

**PLANNING BOARD
TOWN OF BETHLEHEM**

June 15, 2004

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on Tuesday June 15, 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.

Agenda: Bethlehem Town Center II Site Plan
Freed & Michaud Subdivision

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

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

Howard Johannessen, Boutelle & Sons, Freed & Michaud Subdivision
Rachel Michaud, Washington, D.C., Freed & Michaud Subdivision
Steven Powers, Nigro Companies, Bethlehem Town Center II
Jon Van Der Poel, rt. 9W, Glenmont, NY, Bethlehem Town Center II
Peter Giovenco, PE, Bergmann Associates, Bethlehem Town Center II
Todd Curley, Nigro Companies, Bethlehem Town Center II
Robert Sweeney, Shanley, Sweeney, Reilly & Allen, Bethlehem Town Center II
Simone Sebastian, Times Union

Bethlehem Town Center II

Chairman Mathusa called the meeting to order at 7:30pm. He began by stating that Mr. Engel, a Board member, would not be present because he was representing the Planning Board at a Bethlehem Planning Advisory Committee meeting on visions. He invited everyone to attend that meeting across the hall at the conclusion of the Board meeting.

Chairman Mathusa turned the Board's attention to the first item on the agenda, the Bethlehem Town Center II project. He stated that they had been placed on the agenda for an update of the project and the establishment of the SEQR Lead Agency Coordination. The applicant had submitted a revised EAF for review. Some of the issues that Chairman Mathusa wanted to discuss were storm water management and traffic patterns within the center.

Mr. Giovenco displayed an updated site plan to the Board. A full set of detailed plans had been submitted to the Planning Board, Planning Department, and Engineering Division for review. The overall concept had remained the same. Mr. Giovenco pointed out the access points of the project.

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The first access on Lowes Drive was one-way and specifically setup to direct truck traffic to the loading dock areas in the rear. The truck traffic would then be separate from the pedestrian movement. Mr. Giovenco stated that the truck traffic created would not be as great as Lowes or Wal-Mart. The retail spaces were much smaller. The Staples would continue to face Rt. 9W, there were stores that would face the side of the plaza and the back retail space would also face Rt. 9W. Nigro Companies was still in the process of acquiring tenants. In general, the parking spaces and the amount of green space meet the Town Code. Mr. Giovenco stated that a pump station would be needed for the sanitary sewer that would be serviced by the adjacent plaza. The storm water runoff would be collected and directed to the rear of the site. They were currently working with a few vendors to design a water treatment facility that would have the ability to treat the quality of the runoff. The water would be channeled into a closed conduit to a lower detention pond that would be constructed at the bottom of the slope to handle the quantity of the water on the site.

Mr. Giovenco pointed out the location of the wetlands on the site. They ran along the north boundary line. They assumed that they would be disturbing about .2 acres of wetlands, they hoped to fall under the Nationwide 26 Permit Program because it was a complete and separate project and disturbed less than ½ acre and more than 1/10th. Some mitigation would be necessary; they were looking at using the area near the pond for wetlands. They felt that because the water would be treated for quality, they could use that water for wetlands. Mr. Giovenco stated that it was a logical area because there were other wetlands down there and if the creek overflowed, it would actually help the wetlands area.

Mr. Giovenco then showed a revised elevation of the buildings. The front view looking towards the plaza had a two-toned brick veneer with a soldier course for interest and metal awning roofs. There had been a concern the last time that the side of Staples did not have a cohesive flow with the front façade. They had added some tinted black windows. That way the valuable inside wall space could still be used for merchandizing. The covered walkway would be along the entire length of the structure both front and side. The brick on the front would be wrapped around the side of the structure to the loading dock area that faced north; this was done to address the concerns of the Board.

Chairman Mathusa was concerned with the buffer area that ran along Rt. 9W. Mr. Giovenco stated that the height of the berm had been increased to a six (6) feet with landscaping on the top. Mr. Lipnicky wanted to know what the berm elevation was in relation to Rt. 9W. Mr. Giovenco stated that the elevation of Rt. 9W in the front of the site was 182 ½, the top of the berm would be 184, which would make it two (2) to four (4) feet higher than the road. He stated that the berm could be increased a few feet but they were concerned that if it were too high, it would look unnatural. Mr. Lipnicky responding to a question stated that some of the berms in the front of the Bethlehem Town Center Plaza were as high as fifteen (15) feet. Mr. Collier wanted to make sure that the berm was high enough to screen the cars from the traffic on Rt. 9W. He would prefer to see their height from four (4) to six (6) feet. Mr. Giovenco didn't see a problem with that amount of increase. He stated that the parking lot would not be as obtrusive as the ones in front of Lowes or Wal-Mart. The design of the parking lot was segmented areas surrounded by landscaping.

