

**TOWN OF BETHLEHEM
BOARD OF APPEALS
October 18, 2006**

A regular meeting of the Board of Appeals, of the Town of Bethlehem, Albany County, New York was held on the above date at the Town Offices, 445 Delaware Avenue, Delmar, New York. Michael Hodom, Chairman, presiding.

PRESENT: Michael Hodom, Board of Appeals Chairman
Gilbert Brookins Board of Appeals Member
Anthony K. Umina, Board of Appeals Member
Mark Hennessey, Board of Appeals Member
Leonard Micelli, Board of Appeals Member
Michael Moore, Attorney to the Board
Mark Platel, Building Inspector

AGENDA: McDonalds's – 132 Delaware Ave

Chairman Hodom called the meeting to order at 7:00 p.m.

McDonald's – Reconvene of Public Hearing

This was a reconvening of a Public Hearing started on September 6, 2006. McDonald's Corporation requested a Variance under Article VI, Supplementary Regulations, Section 128-52, Off Street Parking & Loading. The applicant amended the original application withdrawing the request for a variance under Article VI, Supplementary Regulations, Section 128-54E, Signs.

Mr. Platel stated that the applicant proposed to demolish the existing drive-thru restaurant and build a new restaurant with forty-four (44) parking spaces, which are twenty-nine (29) spaces short of the seventy-three (73) spaces required. The site is located in a commercial hamlet zone.

Mr. Caponera presented for the applicant. The proposed building was smaller because it would not have a basement. At the previous hearing, the Board had requested that the applicant supply the Board with existing and proposed floor plans and studies on industry standards pertaining to drive-thru. The requested plans and three separate studies had been submitted to the Board. The applicant would proceed with the request for an area variance for the amount of parking but had decided to withdraw the request for an area variance under signs.

Mr. Boyea from Bohler Engineering, stated that the studies were from an internet search. The studies were not directed towards McDonald's Corporation but to similar uses in the fast food industry. The documents showed a consistent average of fifty (50) % drive-thru use. He stated that the drive-thru use was becoming more of a demand in today's society. The plans showed a more efficient layout of the building for a pay window and a pick up window. Mr. Boyea said because the majority of the business was drive-thru, the necessity of parking spaces was reduced. He said the current parking spaces were not being fully utilized. They anticipated that the new building would not require more spaces. The Zoning Code required one (1) space per sixty (60) square feet of floor area versus the one (1) space per fifty (50) square feet in the old Code.

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

Chairman Hodom, referencing the Kiosk Marketplace study, asked Mr. Boyea if they intended to have curbside to go lanes. Mr. Boyea said that all McDonald's had one (1) parking space that was dedicated to orders that would take longer than usual so they would not hold up the drive-thru lane. In those instances the order would be brought out to them. It was not the intention of the application to add curbside as a regular service.

Chairman Hodom asked for an explanation of how they arrived at the seat count. Mr. Boyea said the seventy-four (74) seats were calculated by four (4) each in the booths and six (6) in the corner booths. There were also a few counter seats. Mr. Boyea said that they might have counted child booster seats in the count. He said the Board should consider the seventy-four (74) seats as being proposed.

Mr. Hennessey wanted to know if a prepay window speeded up the transaction. Mr. Boyea agreed. He thought the drive-thru business would increase but not the inside sales. Mr. Hennessey wanted to know if since the applicant had withdrawn the request for a sign variance, would they be putting up a sign that conformed with the zoning code. Mr. Boyea stated that they planned on complying with the sign code. Their intention was to leave the existing sign as it is. It falls under the category of an existing non-conforming sign. They might be back to the Board of Appeals for wall signage after appearing before the Planning Board for Site Plan. Mr. Umina stated that other recent construction along Delaware Avenue had conformed with the new sign code. Chairman Hodom asked that the discussion be directed to the parking variance that was currently before the Board. The applicant had withdrawn the sign variance. Mr. Umina wanted to know if the new structure would have an inside playground. Mr. Boyea said that they did not intend to have a playground at this point.

Mr. Hennessey stated that he had been at the restaurant on Columbus Day and it was packed, with all parking being used. Mr. Fox said that is was unusual for a holiday weekend. He said the design of the new building included better circulation on the site.

The Board was satisfied with the items that had been requested of the applicant and submitted.

There being no further comments, Chairman Hodom declared the hearing closed at 7:23.

The Board decided to defer the discussion of McDonald's Corp. variance until the November 1, 2006 meeting.

The Board reviewed the Draft minutes of October 4, 2006.

A motion to approve the minutes of October 4, 2006 as amended was offered by Mr. Hennessey, seconded by Mr. Micelli and approved by all Board members present.

A motion to adjourn was offered by Mr. Umina, seconded by Mr. Micelli and approved by all Board members present.

The meeting adjourned at 7:30PM.