

**PLANNING BOARD
TOWN OF BETHLEHEM**

April 19, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting** on April 19, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:30 pm.

Agenda: Feeney-Castronuovo Subdivision #3
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
Janine Saatman, Deputy Town Planner

Paul Hite, LLS, 230 Delaware Avenue, Feeney-Castronuovo #3
Jim Giacone, Garcia's Tacqueria
Daniel Dembling, Dembling & Dembling Architects, Garcia's Tacqueria
Rick Lamperelli, Garcia's, Garcia's Tacqueria
George Waldenmaier

Feeney-Castronuovo Subdivision #3

Chairman Mathusa called the meeting to order at 7:30pm and noted the presence of a quorum. The first project on the agenda was the Feeney-Castronuovo #3, a two- (2) lot subdivision on Orchard Street. He asked Mr. Paul Hite, LLS, the applicant's representative, to explain the project.

Mr. Hite said the subdivision is on the southerly side of Orchard Street about one-half mile from the intersection with Fisher Boulevard. This property had previously been before the Board when the applicants subdivided off the adjacent parcel with the existing house. The parcel being subdivided now was the remaining land from that two- (2) lot subdivision. They had subdivided other property down the street prior to needing subdivision approval from the Planning Board. Those two (2) lots had been sold and built out. The applicants were requesting a two- (2) lot subdivision on the last of the property they owned on Orchard Street. One proposed lot would be 5.86 acres and the other would be 17.54 acres. He stated that the two (2) driveways had to be turned in such a way that a 10% grade off of Orchard Street could be achieved. From the edge of pavement in 40

feet there was about a 6% grade, the remaining driveway was a 10% grade up to the top of the hill. He then turned the driveways in the opposite direction to avoid crossing the deep ravine area. The people that had an option to purchase the larger lot were in favor of the layout. That driveway would be about eight hundred (800) to nine hundred (900) feet long. A culvert would be placed across the driveway to convey any drainage that would come from the adjacent lot down to the existing wet area. For access purposes there was an easement conveyed to the Town along the stream that runs through the property. The sanitary sewer and water would be accessed from existing service along Orchard Street; Mr. Hite stated that Bagdon Environmental had verified the wetland delineation.

Chairman Mathusa wanted to know if the driveway met Town standards for emergency vehicles. Mr. Hite assured him they did. He stated that the entrance to both driveways had been widened so that two vehicles could pass each other at that point. He said that along the edge on both sides of the driveway they would put in a one and half to two foot wide stone drainage ditch area and culverts at each driveway entrance.

Mr. Passmann stated that the Engineering Division would work with the applicant pertaining to their drainage provisions for the driveway.

A motion to schedule a Public Hearing on May 3, 2005 at 7:30PM was offered by Mr. Collier, seconded by Mr. Odell and approved by all present.

Garcia's Tacqueria

Chairman Mathusa turned the Board's attention to the next item on the agenda, Garcia's Tacqueria, a proposed amendment to an approved elevation for SPA #70. It had been on the last agenda and a few issues were not settled at that time. He stated that Ms. Saatman had prepared a memo with the four (4) items that had been raised at the last meeting. He said that during the past two weeks he had spoken with various business people in the area and they had raised a few points. He stated that in the Comprehensive Land Use Plan, they were looking at this area as the Elsmere Hamlet. On the East side of Delaware Avenue was where the proposed CVS would be located. There had been a mix of ideas from the business people he had spoken with while some had stated that a Wolf Road would be fine, others were completely opposite. Some business people had mentioned that the existing CVS space could be used for services that would compliment the medical building. They were hoping for something more upscale. He had wanted to share those thoughts with the Board.

Chairman Mathusa said he wanted the Board to discuss the four items listed within Ms. Saatmans's memo prior to making a decision. The applicant would have a chance to accept or reject the Board's decision. He stated that this was a Planning Board and they should plan. They each had an equal vote and the majority would decide.

