this façade change. Mr. Lipnicky stated the reason they were before the Board was because the original Site Plan had approved elevations as a part of the approval. This was a change to that elevation and needed an amendment to the Site Plan.

Chairman Mathusa said that he would prefer no metal wainscoting, muted colors and less lighting. He said that staff would get written comments to them in a few days and they would bring the project back at the next meeting.

A motion to table was offered by Mr. Odell, seconded by Mr. Cotrofeld and approved by all present.

The next item on the agenda was the minutes of March 15, 2005. A motion to approve the minutes as amended was offered by Mr. Odell, seconded by Mr. Collier and approved by all present.

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

The meeting adjourned at 9:35pm.