

**PLANNING BOARD
TOWN OF BETHLEHEM**

April 6, 2004

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on Tuesday, April 6, 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 p.m.

Agenda: Nigro Retail

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
Randall Passmann, Senior Town Engineer

Steve Powers, Nigro Companies, Nigro Retail
Peter Giovenco, Bergmann Associates, Nigro Retail
Mr. & Mrs. VanDerpoel, Rt. 9W, Nigro Retail

NIGRO RETAIL

Chairman Mathusa called the meeting to order and turned the Board's attention to the Nigro Retail project. When it had been on the agenda at the last meeting, the Board and staff had voiced a number of concerns with the layout of the structures. Mr. Powers and Mr. Giovenco were here tonight to present their latest revision.

Mr. Giovenco presented for the applicant. He felt that a majority of the concerns of the Board had been addressed, balanced with the economic feasibility of the developer. Some of the prior concerns were the visibility of the back of the building, the overall aesthetics and the proximity to Rt. 9W. Mr. Giovenco felt the revised design addressed those issues. The new configuration of the shopping center was in the shape of an L with the entrance of the front store, which was labeled as Staples, facing Rt. 9W. The L-shaped section of the shopping center would have a continuous elevation that encompassed the

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side of Staples and a series of smaller retailers and the ending with a larger retailer to the rear. The pavement in the front of the shopping center was pushed back as far as possible to accommodate some berms and landscaping in the front. This would be consistent with the Bethlehem Town Center frontage. The green space in the front of the center should be quite large. Mr. Giovenco stated that the last design had two full access points, but he felt that the land would be better used for parking and green space. They decided to make the first entry point a one-way entrance; the second entry would be both entrance and exit. He felt that the flow of traffic would be better, it increased the parking for the individual tenants and the additional green space and landscaping broke up the parking field into pockets of parking. This also gave the 10% green space within the parking area that was necessary by Code standards. The back of the structure runs along an easement with the gas company and they would not allow any paving over the gas line or any plantings. Mr. Giovenco pointed to an area of existing trees that they planned on keeping as a buffer in the rear of the proposed Staples store and the proposed Retail A. There was also a hedgerow of mature hardwood trees that was down further on the slope. They had reoriented the loading dock for Staples so it was not visible from Rt.9W. It faced the rear of the parcel. The smaller tenants were not expected to need loading docks. Mr. Giovenco stated that they had bumped out the pavement along the road area that would be used by the trucks to accommodate their turning radiuses around the building. They were expecting that DOT would put in a full signalization at the intersection of Lowes Drive and Rt. 9W so trucks and shoppers could make a left hand turn.

Mr. Giovenco felt they were able to minimize the necessary earthwork because of the design. They foresaw a potential eight (8) to ten (10) foot retaining wall near the back north corner of the building. The remaining area would be stabilized slopes that would be designed by a geotechnical engineer. The storm water basin would be located to the rear of the parcel and they would also need a wetland mitigation area most likely placed next to the creek. He felt the area would be good for wetland creation and storm water quality.

Mr. Odell asked for the approximate distance from the parking area to the highway right-of-way. Mr. Giovenco stated it would be forty-five (45) feet at the narrowest point and seventy-five (75) feet at the widest. Chairman Mathusa wanted to know the distance from the right-of-way to the entrance of Staples. Mr. Giovenco stated it would be two hundred thirty (230) feet to the right-of-way. From the edge of the road it would be two hundred seventy (270) feet. Chairman Mathusa stated that it was about the same distance back as Wendy's. Ms. McCarthy wanted to know if the berms would be consistent with the existing ones in front of the Bethlehem Town Center. Mr. Giovenco stated that they had not been designed yet but could possibly be five (5) or six (6) feet high. They could work with the Board on the final design. Chairman Mathusa suggested the height be sufficient to hide the cars but leave the building visible. Mr. Cotrofeld wanted to know if the loading dock wall was designed to completely hide the trucks. Mr. Giovenco stated that the grade of where the loading dock would be was four (4) feet lower than the front of the parcel. They could put in a screen wall in if the Board wanted but they felt that the tree line would be a sufficient buffer. Mr. Cotrofeld wanted to know how they would dispose of the cardboard waste generated by Staples. Mr. Giovenco stated that the dumpster area would be enclosed. Mr. Powers stated that at their other Staples, the cardboard and paper

waste was compressed within the store and then the cube was loaded onto a truck. The small dumpster would be used for personal trash.

