

**PLANNING BOARD  
TOWN OF BETHLEHEM  
FEBRUARY 18, 2003**

The Planning Board of the Town of Bethlehem, Albany County, New York, held a regular meeting on Tuesday, February 18, 2003, at the Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY. Chairman Hasbrouck presided and called the meeting to order at 7:30 p.m.

PRESENT: Douglas C. Hasbrouck, Chairman

Dan Odell

Joseph Rooks

Parker Mathusa

Howard Engel

Katherine McCarthy

Jeff Lipnicky, Town Planner

David Saxe, Engineering Division

Jackie Koch-Owen, Koch Arico Land Solutions, Scotia, NY

John Ferraro, "

Steve Nerenberg, 596 New Loudon Rd., Latham

Rob Spiak, PE, Bohler Engineering, 5 Computer Dr. West

Shelly Johnston, Creighton-Manning, 4 Automation Lane, Albany

Bruce Ginsberg, Schuyler Companies/Brandywine & State LLC, Latham

**REALTY USA** (lands of Blackman & DeStefano), 231 Delaware Ave., Delmar, was the first item on the agenda. Chairman Hasbrouck recalled the major issue involved drainage of the site. Although Mr. Passmann could not be present to answer engineering-related questions, the Chairman said Mr. Saxe would respond.

Mr. Lipnicky said the draft document contains corrections to the site plan, conditions from Engineering with respect to drainage, deeding ROW on Leonard Place to the Town, submission of a drainage report and final documentation on drainage issues. The applicant intends to tie into a drainage structure behind Phillip's Hardware Store. Engineering is looking for confirmation that the tie-in can be made, an updated storm water management plan and some additional information on the map. Mr. Saxe said as long as the comments raised in Mr. Passmann's Feb. 14, 2003 memo were addressed, he would be satisfied.

Chairman Hasbrouck asked applicant's agents if they had any comments. Ms. Jackie Koch-Owen, from Land Solutions, said she would be representing Mr. Arico who was on vacation. Comments from Town staff have been addressed, she said. The map has been revised to add erosion control measures along the ROW easement and existing catch basins. The map shows a foundation drain pipe leading from the proposed basement of the building to the proposed catch basin. Leonard Place ROW will be granted to the Town and the description was submitted. Information was also submitted that the

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ROW/easement to the adjacent property was extinguished (see deed between Yaguda and Hilchie dated July 29, 1983). Chairman Hasbrouck asked about ownership of the property. Ms. Koch-Owen said presently the property is owned by the Blackman and DeStefano—not Realty USA—and the map has been corrected to identify the proper owner. Mr. Lipnicky was concerned with the possibility of zoning issues if the ROW and property under review were under different ownership. Ms. Koch-Owen said it was under the same ownership and was a single parcel. Mr. John Ferraro of Design Logic explained that Blackman & DeStefano owned the property and ultimately sold their realty company to Realty USA. Chairman Hasbrouck asked if there was any question with respect to the owner versus the applicant. It was noted that Paul DeStefano was the applicant based on submitted documentation.

Attention was next directed to draft approval documents. Mr. Lipnicky suggested a modification to item 9C in the Site Plan Approval--that appropriate documentation be submitted from the current owner of the property that they are in agreement with the application. The SEQR document would also reflect that the applicant was Paul DeStefano, representing the partnership. A motion was made by Mr. Mathusa, seconded by Mr. Odell and passed by all present, to render a Negative SEQR declaration. Concerning the Site Plan Approval document, Mr. Mathusa said Item 7D required that plantings be maintained at a height of less than 3 ft. He wondered how it would be enforced. Mr. Lipnicky replied that if a problem arises the Building Inspector would have the authority to enforce the condition. There were no additional questions. A motion was made by Mr. Rooks, seconded by Mr. Mathusa, and passed by all present to grant Site Plan Approval for renovations/addition at 231 Delaware Ave. as presented on plans submitted, subject to conditions. Applicant would be advised of the Board's actions.

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**TOWN SQUIRE SHOPPING CENTER**, Rt. 9W, a recent proposal submitted by Brandywine and State LLC for commercial development of a 5600 sq. ft. casual sit down restaurant, 4020 sq. ft. bank and a 3100 sq. ft. bank on a parcel located immediately north of the existing Town Squire Shopping Center was next considered on a preliminary basis. Robert Spiak, from Bohler Engineering, represented the applicant said they wanted to submit a concept proposal for Board input. The final configuration of tenants may change to include a small retail facility instead of the buildings shown on the site plan as the eastern-most bank building. The site utilizes the existing curb cut on Rt. 9W. The driveway will be reconfigured and additional parking was added. The proposed bank building along Rt. 9W was described, along with the other commercial buildings. Mr. Spiak said he received a list of comments from the Town Planner. He then introduced Shelly Johnston from Creighton-Manning Traffic Consultants.

