

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**June 7, 2005**

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

Present: Parker D. Mathusa, Planning Board Chairman  
Keith Silliman, Planning Board Counsel  
Daniel Odell, Planning Board Member  
Brian Collier, 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  
Janine Saatman, Deputy Town Planner  
Michael Morelli, Deputy Director of Economic Development & Planning

David Carroll, Esq., Ianniello, Anderson & Reilly, CVS  
Devin Dal Pos, Laker Development, CVS  
Kari Myers, Site Enhancement Services, CVS  
Howard Johannessen, Boutelle & Sons, Freed & Michaud  
Eldon Smith, Price Chopper  
David Sussman, Windsor Development, Price Chopper  
Angelo Santa Barbara, C.T. Male, Carlomagno Subdivision  
Sal Carlomagno, Orchard Street, Carlomagno Subdivision

Agenda: CVS Pharmacy  
Freed & Michaud Subdivision  
Price Chopper Addition  
Carlomagno Subdivision

**CVS Pharmacy**

Chairman Mathusa called the meeting to order at 7:30 pm and noted the presence of a quorum. He turned the Board's attention to the first item on the agenda, CVS (Consumer Value Stores). There had been outstanding issues identified the last time the project was before the Board that needed to be addressed prior to an approval. He wanted to proceed and identify the items that were either satisfied, needed further information or could be conditioned.

Mr. Lacourse gave a short update to the Board on the changes that were made to the plans. One of the outstanding items dealing with SEQR (State Environmental Quality Review) was the need to acquire a determination from SHPO (State Historic Preservation Office). The applicant had a telephone conversation that day with SHPO stating they would be issuing a letter stating no impact on cultural resources. Mr. Lipnicky had confirmed the information with a follow-up phone call.

Chairman Mathusa went over prior memos that had identified outstanding issues. The first was the building elevation. The Board had discussed roof louvers to be added and moved as well as the addition of windows. The final location of those items would be determined. Two separate elevations were shown to the Board to get their input. Mr. Lipnicky stated that the approval document had been written to reflect the choice of elevation that showed three (3) centered louvers on the left and right side elevations of the building. The Board agreed with Mr. Lipnicky. The next item was the location of the do not enter sign to prevent people from traveling the wrong way into the drive thru lane. The applicant had changed the location of the sign for better visibility.

Mr. Lipnicky stated that the existing easement information, such as drainage easements, needed to be shown on the plans and staff had also requested a copy of those easements. He stated that this had been placed in the draft approval document as a condition.

Chairman Mathusa said that the relocation of the bus stop that was currently in the middle of the block, during the proposed demolition and construction period had been discussed. The applicant said they would contact CDTA (Capital District Transportation Authority). The next item that needed to be addressed was the lot consolidation of the four (4) parcels into one (1) owner. Mr. Lacourse stated that a Lot Consolidation plan was a part of the revised plan set. Mr. Lipnicky stated that a condition of the approval document, prior to the Chairman signing, was the delivery of filed deed showing that consolidation. The applicant did not like that condition. They wanted to get a building permit prior to the lot consolidation. Chairman Mathusa deferred this issue.

Chairman Mathusa asked Mr. Passmann if there were any comments on the demolition plans that the Board should know about. Mr. Passmann said the Engineering Division had reviewed the Demolition Plan that had been submitted. Some of the Engineering comments remained outstanding and they had been added to the approval document as conditions.

Chairman Mathusa turned the Board's attention to the draft SEQR Resolution. After a discussion, the document was amended to reflect seventy-five (75) parking spaces and six (6) buildings to be demolished. Chairman Mathusa pointed out the approval of this document constitutes an action that will not have a significant impact on the environment and would not require preparation of a draft Environmental Impact Statement.

The Site Plan was amended to reflect the changes that had been made to the SEQR document. Chairman Mathusa reviewed the conditions of the draft approval document with the Board. The applicant wanted to change the condition stating they needed a letter

from the adjacent owner to intrude upon their property during the demolition phase, to read only if needed. Staff stated that the information provided by the applicant pointed out that one of the structures to be demolished encroached on the adjacent property. The condition was left in the document as written. The condition relating to the combining of properties prior to the signing of the plans was changed to a condition prior to a building permit. Mr. Lipnicky stated that a major condition prior to signing was a letter from DOT (Department of Transportation) stating they had reviewed the project's storm water management design and find it acceptable with respect to discharge to the state storm water system. The applicant was aware of the condition and did not see this as a problem.

Chairman Mathusa pointed out that as per two conditions, this approval did not include an approval for the signage or the exterior lighting. Mr. Silliman asked the applicant if they were in agreement with the condition as written. The applicant agreed. It was determined that other items referenced in the document would be removed to reflect these two conditions.

Chairman Mathusa turned the Board's attention to the item that conditioned the hours of outside site work. Staff recommended limiting the hours of outside site work to 7am to 5pm Monday through Friday. The applicant wanted longer hours during the week, 7am to 7pm and a reduced amount of time on Saturday. They mentioned being constrained by inclement weather and not having the additional hours to make up lost time. The applicant did not think that the evening or Saturday hours would be used very often. After a long discussion the Board decided to amend the document to allow outside site work to occur between the hours of 7am to 7pm Monday thru Friday and 8am to 12pm on Saturdays. No work would be allowed on Sundays or Federal holidays. The Board voted to allow the extended hours on Saturday to possibly shorten the overall time that the area would be under construction.

Ms. McCarthy wanted a contact person from the applicant. She also suggested that a letter to property and business owners in the area be notified of the construction period and supplied with a contact if they had questions. Planning Board staff would take care of the letter. The applicant stated that Town procedure now had questions or problems with construction sites directed to the Building Department. They in turn would notify the contractor. Mr. Passmann stated that any outstanding issues dealing with the Demolition Plan had been put into the approval document as conditions.

