

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**August 5, 2008**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on August 5, 2008, 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 D. Mathusa, Planning Board Chairman  
Keith Silliman, Planning Board Counsel  
Howard Engel, Planning Board Member  
Nick Behuniak, Planning Board Member  
Kathy McCarthy, Planning Board Member  
John Smolinsky, Planning Board Member  
Kate Powers, Planning Board Member

Michael Morelli, Assistant Director of DEDP  
Jeff Lipnicky, Town Planner  
Rob Leslie, Senior Planner  
Terry Ritz, Assistant Town Engineer

Agenda: Hudson Glen Subdivision  
Verstandig's Florist  
48 Hudson Avenue  
Glenmont Mobil

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

**Hudson Glen Subdivision**

The project was last before the Board on July 15, 2008 for a public hearing. The subdivision consists of four (4) lots, three (3) will be building lots and one (1) lot, the largest, will be left as remaining lands.

Mr. Kleinke presented for the applicant. He pointed out the location of the subdivision, mentioning that the building lots would each be at least two (2) acres, with the fourth lot being about twenty-nine (29) acres. Municipal sewer and water would service the lots. There were no changes since the Board had last seen the plans at the public hearing.

Ms. Powers asked if the remaining lands could be developed. Mr. Kleinke again pointed out that the majority of the land had topographical constraints but there were several acres could be developed. It would need to come back to the Planning Board for approval to build on the remaining lands.

The Board reviewed the draft Resolution, Reservation of Public Parkland / Fee Requirement prepared by staff.

A motion to approve the Resolution, Reservation of Public Parkland / Fee Requirement as drafted was offered by Ms. McCarthy, seconded by Mr. Smolinsky and approved by all Board members present.

The Board reviewed the draft Conditional Approval of Final Plat 238-CF prepared by staff.

A motion to approve the Conditional Approval of Final Plat 238-CF as amended was offered by Ms. Powers, seconded by Mr. Engel and approved by all Board members present.

## **Verstandig's - Creble Road**

The site plan for a four thousand (4,000) square foot building was last before the Board on June 17, 2008.

Mr. Verstandig presented. Since last being before the Board the plans were revised to reflect changes requested by staff. The blacktop aprons at the entrance and exit were extended; the handicapped parking was moved closer to the entrance; they've added areas close to the building that would be landscaped. He was opposed to a lot of trees along the road because they wanted to get as much sunlight into the building as possible for the greenhouse production and they want to leave the option of solar energy open. They have put some trees around the parking area and would landscape the corner, once the signage was established. The bigger item was the septic system. He said that Mr. Buckman from Buckman & Whitbeck had been to the site. He said that with the Albany County Health Department's approval they had previously installed a leach field at the corner of the lot to compensate for future development that would include bathroom facilities. Mr. Buckman and a representative from the County Health Department were on the site when they dug test holes and everything checked out. They now have verbal approval from both of the gentlemen with respect to the septic system. Mr. Buckman has drawn up a plan but they are still waiting for the written acceptance.

Mr. Verstandig said the sign they were showing was representative as far as size. It would be at the entrance area but they would probably go a little more modern in the look and lettering. Mr. Morelli said the sign shown is a four (4) foot by six (6) foot sign, externally illuminated with gooseneck lighting. He said if the final sign was generally consistent with what was being shown it would be fine without coming back to the Board.

Mr. Verstandig said there was a higher area as you approach the entrance; therefore the sign wouldn't be elevated as much. He said the building had a few different textures to give it a barn look. The dormers would have metals roofs and the remaining structure would have asphalt shingles.

The Board reviewed the draft SEQR Resolution, Classification of Action and Negative Declaration prepared by staff.

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

The Board reviewed the draft Site Plan Approval SPA 145 prepared by staff.

A motion to approve the Site Plan Approval SPA 145 as drafted was offered by Ms. McCarthy, seconded by Mr. Engel and approved by all Board members present.

## **48 Hudson Avenue**

The site plan proposes two (2) buildings, 48 Hudson Avenue will have commercial spaces and two (2) apartments and 50 Hudson Avenue will have three (3) apartments. The parcel is located in a Hamlet zone, allowing for mixed uses.

Mr. DeThomasis presented. The changes the Board had recommended at the last meeting, such as a landscaping buffer were addressed. They added arbor vitae and some junipers to buffer headlights from cars turning into the parking lot. The ceiling heights of the first floor had been increased to nine (9) feet and because of that the buildings were a little larger to accommodate the staircases. They decided to finish the façade of the front and the sides of the buildings facing the driveway and the front of the garage with brick.

The Zoning Law requires fourteen (14) parking spaces and there are nineteen (19) provided. Those include the five (5) spaces inside the garage. Mr. Smolinsky asked if the parking would be enough no matter who wanted to rent the commercial space. Some uses had higher parking requirements. Mr. Leslie said if a tenant required more parking because of the use, it probably would not be a good fit for that space. The Hamlet district was different from the

general commercial in which the parking is calculated on the peak use times. Mr. DeThomasis said they have done a variety of mixed-use buildings and during the day the residents leave providing more parking for the commercial use. He said that was a benefit of mixed-use buildings. Mr. Leslie said if the applicant wants a sign, he would need to come back to the Board for review and approval.

The Board reviewed the draft SEQR Resolution, Classification of Action and Negative Declaration prepared by staff.