Ms. Johnston recalled presenting traffic information approximately 14 months ago when the traffic impacts were presented for the now built expansion of the shopping center. She said she wanted to provide some information pertaining to actual traffic counts taken since the new facility was fully occupied. The initial comments from Town staff was on-

site circulation and the potential issues with respect to off-site traffic impacts. Concerning off-site impacts, in Sept. of 2001, Creighton-Manning prepared a study and estimated that the proposed Price Chopper Supermarket and then vacant space would generate approximately 590 trips and in total, after full occupancy, would generate 930 trips during the PM peak hours. Recent counts were documented that in actuality, after development of the plaza, Town Squire is generating 805 trips during the PM peak hours, 125 trips less than estimated. A similar comparison was done with Saturday's peak hour. In 2001 at full build out it was estimated that Town Squire would generate 1,050 trips. In actuality 805 trips have been generated. She said they overestimated the trip generation at full build out by approximately 245 trips during the Saturday peak hour. Ms. Johnston said she wanted to make it clear that the impacts were analyzed and mitigation fees established. There were discussions with the NYS Dept. of Transportation on how to estimate the trip generation. There is a difference of opinion about how to do the trip generation from what was presented in comments from Town staff. DOT recommended one or two ways to take the analysis—basically look at ITE trip generation information, estimate what a shopping center of full build out would generate (151,000 sq. ft. shopping center) and look at the difference between what is being generated now and what ITE says it will generate. Another method of doing that trip generation estimate for the expansion is to look at what the trip generation is at Town Squire now and applying the same ratio to the expansions. Presently trips are being generated at 5.8 trips per 1,000 sq. ft. during the peak hour. Applying that to the 12,720 sq. ft., approximately an additional 75 trips would be generated during the Saturday PM peak hour. There is a difference between a stand alone, independent bank than one occupied in a shopping center. One of the bank tenants is currently at the Plaza and will be relocating and customers will move to a different part of the site. There is a significant dynamics between existing traffic already going to the center being drawn to the center by the anchor stores. There will be some shared trip generation that's going on between the stores. The recommendation from the DOT is based on their experience with similar shopping center expansions. The bottom line, she said, was that the estimates from the proposed expansion will generate 75 new trips in the peak hour and that would bring the expected total trips to a number less than what was projected for total traffic in 2001. She said they went further and analyzed where the trips were going. Trip distribution between the two driveways is similar to what was estimated in the traffic impact study. The volume estimate of the Rt. 9W driveway and Glenmont Rd. driveway is less than the traffic study estimated in 2001, therefore impacts are less.

Chairman Hasbrouck asked if traffic was heavier on Glenmont Rd. and less on Rt. 9W than anticipated. Ms. Johnston said exiting at Rt. 9W during Saturday peak hour was estimated at 44% but in actuality it was 46%. In the weekday peak hour the estimate was 38% exiting at Rt. 9W but in actuality it was 32%. Chairman Hasbrouck noted that on Rt. 9W weekdays, it is almost impossible to make a left hand turn. He said he's sat at the intersection as long as 5 minutes to exit. He was not surprised to see the weekday peak lower than anticipated. Ms. Johnston said a traffic impact study was not updated because impacts were already analyzed.

Chairman Hasbrouck asked when the counts were taken. Ms. Johnston said PM counts were taken on Thursday, January 23<sup>rd</sup> and Saturday, January 18, 2003. She found the results interesting and surprising. Creighton-Manning checked the calculations and rechecked them to be certain because they were exactly the same. Chairman Hasbrouck said he expected that the volume of traffic in and out was drawn primarily by Price Chopper and on Saturday it was more evenly distributed. He thanked Ms. Johnston for the update.

Mr. Spiak next briefly addressed Mr. Lipnicky's Jan. 28, 2003 comments with respect to internal traffic conflicts, orientation of the bank building/ATM lighting which will be reviewed further. Since the restaurant is generic and generally with the sit down type, trash service would be to the rear of the building and deliveries are handled early. The parking aisle width he considered minor and would be addressed. Beyond that, he said he was looking for feedback from the Planning Board. When tenants are signed up, plans would be refined.

Mr. Mathusa asked if an office building was something that would be looked at in the future. Mr. Spiak said presently they were getting away from the office type facility. The developed area being shown was the maximum area that could be developed because of steep slopes on the property. There is a drainage ditch and the property drops off considerably. The new developed area is the extent at which development can be done, he said. He said his client was looking towards the retail end as opposed to offices.