Mr. Odell stated that the Town did not have esthetic design standards though in the future they might be instituted. He did not feel that applicants should be held to standards that might or might not be adopted by the Town. He said that in the past a lot of time was

spent on design issues around Town, such as awnings that no longer existed. With the application before them, he did not feel it was appropriate for the Board to try to come up with a general standard for the whole Town. That was a process that would be worked out by the Town Board. Mr. Odell did not think the Board should be discussing the parking. The building inspector referred this project to the Planning Board solely because of the façade changes. As long as the use of the building doesn't change, he thought the Board was outside the bounds of what the building inspector referred to the Board. He said this would be a much different issue if the question before them involved health and safety. He wouldn't have a problem voicing an opinion. Planning Boards have power when it comes to health and safety, whether there are standards or not. He was not comfortable having the Board deciding this design without clear standards.

Ms. McCarthy thought it would be irresponsible for the Board not to consider the design, considering the amount of time that had been put into a comprehensive plan. She thought they were appointed to enforce the rules as written but also because their thought processes were valued. She said when she looks at all the pictures before her of Delaware Avenue it was proof that a design standard was needed. Ms. McCarthy said they were accountable to the people in Town, they see the Board as having a strong hand in how it a projects looks. She wanted to see the color of the pillars toned down, she wanted the LED light strips at no more than two (2) and she wanted the number of gooseneck lights reduced. She did not want the proposed corrugated metal wainscoting.

Mr. Engel basically agreed with Mr. Odell. He was a member of BPAC and he felt that holding applicants to design standards that were not yet developed was unfair. They didn't know what those standards would be. He had heard from some residents that the proposed CVS building was too plain. He said there were mixed feelings within the community about what should or should not be allowed. He thought the decision should be made on the building before them not on the basis of what currently existed in that area. He had driven past the building in both directions and he said that it was not that visible. He did agree that some of the LED lights should be removed; he felt two (2) would be enough. He didn't feel the wainscoting would be that visible. He thought all businesses wanted something that would distinguish them from others. He liked the awning, but felt there were other decorative elements on the applicant's other restaurant that were more muted than the proposed pillars but stood out. He said the parking met Town Code. He thought putting the gooseneck lamps across the whole front of the building would blend the building better. He said this was a small project and he didn't see the value of making it too big of an issue.

Mr. Collier agreed with Mr. Odell's comments on standards but he also saw the value in discussion. It had been stated that this project needed to be carefully looked at because of a pending comprehensive plan. He was impressed with the level of detail that the applicant has supplied for this corner of the building. It was a very intricate, appealing, welcoming and in his opinion, going in the right direction for a comprehensive plan. He thought it was an inviting, welcoming façade. He didn't want to get into the color of things because he thought the applicant and the architect had a better sense of what they wanted to portray. He liked that they just didn't slap up another neon sign and let it go at

that. Mr. Collier thought that the wall that Mr. Giacone had put up was more attractive than other buildings around them. He liked what the applicant had proposed and thought it should be approved as proposed.

Ms. Motta didn't think it was fair to impose standards that might be coming without knowing what they would be. That should not be the deciding factor in approving or disapproving a project. She did feel that the Board should express their opinion about design elements and try to convince the applicant that it would make it more attractive to people in the Town. She had gone by the Central Avenue location and thought that the awning was attractive. She didn't like the color of the column or the LED lights. She thought that the amount of gooseneck lights was excessive considering the size of the building.

Mr. Cotrofeld also visited Central Avenue and didn't feel that the Board should impose a standard, however with the work on the Delaware Avenue corridor, the comprehensive plan and the proposed CVS, he thought that the Board should pay attention to the design. He didn't think that the colors on the applicant's other store were as bright as this proposal. The neon was more muted and about one hundred (100) feet off the road and there were more proposed gooseneck lights on this building than on that restaurant. He wanted them to reduce the amount of gooseneck lights but keep the lighting over the entryway. He thought the LED lights were excessively bright. Reducing that brightness would be less distracting to drivers. He was concerned that the metal wainscoting would rust and he didn't like the play of lights on the metal. He thought it might impede someone's visibility. As long as the colors were not too bright, he wouldn't be opposed to it.

