

**PLANNING BOARD
TOWN OF BETHLEHEM**

July 5, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on July 5, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:44 pm.

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

Jeffrey Lipnicky, Town Planner
Randall Passmann, Town Senior Civil Engineer
Michael Morelli, Deputy Director of Economic Development & Planning

Terresa Bakner, Esq., Whiteman, Osterman & Hanna, Glenmont Woods
Tammy Cuomo-Smith, Whiteman, Osterman & Hanna, Glenmont Woods
Daniel Tompkins, Environmental Design, SEFCU
Bruce Ginsburg, Schuyler Company, SEFCU
Steve Neuremberg, Schuyler Company, SEFCU
Peter Giovenco, Bergmann Associates, Bethlehem Town Ctr. II
Steven Powers, Nigro Companies, Bethlehem Town Ctr. II
John Allen, Esq., Shanley, Sweeney, Reilley & Allen, Bethlehem Town Ctr. II
Robert Jazinski
Linda Jazinski

Agenda: Carlomagno Subdivision
Glenmont Woods Subdivision
SEFCU – Town Squire Plaza
Bethlehem Town Center II

Carlomagno Subdivision

Chairman Mathusa stated that the next step for this project would be for the board to consider a Conditional Final Approval possibly at the July 19, 2005 Planning Board meeting.

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

Glenmont Woods

Chairman Mathusa turned the Board's attention to the next item on the agenda, Glenmont Woods. The applicant had submitted a request to the Board for a time extension of the

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Conditional Approval of Final Approval. That approval had been granted by the Board on March 15, 2005, that approval was set to expire on September 11, 2005. The applicant had stated that additional time was needed to satisfy requirements from the Albany County Health Department. They were requesting a ninety-day extension as per Town Code. That extension would expire on December 10, 2005. Chairman Mathusa stated that the request appeared to be reasonable. Mr. Lipnicky stated that staff realized that the applicant had a large number of conditions attached to the approval and they knew they would need time to satisfy those conditions. They did not object to the time extension.

A motion to approve the time extension was offered by Mr. Odell, seconded by Mr. Cotrofeld and approved by all Board members present.

SEFCU

Chairman Mathusa turned the Board's attention to the next item on the agenda the proposed Amendment to the Town Squire Phase II approved Site Plan. This amendment would allow SEFCU to build a branch office to the rear of the Town Squire Phase II property. It had been before the Board on June 21, 2005. Staff had prepared two (2) separate memos for the Board's review. Chairman Mathusa used one of the memos as a guide to determine the remaining outstanding issues that might need to be addressed.

Mr. Tompkins presented for the applicant. From the last meeting he felt that the main points the Town wanted addressed were the inclusion of the as-built information into the site plan and the request from one of the Board members for additional headlight screening in the form of a fence. He stated that they had included sixty-four (64) feet of linear fencing, four (4) foot in height and situated in such a way that the fence would prevent the headlights from shining into the adjacent neighborhood. It was a shadow box design. He said that the as-built information from Vollmer had been integrated into the plans. He confirmed that some of the existing chain link fence would need to be reset and they had included a guardrail in the rear near the turn. Mr. Lipnicky stated that the applicant had addressed the main points of the comment letters.

When asked by Mr. Cotrofeld, Mr. Tompkins explained that the lighting would have house side shields on each luminaire that was positioned closest to the property line. The lights would be horizontal to the ground with a forward throw pattern away from the residential area. He was confident that the lights would not be an issue.

Chairman Mathusa asked Mr. Ginsburg, if in a year it was determined that another four (4) feet of fence was needed for additional light protection, would he be a good neighbor and supply it. Mr. Ginsburg indicated that he would.

The Board reviewed the draft SEQR Resolution.

A motion to approve the SEQR Resolution, Negative Declaration as amended was offered by Mr. Odell, seconded by Ms. McCarthy and approved by all Board members present.

The Board reviewed the Amendment #4 SP-113 D.

A motion to approve Amendment #4, SP-113 D as amended was offered by Mr. Cotrofeld, seconded by Mr. Engel and approved by all Board members present.

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Bethlehem Town Center II

Chairman Mathusa turned the Board's attention to the next item on the agenda, Bethlehem Town Center II. It was last on the agenda in December of 2004. They were before the Board to update them on the progress of the project.

This project had been given to one of the Town Designated Engineers, Barton & Loguidice, P.C. for review. A comment letter from Mr. Donald Fletcher of the firm had been distributed to the Board. Mr. Lipnicky introduced Mr. Fletcher to the Board.