Mr. Giovenco displayed the elevation of the buildings and passed out copies for the Board's review. The view looking at the front of Staples would be a brick façade, awnings and a covered walkway. They had added interest to the roofline with peaks to break up the flat line roof. The next time in front of the Board they would have photographs of a similar project that had been recently built to show the Board how the finished project would look. There would be a sign to identify Staples with some glass to either side of the door. The side view would include windows for Staples, a stretch of brick and split face block, and the fronts of smaller retail shops that included more windows. The rear part of the structure that faced Rt. 9W would house a larger retailer. The entire L would continue with the same roofline and covered walkway for continuity. There would be a major entrance point on the side of the structure that would align with the 2-way entrance drive isle. Mr. Giovenco felt the proposed elevation was an attractive design that Nigro Company had used before in East Greenbush.

Mr. Lipnicky wanted to know if the glass area that was shown near the entrance of Staples could be extended further down the front wall area instead of the gray block wall. Mr. Powers stated that the material would not be gray block but would need to be a solid surface because the retailer used the interior outside wall space for merchandizing. Mr. Lipnicky stated that he wasn't suggesting a full glass wall, just extending it a bit further than the entrance area in both directions. Mr. Giovenco thought they could speak to the architect about putting in fake window areas with arches to suggest windows with a solid surface. The client needed to use the inside wall space.

Mr. Giovenco showed the rear elevation of the buildings. The brick façade that starts on the front of Staples would wrap around for a portion of the rear near the front of the structure up to the loading dock area. The remainder of the rear would be split face block, he didn't feel that section would be very visible from the road.

Mr. Collier was concerned that the glass façade on the side that had proposed smaller tenants would change to a solid wall if it became one larger tenant. Mr. Powers stated that he was not sure who the tenant would be at this time. He did have interest from one possible tenant that wanted about 10,000 square feet of the 22,000 square feet of available space. That was from a furniture store that he expected would be interested in more natural light. Mr. Powers couldn't guarantee how much glass would be there in the final form. Mr. Collier had the same concern with the loss of glass if the rear retailer was broken into smaller retailers. He stated that the glass was attractive and added a lot to the appearance. Mr. Odell was also interested in keeping the glass along the front or the appearance of glass with different colored brick. Mr. Engel liked the covered walkway along the building. He wondered if they could place display windows under the peaked section of the roofs. He felt that it could break up the solid wall. Mr. Giovenco stated that they used the inside walls for stacking and didn't know if it was possible. Mr. Lipnicky said they would only be losing a few feet of space to enhance the look of the building. Ms. McCarthy thought the advertising space would be a benefit to the retailer. Mr.

Cotrofeld said that he measured it to be about 36 feet of wall space that would be needed for the window area and that would still allow 100 feet of solid interior wall space for merchandizing.

Mr. Collier thought that the design of this Staples was a large improvement over the last one submitted and also much nicer than many of the Staples he had seen around the state. Ms. McCarthy was concerned with the back of the building. She didn't like the large beige wall. Mr. Lipnicky stated that the back of building would most likely be visible from the bypass and the end of Kenwood Avenue. The Board could request a balloon be flown at the proposed corner of the structure at the height of the proposed building. They could then see how visible the structure would be. Mr. Giovenco stated that they were fighting grade in the rear.

Chairman Mathusa felt that the applicant had made substantial improvements to the design. The concept was moving in the right direction even though there were still some issues that needed to be addressed. Mr. Collier wondered if there was enough green space in the front of the project. Mr. Odell was interested in looking at a more detailed layout or pictures to be able to visualize how the final project would look. There was a question about the height of the proposed berms. The applicant was open to suggestions but he reminded the Board that the stores in this complex would be much smaller than next door. If the berms were the same dimensions as in front of the Bethlehem Town Center, it would be difficult for those retailers. They depend somewhat on drive-by, impulse buying, so they need some visibility. They would have a smaller parking field in the front than Town Center, not as many cars need to be hidden. Mr. Giovenco stated that they were as far back on the site as possible because of the topography. They currently have 313 parking spaces and the Code requirement was 307.