Chairman Mathusa stated that he wanted the restaurant in Town but he wanted it more muted, he would like to see less gooseneck lamps and he wanted them to reduce the bright red of the pillars. He understood that they wanted to use the colors as a marketing tool, but he felt that the business would be successful without the bright lights. It would be the food that would attract the people. He wanted the building to fit in on Delaware Avenue.

Mr. Lamparelli stated that architectural design was not his expertise and with all due respect, he didn't think it was the Board's expertise either. Chipotle's, a national restaurant, won the American Institute of Architects Award for their look and they were trying to encompass those aspects. He was frustrated trying to convince a Board with mixed backgrounds the importance of every aspect of his business. He was trying to compete with the national chains.

Mr. Dembling said he was disappointed that he didn't get the comments until Friday. He had a limited opportunity to put together information to address the issues. He thought the color of the columns fit into the neighborhood. He had many photos of surrounding businesses and that showed the eclectic nature of the neighborhood, there was not one style but many. He agreed that it was not fair that the Board hold this project up for standards that do not exist. If the color of the column was an issue, they could tone it

down. He asked the Board to pick a color from other local businesses. The applicant wanted a red, something that would stand out from the brick.

Mr. Lamparelli said they would reduce the number of LED strips to one of each color for a total of two (2). Mr. Dembling said that the reason that they had used the number of gooseneck lamps because the angle of the roof where the metal would be attached was more severe and they planned on using a lower wattage incandescent bulb (100 watt) from their other restaurant. He said they handled the rusting issue on the corrugated metal by design and the use of special screws and capping the metal where it was cut.

Mr. Dembling said the color red on the computer-generated picture was not the actual color that would be used. He showed the actual paint chip. He didn't think that it would be very visible. The type of architecture that he is involved with works to put a human scale to buildings. The metal would help to achieve this scale and in his opinion not cause glare that would bother drivers.

Mr. Lamparelli stated that though it was flattering that the Board felt that people would be beating a path to his door, the reality was that the restaurant industry was very competitive. All the major players remodeled their businesses every few years to remain competitive. He was trying to compete with those restaurants.

Ms. Saatman said that what she heard from the Board was that the majority wanted some change to the columns and a reduction in the amount of gooseneck lamps. The majority wanted no more than two (2) LED light strips. The Board did not have a majority in favor of removing the wainscoting. Mr. Dembling said they could reduce the gooseneck lights but they would then up the wattage. He didn't think that was the way to go. He did agree to place dimmer switches on the gooseneck lamps. He said they would also be relamping the existing soffit lights for pedestrian safety.

Ms. McCarthy wanted to know why they couldn't use the effect on the columns that were on their Central Avenue restaurant. Mr. Lamparelli said it was an element that already existed and they decided to reuse but it was a maintenance nightmare. It constantly needed painting.

Mr. Collier said that he thought the design was very comprehensive down to the size of the screw heads. He said he would be uncomfortable tinkering with a professional's design.

Chairman Mathusa was looking for the applicant to change the color to match one of the adjoining businesses. The Board discussed the different reds in the area. The applicant took the paint chips that he had and had gone to the site to see which color complimented the brick on the building.

A motion to accept the site plan as amended; the gooseneck lights will have no greater than one hundred (100) watt bulbs with dimmers and the number of LED light strips

would be reduced to two (2), was offered by Mr. Collier, seconded by Mr. Engel, six members approved and one opposed the motion.

Ms. Saatman stated that the applicant would need to submit elevations to scale with the materials to be used clearly identified and a space for the plans to be stamped and signed.

Chairman Mathusa told the applicant that it would not be necessary for them to come back, once they had submitted the necessary elevations he would be able to sign them.

A motion to approve the minutes of April 5, 2005 as amended was offered by Mr. Cotrofeld, seconded by Mr. Engel and approved by all present.

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

The meeting adjourned at 9:00 pm.