

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**March 16, 2004**

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on Tuesday, March 16, 2004, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Parker D. Mathusa presided and called the meeting to order at 8:22p.m.

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

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

Joan L. Graf, 58 Old Ox Rd., Delmar, NY 12054  
Robert & Linda Stockwell, 201 Wycham Ct., Slingerlands, NY 12159,  
Delmar Construction & Interior Design  
Richard Hoffman, 1735 Central Ave., Albany, NY, Delmar Construction  
& Interior Design  
Bruce Ginsburg, Schuyler Companies, Town Squire Phase II  
Steve Powers, Nigro Companies, Nigro Retail  
John & Gloria VanDerPoel, Rt. 9W, Glenmont, NY, Nigro Retail  
Tod Curley, Nigro Companies, Nigro Retail  
John Allen, Esq., Shanley, Sweeney, Reilly & Allen, Nigro Retail

Mr. Lipnicky stated that a phone call had been received from a resident, Mr. Rivenberg, concerning the Troubador Subdivision. Mr. Rivenberg, a senior citizen, had been upset that the Planning Board Meeting had not been cancelled due to the weather. It made it impossible for him to come out and voice his opinion. Chairman Mathusa stated that Mr. Rivenberg could put his concerns in writing and they would be added to the file and shared with the Board members.

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

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

## **Town Squire Phase II**

Chairman Mathusa turned the Board's attention to the next item on the agenda, Town Squire Phase II. The applicant had been asked before the Board to update them on items that were being worked on and to see if an extension of the approval to go ahead with further clearing was in order. Mr. Lipnicky stated the applicant had made progress with the conditions that were attached to their Site Plan Approval. The Board had received a marked up copy of a previous memo sent by Mr. Lipnicky that outlined that progress and the items that remained outstanding. These remaining conditions still prohibited the Chairman from signing the final plat. Farm Family was now satisfied with the proposed landscaping in their buffer zone and had sent a letter to that effect. The language for the letters of credit had been reviewed by Mr. Silliman and deemed adequate. The applicant had been told they were sufficient and had asked their bank to issue the formal Letters of Credit. The applicant had done all they could with that issue. Mr. Lipnicky stated that the Storm Water Management Report had also been received and reviewed in the Engineering Division and was acceptable per Mr. Passmann. Both the Storm Water Pollution Prevention Plan and the Operations and Maintenance Manual had been submitted and comments had been sent back by the Engineering Division. The easements for the prior Town Squire Approval were still needed in legal language in their final form. There were also two other blanket cross easements needed because of the two property owners sharing access and utility connections. Staff had required draft language for pedestrian and vehicular access over the driveways and parking lots and also the ability to access the utilities prior to the signing of the final plat. Those have not been submitted yet but the applicant now has all the information needed to supply those easements.

Mr. Ginsburg stated that Mr. Lipnicky had updated the Board correctly on their progress. Since the last meeting, the silt fence had been constructed but not within the Farm Family buffer. He stated that he would contact his bank the following day and have them issue the Letters of Credit. Now that he understood the requirements of the blanket easements, he would have his attorneys prepare the legal descriptions, which are necessary for filing. Mr. Ginsburg stated that Bohler Engineering had received the comments from Mr. Passmann and had made the necessary revisions based on those comments. They should be submitted within the next few days. There had been some comments concerning the retaining wall that still needed clarification. Mr. Ginsburg had told Bohler Engineering to contact Mr. Passmann. He thought that all the conditions would be met within a week. Mr. Passmann stated that some submittals had been received on March 4<sup>th</sup> and 9<sup>th</sup>, those had been reviewed and comments sent out. The developer had made progress in addressing the comments but there were still some outstanding. Detail needed to be added to the structural plans of the sand filter and the retaining walls.

