

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**September 2, 2008**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on September 2, 2008, 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 D. Mathusa, Planning Board Chairman  
Keith Silliman, Planning Board Counsel  
Howard Engel, Planning Board Member  
Nick Behuniak, Planning Board Member  
Kathy McCarthy, Planning Board Member  
John Smolinsky, Planning Board Member  
Kate Powers, Planning Board Member

Michael Morelli, Assistant Director of DEDP  
Jeff Lipnicky, Town Planner  
Rob Leslie, Senior Planner  
Terry Ritz, Assistant Town Engineer

Agenda: Glenmont Mobil  
Van Dyke Spinney  
450 Route 9W Medical Office  
Adirondack FPI  
McDonalds  
Zoning Law and Subdivision Regulations Amendments

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

**Glenmont Mobil**

Chairman Mathusa opened the public hearing for the Special Use permit requested for a drive thru window at the site on Route 9W.

A motion to indent the Public Hearing notice was offered by Ms. McCarthy, seconded by Mr. Engel 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, September 2, 2008 at 7:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, New York, on the application of Frank Hessari (Presitge Petroleum) for a Special Use Permit for property located at 415 Route 9W, Glenmont, NY 12077, as shown on map entitled: "Proposed Drive-Thru, Drive-Thru Improvement Plan/Detail, Revision 3", Town of Bethlehem, Albany County, State of New York, dated April 16, 2008, map prepared by Bohler Engineering, 5 Computer Drive West, Albany, NY 12205.

There were no comments or questions from the audience.

A motion to close the public hearing was offered by Mr. Engel, seconded by Mr. Smolinsky and approved by all Board members present.

Chris Boyea, Bohler Engineering, presented for the project. The plans have been revised to relocate the menu Board closer to the corner, the monument sign has been removed from the application and they were willing to include an open/ full sign as a condition of approval to address problems if they were to occur. The sign would be installed at the entrance to the drive thru at Feura Bush Road. He showed a copy of the sign to the Board. The sign would be actuated by a loop detector.

Chairman Mathusa said other than moving the menu board and the open/full sign he did not see much else that could be changed on the site. He thought the Board was at the point of either yes or no to the project. Mr. Smolinsky asked staff if there were other possible solutions to the points in the letter they had received from NYSDOT. Mr. Leslie said NYSDOT's main concern was stacking into Feura Bush Road. The letter was advisory and the applicant has shown that it fits within the range of the data they collected. He thought it meets what NYSDOT had mentioned as far as collecting the data. If the stacking is not in the roadway, then NYSDOT does not have a problem. Mr. Smolinsky said with the addition of the sign, he would be in favor of the plan. Mr. Leslie said the sign would be a requirement of the approval; it would not be a condition if stacking started to occur. Ms. Powers said that condition did not address cars exiting onto Route 9W. Mr. Leslie said NYSDOT did not have a concern with vehicles exiting onto Route 9W. Mr. Behuniak thought adding the drive thru was too much for the site. Mr. Engel agreed with Chairman Mathusa. He thought the current site was an improvement from its previous condition. Ms. McCarthy said she was fine with the project even without the sign.

A motion to table the project was offered by Mr. Engel, seconded by Ms. Powers and approved by all Board members present.

### **McDonalds**

McDonald's had requested a time extension of the site plan. Chairman Mathusa asked the applicant to work with NYSEDA to improve the energy efficiency and overall operation of the facility. He thought it would be nice to use the building as a model for how future McDonalds should be built.

A motion to grant the two (2) consecutive ninety (90) day extensions requested was offered by Mr. Smolinsky, seconded by Mr. Behuniak and approved by all Board members present. The new end date to start construction of the new facility would be March 31, 2009.

### **Van Dyke Spinney**

Chairman Mathusa said this senior development project to be located on Van Dyke Road was last before the Board on June 17, 2008. The Board had a number of comments at that meeting.

