

**PLANNING BOARD
TOWN OF BETHLEHEM**

July 10, 2007

The Planning Board, Town of Bethlehem, Albany County, New York held a **Public Hearing and a Regular Meeting**, on July 10, 2007, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Acting Chairman Odell presided and called the meeting to order at 7:00 pm.

Present: Daniel Odell, Acting Planning Board Chairman
Kathy McCarthy, Planning Board Member
Chris Motta, Planning Board Member
Howard Engel, Planning Board Member
John Smolinsky, Planning Board Member
Kate Powers, Planning Board Member

Michael Morelli, Deputy Director of Economic Development & Planning
Jeff Lipnicky, Town Planner
Robert Leslie, Senior Planner
Terry Ritz, Assistant Town Engineer

Paul Hite	Chris Round	Jim Grady
Tony D'Adamo	Stefanie Bitter	Jim Gillespie
Michael Cohen	Art Scheuermann	Frank Hessari
Nick O'Brien	Alana Moran	John Bossalini
Ray O'Brien	Melody Burns	Eugene Guidetti

Agenda: **Public Hearings:**
Guidetti Subdivision
Regular Agenda:
Cumberland Farms, Selkirk
Elm Avenue East Subdivision
Glenmont Mobil

Acting Chairman Odell called the meeting to order at 7:00pm. The applicant for the Guidetti Subdivision public hearing had not arrived so the Chairman proceeded with the agenda.

Cumberland Farms, Selkirk

Acting Chairman Odell turned the Board's attention to the Cumberland Farms site plan project located at the intersection of Rt. 9W and Maple Avenue in Selkirk.

Mr. Smolinsky asked what the applicant would be doing to buffer the lights onto Miller Road. Ms. Bitter, Esq., presented for the applicant. She stated that some changes had been made to the plans since the last time they were before the Board. The square footage of the building had been reduced in order for the project to be more compatible with the adjacent land. They reduced the number of pumps to five (5) and booths have been incorporated into the floor plan as suggested by the Board. The signs would be externally lit, the number of underground storage tanks had been reduced, the parking has been reduced and the proposed entrance/exit to Maple Avenue will now only be an entrance. They had contacted the original owner of the property and confirmed that the storage tanks had been removed and the

soil testing had been done on the site. The canopy design had been upgraded; it will be the same as the canopy at the Big M site.

Mr. Gillespie, Bohler Engineering continued the presentation. He said the updated plan had additional plantings and fencing in the back rear area to the sidewalk to block noise and headlights. The driveway on Miller Rd. had been shifted down slightly to between the two (2) residences, eliminating straight-line headlights. The company was willing to work with the residents if they want additional screening on their own property. Ms. Bitter said that at the public hearing, they would be able to find out if the residents would want plantings on their property.

Mr. Engel asked why the apron for the entrance on the Maple Avenue side was so large. Mr. Gillespie said it was mountable curb for the gas delivery trucks. He said the trucks would be coming from the thruway, up Maple Avenue.

Alana Moran said that the truck traffic circulation on the site was reviewed and approved by NYSDOT. She said the design of the entrance on Maple Avenue prohibited left hand turns from Rt. 9W onto the site. Mr. Engel thought that the apron was large enough for traffic to make left hand turns.

Mr. Gillespie said that other changes that had come out of the February meeting was pedestrian access onto the site by incorporating sidewalks along Miller and Maple Avenue. He said that all signs would be externally lit. By reducing the size of the building, they were able to pull the site an additional fifteen (15) feet away from the residential zone. The reduction would also increase the green space on the site. Mr. Engel wanted to know if the Town had any plans to put sidewalks onto Miller Avenue. Mr. Ritz said no. Mr. Engel said he had a concern that the Board was approving sidewalks that went to nowhere. There were several areas in Town that had sidewalks ending and pedestrians were then forced into the roadways to continue. He did not like sidewalks to nowhere.

Ms. Moran said that the biggest change to the traffic was the reduction of the site, which decreased the trips per peak hour. Ms. Motta asked about the site distance along Maple Avenue because the original traffic report concluded that the site distance would be limited by vehicles parked on the adjacent auto sales parcel. Ms. Moran said that because that access point had been changed to an entrance only, site distance was no longer an issue. Mr. Engel asked if anything would be done to discourage trucks from parking along the Rt. 9W frontage. Mr. Gillespie said that area was within the NYSDOT right-of-way, so it would be their decision.

The Board reviewed the draft SEQR Resolution prepared by staff.

A motion to approved the SEQR Resolution as amended was offered by Ms. Motta, seconded by Mr. Smolinsky and with a vote of 6 for, 0 against and 1 absent, the motion carried and the Resolution was approved.

A motion to schedule the public hearing for 7:00pm on August 7, 2007 was offered by Ms. McCarthy, seconded by Ms. Powers and with a vote of 6 for, 0 against and 1 absent, the motion carried.

Guidetti Subdivision – Public Hearing

Acting Chairman Odell turned the Board's attention to the Public Hearing on the agenda. He opened the Public Hearing at 7:30pm.