Mr. Collier wanted to publicly thank Mr. Passmann for his extensive evaluation for the Storm Water Management System. He commented on the extent of the detail that was involved in the process and wanted to make sure that the applicant was aware of them. Mr. Ginsburg assured Mr. Collier that they were diligently working to comply. He also wanted to thank Mr. Passmann for his timely review of the submitted documents. Mr.

Collier stated that because the storm water regulations are so new, the Board should learn more about the different designs that can be used to satisfy those regulations.

Chairman Mathusa asked if the Board members would be agreeable to allow the continued clearing in the buffer with Farm Family now that they had approved the landscaping design. Mr. Lipnicky asked that the Board take two other issues into consideration if they decide to make a motion. One was the proposed use of hydro seed instead of the sod that had been on the approved plans and the other was the revised landscape plan that had been a request of Farm Family.

A motion was offered by Mr. Collier to grant the permission for extended tree removal into the buffer zone, the use of hydro-seed instead of sod on the site, and accept the revised the landscape plan in the buffer area as required by Farm Family, seconded by Mr. Engel and approved by all the Board members.

Mr. Ginsburg wanted to know if it would be necessary for them to appear before the Board again for this project other than when and if they add additional structures. Chairman Mathusa thought that proceeding with satisfying the conditions in the Site Plan Approval Document should be sufficient. Mr. Lipnicky interjected that the Approval Document gave the Engineering Division leeway concerning the design of the Storm Water Management area. He wanted the Board to be aware that the area includes structural measures in place of a detention pond that now includes retaining walls and fencing.

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

### **Delmar Construction and Interior Design**

Chairman Mathusa introduced the next project on the agenda named Delmar Construction and Interior Design. They were on the agenda for an initial presentation of their proposed site plan. Linda Stockwell, the applicant and owner of the business, presented the project. They were a full service custom remodeling firm that wished to purchase 427 Kenwood Ave. and consolidate the business there. On the Kenwood property they wish to remove an existing retail shop that sits on the rear of the lot and build a 38x52 storage building and garage that would house trucks and equipment. Another structure to be erected would be a cottage that would be a storage shed for cabinets, wallpaper and bolts of fabric. There were nine parking spaces proposed including one for handicap access. They also planned to beautify the existing house with Victorian accents including a new porch area. Mr. Hoffman, the architect, stepped in and spoke on the issue of drainage. He stated that the site development would decrease the green area; preliminary calculations leaned toward putting in an area drain and catch basin in the back corner, which is where the site naturally drains. He felt that this would stop any additional runoff onto adjacent properties. The area that would be paved would be the driveway and an area in front of the smaller structure. The remainder of the parking area would be gravel to help with the water drainage. The property backs up onto

the Town Municipal parking lot. They were proposing to provide a pedestrian way to that parking lot, keeping as many trees as possible. They were also proposing to add additional screening along the property and landscaping in the front. Mr. Odell asked about the use of the existing house. Ms. Stockwell stated that it would contain the corporate headquarters and they also display products there by appointment. About 50% of the space would be for offices. There was an existing apartment on the second floor that would remain. Ms. Stockwell stated the reason the existing retail shop would be removed was because of its poor condition. The Gallery that was presently using that space was already seeking new space. Ms. McCarthy wondered about the amount of deliveries, but Ms. Stockwell assured them that the deliveries were minimal. Ms. McCarthy wanted to know if the neighbors had been contacted as to their intentions. Ms. Stockwell stated that they had not closed on the property so the neighbors had not been contacted. Mr. Cotrofeld had noticed that there were trees located very close to the structure that they planned on removing. The applicant stated that two (2) of the trees would need to be removed. They hoped to save as many trees as possible. Mr. Collier stated that he was a member of the church that was located across the street from the proposed site. He thought that the upgrade to the existing house would be a benefit but he wondered about the aesthetics of the large metal garage that was proposed for the rear of the property. It would be in a direct line with the driveway and very visible from the street. He wanted to know if the proposed rear structures could be interchanged so the garage would not be visible. Mr. Hoffman said that they had looked at that possibility but in order to do so would mean considerably less green space on the site. Chairman Mathusa suggested doing something to the façade of the building to bring it more into character with the existing house. Mr. Collier agreed, he thought that the Victorian house in the front and a large metal garage in the rear would not compliment each other. Mr. Passmann asked why the garage needed to be that height considering the types of trucks that would be stored. Ms. Stockwell stated it was because of the extra equipment that was carried on the trucks. They were concerned with adequate clearance.