Mark Dempf, Stantec Engineering presented for the applicant. He said most of the comments from the Board had centered on the north end of the site. The applicant had looked at different methods to deal with the density because they were asked to lose twenty-two (22) units. They have changed the first portion by eliminating some units and increasing the setback of the buildings on the north side to about one hundred (100) feet. They maintain somewhat of a wooded area along the front setback. A multipurpose path would run along the front of the property. Their last plan had a lot of pavement included in cul-de-sacs and major turn arounds. The current proposal has shorter roads with no cul-de-sacs.

NYS SHPO has looked at the project and taken about two (2) acres of land out the project. That meant a loss of eighteen (18) units. It would be too expensive for the applicant to do the archeology study necessary to use that two (2) acre parcel. They chose avoidance with minimal encroachment with a roadway. The proposal for T ends on the roads includes a more sustainable pavement design. They might use pavers that grass can grow through. They want to reduce the amount of storm water management necessary and use some of these designs as landscaping features at the ends of roads. They have discussed with staff how these features would work inside of the buffer areas. Mr.

Dempf said the PDD has a buffer zone on the perimeter as well as front and side yard setbacks. There are

limitations of what can be placed in a buffer zone. Landscaping can be done in a buffer zone. Staff has a problem with pavers with grass being classified as landscaping. They could eliminate those pavers in the buffer area but have not discussed that with staff yet.

Mr. Morelli said the only two (2) units they had a concern with were located in the northeast corner of the site. He said they were not concerned with the overall number of units because they are within the density criteria. The issue is the location of the units. They had a concern with the turn around in the buffer area. He preferred they stay out of the buffer area. Mr. Ruthman said there was a new under cover mesh that could be driven on and grass could grow through. It would look like a lawn but emergency vehicles could drive on it if necessary. It could also be plowed. Mr. Smolinsky asked if the roads needed to be designed to Town standards and if the T turnaround was acceptable under those standards. Mr. Ritz said they would be built to Town standards and typically the fire trucks would not use turnarounds, they would back out of the street. An ambulance call would just back out of the driveway. He suggested sending the site layout to the Chief of the Delmar Fire District to get his opinion on the turnarounds. They might not be necessary.

Mr. Engel said his concern with the project was the intersection of Meads Lane and Van Dyke Road. The community has given him positive feed back about the project itself. He wanted to know if something would be done with the intersection before the project is completed. Mr. Morelli said the Town was successful in obtaining a grant through CDTC for the reconstruction of the intersection. He said there wasn't an easy solution because of wetland constraints and private property owners. The design put forward was to gradually lower the grade of Meads Lane while raising the grade of Van Dyke Road to soften the geometry of the intersection. He said if the Board was satisfied with the layout the applicant now needed to fully develop the engineering details.

Jamie Copland, Hudson Design, showed the Board some samples of the inspiration for the building elevations. He said there was a lot of craftsman architecture in the Town. The applicant had asked for some similar elevations for the project. He said the end units would have the same level of detail so there was no bad side to the building. There would be porches on the back door side. The units were designed specifically for seniors to make living alone easier. There will be a community house for special events and areas for over night guests. Each unit would be unique in their color and style.

The consensus of the Board was to move ahead with the project and work closely with staff.

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

#### **450 Route 9W**

This proposal is a subdivision of the lot currently known as 448 Route 9W. The newly created lot, 450 Rt. 9W is proposing a site plan for a medical office building.

Joseph Bianchine, ABD Engineers, represented Klersy Building Corp. Kevin Klersy was present at the meeting. Mr. Bianchine said the project consisted of purchasing a piece of property owned by Kings Chapel along the south side of the lot, subdividing 448 Rt. 9W and combining the newly created 450 Rt. 9W and the piece from the King's Chapel to build a medical office on 450 Rt. 9W. The parcel is located between the Monroe Muffler Shop and Whiting Insurance. The site would be developed with Whiting Insurance and the new medical office sharing the existing curb cut on Rt.9W. Parking would be between the two (2) buildings and to the rear. The proposed medical office building would be about twenty-four hundred (2,400) square feet. They have done some test pits and the water table is about four (4) feet down. They've decided to use infiltrators for the storm water management and the grade needed to be adjusted. Landscaping would be done, signage and lighting acceptable to the commercial hamlet zone was proposed. There weren't any residences around the project area. They would work with staff to address their comments.

