

**PLANNING BOARD
TOWN OF BETHLEHEM**

April 17, 2007

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on April 17, 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
Tom Cotrofeld, 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
Jeffrey Lipnicky, Town Planner
Terry Ritz, Assistant Town Engineer

Steve Buldoc
James Reeks
Chris Boyea
Edward Beeler
William Hebert
Gregg Ursprung
Teresa Bakner, Esq.

Agenda: Elm Avenue Professional Building
Capital Communications
McDonalds
Vista Technology Park

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

Elm Avenue Professional Building

The first item on the agenda was the proposed Elm Avenue Professional Building located at 7 Elm Avenue. The project was last before the Board on February 6, 2007.

Mr. Buldoc presented for the project. He said the project had not changed since the Board had last reviewed the project. There would be down lighting in the entranceways both in the front and the rear. The lighting on the side of the building would be down lighting for the sidewalk. The style of the lighting was proposed to be consistent throughout the site.

Chairman Mathusa wanted to make sure the lighting was adequate and that it would not spill over to adjacent properties. Mr. Buldoc said they were low watt bulbs, some signage lighting in the front and low wattage down lighting along the sidewalk. The parking lot to the rear has pole lights that would have shields to stop light spillage onto the neighbor's property. The only lights on the apartments would be at the entrances and on timers.

Mr. Smolinsky asked where the undisturbed land was located on the property. Mr. Buldoc said it was along the borders. There was also an area to the rear that would be left undisturbed and wooded. Mr. Ritz said the storm water report indicated .97 acres were to be disturbed, it was below the one (1) acre threshold. The definition of disturbance included the cutting of trees, and removal of grass or soil. Mr. Buldoc said there was a proposed storm water retention pond in the rear of the site, CDS units to treat the water; the roof runoff would be picked up into a dry well catch basin under the parking lot to treat the runoff and the over flow from there ties into the CDS unit which ties into the detention pond. The runoff from the office-building forward ties into the County drainage, which goes under Elm Avenue. The permits have been obtained from the County. Mr. Morelli said the NYSDEC threshold was one (1) acre. Ms. King has worked with the applicant and is satisfied with their calculations. It does not need to be referred to NYSDEC. Mr. Ritz said the runoff from the site after build out would be less than current runoff. Mr. Odell asked if the project had been sent to NYSDEC for approval, would a different type of mitigation been required. Mr. Ritz said the two (2) things that NYSEDEC would have required if disturbance was over an acre was the separation between the existing ground water level and the filtration bed would be increased and filtration fabric in the bed would have been required. He said they were doing more than what was required. It meets all Town standards.

Mr. Buldoc said they had decided to continue the stone front across the whole building up to the windowsills. The monument sign would have the same stone. It would be a burgundy color with white or gold lettering. Ms. McCarthy preferred the gold lettering. Mr. Odell liked that inclusion of craftsmen details into the design of the building.

The Board reviewed the draft Parkland Resolution prepared by staff.

A motion to approve the Resolution, Reservation of Public Parkland as amended was offered by Mr. Cotrofeld, seconded by Mr. Odell and approved by all Board member present.

The Board reviewed the draft Site Plan Approval document, S.P.A. 130, prepared by staff.

A motion to approve the Site Plan Approval document, S.P.A. 130 as drafted was offered by Ms. McCarthy, seconded by Ms. Motta and approved by all Board members present.

Capital Communications

The next item on the agenda was Capital Communications site plan proposed for 384 Bender Lane, Glenmont.

Mr. Reeks presented for the applicant. He said that in response to the Board's comments at the last meeting, additional landscaping had been added to shield the car lights coming through the drive-thru. The rear of the site would be landscaped with pines and deciduous trees. Any area that could not be landscaped, the lights would have shields to protect against light spillage. Mr. Reeks said they had bumped out the lane that goes to the ATM to give more room for cars to get around the other lanes.

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 SEQR Resolution prepared by staff.

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

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

McDonald's

The next item on the agenda proposed McDonalds site plan at 132 Delaware Avenue. The applicant was asked to respond to remarks from Board members at the last meeting.

