

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**November 15, 2005**

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

Present: Parker Mathusa, Planning Board Chairman  
Keith Silliman, Planning Board Counsel  
Howard Engel, Planning Board Member  
Christine Motta, Planning Board Member  
Thomas Cotrofeld, Planning Board Member  
Katherine McCarthy, Planning Board Member  
Daniel Odell, Planning Board Member

Jeffrey Lipnicky, Town Planner  
Michael Morelli, Deputy Director of Economic Development & Planning  
Janine Saatman, Deputy Town Planner  
Terry Ritz, Assistant Engineer  
Joseph Romano, CHA

Scott Wallant, Capital Cities Imported Cars  
Steve Picarazzi, Capital Cities Imported Cars  
Steve Powers, Bethlehem Town Center II  
Peter Giovenco, Bethlehem Town Center II  
Tom Andress, YMCA  
Barry Reylea, YMCA

Agenda: Glenmont Woods  
Capital Cities Imported Cars  
Bethlehem Town Center II  
YMCA

**Glenmont Woods**

Chairman Mathusa called the meeting to order and noted the presence of a quorum. He turned the Board's attention to the first item on the agenda, a request by the developer of Glenmont Woods for a time extension in which to file the final plat for approval. On July 5, 2005 the Planning Board approved a ninety (90) day extension, which will expire on December 10, 2005. The applicant was requesting an additional extension that would expire on March 11, 2006. Mr. Lipnicky stated that they had submitted a final plat but the applicant had changed engineering firms and there were items that needed to be changed on the plat. He recommended granting the

request. This would be the last extension that could be granted.

A motion to grant an extension of time to submit a plat in final form until March 11, 2006 was offered by Mr. Engel, seconded by Mr. Collier and approved by all members present.

### **Capital Cities Imported Cars**

The next item on the agenda was an initial presentation by the applicant for Capital Cities Imported Cars located on Rt. 9W. The applicant wants to add ten (10) bays and an open-air canopy to the existing facility. This would be an amendment to a previously approved site plan.

Mr. Wallant from Wallant Architects presented for the applicant. The plan was to expand the existing facility with approximately a 3,000 sq. ft. ten (10) bay service addition. Access to the bays would be from the right side of the building. The existing building is 16,000 Sq. Ft. +/- . A covered canopy was also proposed for the same side of the building as the new bay area. He said that they would be losing a few of the parking spaces along the building but the circulation would remain the same. There would be seventy-eight (78) remaining spaces. They would not be adding to the impervious surface or reducing the amount of green space on the site.

Mr. Ritz said that the parcel was shown as one (1) parcel but it was actually two (2) parcels. He said that if the parcels remained separate, under the Zoning Law the proposed addition would not meet the side set back requirements. Mr. Wallant said that both parcels were owned by the same entity and combining them would not be a problem.

Mr. Ritz said subsequent submittals should include the location of the isles, the new parking and the loading areas. The connecting pipes to the manholes should also be shown . The Zoning Law stated that the wetland determination needed to have been done within the last two (2) years. Mr. Collier wanted to know if that would require the applicant to have a new delineation done. Mr. Lipnicky suggested that the Board waive that requirement due to the fact that the applicant would not be increasing the impervious surface. Mr. Wallant stated that they would look into what was needed for the waiver.

Mr. Collier wanted to know what the proposed building would look like. Mr. Wallant said the existing structure was metal with block in the front. They were proposing to bring the front look of the building around the side onto the addition.

Mr. Morelli agreed with Mr. Lipnicky that the Board should consider waiving the wetland delineation requirement for the reasons that he had mentioned.

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

Chairman Mathusa asked if it was possible for the applicant to give a sidewalk easement to the Town. The applicant agreed.

## **Bethlehem Town Center II**

Chairman Mathusa turned the Board's attention to the next item on the agenda, a request by the applicant for Bethlehem Town Center II for a parking requirement waiver. The applicant must show that the parking would not be needed and also that land will be set aside in case the additional parking is necessary at a later date. The expansion of that parking would need to be approved by the Planning Board.

Mr. Giovenco, from Bergmann Associates, presented for the applicant. The Planning Board had recently approved the project. The applicant had a restaurant that was interested in the end cap space of the project but the Zoning Law required more parking spaces than the current design supplied. They would need ninety-seven (97) parking spaces for the restaurant alone. The approved plan has 298 spaces, which under the Zoning law leaves them 62 spaces short. As part of the waiver requirement, they were prepared to show that they could construct the additional spaces in the future if the Board so required. The plan had been submitted to staff for their review. It proposed extending the parking lot out to Rt. 9W, reducing the proposed berms and landscaping. The applicant did not feel that the proposed tenant would need the additional spaces. These are the reasons they were requesting the parking waiver. The interior landscaping islands would not change if the additional parking were installed. The snow storage area would not be affected.

Mr. Lipniciky said that the Zoning Law states that Planning Board has the authority to waive parking requirements when installation of those parking spaces would create adverse environmental or esthetics impact. He said that this scenario fit every parameter of a parking waiver. Mr. Collier was not convinced. He thought that the applicant should look for a different tenant. Chairman Mathusa stated that the Town Board would be considering changing the Zoning Law to reflect shared parking within a shopping center. Mr. Lipniciky said that treatment of parking within shopping centers was common in most Zoning Codes. Mr. Giovenco agreed that there would be shared parking within the center. Mr. Lipniciky said that most retailers look for more parking, not less. Mr. Collier suggested the applicant reduce the size of the over all complex by 20% and the parking would then be sufficient under the Zoning Law. Mr. Giovenco said they had considered it, but the expense to develop the site did not allow the reduction in retail space.

