

PLANNING BOARD
TOWN OF BETHLEHEM

December 2, 2008

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on December 2, 2008, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY.

Present: Howard Engel, Acting Planning Board Chairman
 Keith Silliman, Planning Board Counsel
 Nick 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, Assistant Director of DEDP
 Jeff Lipnicky, Town Planner
 Terry Ritz, Assistant Town Engineer

Agenda: Key Bank
 Edward and Sheri Ciccone
 Trinity Manor Phase 5

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

KeyBank

The first item on the agenda was a proposed amendment to an approved site plan at 370 Delaware Avenue, Delmar. The project was last before the Board on October 2, 2007 when the site plan was approved. The applicant is requesting an amendment to that site plan. They hope to eliminate some of the financial burden attached to the approved site plan.

Mr. Allen from Woodward, Connor, Gillies and Seleman Architects presented for the applicant. The prior approval was for exterior and interior renovations. The amended design was for the site and building modifications that met the bank's budgetary requirements. He said there were three (3) areas he would be explaining; areas of the site plan remaining the same, some that would change slightly and some significant changes. The existing egress and ingress and pedestrian entrances would be unchanged. They will still provide new benches and trash receptacles at the four corners. The new lights would fit in with the pole lights along Delaware Avenue. They are proposing minor adjustments to the bench area by removing an existing concrete planter and replacing it with concrete sidewalk. Other smaller planters would be added around the periphery of the bench area. A series of masonry piers would be added along Delaware Avenue with metal fencing between them and shrubs behind for screening for the drive thru area. They still want to expand the drive thru to three (3) lanes. That would require a canopy and the relocation of a HVAC unit. Screening would be added around the HVAC unit and around an existing dumpster. The proposed significant modifications to the building make greater changes to the shape of the building. He showed the Board the revised façade of the building. The existing building has two (2) sloped roofs and one flat roof section. The proposal is to extend vertically the walls in the

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sloped roof section to create three flat roofed sections. The applicant thinks this will be a more unified look for the building and it would tie in with the surrounding buildings. The color of the extended walls would be chosen to complement the existing brick. They are proposing to add awnings over the bank entrances and existing windows that face the street side. The sign would be replaced with a new individual letter sign on the new façade. The sign and the awnings would be lit from above. The proposal enables the applicant to make the changes to the outside of the building without making a large impact on the recently renovated interior of the building.

Though the Board liked the bench area, lights, fencing and signs, they did not like the proposed flat roof.

The initial site plan with the flat roof and the raised walls were justified because they were going to place the HVAC unit on the roof. The unit will now remain on the ground.

Mr. Allen said they were looking for a design that could structurally be added to the building and still have unity in the building. He said the height extension was to be able to use part of the older sloped roof and follow the Hamlet zone guidelines for a two (2) story like façade.

Additional comments from the Board included marking the walkway from the handicapped parking spots and significantly screening the dumpster.

Acting Chairman Engel asked if staff had looked at the design of the roof. It seemed to be the area that most concerned the Board. Mr. Morelli said the existing Key Bank has three (3) different elevations in the roof line and he said the intent of avoiding flat roofs was to avoid the plain box look. The proposed design of the site is consistent with a lot of the Hamlet design standards. The combination of several different elevations and the cornice work was attractive. He thought it was an improvement over the original site plan approval.

The Board questioned the higher roof line design because the HVAC system would not be relocated to the roof. Mr. Allen said they were not creating occupied space in the building. It was to meet the Hamlet design criteria. It was pointed out that the flat roofed building across the street was old red brick with a lot of windows. The Board was also concerned with precedence, if more development came in along Delaware with this type of design, the area could end up uniform and bland.

A suggestion was made to place substantial trees and plantings around the base to soften the look of the façade as a potential solution.

Because of the Board's objection to the roof, Acting Chairman Engel asked if there was something the applicant could do that would tie into the existing roof and be cost effective. Mr. Allen said the other roof would have them taking the entire roof off and rebuilding. That is not feasible now. They did look into keeping the roof sloped but it wasn't anything that could be done easily because of the structural issues with the roof.

The Board asked the applicant to investigate what could be done to the roof to avoid a box look, preferably with a sloped roof. Mr. Giles asked if just changing the material of the existing roof was something the Board would be open to. They agreed that was a direction the applicant could pursue with the other proposed changes to the site remaining the same.