Mr. Boyea, Bohler Engineering, presented for the applicant. He said that they had addressed the comments that the Board had made. A crosswalk from the east side parking lot to the entrance had been added along with a pedestrian crossing sign. A railing had also been added at that entrance for pedestrian safety. The hours of operation were currently 5am to 12am, Sunday through Thursday and 5am to 1am on Friday and Saturday. They would keep those hours.

The applicant had submitted pictures of the closest McDonald's with the proposed design and the current building at about the same distance to compare street side scale and view. This had been done at the request of the Board. Mr. Morelli had asked for rooftop screening for HVAC units. Mr. Boyea said the parapet wall was of a sufficient height to hide those units. The height of the proposed structure was twenty-two (22) feet. Mr. Boyea said that if the eyebrow part of the sign were taken off, the building would look like a box. Chairman Mathusa wanted to minimize the visual impact of the building; he was concerned with the height of the eyebrow. Mr. Boyea said the top of the eyebrow measured twenty-one (21) feet four (4) inches. The height of the current building was estimated at twenty (20) to twenty-one (21) feet. He said the proposed building would be set back further from the street than the existing structure. Mr. Morelli said the maximum building height in the Hamlet District was thirty-five (35) feet. The Dormitory Authority was about thirty (30) feet high. The Hess sign was about thirty (30) feet high.

Mr. Boyea said the Board had asked for other materials. He showed a split faced block and a brick façade. He said the red brick was used in Mechanicville. Mr. Odell said that he preferred a brick façade. Ms. McCarthy said the design looked institutional. She had been in another city and the McDonalds there was sided and looked like a cottage. She said the current proposal looked like a box and she didn't feel Delaware Avenue was the place for that design. Mr. Engel said he had been to Mechanicville and thought the McDonald's there stuck out like a sore thumb. He agreed with Ms. McCarthy, it looked like a box. He liked the old design better. Mr. Cotrofeld said there had to be other corporate options for designs of their restaurants. He said that McDonalds was trying to change their image by selling products that were healthier. They should look to a style that would fit better into the community. He said CVS had been willing to work with the community when they built. He had read the minutes of the last meeting and the Board had asked for different designs that might have been used in different communities. Mr. Cotrofeld agreed with Mr. Boyea's statement that the building was a box. He wanted a design that would add to the community. Mr. Smolinsky said he agreed with his other Board members. He thought that a roofline would visually lower the building. He wanted to see the contrast of the colors used on the building reduced. He suggested using a two (2) toned brick. Mr. Odell said the new Code

gave the Board more discretion esthetically and after listening to the other Board members, they were within their ability to influence the process and the decision-making but the Board's standard was one the applicant would have to meet. He would like to see design additions like craftsman columns that had been mentioned before on another project. He said that McDonald's had done unique structures in other communities and he was confident that McDonald's would be willing to work with this Board. Ms. Motta said that it would be a lost opportunity if the Board didn't try to customize the building. She has also seen McDonald's in other cities that were customized, so it could be done.

Chairman Mathusa said the Board was interested in upgrading Delaware Avenue and he asked the applicant to listen to the Board's request for a design that would fit with this community. Mr. Boyea didn't get the feeling at the last meeting that the Board was opposed to the design. He wanted to remind the Board that the applicant was more than a year into the approval process. The proposed building is the one that fits with the current sign proposal. The building is directly related to the signage. If the design of the building were not a typical McDonald's design, then, in their opinion, they would need more signage. Mr. Boyea said McDonald's might not be able to build if the design varies from their standard. They might need to go back to the Zoning Board for a sign variance. He said they would take the Board's design concerns back to corporate McDonald's. Mr. Beeler said that McDonald's is an impulse driven business and it depends on signage.

Mr. Silliman said that this was a local McDonald's for people who live here. Mr. Silliman noted that for the first time in along time, every Board member had requested that they come back with a design that would fit better with the new comprehensive plan. Mr. Beeler said they could do something different with the building but they would also do something different with the monument sign as well.

