

**PLANNING BOARD
TOWN OF BETHLEHEM**

September 7, 2004

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting** on Tuesday September 7, 2004, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Parker D. Mathusa presided and called the meeting to order at 7:30 pm.

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

Janine Saatman, Deputy Town Planner
Randall Passmann, Senior Town Engineer

Thomas Address, ABD Engineering, Trustco Bank
John Breeze, Esq., Trustco Bank
Mr. & Mrs. Zautner, Trustco Bank
Linda Stockwell, Delmar Construction & Interior Design
Richard Hoffman, Hoffman & Riley, Delmar Construction & Interior Design

Agenda: Delmar Construction & Interior Design – Site Plan
Trustco Bank – Site Plan

Delmar Construction & Interior Design

Chairman Mathusa opened the meeting at 7:30 pm and noted that there was a quorum present. He then asked the applicant to update the Board on the status of the site plan for Delmar Construction and Interior Design located at 427 Kenwood Avenue.

Mr. Hoffman represented the applicant Ms. Stockwell. He stated that the building layout had not changed from the original submitted plan. They had widened the driveway to comply with DOT standards and they had also obtained permission from the adjoining neighbor to do the work. The drainage in the rear of the property had been a question, so they had channeled the water to a detention basin in the back corner. After a percolation test, a dry well had been placed in the area. Mr. Hoffman stated that the opposite rear side of the property would continue to drain in the same direction as it does presently, which is onto the parking lot in the rear which belongs to the Town. They were proposing a section of plantings and a few sections of fencing for screening along the property line that abuts 431 Kenwood Avenue. They had proposed eyebrow lights for the front sign

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and a condition of the draft approval document was for plantings under the sign to stop glare onto oncoming traffic. They didn't have a problem with those plantings.

Chairman Mathusa stated that one of his concerns was that the proposed buffer between the commercial district and the residential district was sufficient to satisfy the Code. This boundary line was along the property line between 431 and 427 Kenwood Avenue. He was not certain that the applicant's proposed solutions would be enough.

Ms. Saatman stated that on a recent site visit it appeared that the gaps in the buffer were more evident than on her first visit. She thought it would be reasonable to have the fencing start at the westerly boundary where the Lands of Vaughn and the Lands of Sanderson came together. The corner line that followed along the Lands of Vaughn was very well screened at the present time. She stated that from that corner to the shed was open. Ms. Saatman suggested that the fence could also continue past the shed to the larger trees on the property line.

Chairman Mathusa asked Ms. Saatman to read the section of the Code that covered that buffer area. 128-84.1 stated,

” Where any commercial district directly abuts a residential zoning district, there shall be provided a strip of land, a minimum of five (5) feet in width, to serve as a buffer area along the entire length of such abutting district lines, with such strip being located entirely within the commercial district unless otherwise determined by the Planning Board. In addition, the following requirements shall apply:

A. Such buffer area shall provide adequate screening, as approved by the Planning Board, and may include landscape plantings and/or fencing of sufficient quantity and height to provide a visual and physical separation between the two (2) districts.”

Ms. Saatman stated that because of the position of the trees, it would be difficult to place additional plantings in that area, the fencing seemed to be an easier installation.

Mr. Odell agreed with Ms. Saatman's suggestion. He stated that on past projects where these two (2) districts met, the Board had asked for substantial buffers. In those cases there had been sufficient space to do that, this project did not afford much space. He thought the fence was a reasonable alternative to create a visual barrier.

Mr. Collier stated that if the Code required a barrier then it should be screened with fencing. But he wanted to make it simple for the applicant. He suggested the Board determine the footage of fencing that would be required and place it in the approval document.

Mr. Cotrofeld stated that he had visited the site and also felt that they needed to install more fencing. He agreed with Ms. Saatman and suggested placing more fencing further

along the property line. The applicant confirmed that the first four feet of the vinyl fence would be solid and the top portion would be lattice.

Ms. Saatman asked the Board if they would prefer to have a continuous fence or if a combination of fencing and plantings would be acceptable. Chairman Mathusa thought it would be cleaner to go the entire length with fencing. Ms. Motta stated that she would prefer to see plantings but there didn't appear to be sufficient room. Ms. Saatman stated that it would be possible to do plantings along the line nearer Kenwood Ave. Ms. McCarthy also felt that plantings would be nicer but if that could not be done, then she agreed with putting in fencing.