Mr. Giovenco from Bergmann Associates presented for the applicant. He stated that though they had not been before the Board, they had been actively working on the Storm Water Pollution Prevention Plan and the wetlands issue. He stated that the original Storm Water Prevention Pond was to be located on the bottom of the slope, in the rear of the property. The pond was designed in full compliance with the Phase II regulations. The problem it created was that the disturbance of the entire slope was necessary to get down to that area. They had been working on a better plan. Another issue was the federally regulated wetlands on the site. They had been working with the Army Corp of Engineers on a mitigation program.

The design of the shopping center including the building's façade material and style had remained the same since the December 2004 submission. Panera's Restaurant will in the end spot of the center facing Rt. 9W and Staples also remains interested in the space adjacent to the restaurant. Other retail establishments have shown interest in the remaining spaces. There would be a canopy over the walkway that ran the length of the center. Chairman Mathusa said that screening for the dumpsters and loading area for the retail space had been taken care of and he wanted to make sure that the dumpsters and loading for the restaurant also were not visible. Mr. Giovenco said that the restaurant did not require a loading dock, only a door. He said they would work with the architect to develop a screen wall to hide the dumpsters. They had worked with staff on the flow of traffic, green space and configuration of the parking. He said that the utilities and the storm sewer had not changed. DOT had signed off on the proposed mitigation for Rt. 9W and the signalization of the north driveway intersection. Mr. Giovenco said they realized that they needed to go back to the Town Board to amend the BPA to allow the extension of two pieces of the road that were a part of that approval.

Mr. Lipnicky asked if the Board had any specific items in the comment letter that they wanted Mr. Fletcher to address. Mr. Giovenco stated that the significant issue that Mr. Fletcher brought up was the Storm Water System. Mr. Giovenco said their intention was to make the pond smaller and not attenuate the hundred-year storm. They were able to show that downstream the overall peak would not be increased. They had additional information for Mr. Fletcher to review substantiating that claim. He said that they would treat the water for water quality. He said that this design would save green space and the slope area. Mr. Giovenco stated that they had met with DEC and they were OK with the concept. Chairman Mathusa wanted to know if this design would have any effect on the culvert under the railroad downstream. Mr. Giovenco stated that they would not be increasing the peak at the culvert.

Mr. Fletcher said they were waiting for the applicant to submit their Geotechnical Report for review. They would also be reviewing the supplemental information for the storm water system.

Mr. Lipnicky said that they had some concern with the storm water plan because of potential for erosion of the slope area.

Mr. Lipnicky stated that staff had discussed with the applicant the possibility of continuing the sidewalk along Rt. 9W in front of the center and also continuing the plantings that were done in the previous Town Center to carry the street tree theme on both sides of Rt. 9W. Staff had requested that the proposed water quality treatment areas in the parking lots islands be removed if there was enough detention capacity in the pond.

Chairman Mathusa stated that the Town had received a request from Mr. Van DerPoel, an adjacent landowner, for “commercial access” from his driveway to the site’s parking lot. He was finding it increasingly hard to exit his driveway directly onto Rt. 9W because of traffic volume and speed. Chairman Mathusa asked if it was possible to grant him an easement for that purpose, at Mr. Van DerPoel’s expense. Mr. Powers said they would consider it but it would be for residential use only. The applicant wanted to reserve the right to review Mr. Van DerPoel’s plans.

Mr. Lipnicky asked how they were progressing with the ACOE on the wetlands issue. Mr. Giovenco said they had submitted a permit application to the ACOE and then met with them to go over that application. The Corp was in agreement with the proposed mitigation for the impacts. The impacts would be to about two hundred (200) feet of intermittent streams and .12 acres of wetlands. As mitigation, Nigro Companies would put thirty-eight (38) acres of property to the rear of the parcel into a conservation easement. In addition to the thirteen acres that is currently in a conservation easement as well as another six (6) acres around the shopping center that will always be protected from development. That was about fifty-nine acres in total with the stream in the middle of the acreage. Staff suggested that they have language in the easement that would allow the Town the ability to extend the road at a future time.

The applicant stated that they would respond to the comment letter from Mr. Fletcher within the week to get the issues resolved in a timely manner.

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

A motion to approve the minutes as amended was offered by Mr. Odell, seconded by Ms. McCarthy and approved by all Board members present.

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

The meeting adjourned at 8:30.