

**PLANNING BOARD
TOWN OF BETHLEHEM**

March 15, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting** on March 15, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Acting Chairman Odell presided and called the meeting to order at 7:30 pm.

Agenda: Glenmont Woods Subdivision
 Mr. George Leveille, Director of Economic Development and Planning
 CVS Pharmacy

Present: Daniel Odell, Acting Planning Board Chairman
 Howard Engel, Planning Board Member
 Christine Motta, Planning Board Member
 Thomas Cotrofeld, Planning Board Member
 Katherine McCarthy, Planning Board Member
 Brian Collier, Planning Board Member

 Randall Passmann, Town Senior Civil Engineer
 Jeffrey Lipnicky, Town Planner

 Terresa Bakner, Esq., Glenmont Woods
 Peter Casper, Esq., Glenmont Woods
 Dominic Arico, Glenmont Woods
 Devin Dal Pos, CVS Pharmacy
 David Carroll, Esq., CVS Pharmacy
 Bob Lacourse, CVS Pharmacy

Glenmont Woods Subdivision

Acting Chairman Odell called the meeting to order at 7:30pm and noted the presence of a quorum. The first item on the agenda was Glenmont Woods Subdivision. Glenmont Woods was originally before the Board in 2000, the Preliminary Plat had been approved in November of 2002. Acting Chairman Odell asked the representative to update the Board on the progression of the project.

Ms. Bakner, Esq. said it had taken the applicant awhile to acquire all the approvals from various agencies that were required. They had worked with the Department of Environmental Conservation to obtain their permit and had finally received it in August 2004. There were several engineering issues that had come up, so they were before the Board tonight to request a Conditional Final Approval. Ms. Bakner stated that the project was a nine (9) lot subdivision off Journey Lane. There were three (3) large lots containing the wetlands that surrounded the nine (9) lots and these were to remain no build lots. A

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conservation easement attached to those lots had been approved by the DEC and Planning Staff. The DEC had required them to have a habitat management plan, had been filed.

Mr. Lipnicky stated the remaining conditions that needed to be completed were not complicated. These included standard conditions that were within all Conditional Final Approval Documents.

Mr. Passmann stated that the engineering comments that needed to be addressed were attached to the approval document in the form of comment correspondence to the applicant.

Acting Chairman Odell turned the Board's attention to the draft approval document. A few minor changes were made to the document.

A motion to accept the Conditional Final Approval document as amended was offered by Mr. Collier, seconded by Ms. Motta and approved by all present.

Mr. George Leveille

Acting Chairman Odell introduced Mr. George Leveille, the Director of Economic Development and Planning. He updated the Board on the Comprehensive Plan and the Executive Summary of the Plan. He noted that any ambiguities in the plan would be governed by the Executive Summary. He stated that workshops would be held to familiarize the Board with the new regulations and zoning as they became finalized. Mr. Leveille stated that the current moratorium was set to expire on April 8th. The Town Board would be considering an extension of that moratorium for a period of between three (3) to six (6) months. He stated that an RFQ had been sent out to retain a Town Designated Engineer had been sent out. They would be retained to assist the planning staff with review of projects. Many local communities use outside services for review of their projects and this would place the cost of the services on the developers in addition to stretching the staff's capabilities by lessening their burden. In time, the Town would be looking to better integrate the Building, Planning and Economic Development functions into one unit.

Mr. Leveille had wanted to address the Board to give them an update on the changes occurring within the Town and the progress the Comprehensive Plan.

Acting Chairman Odell thanked him for coming before the Board. He complimented Mr. Leveille and BPAC on the process and the progress of the Comprehensive Plan.

CVS Pharmacy

Acting Chairman Odell turned the Board's attention to the next item on the agenda, CVS Pharmacy. Mr. Dal Pos, developer for the project, presented for the project. He stated that he had recently received comments on the SEQR application and the traffic study that

had been submitted to the Planning Department. They had updated the traffic counts that indicated a decrease from the original numbers submitted. They had made changes to the previously submitted elevations. Originally a mezzanine level had been proposed and as a cost cutting measure they were eliminating it and proposed an extension of the building in the rear by nineteen (19) feet four (4) inches. This would lower the roofline. This would enable them to put the funds into the elevation upgrades that the Board had wanted. Mr. Dal Pos showed the Board the revised elevations. He had a photo simulation but the landscaping in certain areas was not accurate. The distance of the building from Delaware Avenue and Elsmere Avenue had not changed.