Mr. Cotrofeld thought that as a designer the applicant could do something creatively to the garage that would improve the look of the building considerably. Some of the suggestions he made were nicer paneled doors, or windows to break up the expanse of metal. Mr. Hoffman stated that they could address those comments. Mr. Odell suggested a window in the center of the middle peak to break it up. Ms. Saatman had a concern with the number of parking spaces that were configured on the site. Presently they were at the minimum number and the parking space that was along the drive aisle could present a problem. Mr. Hoffman stated that the length in question was much longer than the required length and he felt it would be adequate for turn-around purposes. Ms. Saatman noticed that on one set of plans it appeared that the space between the garage doors would be wide enough for a car but on the other plans it appeared that the doors were wider than the spaces. Ms. Stockwell stated that the garage doors were ten (10) feet wide. She said that one of the pictures was an artist rendition but the other plans were to scale. Ms. Saatman wanted to know how often the trucks came and went out of the garage and how that would affect the use of the parking spaces. Ms. Stockwell stated that the trucks left at 8:00am and returned at 4:30pm, the showroom hours were 8:30am to 4:00pm. The trucks should not affect the spaces.

Mr. Lipnicky wanted to know the volume of customers. Ms. Stockwell stated that there were two people that worked in the shop and they never had more than three (3) clients on the premises. Her clients were by appointment; it was not a walk in type of business. It was not a retail store. Ms. Saatman wanted to know if there would be dedicated parking spaces for the apartment. Ms. Stockwell stated that it had been suggested that they give the apartment two (2) spots. Ms. Saatman brought up the fact that the driveway overlaps with the neighboring property; she wanted to know if there was an easement in place. Mr. Hoffman stated that he showed what the survey indicated; he had no knowledge of a formal easement.

Mr. Passmann stated that the Engineering Division would review the drawings that had been submitted and issue comments.

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

### **Nigro Retail**

Chairman Mathusa introduced the Nigro Retail project. It had last been on the agenda February 17, 2004; at that time the Board had certain concerns with the placement and elevations of the proposed front retail space. Mr. Powers presented for the project. Since the last time the project had been on the agenda, the applicant had taken into consideration the comments from the Board and reworked the orientation of the proposed front retail space. The new proposed orientation had been moved to the left hand, front portion of the site. The rear of the building would be facing the south onto Lowes Drive and a wall had been included to conceal the loading dock area. The front of the proposed retail space faced north to the parking lot with the side of the building facing Rt. 9W. Other than Staples the tenants have not been determined. Staples wanted a white building with a red stripe but have agreed to go with the applicant's proposed architectural block in an earth tone color. Mr. Powers had hoped to get to the point where the Board would be satisfied enough with the plan so they could go ahead with the finalizing of the site plan, storm water plan and the grading plan.

Mr. Odell felt that the reorientation of the building to the north with some landscaping seemed to address one of the major concerns of the Board. Mr. Collier still wanted to see the berm continued to the front of this parcel to have continuity with the Bethlehem Town Center. Mr. Powers stated that they would propose a berm along Rt. 9W and also along Lowes Drive. Mr. Collier didn't think that there was enough space to do that with the building as close to the front of the parcel as proposed. He thought that they could combine the square footage of the front building into the rear structure and have one large building. Mr. Powers stated that Staples wanted to be up front and visible from the road. That retailer would not stay with the project if they were that far back. They had designed the project around the desired location of Staples and the gas line. Chairman Mathusa wanted to know if they would be open to being as far back as the Wendy's Restaurant? Mr. Powers didn't think so; he stated that they were driven by the tenant. Mr. Collier