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

Edward and Sheri Ciccone

The project is the proposed rezoning of five (5) parcels on the north side of Corning Hill adjacent to Cumberland Farms from Residential A to Commercial Hamlet.

The Board reviewed the Draft Resolution Recommending the Town Board issue a SEQR negative declaration and approve the rezoning.

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

Trinity Manor Phase V

This project is a proposed twenty-two (22) lot conservation subdivision. Mr. Costa, Sipperly and Associates presented for the applicant. The project was presented to the Board in October. The site is located off Trinity Place. It's a seventeen point three (17.3) acre parcel. There is an eleven (11) acre parcel to south that is owned by Stylish Development.

Mr. Costa said the plan utilizes the extension of Reutter Dr. to a cul-de-sac. The twenty-two (22) lots will be twin townhomes. Utilities will be extended from Reutter Dr. including water, sewer and storm sewer systems. He said the conservation subdivision layout avoided wetlands on the site. Twelve point two (12.2) acres will remain as open space. He said they have received comments from both Planning and Engineering and are in the process of addressing those.

Mr. Silliman asked Mr. Ritz if there would be any problem with the sewer district extension. He said no there was a standard procedure for handling extensions.

The Board was concerned with wetland requirements, small backyards, the need for a noise study because of the close proximity to the Thruway and the ability to install utilities in the small frontage of the lots.

Mr. Costa said one of the reasons they kept the rear of the lots away from the wetlands because if the wetlands are included in the lots, people usually fill them in. He said these are Town homes and potential residents usually don't want large lawn areas. They do have larger side yards.

Mr. Lipnicky said the Town usually doesn't like land locked parcels, he said it appears that a second access could be achieved by extending the road thru the next few parcels. He has been told by the applicant that the parcel to south owned by Stylish has deed restrictions on it for creation of wetlands. If that is the case the parcel can't be used for anything else. Planning is waiting for information on that parcel. Mr. Costa said they were working on getting wetland mitigation information from the ACOE to see if there were deed restrictions on the Stylish Development parcel. He said the two (2) parcels together gave the project about twenty plus acres of open space. Mr. Lipnicky said if the Stylish Development parcel has development potential, it can't be landlocked and access should be supplied.

Mr. Lipnicky said with a conservation subdivision the Board has the ability to set lot and bulk requirements for this parcel. The applicant wants direction from the Board that the proposed lot and bulk on the plan is satisfactory. Acting Chairman Engel said his concern was that some of the back of the proposed lots were as close as ten (10) feet from the wetlands. He said when those types of lots are approved, later on people want to put on additions

and decks and the space allowed is not sufficient. Mr. Ritz said there wasn't an easy way to alleviate the setback to the wetlands. Mr. Costa said they were trying to work with a corridor and they were fitting in the lots without impacting the wetlands. Acting Chairman Engel asked if there were physical boundaries that could be added to indicate where the wetlands were located. Mr. Lipnicky said the land where the wetlands were located would be owned by the Home Owners Association. The Board could require boundaries at the individual lot lines.

The question of whether an archeological study would be done came up and Mr. Silliman said the SHPO would be notified.

Acting Chairman Engel said some residents in the area were concerned with the potential blasting needed for this project. Mr. Costa said there will be sensors placed at all the existing homes and they will be monitored. He said it will be a certified company that will be doing the blasting. Mr. Silliman suggested a blasting plan.

Acting Chairman Engel said this was the first conservation subdivision the Board had reviewed and he wanted to make sure everything was done correctly because it could be a model for future conservation subdivisions.

Mr. Silliman didn't think that a SEQR coordinated review was necessary. He didn't think they would gain anything. The Board should declare itself lead agency.

Mr. Lipnicky asked if the Board had any other issues they wanted the applicant to address other than what was articulated in the comments letters from staff.

An additional comment was for a sufficient buffer between the proposed homes and the Thruway.

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

The Board reviewed the draft minutes of November 18, 2008 prepared by staff.

A motion to approve the minutes of November 18, 2008 as amended was offered by Ms. McCarthy, seconded by Mr. Smolinsky and approved by all Board members present.

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

The meeting adjourned at 8:15 PM.

Respectfully Submitted,

Nanci Moquin