

**PLANNING BOARD
TOWN OF BETHLEHEM
September 1, 2009**

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting on the above mentioned date, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY.

Present: George Leveille, Planning Board Chairman
Nicholas Behuniak, Planning Board Member
Kathy McCarthy, Planning Board Member
Chris Motta, Planning Board Member
Kate Powers, Planning Board Member
John Smolinsky, Planning Board Member

Michael Morelli, Director DEDP
Jeffrey Lipnicky, Town Planner
Terry Ritz, Assistant Town Engineer

Agenda: Mobil Station – 594 Delaware Ave
Meadowview II Subdivision

Chairman Leveille called the meeting to order and noted the presence of a quorum.

PUBLIC COMMENT PERIOD

Hal Berben, 94 Somerset Dr.. He had sent a letter to the Chairman with concerns; safety from the construction activities that would be happening, a buffer along Jasmine Dr. to define the play area of his young children and whether the all the permits and approvals had been obtained. He didn't think a fence would help keep his children out of the street and wanted a row of trees. Dead end street where they play will be taken away from them. He asked applicant to plant the trees without having to ask the Board to require the buffer.

REGULAR AGENDA ITEMS

Mobil Station

Mr. Morelli introduced the project.

- previously approved site plan, Jays Mobil, obtained in 2006.
- approval was to convert a gas station to a convenience store.
- project never constructed
- Mr. Hessari has recently purchased the site.
- using the same team, Mr. Kleinke and Mr. Buldoc, to prepare the documentation for his site plan application.
- minor elevation changes; centering of door, use of stone on the façade
- does not need to go back to the ACPB

Ed Kleinke, landscape architect, presented for the applicant.

- site was a gas station and repair shop for many years
- had received special use permit when the car wash was added to the site
- prior owner had decided to eliminate the repair bays and replace with convenience store
- lighting, signage and circulation was looked at during that review

- new owner has modified the plan slightly
- intersection functions well and is signalized
- canopies and gas pumps will remain the same
- site has loop driveway behind the building to access the car wash
- rear of site is wooded and not developed
- total area of site is 1.67 acres and a little more than half is developed
- in a Hamlet zoning district
- they are requesting re-approval of the site plan for the new owner
- minor changes: name of establishment, will be a Valaro gas station
- signage will be the same as approved with the last site plan, a monument sign in a landscaped area at the corner, some pavement will be removed (800 sq ft +/-)
- large sign on Delaware will be removed, allowing greater access to the front of the site
- remainder of the site will remain as proposed
- planters across the front and a raised sidewalk
- access to the roads will remain continuing good circulation in and out of the site and throughout the site
- applicant operates the convenience store at the corner of Rt. 9W and Feura Bush Road
- wants to pursue additional businesses in the Town
- propane filling station has been removed and a bike rack will take its place
- consideration of the car wash and any potential drive-through are not part of the current proposal; they may be considered in the future

Mr. Buldoc, Keystone Builders

- interior has not been finalized
- exterior is similar to previously approved site plan.
- double door has been relocated, colors have changed, cultured stone will be added
- windows a cranberry color, shakes will be added near the peak, colors will be a variety of beiges
- cultured stone will be used on the monument sign
- lighting for the signage and the gas canopies were shown to the Board

Board responses and comments

- suggested bringing the cultured stone around to the Elm Avenue side
- suggested planters on Delaware Avenue close to the road as the last owner had done
- liked the bike racks and suggested marked walkways to separate the pedestrian from the vehicular traffic, especially near the car wash driveway
- lighting requirements changed since last approval, no lighting can spill off site, proposed lighting will comply
- asked if the car wash or future potential drive through needed to be reviewed now – staff replied they would not, if they come back with changes, the application could be reviewed then without a SEQR segmentation issue
- parking complies with the code and spaces will be defined better
- asked if the elimination of one of the access points was considered during the last approval – Mr. Kleinke responded; used the existing curb cuts and because of the location of the gas pumps, the two access points on Delaware Ave. help the circulation of cars. If location of the pumps change in the future, circulation could be revisited
- reported accidents at that corner were attributed to other issues than the access points of the site

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

Meadowview II Subdivision

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 518-439-4955.

Mr. Ingalls presented for the applicant.

- main changes from the Preliminary plat was the planting plan
- street trees are shown
- 27 white pines proposed along rear of the proposed lots on Schoonmaker Dr., as well as a berm
- the height of the trees were increased from six (6) to eight (8) feet to eight (8) to ten (10) feet
- ACOE determined the wetlands were isolated and non-jurisdictional
- ACDOH have done their review of the water and sewer facilities
- took letter and request from Mr. Berben to applicant; applicant does not want to do additional plantings along Jasmine Dr., has already agreed to extensive buffering along the rear of the proposed lots and the street planting. Cost of buffering, berms and street trees will cost about \$10,000.
- they had added another tree to bring them within 15 feet of the right-of-way

Board comments

- responsibility of the property owners to provide whatever protection they deem necessary for their family once development is built
- suggested temporary barriers for protection during construction phase from work site
- other neighbor has not voiced an opinion about additional buffering along Jasmine Dr.
- suggested Mr. Berben and the applicant meet separately to try and come to an understanding privately, Board would not condition approval

Staff comments

- off site plantings have been done on other subdivisions but always in a situation of a new street being constructed
- survey submitted by Mr. Berben; could not locate trees where he suggested because of Town right-of-way and 10 foot nimo right of way.

Mr. Ingalls

- said the construction of the road should take about 3 or 4 months; a barricade will be placed across the entrance to the construction site to keep people out
- remainder of the construction will be on individual lots for homes

The Board reviewed the draft Conditional Final Approval document 241-CFA prepared by staff.

A motion to approve Conditional Final Approval 241-CFA as amended was offered by Ms. Motta, seconded by Ms. McCarthy and approved by all Board members present.

Other

Mr. Smolinsky reported that several residents of Walden Fields asked that he meet with them to discuss the proposed Kendall Square Project. Mr. Smolinsky reported he did meet with them, discussed the status of the project and the Planning Board's review process; he also suggested the residents meet with the developer to get current details and raise questions.

Minutes

The Board reviewed the draft minutes of August 18, 2009 prepared by staff.

A motion to approve the minutes as drafted was offered by Ms. Powers, seconded by Mr. Smolinsky and approved by all Board members present.

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

The meeting adjourned at 7:10.

Respectfully submitted,
Nanci Moquin