thought that the tenant should look at Bethlehem Town Center and notice the orientation of those stores. Mr. Lipnicky stated that he had suggested to the applicant that the building face Rt. 9W, be pushed back on the site, and place limited parking in the front of the building to address the store's concern for customer access. He didn't think that it was good urban design to place a brick wall facing the street, especially when it was close to the street. It would not set a good precedent in the Rt. 9W corridor. He felt that this design was basically the same design, just on the other side of the site. Ms. McCarthy was concerned that more and more the retailers were driving the design of the structures. She was surprised that retailers did not try to fit in more with the community where they wanted to do business. She felt if they came before them with a nice elevation that faced the road, it would be accepted. Mr. Odell stated that it was within the Board's discretion not to accept this plan if they didn't like the design. Mr. Engel thought that the concerns he had with the loading dock had been addressed. He had just returned from a trip in the south where all the development was hidden with landscaping and design, so he knew it could be done. He also had a concern with the closeness of the structure to Rt.9W. Mr. Cotrofeld had been very impressed with the façade of the rear structure that had been shown at the last presentation. He didn't think that the front structure was attractive at all. He had thought that the Staples building would have an elevation that resembled a series of smaller shops. Mr. Powers wanted to know if it would help to give the wall along Rt. 9W some architectural interest. Chairman Mathusa felt that the structure was still too close to the road. He agreed that the rear structure was attractive and he wondered if putting the two buildings together in an L-shape might work. Ms. Motta felt that though they had obviously tried to address some of the concerns of the Board, the aesthetics had not improved. She also felt it was too close to Rt. 9W and would prefer it to be orientated to the road. Ms. McCarthy would want the parking in the front to be hidden as much as possible. Mr. Powers stated they had tried to design an L-shaped building but the gas line was a problem. Mr. Lipnicky stated again that the orientation to the road was a major concern. Mr. Odell felt that a precedent had been set by the exiting structures. Mr. Lipnicky stated that the Bethlehem Town Center consisted of stores that were set back far enough that the visual impact was not as important. They also had the berms to minimize the impact. With something as close to the road as was being proposed, the visual impact was more important. Mr. Collier stated that possibly something that was architecturally very interesting would be acceptable that close to the road. Chairman Mathusa felt that there was enough precedent set by Staples, if you look at the Latham Farms and North Greenbush locations, that pushing them further off the road should not be a problem.

Mr. Lipnicky asked if the applicant had contacted DOT about the signalization of the Lowes Drive and Rt. 9W intersection. Mr. Powers stated that they needed a more finalized site plan to let them know how many square feet of retail space would be on the site. Mr. Collier asked about the memo that had been sent by the VanDerPoel's, the neighbors to the north side of the site. They had wanted direct access to the proposed site from their home. He wanted to know if a driveway access across the gas line would be feasible. Mr. Powers had not addressed the issue yet. Chairman Mathusa suggested extending the existing break down lane to their driveway. He stated that the Board seemed firm in their feelings that the building needed to be pushed back and more attractive. He was willing to put the applicant back on the agenda the next time the



Board met if they came back with a revised design. Mr. Engel wanted to know the rationale of being that close to the road. Mr. Powers stated that Staples thought in this market that they needed to be as close to the road as possible. Chairman Mathusa thought that anyone who wanted office supplies would not care if the store was set back or not. He believed that the Town in general would be looking for consistency and attractiveness in the overall planning of the Rt.9W corridor. Mr. Powers stated that people he had spoken to were worried that there would be another berm in the front. The Board all made the comment they would be in favor of a berm.

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

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

A motion to adopt the resolution for Douglas Hasbrouck was offered by Mr. Collier, seconded by Ms. McCarthy and approved by all present.

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

The meeting adjourned at 9:35.

Respectfully submitted,

Nanci Moquin