A motion to indent the public hearing notice into the record was offered by Mr. Smolinsky, seconded by Ms. Motta and approved by all Board members present.

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on Tuesday, July 10, 2007 at 7:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application of Eugene Guidetti and Sandra Driscoll for a minor subdivision, as shown on map of “

Proposed Guidetti (3) Lot Subdivision, Blessing Road, Town of Bethlehem, Albany County, State of New York, dated December 29, 2006, last revision May 14, 2007, map prepared by Paul E. Hite, Licensed Land Surveyor, 230 Delaware Avenue, Delmar, NY 12054.

Mr. Hite presented for the applicant. He said that the site was on the westerly side of Blessing Road, opposite Stafford's Crossing. The property would be developed into three (3) lots. The first lot would be about .97 of an acre, lot #2 would be .76 of an acre and lot 3 would be the largest. Delineated federal wetlands were on the site. The proposal was to place the buildings a minimum of fifty (50) feet from those wetlands. They would convey a strip of land along Blessing Road to the Town for future widening of the road and also an easement for a possible sidewalk. Water and gas are available along the east side of Blessing Road. Sanitary sewer would be brought in from an existing manhole. They were proposing a minimum of clearing on the lots.

Nick O'Brien, 35 Wisconsin Avenue, Delmar. He wanted to know what would happen to the remainder of the lot that was not used for the construction of the home. Mr. Hite said that the federal wetlands could not be cleared.

Frank McCloskey, 43 Blessing Road. He asked for confirmation that the federal wetlands areas would remain as is. Mr. Hite said that the federal wetlands would be untouched.

Mike Cohen, 3 Stafford's Crossing. He asked the size of the proposed houses. Mr. Hite said that the buildings shown were typical colonial homes in Delmar, 52' x 44'. They propose side-loading garages to stop backing out onto Blessing Road.

Hearing no further comment, Acting Chairman Odell declared the hearing closed at 7:38pm.

Elm Avenue East Subdivision

The next item on the agenda was the Elm Avenue East Subdivision. It was before the Board for possible action on the Preliminary Plat Approval.

Mr. Reynolds, Chazen Companies, presented for the applicant. He said that most of the comments at the public hearing centered on headlight glare onto the back of the homes opposite the proposed subdivision's roads. He said that they would be submitting a more detailed landscaping plan during the final approval review. The proposed project is an eighty-two (82) lot single-family subdivision. It has municipal water and sewer and there is less than one tenth (1/10) of an acre of wetland disturbance proposed. The storm water basins have been relocated to address engineering comments and avoid slope stability issues.

Mr. Smolinsky wanted to know the response to the headlight glare to the properties across Elm Avenue East and maintaining existing vegetation. Mr. Reynolds said that along Elm Avenue was where the utilities would be routed. There is disturbance and grading that must occur. They would try to retain mature trees where possible. Staff had suggested more of a variety of vegetation along the buffer area with the possibility of berming. The applicant stated they would offer a budget for landscaping on the property of the residents across the street so the residents could select the type of landscaping they wanted for their property. The Board would have the opportunity to review and approve the proposed planting plan. Mr. Engel wanted to know if any consideration had been given to making one of the roads a cul-de-sac. Mr. Reynolds said that the plans for this subdivision had been worked on for many years and they had arrived at these plans with the interaction of staff and this Board's predecessors. Mr. Lipnicky said that this project had always been proposed with three (3) exit points. It had never been considered to turn one of those roads into a cul-de-sac. Because the lots depths were shallow, Mr. Lipnicky did not think a cul-de-sac would work.

Acting Chairman Odell said that these types of issues were typically addressed during the final review stage. This

application had a higher degree of detail work earlier in the process than normally seen or discussed. Ms. Motta noted that the comment letter from Mr. Romano recommended that there not be fencing around the storm water management ponds as per the DEC design manual. Mr. Lipnicky said that a safety bench is designed into storm water ponds so the manual does not recommend a fence. A fence could be an attractive nuisance to children. Some of the commercial properties have fencing around the ponds and they would be privately owned and maintained. Mr. Ritz said that the Highway Department was ultimately responsible for the maintenance of the storm water ponds. The highway department would prefer not to have the areas fenced, there would be more maintenance involved in fenced areas along with the fence itself.

Ms. McCarthy wanted to know if there was data that supported the safety of the NYSDEC design of ponds without fencing. Mr. Lipnicky said staff could look into it. Mr. Reynolds said that they would do whatever the Town preferred. Some communities preferred fencing and others did not. Mr. Morelli said that detention ponds would be a part of every project. One thought was to make the ponds an attractive asset to the subdivision. Mr. Ritz said that each pond should be looked at on an individual basis.

The Board reviewed the draft Parkland Resolution prepared by staff. Land along the Dowers Kill would be dedicated to the Town to continue the trail system along that creek. The applicant would be looking for a partial credit to the parkland fee. This would be a decision for the Town Board.

A motion to approve the Parkland Resolution as drafted was offered by Ms. Motta, seconded by Ms. McCarthy and with a vote of 6 for, 0 against and 1 absent. The motion carried and the Parkland Resolution was approved.