In his estimation, Mr. Hoffman felt that a mixture of fencing and plantings would accomplish the necessary separation.

The Board agreed that the large existing tree on the property line could be part of the fencing and then continue the proposed plantings of the arborvitae to the corner of the house.

Mr. Passmann stated that the Engineering comments had been addressed; they needed to add a benchmark to the plans as reference for their elevations. Even though some drainage near the sidewalk made it's way to the Town parking lot, the applicant in their design had reduced the amount of drainage. The Engineering Division was satisfied.

Ms. Motta asked Mr. Passmann if a design professional, as per his memo, should be present during grading. He said it was at the discretion of the Planning Board. The Board decided that it wouldn't be necessary.

A motion to classify the proposal as a Type II action in accordance with NYCRR 617.5(c) was made by Mr. Collier, seconded by Mr. Odell and approved by all Board members present.

A motion to approve the draft Site Plan Approval as amended was made by Ms. McCarthy, seconded by Mr. Cotrofeld and approved by all Board members present.

Trustco Bank

Chairman Mathusa turned the Board's attention to the next item on the agenda, a site plan proposal by Trustco Bank. They would be opening a branch in the Tollgate building and were proposing a drive thru window on the side. This would be an initial presentation to the Board. Mr. John Breeze, Esq. was there to represent Mr. & Mrs. Zautner, the owners of the property. Mr. Tom Andress from ABD Engineering was representing Trustco Bank, the lessee of the property.

Mr. Andress stated that Trustco was currently renovating the side of the building that they would be renting and expected to be open for business within a few weeks. They were submitting a site plan for a drive thru window. The ATM would be stationed in the

front lobby. There wouldn't be one in the drive thru. The original design had the car pulling up along the side of the building with the driver's side near the window. They had been in to speak with the Planning Department and had gone through design changes to incorporate their suggestions on traffic flow. The owners of the property were present and they had some concerns with the present design because it took up some of the parking. Mr. Andress stated that presently the parking lot wasn't lined, people parked wherever they could fit in. They were proposing to not only define the drive thru area, but Trustco also agreed to pave the parking lot. He felt that defined parking spots would be more efficient.

The area in the front of the building would remain unchanged. They had proposed to put an island in DOT's right of way and another on the front corner of the building to direct the traffic exiting from the drive thru. That would correspond with the other exiting cars. He felt it would better define the driveway entrance and also help with internal circulation. Currently there were two (2) exits on the premises and that would not change. One of the proposed exits currently was used as either an entrance or an exit. That would be marked as an exit only. He acknowledged that there were issues that needed to be worked out in order to satisfy the owners.

Chairman Mathusa asked Mr. Breeze if Mr. Zautner had plans to close the restaurant. Mr. Breeze stated that was not his intention. Chairman Mathusa thought that the drive-thru lane would make it difficult to use the rear entrance to the restaurant, especially with the amount of children that frequented the establishment. He also pointed out that when trucks made their deliveries they would block the drive-thru lane. Chairman Mathusa wondered if the other businesses in the back of the property were planning on remaining. Mr. Breeze stated that Sue Zick would remain and there would be another new tenant. The new tenant would not be a walk-in type of business. He just needed the shop space to do his work.

Chairman Mathusa asked if the applicant had any traffic accident information for the intersection. He stated that it was a very busy intersection and had limited site distance.

Mr. Andress stated that unfortunately the alignment of the roads would not change. Trustco was approved and they would be open for business. The question now was did all the customers park and go in the bank or would they have the option to use a drive-thru. Chairman Mathusa was concerned with the amount of traffic in the area. Mr. Andress stated that the site right now was a "hodge podge" of parking with a couple of poles thrown in the mix to negotiate. He thought it would help to have a more defined pattern of parking and circulation.

Ms. Saatman stated that the Planning Department would want the accident reports for the last three (3) years submitted.

Mr. Odell stated that clearly they didn't want to make the traffic situation in the area any worse. He had frequented the restaurant many times over the years and he was aware of the condition of the rear parking lot. He felt that this might be an opportunity to make it

better. Because he was not an expert on traffic flow, he wanted the planning staff to give their analysis and advise as to whether the proposal was an improvement over the current situation.

Mr. Breeze stated that the proposal had been arrived at in conjunction with the Planning Department. Mr. Address stated that they had met with Engineering and the Planning Department with a proposal for a standard drive-thru window. The Planning Department had made suggestions and changes had made before the formal submission.