Chairman Mathusa turned the Board's attention to Draft II of the SEQR Resolution.

A motion to approve the SEQR Resolution as amended was offered by Mr. Collier, seconded by Mr. Odell and approved by all present.

The next item for consideration was the Site Plan Approval (SPA) document S.P.A. 117.

A motion to approve the Site Plan Approval S.P.A. 117 as amended was offered by Mr. Collier, seconded by Ms. Motta and approved by all present.

## **Freed & Michaud Subdivision**

Chairman Mathusa turned the Board's attention to the next item on the agenda; the Freed & Michaud one- (1) lot subdivision on McCormack Road. The last time the project was on the agenda was in February 2005.

Mr. Johannessen stated that at the Public Hearing, they discovered that the neighbor was not willing to grant an easement for drainage. They had to design an additional catch basin. They had also added the sedimentation and erosion control plan. Mr. Passmann from the Engineering Division had reviewed the revised plans and he stated that the Engineering comments had been addressed.

Ms. Saatman stated that there were two (2) sets of approval documents because the Board first had to act on the plat that had been displayed at the public hearing.

The Board reviewed the documents that staff had prepared.

A motion to approve the EAF (Environmental Assessment Form) Part II as written was offered by Mr. Odell, seconded by Mr. Cotrofeld and approved by all present.

A motion to approve the SEQR Resolution as written was offered by Ms. Motta, seconded by Mr. Collier and approved by all present.

A motion to approve the Parkland Resolution as written was offered by Mr. Cotrofeld, seconded by Mr. Collier and approved by all present.

A motion to approve Preliminary Plat Approval No. 229-P as written was offered by Mr. Odell, seconded by Ms. McCarthy and approved by all present.

A motion to approve Conditional Approval of Final Plat No. 229-CF as written was offered by Ms. McCarthy, seconded by Mr. Collier and approved by all present.

## **Price Chopper**

Chairman Mathusa turned the Board's attention to the next item on the agenda, Price Chopper in Slingerlands, requesting an amendment to the previously approved Building Project Approval. The objective tonight was to move the project back to the Town Board with a recommendation for final approval.

Mr. Andress stated that Price Chopper was proposing a fifty (50) foot wide addition to the end of the building. This would allow expansion of the store. The access road to the rear would be moved over as well as some utilities. The ACOE (Army Corps of Engineers) had been involved because when they moved the road, it disturbed additional wetlands. The mitigation was to the rear of the building in the form of deed restrictions. The ACOE was satisfied with mitigation. The elevation of the addition contained a few

windows and the material of the addition was consistent with the existing structure. For protection from the weather, the front entrance would be glass enclosed with access moving to the sides of the enclosure. Mr. Lipnicky asked the applicant if the size of the sign would remain the same. Mr. Andress thought it might decrease in size slightly.

Mr. Lipnicky stated that he had added a SEQR Resolution even though one had been done during the zone change to allow the additional square footage. At that time a Neg Dec had been issued. Technically he didn't believe that the SEQR Resolution was necessary. Chairman Mathusa wanted to know if the Town Board would hold a public hearing. Mr. Lipnicky said they would not. It was the Planning Board that would have held a public hearing if they had thought that the amendment was a significant change from the intent of the original Building Project Approval. He said that this was a minor change and staff did not think that a public hearing was necessary. The document had been written to reflect that thinking. The Board agreed with that recommendation.

A motion to approve the SEQR Resolution as written was offered by Mr. Engel, seconded by Mr. Cotrofeld and approved by all present.

A motion to approve the Building Project Approval (BPA) Recommendation to the Town Board to amend BPA #27 as written was offered by Mr. Collier, seconded by Mr. Engel and approved by all present.

### **Carlomagno Subdivision**

Chairman Mathusa turned the Board attention to next item on the agenda, a two (2) lot subdivision on Orchard Street, known as the Carlomagno Subdivision.

Mr. Santa Barbara from CT Male presented for the applicant. He stated that the two (2) lot subdivision was located on Orchard Street. One of the proposed lots contained an existing house and driveway. The other twenty-five acre parcel would be used for a single-family house. Both water and sewer utilities for the lot were located on the south side of Orchard Street. He offered to answer any questions.

Mr. Passmann stated that the Engineering Division had not yet issued formal comments. The subdivision was within the Town's water and sewer districts so the plans would have to show the connections. He stated that the slopes along the north edge of the property are steeper than 1 on 5, so the slope setback criteria would apply and the slope setback line would need to be shown on the plat. He said that the formal comments would contain the Town Standard notes that would need to be shown on the plans. He expected to have those to the applicant in about a week.

Mr. Morelli said that this was a very straightforward project with a few minor issues that needed to be addressed. He had been working with Mr. Passmann to identify those issues. Comments would be issued shortly and if the applicant could respond with a revised plat by June 24, 2005, he felt that the project was ready to schedule a Public Hearing for July

5, 2005. The project had already gone to the ACPB (Albany County Planning Board) and they had responded that there was no significant impact to the County.

Chairman Mathusa wanted to set the public hearing for July 5, 2005 if possible. Mr. Collier wondered if it was a good idea to have the public hearing date so close to the holiday. Mr. Morelli said that he would agree if he felt the project was controversial, he did not think that would be the case. He stated that the submission date to the Board for the revised plat would be in the comment letter.

A motion to set a public hearing for the Carlomagno Subdivision on July 5, 2005 at 7:30pm was offered by Mr. Odell, seconded by Ms. McCarthy and approved by all present.

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

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

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

The meeting adjourned at 9:20pm.