Acting Chairman Odell wanted to know the total square footage of the structure. Mr. Dal Pos stated that the building footprint had increased to 15,090 sq. ft. The additional square footage was concentrated in the rear of the building. They had moved the cardboard compactor to be next to the dumpster. Mr. Dal Pos stated that the impervious surface had not increased. The new roof area was replacing the compactor pad area. The exterior surfaces would remain the same as the previous proposal; hardy plank, brick and shingles would be used.

Ms. McCarthy wanted to know how the expansion of the building would affect the drive thru and the traffic circulation. Mr. Dal Pos stated that it wouldn't affect either; the drive thru window had not been moved.

Mr. Lipnicky wanted to know the noise level the compactor would generate because of its close proximity to the adjacent neighborhood. Mr. Dal Pos stated that he would supply that information to the Planning Department.

The sidewalk into the site from Elsmere Avenue had been added to the plans. Mr. Lacourse stated that a letter from DOT had voiced a concern with the location of the driveway in relation to the property line and truck movement. They had revised the driveway at Delaware Avenue for left handed turns onto the site and prohibit truck right turn movement.

Mr. Lacourse was proposing the use of interim guidelines to deal with Storm Water compliance. They had re-graded the site to sheet drain across the parking lot into perimeter sand filter drains. They would be placed on the edge of each parking lot and along the rear pavement line. They were providing additional detention for the paved area in connecting pipes. The pipe would be a thirty-six (36) inch pipe that would provide the same amount of detention as previously proposed. They still needed to work out how they would deal with the roof runoff. Mr. Lacourse stated that under DEC regulations the water quality volume needed to be contained prior to discharging into whatever filtering system they would use.

Acting Chairman Odell wanted to know if this proposal had been presented to DEC for their approval. Mr. Lacourse stated it had not. He had spoken to Mr. Passmann and had ongoing conversations with DEC over the past few months. DEC had told the applicant to go to the Town and work out the Town issues before going to back DEC for approval.

Mr. Lacourse stated that by his calculations, they would meet the Phase II Storm Water Regulations with the new design and they could then go on from there.

Mr. Passmann stated that it appeared the applicant was making progress. It was the first time he had seen the proposal for the perimeter sand filters. He said their design was moving in the right direction to be in compliance with DEC requirements for interim redevelopment guidelines. DEC had eight (8) criteria that needed to be met to apply the interim guidelines. The Engineering Division had asked the applicant to present to DEC how they would meet those criteria, have them concur and that would be acceptable to the Town.

Mr. Dal Pos said that he couldn't guarantee a letter from DEC by the next meeting. Mr. Collier stated that their solution was not complete, due to the fact that the runoff from the roof needed to be dealt with. Mr. Dal Pos said they had a few ideas on how to treat the runoff but nothing had been finalized. Their decision would not affect the site design. It would take place within the green space to the rear. Mr. Lacourse said they used the interim guidelines because of the constraints that the elevations on the property presented.

Mr. Lipnicky asked if the perimeter sand filters would inhibit landscaping. Mr. Lacourse said the filters were underground; the above ground portion was solid cover for about three (3) of four (4) feet behind the grate. The balance would be used for landscaping. They wanted to keep the covers exposed because of ongoing maintenance. The grate for the sand filters would be in front of the curb and be about forty- (40) and fifty- (50) feet long. The size was determined by calculating runoff volume. They were designed to catch any substance that would flow off of the parking lot. During scheduled maintenance and cleaning of the sand filters, it would be determined by the condition of the sand if parts of that would need to be replaced. A licensed contractor would do this.

