

**PLANNING BOARD
TOWN OF BETHLEHEM**

May 3, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on May 3, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 8:10 pm.

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

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

Agenda: CVS Pharmacy

Present: Mark Gregory, Transportation Concepts, CVS
Paul Albert, Larsen Design Group, Inc, CVS
David Pollock, CVS
Victor Bernstein, CVS
Devin DalPos, Laker Development, CVS
Bob Lacourse, VHB Engineering, CVS
David Carroll, Esq., Ianneillo, Anderson & Reilly, CVS
Ken Brownell, Delwood, LLC, CVS

Chairman Mathusa turned the Board's attention to the next item on the agenda, the proposed site plan of CVS on the corner of Delaware Avenue and Elsmere Avenue. They were before the Board to respond to comments from staff and the Board. They had been before the Board a number of times over the past year.

Mr. Devin Dal Pos presented for the project. They had brought all the members of their team to answer questions that the Board might have. They had received comments from planning and engineering staff. They had submitted a revised Traffic Study, elevations and site plan. He stated that a few more items would be submitted shortly.

Mr. Lacourse stated that the site plan had been revised to address the storm water issues. All the storm drainage from the site was now compliant with Phase II. They had accomplished that with a combination of perimeter sand filters and a bio-filter in the bottom of the detention basin. The other major change to the site plan was the design of the Delaware Avenue entrance. It was revised to reflect the NYS standard entrance for a two way in and a right turn out. It has not yet been submitted to DOT but it complied with the intent of their requirements. He thought they had incorporated all the comments

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received into the revised plans. A revised EAF had been submitted this evening. They had also relocated a sidewalk crossing to the opposite side of the Elsmere Avenue driveway. He stated that the revised Storm Drainage Report, NOI and the SWPPP had not yet been submitted but would be shortly. Mr. Lacourse handed out a copy of truck circulation to the Board. He said they had run a truck template throughout the site that showed the trucks could negotiate the site.

Chairman Mathusa asked if they anticipated any problems with the loading dock and traffic coming through the drive thru. Mr. Lacourse stated that all trucks would enter on Delaware and exit on Elsmere. Chairman Mathusa wanted to know if signs would be placed at the driveway entrances to direct traffic. Mr. Lacourse agreed.

Chairman Mathusa stated that Counsel wanted to clarify the ownership of the property because of responsibilities for storm water maintenance. He said that the documentation that was currently in the file reflected more than one owner. Mr. Dal Pos stated that the attorneys for CVS, Laker Development and the Planning Board would work out the continuity with the maintenance. He stated that CVS would be responsible for the maintenance. He understood that the Town's concern was long term in case CVS was not there. He said that the original contracts showed Laker Development purchasing two of the parcels but he thought the letter of intent showed that Delwood had the option to purchase those contracts from Laker. Chairman Mathusa asked Mr. Dal Pos to submit the necessary documentation that showed the complete flow of ownership.

Mr. Lipnicky asked if Delwood had any objection to merging the properties into one parcel of record. Mr. Dal Pos understood that it was necessary. He said that financing would require that also. Mr. Carroll stated that they were in the process of drafting that document.

Chairman Mathusa wanted to know how the demolition of the existing buildings would be handled. He was concerned with the safety issues that included how the existing gas lines and electric lines would be handled and how would the dust be controlled.

Mr. Dal Pos stated that there were a number of laws that covered demolition and abatement. The demolition contractors would follow those laws. He thought that all the issues would be covered under a demolition contract.

Chairman Mathusa stated that the Board would need a plan to look at because of SEQR. Mr. Dal Pos stated that demolition was normally done during daytime hours and the area would be cordoned off. Mr. Carroll said that in other municipalities the demolition permit was separate. He said that the applicant would have the burden of meeting the requirements of the permit. Mr. Lacourse stated that they addressed some of the demolition issues in Part III of the EAF that had been submitted.

Mr. Gregory circulated a summary of the traffic issues. He thought that the majority of the traffic concerns had been addressed. They had recommended that the truck access be limited to Rt. 443 with an exit only to Elsmere Avenue. Though the trucks could turn left or right onto Elsmere, Mr. Dal Pos stated that there was a clearance issue under the old railroad bridge over Elsmere Avenue. He stated that the trucks that were going to the

existing store would be the same ones going to this one. The frequency would remain the same. Mr. Gregory stated that the staff comments to the Traffic Study Report had been addressed. The other issue was the westbound approach at the intersection. He said that they had added a small amount of delay. He said that during the pm peak there would be a slightly longer delay at the intersection. He said that their recommendation was to tweak the signal timing.

Mr. Lipnicky confirmed that the traffic questions had been satisfied. He asked if DOT would wait to see the impact before changing the signal timing. Mr. Gregory said that once the site is up and running, DOT would monitor the traffic and they might change the signalization but it is an actuated system, which is self-adjusting, so they might not follow the recommendations.

Chairman Mathusa asked Mr. Lipnicky about the SEQR issues that staff had commented on in a previous letter. Mr. Lipnicky stated that the traffic issues had been addressed. The storm water issues were still outstanding. Mr. Passmann was waiting for the revised SWPPP. Mr. Lipnicky stated that the demolition was an item that needed to be addressed but in terms of the EAF, demolition dust, potential asbestos and how the applicant would deal with those issues. Staff also needs to know how the various existing utilities would be terminated. They needed to see existing conditions and locations of those services. DOT's comments appear to have been addressed. They had needed to know the ownership to make sure that there was access across all the lots. Mr. Lipnicky stated that there were two items about the elevation that the Board might want to consider. One was the approach going towards Albany and whether the fenestration was sufficient to dress the building. Secondly was the softening of the expanse of the wall on the Elsmere Avenue side. He said that a number of the site plan comments had not been addressed. The sign details of the wall mounted signs and the pylon sign had not yet been submitted. He said that the other significant item was the lighting plan. Presently the lighting showed seven (7) foot candles in the parking lot, usually approved lighting levels were closer to three (3). Lighting details still needed to be addressed. Mr. Lipnicky stated that he was wondered about the durability of the concrete curb on the site. It was not anchored into the ground. He said those were the general comments. He thought the major issue for the Board to look at was the building elevation.

