

**PLANNING BOARD
TOWN OF BETHLEHEM**

November 13, 2007

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on November 13, 2007, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:00 pm.

Present: Parker Mathusa, Planning Board Chairman
Daniel Odell, Planning Board Member
Howard Engel, Planning Board Member
Christine Motta, Planning Board Member
Kathy McCarthy, Planning Board Member
John Smolinsky, Planning Board Member
Kate Powers, Planning Board Member

Mike Morelli, Assistant Director of Economic Development and Planning
Jeff Lipnicky, Town Planner
Terry Ritz, Assistant Town Engineer

Agenda: Barkman, Gary & Debra – Site Plan
Cumberland Farms – Site Plan

Chairman Mathusa called the meeting to order at 7:00pm, noted the presence of a quorum.

REGULAR MEETING

Barkman, Gary & Debra

The project site is located at 797 Route 9W. The applicant wants to change an existing residential structure to a commercial use.

Mr. Hite presented for the applicant. The applicant had remodeled the structure for use as his family home. He has since decided not to take up residence but to move in his business that is currently located just down the street from this site. The building is about sixteen hundred (1,600) square feet on the first floor would need four (4) parking spaces. They are proposing six (6) parking spaces and one (1) handicapped space. The driveway would be reconfigured into a full service driveway, saving the maple tree in an island between the lanes of the driveway. Some trees would be removed to put in the parking area. The property to the rear has significant federal wetlands and owned by others. Other small commercial endeavors are located in the area. The upstairs of the building will be for personal use only.

Mr. Hite said the drainage pattern, that will not change, is towards the rear wetland area. The driveway will sheet drain to the rear. The additional impervious service will be about four thousand (4,000) square feet. The handicapped ramp will come up onto the front porch that has a double door. Public water and sewer exist on site, there are three (3) employees at this time with the majority of the clients out of state. The increased traffic would be negligible.

Mr. Lipnicky said that staff has given the applicant comments that need to be addressed prior to the project being sent to the Albany County Planning Board. Engineering will be sending out their comments shortly.

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

Cumberland Farms

This proposed project is located on the corner of Route 9W and Route 396 in Selkirk. It was last before the Board on August 7, 2007 for a public hearing.

Mr. Boyea from Bohler Engineering, presented for the applicant. They have obtained the NYSDOT permit that had been outstanding and they've met with the neighbors on Miller Avenue about additional landscaping or buffering for their properties. The neighbors were not interested in having landscaping installed on their property. The applicant has added additional landscaping on the landscaping plan for the project site. They are proposing a four (4) foot high fence to screen the headlights from the cars in the drive thru lane. They have addressed all the comments from Engineering Division and were looking for their necessary approvals.

Mr. Smolinsky asked about the concerns of the headlights exiting onto Miller Avenue. Mr. Boyea said there weren't any plantings that could be done on the applicant's property to screen those lights. Plantings cannot be done at an entrance. He said that the grading on the site would help with the headlights. When cars are exiting onto Miller Avenue, their headlights will be pointed down. They were willing to install landscaping on the neighbors property if the headlights become a problem. The Board decided to add a condition in the approval document that would put a time frame for the neighbor at the corner of Miller Avenue and Route 9W to decide if they wanted landscaping on their property to mitigate the potential impacts of headlights. Mr. Smolinsky wanted to know if they had possible numbers of cars that would use that exit. Mr. Boyea said the driveway is considered a secondary exit. They had figured that if cars were stacked waiting to exit, they would use the Miller Avenue exit. The exit also allows for better internal site circulation. Ms. Moran said that their estimations were ten (10) cars per peak hour using the Miller Avenue exit.

Chairman Mathusa wondered if they had considered having the Route 396 right-in only entrance, an exit also. He knew that NYSDOT had approved the ingresses and egresses as shown but felt it was an issue that might be revisited in the future. Mr. Boyea said signs and curbing were placed at that entrance to stop people from exiting.

Mr. Boyea said the proposal shows one (1) tree to be planted by Route 9W. Mr. Morelli said that the width of the right-of-way seemed to be wide enough to allow some street trees and the Planning Department was in favor of street trees. The applicant would need permission from NYSDOT because they would end up in their right of way and trees are usually prohibited. The Board wanted the applicant to ask permission to plant the trees or other suitable plantings.

Mr. Boyea said that the snow storage area would be the green space at the corner of Miller and Route 9W. When it melts it would drain into an inlet on Miller Avenue.

Mr. Engel thought that Route 9W at the corner of Route 9W and Maple Avenue would eventually need a turn lane. He said there was traffic that cut around people waiting to take the turn onto Maple Avenue, sometimes causing accidents. He thought the wide right-of-way could be used for that lane. He knew the lane was a decision of NYSDOT and not an issue of this project. Ms. Moran said in their conversations with NYSDOT, they had not indicated that improvements were on target for that area. Mr. Ritz said that there had been about a dozen accidents within ten (10) years.

Mr. Engel wanted to know if there was a way to prohibit trucks from parking along Route 9W. Mr. Ritz thought the new lawn would discourage parking and the Town Board could request that NYSDOT put in no parking/no standing signs.

Ms. Motta preferred that applicant use a plain white canopy instead of the blue and orange striped canopy that was shown. The majority of the Board agreed that in a Rural Hamlet zone they wanted the applicant to use the plain white canopy.

The Board reviewed the draft Special Use Permit SUP 06 prepared by staff.

A motion to approve Special Use Permit SUP 06 as amended was offered by Ms. McCarthy, seconded by Mr. Odell and approved by all Board members present.

The Board reviewed the draft approval document S.P.A. 139 prepared by staff.

A motion to approve Site Plan S.P.A. 139 as amended was offered by Mr. Engel, seconded by Ms. Powers and approved by all Board members present.

A motion to approve the minutes of September 18, 2007 as drafted was offered by Mr. Smolinsky, seconded by Mr. Engel and approved by all Board members present, Ms. Motta abstained.

A motion to approve the minutes of October 2, 2007 as drafted was offered by Mr. Odell, seconded by Mr. Smolinsky and approved by all Board members present.

A motion to approve the minutes of October 16, 2007 as drafted was offered by Ms. Powers, seconded by Ms. Motta and approved by all Board members present, Mr. Odell abstained.

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

The meeting adjourned at 8:17 PM.