Ms. Saatman stated that the drive thru circulation that was being shown had been discussed with the Planning Department as a better option because the other had conflicting traffic patterns but it was not without issues. One of the problems was the existing pole on New Scotland Avenue that was in the path of the exiting traffic. Mr. Address stated that the pole would not be moved because it was a major pole for the area. They had proposed to place it within an island for safety.

Chairman Mathusa asked about how many people lived in the apartments that were adjacent to the site but part of the property. Mr. Breeze responded that there were twenty-one (21) apartments in the building. Mr. Address said they would continue to use the same ingress/egress as the businesses.

Mr. Collier understood that a building permit had been issued and the bank was moving forward with their renovation. He wanted to bring up the issue that with the addition of the drive-thru it opened up all the aspects of a site plan review under today's standards. He couldn't see how this site could possibly meet those standards; such as driveway widths, number of parking spaces, set backs and landscaping requirements. Mr. Address stated that Mr. Lipnicky had mentioned that point to them when they had met. Mr. Address realized one option of the Board's would be to tell them tonight to just open their bank and forget the drive-thru. The applicant, Trustco Bank, would be willing to work thru some issues but there would be limitations on the amount of money they would be willing to spend to have a drive-thru. Chairman Mathusa brought up the issue of drainage on the property and the fact that this alone could be a substantial cost.

Mr. Collier wanted to know if other scenarios had been discussed. Mr. Address stated that they had tried to do something off of the back of the structure but that created a stacking issue.

Mr. Collier said that nowhere in the Code did it state that when existing conditions were made safer, a number of other Codes could be negated. Mr. Odell agreed that though the proposed project had positive features, he didn't see how it could be accomplished. Mr. Address said he had gotten the impression from Mr. Lipnicky that not every one of today's Code standards would apply. Ms. Saatman stated that she had not the opportunity to speak with the building inspector as to what requirements of the Code would have to be met.

Chairman Mathusa asked if the applicant would consider withdrawing the proposal for the drive-thru until the bank had been operational for a period of time to see the amount of traffic that would be generated. Mr. Andress stated that the option would be brought back to the applicant. Ms. McCarthy didn't think that would be much help because a drive-thru window would create its own traffic. Mr. Andress felt that the customers of Trustco would use the bank regardless of the availability of a drive-thru window.

Mr. Engel thought that any improvement to the traffic flow at the site would be welcomed. He thought it would improve the safety and having a drive-thru would be an advantage to the customers. He thought that a drive-thru would also create a definite traffic pattern. Ms. Motta hadn't decided if the benefits of the proposed site plan outweighed the bad. Mr. Collier felt that if the owners were concerned about safety, they could delineate parking spaces now without the drive thru. He felt the applicant was trying to put too much on a small site. Ms. McCarthy noted that they were proposing three merging traffic flows exiting at one point with additional people entering the site at the same point. She felt it was dangerous. Mr. Andress stated that the Tollgate wasn't opened in the early morning hours and the drive-thru would only be open during normal business hours. That should help with the congestion. It was noted that Trustco would only pave and stripe the parking lot if the drive-thru was approved. Mr. Cotrofeld liked the paving and the striping in the lot but he felt that the drive-thru was a safety concern.. He thought there would be more traffic generated by the drive-thru than they were anticipating and he felt that the drive thru customers would be interested in a quick entrance as well as a quick exit that could potentially be dangerous. He was also concerned with the merging traffic that Ms. McCarthy had mentioned.

Mr. Andress stated that a drive-thru was more convenient for the customer but he didn't think they were much faster. They had done many of these for pharmacies and though the customers liked them, they lost a considerable amount of money for the companies.

Mr. Passmann stated that the Engineering Division had not completed the review of the project but they had made a site visit with the Planning Department at around 1:30pm and they witnessed a few cars that seemed in a hurry to get out of the traffic on New Scotland Road.

Ms. Saatman stated that it was a difficult intersection to add the drive thru with all the merging traffic at the intersection.

Chairman Mathusa asked Mr. Andress to relay to the applicant all the comments that had been voiced.

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

After a brief discussion a motion to table the minutes in order for Mr. Lipnicky to be present was offered by Mr. Odell, seconded by Mr. Engel and approved by all Board members present.

A motion to adjourn the meeting was offered by Mr. Odell, seconded by Mr. Collier and approved by all Board members present.

The meeting adjourned at 9:20pm.