Ownership of the lots would be separate with a cross easement for the driveway and parking lot. Maintenance of the driveway would be part of the cross easement agreement. Mr. Silliman said the cross easements would be between the private parties.

Mr. Smolinsky said there had been an idea during the Route 9W corridor study of having a bypass road from Route 9W to Glenmont Road. He wanted to know if the development of this parcel would impact that idea. Mr. Morelli said the piece of property that was discussed for that road was in the area of the driveway for Kings Chapel. He said there were significant wetland constraints in the proposed area for that road.

Mr. Klersy showed the Board some of the materials that would be used on the medical building.

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

### **Adirondack FPI**

This project consists of converting a building with an existing garage and office space to a mix of office, commercial and restaurant space. The parcel is located in a rural hamlet district.

Ken Gonyea, the owner of the property, presented. He's been working on the project for a few years. Lot lines needed to be moved to fit in septic systems. He said the structure as it stands is a little shabby. He wants to convert the garage in the front and put in windows. He would like to put a corral look to the front considering part of the structure looks like a barn. A large portion of the access to Route 9W will be reduced. The proposed use of the structure was a barber shop, a restaurant and office space. Other than moving a front stairway to the rear, the structure will not be changed.

The lot has good drainage and that will remain the same. The one spot that has a small problem with drainage will be converted to lawn. There is water and the lot will be serviced by a septic system. He's hired Steven Hart, PE to work with Albany County Health Department concerning the septic system. He said currently on the site is a one thousand (1,000) gallon tank and a distribution box and three (3) lines. He thinks they will need to add three (3) more lines. They will comply with all the requests from Albany DOH.

The restaurant will probably be a luncheonette with hours no later than 8:00PM. He expected the hours to be from 6:00am to 3:00 pm.

Mr. Smolinsky said one of the challenges in a hamlet zone was commercial and residential uses existing side by side. Realizing the limited amount of property that could be used, he wanted to know if any screening was proposed between his business and the home next door. Mr. Gonyea said there is a four (4) foot strip of land from their property line. He wants to be a good neighbor. He wants to put in a four (4) foot fence directly on the side of the parking with a two (2) planting. This would give the neighbor a few more feet on the side of the house. The grade didn't allow much more. Mr. Ritz said engineering was working with the applicant. This was an initial presentation. Mr. Gonyea said the only lighting he was proposing would be indirect lighting off the side of the building pointing down. This would not be a late night establishment.

Mr. Engel wanted to know who owned the garage to the rear of the parcel and where their access was located. Mr. Gonyea said it belonged to B&C Development. He was temporarily using it for storage. Mr. Gonyea has a two (2) year easement with them so they can cross through his property. As part of the purchase agreement, Mr. Gonyea will pursue the permits necessary to put in a road to that garage. There are three point eight (3.8) acres of land in that back parcel.

A motion to table the project was offered by Mr. Smolinsky, seconded by Mr. Behuniak and approved by all Board

members present.

## **Zoning Law and Subdivision Regulation Amendments**

The Board received a package of information outlining the proposed changes to the Zoning Law, Zoning Map and Subdivision Regulations. Mr. Lipnicky said these revisions were a result of the Town's ongoing review of the Town's land use regulations. Staff had looked at the Code from the view of what changes were needed to better administer it. The comments had come from staff members who have had the hands on experience of working with the Code and implementing it. This process of gathering comments began about nine (9) or ten (10) months ago. After all the comments were in, planning staff, building department staff and engineering staff met to determine what comments should be implemented. The document the Board was given for review is a result of that process. The Town Board received this information and referred the package to the Town Planning Board and Albany County Planning Board. The Board's role is to review the amendments and provide comments and a recommendation to the Town Board. Mr. Lipnicky briefly went over the areas of the proposed changes. The Town Board has scheduled a Public Hearing for the proposed amendments on September 24, 2008. Mr. Lipnicky asked the Board to forward their comments to him within the next week.

The Board reviewed the draft minutes of August 19, 2008.

A motion to approve the minutes of August 19, 2008 as amended was offered by Mr. Behuniak, seconded by Mr. Smolinsky and approved by all Board members present.

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

The meeting adjourned at 9:00 PM.