Chairman Mathusa asked the applicant to discuss the building elevation. Mr. Dal Pos displayed the most recent elevation. The building had been lowered to financially be able to treat all the sides of the building with the same material. It also brought the scale of the building down. He showed the previous elevation against the revised. He showed the elevation coming from the west. They had added dormers and window lights. As far as the side that faced Elsmere Avenue, he suggested treating a few of the bays with a lattice and use either real or fake ivy. He thought that would give that area a grid pattern that would mimic the pattern in the windows. Chairman Mathusa said that he was thinking of windows on that side that could be used. Mr. Dal Pos said that some of the planting in the parking lot would also break up that view. Mr. Cotrofeld didn't like the idea of the lattice or the ivy. He preferred the idea of the windows on that side. Chairman Mathusa suggested a false window that could act as a display. Mr. Cotrofeld said he was just interested in making the outside of the building as attractive as possible.

Mr. Odell agreed with Mr. Cotrofeld that the windows would be a nice addition. Mr. Engel said if the window would be used in a productive way, such as a display, he was in favor of it. Ms. McCarthy also thought that windows would be attractive. They all agreed that the grid pattern type of window should be continued and they should be close in size to the existing windows. Mr. Lipnicky said for the sake of symmetry, the windows should be in every other bay. The windows on the other side of the building would be frosted with light behind them.

Mr. Passmann asked where the heating and the air conditioning would be located. Mr. Dal Pos said they were located on the roof that was flat in the middle with interior roof drains.

Mr. Passmann suggested the applicant might consider using a plastic lumber in a grid that would make a faux window with a translucent plastic behind instead of the display windows. The Board preferred the display windows.

Chairman Mathusa wanted to know if there was any other signage on the building other than the CVS in the front. Mr. Dal Pos thought that signs were done through a separate sign permit. Mr. Lipnicky told him that it was a part of the site plan approval. Mr. Dal Pos said that the only sign that was part of the site plan approval was the building sign. Other signage would be submitted later as an amendment to the site plan. Mr. Lipnicky said that because the applicant was showing a pylon sign along Delaware Avenue, they would have to show all the details associated with that sign.

There was no further comment from the Board about the building elevation.

Chairman Mathusa asked if the lights in the parking lot could be reduced so that it wasn't quite so bright at night. Mr. Lacourse said that the proposal was the CVS standard but it could be reduced. He said there were eight (8) twenty-three (23) foot light poles in the parking lot. Mr. Lacourse stated that the lights in the drive-thru needed to be bright so the customers could read the instructions on the prescriptions.

Mr. Passmann stated that the NOI and SWPPP still needed to be submitted. The other recent submissions needed to be reviewed. He said that the SWPPP needed to be a complete document and also the legally binding maintenance agreement needed to be executed. He said that the DEC administers and enforces the Phase II Storm Water program, however the Town requests the submittal of the documents that need to be prepared. The SWPPP shows and includes the design details of the storm water management practices. The owner of the property and the Town Supervisor executes the legally binding maintenance agreement. Mr. Dal Pos asked when that needed to be done. Mr. Passmann stated that for previous site plans, the agreement was part of the approval. Mr. Dal Pos stated that they needed to have approval prior to the transference of the property. They wanted that agreement to be a condition that would be needed prior to a building permit. DEC requires that the agreement be executed as part of the plan approval. Mr. Lipnicky stated that it could be a part of the approval document. The site plan couldn't be signed prior to the signing of the agreement.

Mr. Dal Pos said that they were proceeding under the assumption that pertaining to SEQR, this project would be a Neg Dec. He wanted to know if the Board could Neg Dec the project now. Mr. Lipnicky stated that under SEQR the Board needed to take a hard look. They hadn't had the chance to review the recently submitted material and staff had not prepared a resolution for the Board to review and vote on.

Mr. Dal Pos asked the Board when they might be in the position to vote on this project. He was under certain time constraints and was asking for a specific time frame.

Chairman Mathusa said that when the major issues had been addressed approval documents could be prepared. Mr. Lipnicky said that a number of the comments from his last letter had not been addressed. Mr. Odell said that the Board had learned that having a large number of conditions attached to an approval document was not in the best interest of anyone.

Mr. Brownell said that he was part owner of the Boston Chicken parcel and under contract for the remaining parcels. He has been approached by other entities to rent the structure as is. If there was not an answer soon, he would be forced to let this deal go and rent to someone else. He said it was a financial burden.

Chairman Mathusa reminded the applicant that at the beginning of this project he warned that the storm water issue needed to be addressed first. That issue took a lot of time. Mr. Odell said that the applicant needed to do what he needed to do but the Board needed to be able to do their job.

Mr. Engel said that as a member of the Board, he relied on the expertise of staff. He didn't want to see an approval document with a large number of conditions. Mr. Dal Pos said that they would work to address the comments from staff in order for the project to go forward.

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

A motion to approve the minutes of April 19, 2005 as amended was offered by Mr. Odell, seconded by Mr. Cotrofeld and approved by all present.

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

The meeting concluded at 9:45.