Mr. Lipnicky stated that the Albany County Soil Survey showed that the area that surrounded the parking lot was hydric soils, an indicator of wetlands. He wanted to know if the wetlands on site had been delineated. Wetlands had been a "last hour" problem with the Bethlehem Town Center and he would like to avoid any problems. Mr. Giovenco stated that a full wetland delineation had been done by TS, a Syracuse firm. They have a strong reputation in this area of expertise. Their

report stated that the area was hydric soils but TS believes that they do not have the full aspects of a wetland. The Army Corp of Engineers would be on the site on June 23, 2004 to confirm the delineation that TS did. A letter of jurisdiction would be supplied as soon as they are in possession of it. They were also awaiting a letter from the DEC Wildlife Resource Center as to whether there were any endangered species in the area.

Mr. Lipnicky asked if SHPO had been notified. The Bethlehem Town Center had fallen within an archeological sensitive area. In addition, the Van Der Poel house next door had been identified as a potential National Register house. During the Bethlehem Town Center review, there were certain mitigations discussed in regard to that house. It had been concluded that the real impact on the house would be the development of this proposed project site. Mr. Giovenco stated that they had not contacted SHPO to date. They had planned on working with the same archeological company that worked on the Bethlehem Town Center project to develop any plan if necessary.

Mr. Lipnicky stated that another concern were the slopes. He had walked the site with Mr. Passmann. There were very steep slopes with a grade of 30% or greater at different points on the site. He asked if a geotechnical engineer had been to the site. Mr. Giovenco stated that Gregg Gifford had been to the site; he was the geotechnical engineer that had been involved in the Bethlehem Town Center project. He had been involved in the design process of the grading for the proposed project. He required that the grading be no greater than 1 on 3½ to eliminate the possibility of global failure, since those soils were susceptible. Mr. Gifford would be analyzing all of the buildings and slope stabilization. Mr. Giovenco stated that Mr. Gifford's report would be submitted for review. Mr. Passmann stated that the Town typically had refrained from locating detention basins adjacent to the bottom of the slope or the top of the slope. He asked if slope drains or other improvements in the area of the detention basin had been suggested. Mr. Giovenco stated that Mr. Gifford had not yet worked on the details of the plans such as underground drains. Mr. Giovenco stated that Mr. Gifford had preferred the basin to be located at the bottom of the slope. The runoff would be piped to the basin. Mr. Lipnicky asked how the area would be accessed for maintenance purposes. Mr. Giovenco stated that the slope would be somewhat traversable. He thought that maybe an access road could be provided. Mr. Passmann stated that Mr. Giovenco had mentioned using CDS units on the top of the slope to treat for water quality. The project was a commercial development that would disturb greater than an acre therefore it would require DEC Phase II permit coverage. The DEC was not allowing the CDS units for the treatment of water quality; they were only allowing them for pre-treatment. He thought the applicant should re-evaluate their approach. He advised them to look at the State Storm Water Management Design Manual Appendix E for calculations and checklists to analyze the size of the area that would be needed for their system. There was a possibility that the area allocated to Storm Water Treatment could increase, changing the overall project. Mr. Passmann suggested getting the design for the Storm Water System under way in the beginning of the process. Mr. Giovenco stated that he would be meeting with Carol Lamb-Lafay for input into what would be considered an acceptable design.

Chairman Mathusa stated that with the site as tight as it was, the Board was very concerned that the Storm Water Management Design be in place at the beginning of the project. If it needed to be changed, it could alter the project significantly. Also the Town was very sensitive to mud slides.

Mr. Lipnicky stated that the traffic flow was another concern. He would be looking to the previous projections that had been done for the Bethlehem Town Center. A traffic light would definitely be needed at the entrance into the plaza at Lowes Drive. He had some concerns with internal circulation. He thought that too much traffic was being channeled in front of the stores. Another

area that concerned him was at the only exit was a five-point intersection. Mr. Lipnicky wanted to see that area reworked to eliminate that S intersection. One of the suggestions included extending Lowes Drive and moving the entrance/exit. Other concerns were the radius at the front entrance near the building, the fact that it didn't line up with the Wendy's entrance and the possibility of turning the front entrance into an exit also.