Mr. Ginsberg said the remaining lands to the rear are residential. He said they had no plans at present to do anything. The original plan showed an office building but it has been eliminated. Chairman Hasbrouck spoke about the proposed bank building. He suggested thought might be given to the number of drive thru lanes. Based on experience of other banks in the area, three drive thru aisles have been determined unnecessary and some banks which have the third lane have closed them. Green space could be saved and blacktop eliminated. Mr. Ginsberg said Pioneer Savings Bank would be moving to the entrance and they have indicated that they need three lanes. Feedback from others in the banking business is that they are downsizing the facility component but people are utilizing more drive thrus. Originally two lanes were shown, however, when presented to the engineer for the bank, they recommended three lanes and the map was drawn at their request. Chairman Hasbrouck suggested Mr. Ginsberg might want to discuss the matter further with others in the banking business.

Chairman Hasbrouck asked about the proposed restaurant operation. Mr. Ginsberg said they showed a generic footprint of one of the National family-oriented restaurants which have chosen the site. Mr. Spiak said generally the restaurant would serve lunches and an evening menu.

Mrs. McCarthy said it was stated the second bank might be retail. She asked what type of retail operation. Mr. Ginsberg said if the bank is not chosen it would be a small retail strip with possibly multiple users. It remains to be seen based on the demand for the second piece. Some users may want visibility so the site is limited. Mrs. McCarthy

asked Mr. Ginsberg if he had a sense of whether the site would be a bank or retail. Mr. Ginsberg said it was 50-50. There are ongoing discussions with people who are interested but no commitments have been made. Mrs. McCarthy said there appeared to be more parking than if it were a bank operation. Mr. Spiak said the intent was to provide parking for the restaurant use and bank. Overall from a Code standpoint they exceeded the required number of parking spaces by 40. Mrs. McCarthy commented that she preferred green space as opposed to asphalt. Mr. Spiak said the site plan was laid out to meet the demands of the tenants. A sit down restaurant of approximately 200 seats generally needs 100 parking spaces for employees and customers. Mrs. McCarthy asked if any thought had been given to a pedestrian access between the two commercial areas (Price Chopper and new sites). Mr. Ginsberg said he would support walking access. Concerning the rear road designed for truck traffic, Mrs. McCarthy wondered if neighbors would benefit with a sidewalk access. Mr. Ginsberg said currently there is a walking path behind the K-Mart's. Mrs. McCarthy asked if a new road was being built, could a sidewalk be added? Mr. Ginsberg said if the neighbors feel it is important he would take a look at it.

Mr. Engel wondered if there were plans for widening/improvements on Rt. 9W in the area of the collapse. Ms. Johnston said she had no communication from DOT on that particular issue. Referring to Mr. Lipnicky's report, Mr. Engel said with similar projects the Town has required an 80 ft. setback as opposed to the proposed 40 ft. setback. Mr. Lipnicky responded that in both the Rt. 9W Corridor Study and the Land Use Management Advisory Committee's study saw the future need for a 4-lane highway, including center turning lanes, through this section of Rt. 9W. In some instances right turn lanes would likely be needed as well. The 80 ft. setback was established from the center line of the highway to accommodate highway widening and a reasonable planting strip along the roadway. The Bethlehem Town Center project will add a significant amount of traffic through the corridor and the Town has under consideration a technology park in the vicinity of Wemple Rd. In addition, there are large residential developments either approved or in the planning stages. The Planning Dept. believes it to be a critical issue and that options should be available when the need arises. With the proposed plan, the 80 ft. setback falls 5 ft. from the northwest corner of the proposed bank building.

Mr. Engel, too, believed the Rt. 9W setback to be a critical issue. The Board has been considering a 200 unit apartment complex on Wemple Rd. and at some point the Glenmont Plaza will become active, generating a great deal of traffic. He said he travels this section of Rt. 9W frequently and a 2-lane highway will not suffice. If the Board is short sighted and boxes itself in it would be defeating the purpose of planning. Mr. Lipnicky concurred with his comments. It was noted that the plan presented shows no topography and it is unknown where the slopes are located. Generally the ravine runs between the parking lots and filling may be needed in order to build the lots. One potential is to shift everything up on the site. Perhaps a row of parking could be eliminated. Also, is there a need for a 20 ft. wide, 2-lane drive thru at the second bank? 30 ft. could be picked up with these adjustments.