A motion to approve the SEQR Resolution, Classification of Action and Negative Declaration as drafted was offered by Ms. Powers, seconded by Mr. Smolinsky and approved by all Board members present.

The Board reviewed the draft Parkland Resolution prepared by staff.

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

The Board reviewed the draft Site Plan Approval SPA 146 prepared by staff.

A motion to approve the Site Plan Approval as drafted was offered by Mr. Engel, seconded by Ms. Powers and approved by all Board members present.

### **Glenmont Mobil**

This project is a request for a Special Use Permit for a previously approved Site Plan. The applicant wants to add a drive thru window for Dunkin Donuts.

Mr. Boyea, Bohler Engineering, presented for the applicant, Mr. Hessari, who was also present. The facility has recently opened. They are requesting a Special Use permit and an amendment to the Site Plan Approval. He said there was a wide asphalt path behind the building that would lend itself to a drive thru. The drive thru window would be placed at the west front side of the building to allow for the most stacking of cars. The two (2) way traffic around the building would be changed to one (1) ways traffic around the back and left side of the building. Existing parking would be re-striped at an angle. He said they were not looking for a new use; coffee and donuts are currently sold in the convenience store. Town staff had voiced concern over the amount of stacking that could be expected. Mr. Boyea said they had counted cars at the McDonald's next door at 7:00am and 9:00am. The peak time was 7:30am for the drive thru. At that time there were five (5) cars in the drive thru. Staff also wanted cars to be shown at the gas pumps and circulating around the site. Albany County Planning Board has deferred to local consideration.

Chairman Mathusa asked where the vehicles would exit the site. Mr. Bohler assumed the majority of the traffic would exit onto Feura Bush Rd. and use the light to continue north or go out to Rt. 9W and proceed south. Chairman Mathusa wondered if stacking to get out and get in might inhibit internal circulation on the site. He said it seemed as if a lot of traffic would be traveling past the pump area. If a roundabout replaced the existing intersection, he thought it would be very difficult to get into and out of the site. His concern was for the safety of residents. Other Board members voiced the same concerns. Mr. Boyea said if the round about was built, it would impact a lot of businesses in the area. He said the drive thru was being added but not a new product. He didn't think the increase of customers would be that much. He said circulation on the site was designed so that if there was a large stack, you could still maneuver around the building. Mr. Silliman said the risk of the business owner was whether the design of the site would encourage customers to return. Mr. Boyea said there was other competition in the area and they were comfortable with the design and wanted to move forward. They have been opened for a few weeks and the site was functioning well. A lot of the customers are already stopping in for coffee. If the shopping center were to approach Mr. Hessari about cross easements, Mr. Boyea thought he would be open to that suggestion. But it was not an option on the table. Mr. Hessari said if it became inconvenient for people to visit the site they wouldn't come back.

A concern for the number of parking spaces was raised and Mr. Boyea said even though they lost one (1) space, it does meet Zoning Code requirements.

Mr. Leslie said he had a conversation with NYSDOT and they had a concern with vehicles stacking into Feura Bush Road. He said they were preparing a letter outlining their concerns. They've had experience with other sites on state highways and the stacking seems to start at the speaker box. They wanted to caution staff as to the possible stacking onto Feura Bush Road. The letter should be coming within the next few weeks. Mr. Leslie suggested the applicant look at stacking at other Dunkin Donuts sites. The Board agreed. Mr. Silliman said the applicant should work with staff now to address the issues raised by NYSDOT rather than waiting for the letter.

Mr. Boyea said he had prepared a second option for stacking that he was ready to show the Board. They had looked at the stacking at the Dunkin Donuts at the Cumberland Farms on Rt. 9W. The most stacking that site had during their peak hours was nine (9) cars. Their second option plan does hold nine (9) cars. He said if after operating for six (6) months a stacking problem arose, they would have a backup plan in place they could use. He showed the second option that limits all circulation to a one-way pattern around the building from Feura Bush Road. That would give additional stacking around the building. Mr. Silliman said if that was one way then people who wanted gas would have to go all the way around the building. Mr. Boyea said it wasn't their first preference but if NYDOT was concerned with stacking, this was another option. Mr. Silliman suggested looking at other Dunkin Donut drive thru's in the region. Mr. Leslie said NYSDOT had looked at the Dunkin Donuts in Colonie and Glenville and based on those two (2) sites there was a range of stacking between seven (7) to ten (10) cars. Chairman Mathusa said the main issue was safety on and off the site. The Board agreed.

The applicant was told that the next steps in the process was to get the additional traffic counts, a public hearing needs to be held and then the Special Use permit and Site Plan Amendment could be considered.

Mr. Boyea asked if there were additional changes the Board wanted on the plans prior to a public hearing. Mr. Smolinsky thought the circulation on the site would be challenging with both Plan A or Plan B. He would like to see how traffic would be directed and suggested signage or some other method to control traffic for the safety of the pedestrians on the site. Chairman Mathusa wanted the plans finalized before the public hearing was held.

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

The Board reviewed the draft minutes of July 1, 2008.

A motion to approve the minutes of July 1, 2008 as drafted was offered by Mr. Engel, seconded by Ms. McCarthy and approved by all Board members present.

The Board reviewed the draft minutes of July 15, 2008.

A motion to approve the minutes of July 15, 2008 as amended was offered by Mr. Smolinsky, seconded by Ms. Powers and approved by all Board members present.

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

The meeting adjourned at 8:30 PM.