Mr. Boyea was concerned that if they were approved for the building design with the Planning Board and then went to the Zoning Board for a sign variance and were denied, the project would not go forward. Mr. Engel said as a consumer, signage does not bring in customers, it's the product. He said the type of monument sign at CVS and at Glenmont Plaza was the type of sign the Board would be looking toward. Ms. McCarthy said that the good will of placing an attractive building in the community could boost sales with people knowing the company was willing to work with the Town. Mr. Boyea said the building as proposed was compliant. A remodel was still an option. If the Board feels strongly about the building, then they might decide to reevaluate how they proceed.

Mr. Boyea wanted to know if the Planning Board could give conceptual approval of the project and then they could go to the Zoning Board and ask for a sign variance. Mr. Silliman and Chairman Mathusa thought it could be done. Mr. Silliman said he would inform the applicant on how to proceed with the applications between the two (2) Boards. Mr. Morelli said the existing sign was significantly higher and larger than the proposed sign.

Mr. Boyea said that if they came back with the type of design the Board wanted, they would also come back with a sign that was a lot bigger than the current proposal. He wants them to know that there was a direct correlation between the design of the building and the size of the sign they expected to have. He said it was a business decision. Chairman Mathusa said the Board had been through these types of negotiations and they had a community they were very proud of and he wanted to work with the applicant to find medium ground.

Mr. Smolinsky said that a creative architect should be able to take the goals of a reasonable sign and a better design and come up with a building that would satisfy all concerns. He felt an either or attitude

would stifle creativity. Mr. Boyea said that the application had sat at the corporate level for about three (3) months while they decided how they wanted to proceed with the design of the building versus the size of the sign. He hoped to have a design soon to resubmit to the Board. Mr. Ritz wanted to know if the footprint of the building would change with the new design. He wanted to know if he should proceed with the engineering review of the site plan. Mr. Boyea said they did not plan on changing the site plan.

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

Vista Technology Park

Chairman Mathusa turned the Board's attention to the next item on the agenda, the Vista Technology Park, to discuss the concept plan. A time extension for the Planning Board to make a recommendation to the Town Board on the concept plan had been agreed upon.

Mr. Gregg Ursprung, Saratoga Associates, presented for the applicant. The project is located off the Slingerlands by-pass extension, which is under construction. The entrance to the site will be thru a roundabout and there will also be a right in, right out access. The total property is approximately four hundred fifty (450) acres. They were looking develop about one hundred fifty (150) acres. The parcel has acreage in both the Town of Bethlehem and the Town of New Scotland. The portion within the Town of Bethlehem is within a MEDD zone. The portion within New Scotland is currently zoned rural residential and a portion of that would need to be rezoned. The uses in the project are primarily technology and research, about 80%. There are secondary uses, about 20% retail and commercial, in the section closest to the by-pass. There are some constraints on the parcel. One being wetlands in which about two (2) acres will be disturbed; they will be doing five (5) acres of wetland mitigation in the center of the site. There is also an archeological site, the Lagrange House that will be preserved and protected. They were currently going through the Final Environmental Impact Statement with the Town. They were hoping to have the FEIS to the Town Board for approval on May 9, 2007.

Chairman Mathusa asked if there were any proposed buildings that would be in both New Scotland and Bethlehem. Mr. Ursprung said no. Chairman Mathusa said he wanted to make sure that the Technology Park remained technology and did not become large retail space instead. He felt that technology based businesses could take many forms in the future. Secondary retail was expected but the majority of the space was to be for technology based businesses. Chairman Mathusa was also interested in having an area that could potentially be a future road that could connect to Route 85A or Route 155. He thought that future growth would be in the western part of the County.

Mr. Smolinsky asked if any of the technology uses were planned for Phase I of the project. Mr. Ursprung said that a technology use would be a part of Phase I but the hotel was excluded. The infrastructure to support Phase I would be constructed, the remainder of the infrastructure would be put in place as the future Phases progressed. It would be designed but not built unless a company came in and needed the infrastructure and then it would be built sooner than later.