Ms. McCarthy thought the project was attractive and would be an asset to the community. She said that if the retailer was comfortable with the amount of parking and they do research to support their findings, she was in favor of the waiver. Chairman Mathusa said that if the Planning Board decides that the additional parking is required, the Board would have the opportunity to review the plans. Mr. Odell said that the Waiver Resolution contained wording that allowed them to require a range of additional parking. He felt the project was a perfect test case for a parking waiver.

Mr. Collier still felt the waiver was unwarranted. He did not think that the applicant had met the

“sufficient usable land”. Mr. Engel did not want to see more blacktop on the site if the parking waiver could be used.

Mr. Silliman said that though the applicant didn't meet the parking requirements within the Zoning Law, they did meet all the criteria for a parking waiver. Mr. Lipnicky read the provisions of the parking waiver and agreed with Mr. Silliman.

A motion to approve the Parking Waiver Resolution as written was offered by Mr. Odell, seconded by Mr. Engel and approved by all members present.

## **YMCA**

The next item on the agenda was an update to the Board on the project's status. Mr. Romano, the TDE from Clough Harbor was present to answer questions from the Board.

Mr. Andress from ABD Engineers, presented for the applicant. They had been working with staff on technical issues. The building would be staying as is with a small bump out in the front, about ten (10) feet. This was being done to accommodate the proposed track on the second floor. They could not put in too many windows because of reflections on the proposed pool and the ability of a lifeguard to see into the pool. The YMCA has already purchased the lot in the front of the existing building, that area would be developed during Phase II for additional parking. Phase I would include additional parking as well as the interior improvements. The signage would be a standout Y on the front of the building. They would need to comply with the new DEC storm water regulations. The storm water would go to a new basin and then discharge to a natural means that leaves the site to the east. They were proposing a new drop off area to the front of the building. They had discussed with staff how to handle the sidewalk issue. They would construct a sidewalk to the edge of their property to the east and instead of constructing the sidewalk across the front of the property, they would contribute the cost of that improvement to the Town to be used during the Town's efforts to connect with the sidewalk that ends at Fisher Blvd. This would be done through a letter of credit. The applicant would give the Town a combined utility and sidewalk easement across the front of the property.

Mr. Andress said that Creighton Manning had done a traffic study. They used their facility in East Greenbush for projected traffic counts. They hoped that the Delmar facility would reach the numbers of East Greenbush. Their estimation was that the intersection does and would work at those higher numbers. Creighton Manning had done an analysis to see if a left hand turn lane would be warranted in the future. Their conclusion was that it would be warranted by 2009. Though it would take a large amount of fill, the lane could be constructed. The applicant did not want to construct the lane at this time. They were willing to revisit the issue in the future to make sure that the roads were safe. Chairman Mathusa wanted to know if signs could be installed to warn of the intersection. Mr. Andress said that would depend on NYS DOT.

Mr. Andress turned the Board's attention to the proposed landscape plan, which included small berms and landscaping with deciduous trees and bushes. He said that CHA had suggested doing

a very dense white pine and spruce evergreen row. The applicant did not think that was warranted. They were willing to add evergreens into the plan for a compromise. They would be grading the area of the proposed parking so the large trees that now exist would be taken down..

Mr. Romano said that the project was located in the rural hamlet district that included certain design guidelines, if the Planning Board wanted some building enhancements they had the leeway to do so. He said that if they used deciduous trees in the landscaping plan, they suggested at least three (3) inch caliper trees. Chairman Mathusa said that during the original site plan approval the Board had allowed the design of the building because it was off the road and hidden by trees. The Board was interested in buffering the additional cars as much possible. During the Phase II part of the project, the applicant would remove the house and garage and install more parking. Mr. Reylea said that the events scheduled for the ice rink would not be during the peak hours of the facility.

Mr. Collier asked about the turning lane again. He wanted to know why the applicant took the position of not installing the turning lane when both Creighton Manning and Clough Harbor recommended the lane. Mr. Andress disagreed. He said Creighton Manning said it was warranted, but not required. Mr. Andress said that though there was a projected increase of about 120 cars, they did not think they would be waiting long to make the turn into the facility. Mr. Silliman said that the term "warrant" does not necessarily mean that the improvement was needed now. Mr. Romano said that if the turning lane would not be constructed now, CHA would need further information from Creighton Manning justifying why it was not needed now. Mr. Engel said that the key issue was the safety of people, especially if they are projecting an increase in membership. The Board agreed with Mr. Engel. The applicant was still not sure that the pool would be installed, that element would affect membership and the volume of cars. Mr. Morelli said that the TDE traffic engineers would work with Creighton Manning on the traffic issue.

Ms. Saatman asked the applicant to update the endangered species letter they had submitted during the initial approval. Mr. Andress stated that the majority of work being done would be on the grass area.

The proposed addition would be fractured block on the bottom with the same metal siding as on the existing building.

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

A motion to approve the minutes of November 1, 2005 as amended was offered by Ms. Motta, seconded by Mr. Engel and approved by all members present.

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

The meeting adjourned at 9:20 PM.