Mr. Mathusa asked if culverts would be needed to care for the streambed. Mr. Lipnicky said it was a possibility. Some cutting and filling of the site took place when Price Chopper was constructed. He said he was not certain if any Federal wetlands were impacted because of this work. Mr. Spiak said as the development is currently laid out, there would be no additional impacts on wetlands or what is left of the stream. The site has been rough graded and they were trying to work based on existing constraints. If the 80 ft. setback was imposed he felt there were limiting factors continuing down Rt. 9W. If Rt. 9W is widened to 4 lanes with turning lanes, the 80 ft. would fall into the row of parking spaces. It would be a major impact and he felt unrealistic for the State to disrupt the site in order to accomplish the highway improvements. Mr. Spiak suggested a compromise should be considered.

Mr. Lipnicky said when Price Chopper was built there was a hardware store which was setback 45 ft. from the center line of the highway, plus or minus. When Price Chopper was proposed it removed the hardware store and impediment to widening of the highway. Mr. Lipnicky said because of these conditions the wider setback was not sought and he believed the setback was 60 ft.+/- from the center line. There was a trade off, he said. The expansion of the highway could exist in the 60 ft. but the planting strip would be minimum. The 80 ft. setback recognizes what is needed in terms of roadway and future planting strip and the aesthetics of the corridor.

Mr. Odell agreed with Mr. Engel with respect to the concern about the setback. He said at the very least he would like to see a greater setback on Rt. 9W. It was noted that there are sewer and drainage easements on the property. There was continued discussion with respect to the question of the setback, topographic and other constraints. Mr. Lipnicky said because of the slope failure, at some point the culvert would have to be extended out and the stream may have to be realigned. Mr. Spiak said he would be looking at reorientation and redesign work and come up with something that was workable.

Mr. Mathusa said it seems the traffic flow moves reasonably well and customers seem to be satisfied. Mr. Ginsberg said the feedback that they have obtained has been very positive. Traffic seems to be circulating comfortably. He said they have made an effort to watch the traffic and have added signage within the Plaza to slow people down. The Plaza is 100% occupied and calls are continually coming in questioning other uses and looking for a vacancy.

Chairman Hasbrouck asked if there were any additional concerns. Mr. Lipnicky said he would be taking a look at the traffic information and he would be providing feedback on that aspect. Another item not mentioned was the exit queue out of the Rt. 9W exit and the amount of space needed. The revised driveway configuration provides 100 ft. of queue space between Rt. 9W and the turn-off into the Price Chopper parking lot. There is space for 5-6 right turning vehicles and 5-6 left turning vehicles, provided existing drivers can negotiate their way into the appropriate turn lane. The concern is that this may not be sufficient queue space to prevent vehicles turning left out of the Price Chopper cut-off from blocking the inbound entrance lane from Rt. 9W. With the potential traffic volume, the traffic study needs to look at the issue of queuing at the Rt.

9W driveway and how the first internal intersection will function as a result of this queuing. If the Rt. 9W driveway does not provide adequate LOS for exiting vehicles, many of these vehicles may use Glenmont Rd. which will create additional demand for left turns at the internal intersection and additional traffic past the front of Price Chopper. Mr. Lipnicky talked in general about other aspects of his Jan. 28, 2003 report.

Mr. Mathusa asked Mr. Lipnicky if he could envision no left turn for southbound traffic onto Rt. 9W at certain times. Mr. Lipnicky said it was a possibility but as long as there is a center turn lane to allow the left, he was not certain it was necessary.

Chairman Hasbrouck concluded that it would be best to reorient the concept based on the Board's concerns and present them before moving into more concrete plans. Mr. Lipnicky suggested the concept plan was likely on CAD. Existing conditions information (topography, easements, gas line, water/sewer) would be helpful in reviewing the application, he said. Mr. Ginsberg asked when comments might be received from the Town. He said he would be charging ahead and start working on the modifications/details. Chairman Hasbrouck replied Mr. Lipnicky's initial comments were sent Jan. 28<sup>th</sup> and some of the issues were not addressed in the plan submitted. Beyond what the Board has just said based on the general application submitted, he doubted there was much more that could be said at this point. He was not certain about engineering comments but he was certain they would be concerned with any work proposed around Town easements, especially in the vicinity of the sewer line. Mr. Lipincky said within the next few days he would call Shelly Johnston and discuss her comments.

A motion to table the discussion was offered by Mr. Rooks, seconded by Mr. Mathusa and passed by all present.

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Minutes of the February 4, 2003 meeting were edited and approved on a vote by Mr. Odell, seconded by Mr. Mathusa and passed by all.

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All business concluded, a motion for adjournment was offered by Mr. Odell, seconded by Mr. Mathusa and passed by all present. Chairman Hasbrouck declared the meeting closed at 9 p.m.

Respectfully submitted,

Alice A. Cirillo, C.P.S.  
Secretary to the Board