Mr. Giovenco stated that the radius had been established with truck traffic in mind. The applicant still did not feel that the plaza would be a large trip generator and didn't warrant two full entrance/exit points. He stated that even though the traffic was being directed along the building, there were only one or two stores that would be on that side, the remainder of the structure was the side of Staples. The area that would be needed for the extension of Lowes Drive was on Lowes property and there was concern attached to constructing physical improvements on their property.

Mr. Lipnicky stated that as a condition of the original approval for Lowes, the Town had required an easement along the north property line for possible future highway. That might be able to be used for this purpose. He wasn't suggesting three entrance/exit points, but maybe eliminating the second one that incorporated the five-way intersection. Mr. Giovenco didn't want to eliminate that access point, because it was a straight line to the rest of the plaza. Mr. Lipnicky wasn't convinced that was a positive feature. Mr. Giovenco stated that they would work with staff to refine points of concern. Mr. Collier agreed that two entrance/exit points would be needed. He also wanted to make sure that there would be a light at the intersection onto Rt. 9W.

Chairman Mathusa turned the Board's attention to the draft SEQR Resolution that had been prepared by staff. Mr. Lipnicky stated that from the information that had been supplied by the applicant, it appeared that it was an Unlisted Action. It would be circulated to all the agencies that were involved with the review of the original Bethlehem Town Center. He stated that to remain consistent, staff would call the project Bethlehem Town Center II, unless the applicant had an objection.

A motion to accept the amended draft SEQR Resolution Initializing a Coordinated Review with the Planning Board as Lead Agency was offered by Mr. Collier, seconded by Mr. Cotrofeld and approved by all present.

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

Freed and Michaud Subdivision

Chairman Mathusa turned the Board's attention to the next item on the agenda; a one-lot subdivision known as Freed and Michaud Subdivision. The lot was located on McCormack Road. The applicants had recently received a variance from the Zoning Board of Appeals pertaining to minimum lot width. This was an initial presentation to the Board.

Mr. Johannessen, from Boutelle & Sons, presented for the applicant. The parcel was located on the southwest side of McCormack Road near Maple Avenue. He stated that the 1/3rd of an acre parcel was currently vacant and undeveloped. The slightly wooded parcel sloped from McCormack Road to the southwest corner of the property. In that corner of the lot was approximately 2,200 sq ft of federal wetlands. Public utilities were available on McCormack Road. Mr. Johannessen stated that in order to make the lot buildable, filling and grading would be necessary. They proposed about 5 ft

of fill in one corner. It would be sufficient to bring the house up to an elevation of 216 feet, which was consistent with the other elevations along McCormack Road. In order to fill the area, they were proposing a retaining wall along the property line. The wall would be approximately four feet high. The sewer and water service would be accessed from the front of the parcel.

Mr. Odell wanted to know how long the lot had been a separate lot and if it had been a part of another subdivision. Ms. Michaud stated that the lot had been divided from a parcel that had been owned by a Mr. Demling. The applicant had purchased the lot in 1983. The reason that the applicant was before the Board was to approve the lot as a buildable lot because when the lots were sold, the owner did not go through a formal subdivision process to have each one approved. The applicant had to get a variance because the required lot width had changed since the date of purchase. The lot that was adjacent had been a part of this lot at one time. The neighbor and the applicant had agreed to split the lot and cost as an investment. They were now ready liquidate that investment.

Mr. Collier asked Mr. Passmann how close a building footprint could be to a retaining wall. Mr. Passmann stated that typically the review included making sure that there was enough coverage of the footing systems of the building so there was frost protection. He had put a scale on this to measure for distance and didn't see a problem. Engineering will be issuing comments after completing their review.

Chairman Mathusa stated that after the applicant received the comments from both the Planning Department and the Engineering Division and had a chance to make any necessary adjustments to the plans, they would be placed on the agenda to schedule a public hearing. It was suggested to Mr. Johannessen that he wait for the comments from the Engineering Division before submitting revised plans.

Ms. Saatman stated that the file had been sent to the Albany County Planning Board. She requested a consensus from the Board as to whether they felt an archeological study was necessary. The Board unanimously decided that the study was not required. She told the applicant that minor changes were needed to their EAF. Mr. Johannessen when asked, stated that Bagdon had done the wetland delineation on the site.

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

A motion to approve the minutes as amended was offered by Ms. McCarthy, seconded by Mr. Cotrofeld and approved by all present.

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

The meeting adjourned at 8:45.