Mr. Hebert said that they were speaking to technology businesses and the infrastructure could grow at a faster pace depending on the type of companies. The rear of the site could prove to be a better fit for certain businesses. They wanted to keep all their options open. Mr. Hebert said that the spin off growth of other chip plants in the area was into 2008. The overall general trend was still a few years off. That was why the retail portion of the site would be developed in Phase I. They would keep themselves

available for any technology business that would come forward ahead of the projected development curve. He said by building out the front of the site first, it let potential technology businesses know they were there and let them visualize where the company would fit on the site.

Mr. Cotrofeld said a number of residents had expressed concern that after the retail builds out, they would not continue with the technology park. The people in Slingerlands didn't just want a shopping area. He thought more technology based build out should be considered in Phase I with a pull back on the retail portion. The residents would see everything progressing at the same time. For instance, Radio Shack and Verizon were technology-based businesses but not what the Town had envisioned as the type of business that would be in this project.

Mr. Odell said that one of the things that stood out to him was the two (2) entrances. One being the right-in/ right-out access and the other one was the roundabout. The roundabout, which appeared to be the front door of the parcel, brought people through the retail section. When this was built out, the majority of the traffic would be channeled through the retail section. He asked why they were placed in that manner. Mr. Pangburn said the roundabout was designed for a location that would be available for multiple parcels. This was preferred by NYSDOT. The internal roads would not be signalized until it was needed.

Mr. Herbert said that technology businesses usually preferred a park like setting for their companies with esthetics such as views. Those amenities were to the middle and back of the site. He said the investment in Phase I would demand the remainder of the technology park to be built.

Ms. Bakner said that it was helpful for the applicant to have conceptual approval when going through the federal and state permit process. The applicant understood that after the project was conceptually approved, they would need to obtain site plan approval for each of the buildings. In terms of moving ahead, the roundabout was critical to their project and needed to go in simultaneously with the construction of the Slingerlands by-pass.

Mr. Cotrofeld asked if the projected ratio of 20% retail to 80% technology based business would change significantly. Ms. Bakner said when they did the traffic study for the FEIS, which was the basis for their evaluation of impacts off site and on site they used those ratios. They are tied into those ratios. The change of the concept plan would be to size and number of buildings, not to type.

Mr. Morelli said this was not site plan specific information at this time. It is a master plan that the Planning Board has an advisory role to the Town Board. The resolution language to the Town Board would come from the Environmental Impact Statement because it talks about area of disturbance, over all size of the parcel, the amount of land to be set aside for open space and the breakdown of retail versus offices and technological businesses. The recommendation would come with criteria from the FEIS. The Town Board has the authority to approve or disapprove the master plan. Any major deviations from that master plan would have them starting the process over including redoing their FEIS. Mr. Lipnicky agreed with Mr. Morelli that the recommendation would be pulled from the FEIS.

Mr. Morelli said that because the Town Board was the lead agency for the project, it was felt that it was appropriate for the Town Board to finish the SEQR review prior to the Planning Board giving their recommendation on the master plan. He thought the FEIS document could be complete for Town Board acceptance at the May 9th meeting. The Planning Board could consider a recommendation to the Town

Board at the May 15th meeting. The Town Board could then adopt the Findings Statement, accept the recommendation of the Planning Board and set a public hearing.

Chairman Mathusa asked the applicant to extend the time frame for the Planning Board to make their recommendation. Ms. Bakner said she would send a letter.

Mr. Messina said when the IDA has looked at what it takes for a community to be an attractive place for development; they have had proposals that say they must be more than shovel ready, the buildings must be ready. He said there is a significant difference between having infrastructure in place for potential businesses to see the whole parcel versus having the retail portion done in the front. He said as a Town Board member he would be looking to the commitment of the whole project.

Mr. Engel said that the success of the retail would also depend on the remainder of the park being built. They were supposed to be support services to the technology park. Mr. Herbert said they had been talking to retail users about the potential market; they were comfortable that they would have a reasonable profit. Chairman Mathusa thought it would be best to keep Phase I as large as possible.

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 April 3, 2007.

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

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

The meeting adjourned at 9:20 PM.