Chairman Mathusa asked if the Board was ready to give the applicant a sense that the site plan, as presented, was conceptually acceptable. The applicant could then further develop the details of the project taking into consideration the comments made tonight. He didn't feel that it would be economically feasible for the developer to change the overall layout much more. Mr. Lipnicky stated that it was difficult to make comments without the topography of the site included. One comment might be aligning the driveway of this project with Wendy's and a critical point would be the necessity of a traffic light at the Rt. 9W and Lowes Drive intersection. Otherwise all traffic would be sent in front of the Lowes Store. Even though Mr. Engel also felt that the traffic light was a necessity, he liked the overall design, especially the covered walkways. He had been to their project in East Greenbush and thought the façade was attractive.

Mr. Lipnicky asked if the wetlands had been identified. Mr. Powers stated that they had been delineated. There was a section in the rear of the parcel with fingers that ran along the ravines. They weren't sure of the entire area that they would be impacting as of yet.

Mr. Lipnicky agreed with the Board that the current proposal was a significant improvement over the prior submissions. He stated that he had a concern with the proposed retaining wall that was to run along the back. He had thought that planting

deciduous trees in the corner would have helped to soften the visibility of the project; the retaining wall would hamper those plantings. He thought that Mr. Engel's idea of display windows to break up the solid surface along the side was excellent.

Mr. Collier had thought that the green space that was included in the parking area could be added to the front for a deeper buffer. Mr. Lipnicky stated that per Town Code in a commercial zone there needed to be 10% green space within the parking lot. The Bethlehem Town Center was able to move all their green space to the front because it was developed within a Planned Commercial District.

It was a consensus of the Board that as submitted, the Site Plan was a conceptual layout that appeared to work and they gave the applicant the go ahead to progress it.

Mr. Giovenco wanted to be able to begin the SEQR process the next time they were in front of the Board. Mr. Lipnicky stated that a long form EAF, the topography for the site, and the conceptual grading plan still needed to be submitted.

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

MORATORIUM UPDATE

Chairman Mathusa had requested that Mr. Lipnicky give the Board an update as to the affect the moratorium would have on current projects before the Board. Mr. Lipnicky had distributed a detailed memo to each Board member outlining the current projects, their status pertaining to the approval process and highlighting the projects that would be affected. They had already received a copy of the draft language of the moratorium. Mr. Lipnicky stated that essentially, any residential project that contained more than four lots and did not have at least their preliminary approval or had gone through a public hearing would be affected. Only a few of the projects that were before the Board had progressed to that point in the process. Exemptions to the moratorium that had been included by the Town Board were Senior Projects within Planned Districts, which meant that the Beverwyck project would continue to move forward. The Board discussed the fact that approved lots that had been approved for a long period of time but never built out were now receiving inquiries.

TOWN SQUIRE UPDATE

Chairman Mathusa also asked Mr. Lipnicky to bring the Board up to date on the Town Squire Phase II project. The plats had been stamped and signed the previous day. Mr. Lipnicky had sent a memo to Mr. Ginsburg, of which the Board had copies, concerning a few issues that still needed to be addressed. They had complied with the conditions that were needed for signing of the site plan but a few more had to be dealt with to get their building permit. A few of those issues were: submitted Chili elevations, cross easements between the two legal entities of the Town Squire site, a small parcel of land needed to be deeded to the Town Squire Phase II project from the Town Squire entity to satisfy the

need for direct access to a public street per state law. The initial paperwork had been received but indication of the filing had not been received. They were now able to do their site work.

Chairman Mathusa felt comfortable signing the plat because there were still two check points in this process to finish the details: the building permit and the certificate of occupancy. He had wanted to keep the Board informed on the project's progress due to the extensive conditions that were a part of the site plan approval document.

A motion to approve the minutes of the Troubador Subdivision Public Hearing on March 16, 2004 was offered by Mr. Engel, seconded by Ms. McCarthy and approved by all present.

A motion to approve the minutes of March 16, 2004 as amended was offered by Mr. Cotrofeld, seconded by Ms. McCarthy 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 adjourned at 8:35.

Respectfully submitted,

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