Mr. Passmann stated that within their Operations and Maintenance Manual they should include a method to inhibit a mosquito population within the sand filter. A weep down system or a schedule for a larvacide were two methods suggested.

Mr. Lipnicky stated that the comments from the Planning Department on their traffic study had instructed the applicant to use the most recent counts they had done. They had been asked to make contact with SHIPO for a determination on archeological or historical significance. Mr. Dal Pos stated that he would look at what was required. Mr. Lipnicky wanted the EAF to be revised to come into compliance with the data within the Town. There were omissions in Part II that needed to be dealt with such as construction noise and construction dust. An EAF Part III would need to be prepared. He stated that they had made a preliminary look at the site plan but not in lot of detail because the site could change until they had some resolution with DEC. The Planning Department wanted them to take a look at the entrance drive on Elsmere Avenue and making it more efficient to get cars into the site from Elsmere Avenue. Mr. Lacourse said the island at that entrance was a part of the design because the Board had voiced a desire for landscaping in that area. Mr. Lipnicky said they would take another look at that area.

Mr. Dal Pos noted that with the adjustments that Mr. Lacourse had made, they addressed all the comments from DOT. Mr. Lipnicky said the applicant would need permission from DOT for the pocket park because it extended into the DOT right-of-way. Mr. Dal Pos said DOT had not required a traffic study. Mr. Lipnicky stated that was standard for DOT unless there would be one hundred (100) additional cars of traffic generated. He explained to the Board the calculations that the applicant had used to arrive at their trip generation numbers. The final number was approximately eighty (80) or ninety (90).

Ms. McCarthy asked if the change in the storage area would affect the number of deliveries or when they would occur. Mr. Dal Pos said a tractor-trailer delivery would come once a week with smaller delivery trucks more often.

The Board requested copies of the new plans so they could compare with the previous ones submitted. A suggestion was made that the applicant inform the Board where they could view and listen to a compactor that was similar to the proposed unit. Mr. Dal Pos stated that the noise generated by the unit would be masked by the railroad bank to the rear of the property.

Acting Chairman Odell said the applicant had the comments from staff and the Board would be awaiting their responses to those comments.

Mr. Dal Pos wanted to know if the Board would be requiring a public hearing. The Acting Chairman stated that a public hearing would not be necessary. Mr. Dal Pos wanted to know if the Board had further concerns that they wanted addressed. They were anxious to get back on the agenda and move their project to the point where they could begin building.

Mr. Lipnicky stated that when they would be back on the agenda would depend on how quickly they responded to staff's comments and finalized the storm water plan with DEC. The revised plans would then need to be submitted for review.

Acting Chairman Odell agreed with Mr. Lipnicky's assessment as to when the project would be back before the Board. He stated that the Board deferred to staff for technical matters.

Mr. Collier said he didn't have any problem with the new footprint of the building assuming it met the technical requirements. The scale of the photo was off and he didn't feel that it accurately represented what the building would look like on the site. He wanted to see a photo simulation with the correct perspective.

Mr. Dal Pos thought that getting the correct perspective with a photo simulation would be too difficult, but could do a rendering. The Board thought that would be sufficient.

Mr. Collier suggested the applicant take another look at the architectural balance to the building because of the prominence of the entrance corner. He had seen other CVS's where the other corners of the building had some similar detail work as the front

entrance. Acting Chairman Odell said one of the architectural details that repeats itself through the Town was flared bottom pillars in the Arts and Crafts style. They could be seen on the new Delmar Place building. He thought it would help integrate the building into the neighborhood. Mr. Dal Pos said it was less than fifty (50) percent of the buildings. He said they would look at it.

Mr. Lipnicky stated that though the proposed building was larger, the lower roofline should make it appear less imposing. Mr. Lacourse added that there would be more landscaping than shown on the present photo simulation to soften the impact.

A motion to table was offered by Mr. Collier, seconded by Mr. Cotrofeld and approved by all present.

A motion to approve the minutes of March 1, 2005 as amended was offered by Ms. McCarthy, seconded by Ms. Motta and approved by all present.

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

The meeting concluded at 8:55.