The Board reviewed the 3rd Draft of the Preliminary Plat Approval 232-P as prepared by staff.

A motion to approve the Preliminary Plat Approval 232-P as amended was offered by Ms. McCarthy, seconded by Mr. Engel and with a vote of 6 for, 0 against and 1 absent. The motion carried and the Preliminary Plat Approval 232-P was approved.

Glenmont Mobil

The last item on the agenda was an initial presentation of the Glenmont Mobil site plan for property located at the intersection of Rt. 9W and Feura Bush Road.

Mr. D'Adamo presented for the applicant. He said that his client, Frank Hessari, had purchased the site about two (2) years ago. Mobil Oil is selling their property interests in New York and the owners have the opportunity to purchase their stations. Mobil will take out the old tanks and clean up any environmental concerns on the site. The property owner can then sell and run the business as they want. Mr. Hessari wants to eliminate the service bays and convert those bays into a convenience store. Once Mobil removed the tanks, Mr. Hessari wanted to relocate the pumps and put in a new canopy. They were proposing four (4) pumps. The proposal is to put sidewalks along both road frontages to make connections to the McDonald's sidewalk and the Glenmont Plaza sidewalks. The sign would be changed to a monument style and pulled further into their own property; it's currently located in the state right-of-way. Two (2) of the existing access points closest to the corner intersection would be closed and the two (2) that are further away from the intersection would be kept. They had spoken to NYSDOT and the Town about closing the intersections and NYSDOT didn't have any concerns. Mr. D'Adamo said that the site currently sheet drains onto the road and it has only one (1) catch basin. More storm drainage and catch basins were to be added. The only change to the brick building would be to take off the garage doors and put in a storefront.

Ms. Powers said that the intersection was currently very busy and she thought that this would bring more traffic to the

area. Mr. D'Adamo did not feel that the convenience store would generate any more traffic than the current pumps and the elimination of the access points at the intersection would make that intersection safer.

Acting Chairman Odell said that the site plan showed the handicapped parking on the south side but the storm water plans shows them on the north side. Mr. D'Adamo said they were on the south side. Mr. Odell then asked about the location of the dumpster. That would also be on the south side. Mr. D'Adamo said that some of the locations of items shown on the storm water plans were incorrect because the engineer was working off of older plans. They would be corrected in the next submission.

Acting Chairman Odell asked if there was a question on the location of the property line. It appeared that part of the road was on their property. Mr. D'Adamo said that was correct, NYSDOT had part of Rt. 9W located on the applicant's property. He said that they had pushed the items on the site as far from the intersection as possible in case a future roundabout was installed. The proposed sidewalk could be conveyed to either the Town or NYSDOT. No decision had been made.

Acting Chairman Odell said that the spot elevations did not match the contour lines. Mr. D'Adamo said those would be corrected. Acting Chairman Odell said that the storm water plans showed proposed storm pipes and catch basins but they didn't show the sanitary sewer and easements for the sewers. Mr. D'Adamo said the twelve (12) inch sanitary pipe ran along Rt. 9W. He said that they had asked NYSDOT for storm water information and they didn't have any information on the location of the pipe. He said that the applicant had reengineered the storm water system and basins to hook up with the catch basin on McDonald's with all new piping. He said that they had received a letter from NYSDOT saying that it didn't matter that they didn't know the location of the existing pipe. He said that once the site was dug up, they would find the pipe. NYSDOT said they would need an extra permit if they planned on touching the road during excavation. There was a notation on the plans indicating that a change was needed to the highway permit depending on the location of the work being done.

Mr. Ritz asked if they were tying into the Glenmont Plaza storm water system. Mr. D'Adamo said they were tying into NYSDOT's system. Mr. Ritz said that the Town would need to see a letter from NYSDOT accepting the amount of flow. Mr. D'Adamo said they would be increasing the green space on the site by 2%, thereby reducing the amount of storm water runoff from the site.

Acting Chairman Odell asked if there were any future plans for a drive thru. Mr. D'Adamo said that depended on tenants. He said they knew they would need to come back for a site plan amendment. Mr. Smolinsky asked about the circulation on the site. Mr. D'Adamo said that with the elimination of the two (2) access points and the angling of the pumps, traffic could be directed more effectively on the site. They had designed the lot to discourage people from parking in the front of the store.

A person from the audience expressed concern for the amount of traffic and congestion that occurs at the intersection of Rt. 9W and Feura Bush.

Mr. Leslie said that the applicant needed to show the location of all of the signage on the property. Mr. D'Adamo said that they were showing a two (2) sided sign but intended to go to the Zoning Board for a variance for a three (3) sided sign.

Acting Chairman Odell said that the applicant had a significant amount of work to do on the plans to bring the project to the next level. Mr. Smolinsky asked for pedestrian demarcation in the lot from the parking areas to the convenience store.

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

The Board reviewed the minutes of June 19, 2007 as drafted.

A motion to approve the minutes as amended was offered by Mr. Smolinsky seconded by Mr. Engel and approved by all Board members present.

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

The meeting adjourned at 8:38 PM.