

**PLANNING BOARD
TOWN OF BETHLEHEM**

February 1, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting** on Tuesday, February 1, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:30 pm.

Agenda: Freed & Michaud Subdivision
 Price Chopper Addition – Amendment to BPA

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

 Jeffrey Lipnicky, Town Planner
 Randall Passmann, Town Senior Civil Engineer

 Howard Johannessen, Boutelle & Sons, Freed & Michaud Subdivision
 Chad Pagan, ABD Engineers, Price Chopper Addition
 David Sussman, Windsor Development, Price Chopper Addition

Freed & Michaud

Chairman Mathusa called the meeting to order and noted the presence of a quorum. He thanked Mr. Odell for chairing the meeting of January 18, 2005 in his absence. He turned the Board's attention to the first item on the agenda, the proposed Freed & Michaud Subdivision. This was a one-lot subdivision located on McCormack Road in Slingerlands. The applicant had originally been before the Zoning Board of Appeals requesting a variance from minimum lot frontage. They were granted that variance on May 5, 2004.

Mr. Johannessen presented for the applicant. Since the last time they had been before the Board they had been working with the Engineering Division on drainage. They had determined that a catch basin should be placed in the front corner of the property. This would capture some of the existing drainage that now comes down McCormack Road and the runoff from the proposed lot. That would go under McCormack Road and connect to an existing municipal storm sewer structure. Other additions to the plat were details pertaining to the catch basin area, and the retaining wall.

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

Mr. Passmann stated that the Engineering Division had spoken with the adjacent landowner, Ms. Cindy Werner, regarding a potential drainage easement for the Town of Bethlehem. This would allow the applicant the ability to run a straight pipeline from the proposed catch basin to the existing storm sewer structure located within an easement adjacent to her property. The path would go over a corner of her property. The Town would need a fifteen-foot wide drainage easement. Mr. Passmann stated that he and Mr. Platel had recently met with Ms. Werner. She was open to the idea but would like to know more about the project before agreeing to the easement. She stated that she was interested in coming to the public hearing. If she agrees to the easement, then the route that was being shown would be a cost effective approach to the drainage issue. If she does not agree, they would need a different approach.

There being no further comment, Chairman Mathusa called for a motion to set the public hearing date.

A motion to set the public hearing date for February 15, 2005 at 7:30 PM was offered by Mr. Odell, seconded by Mr. Cotrofeld and approved by all present.

Price Chopper Addition

Chairman Mathusa turned the Board's attention to the next item on the agenda, a request by Price Chopper to expand the existing store in the Slingerlands Plaza. The project had progressed to the point where the Town Board had approved an amendment to Local Law #12 that increased the allowable square feet of the plaza to accommodate their expansion. The Town Board had referred the project back to the Planning Board for review and possible amending of BPA #27. Chairman Mathusa asked the applicant to update the Board on the status of the project.

Mr. Pagan, from ABD Engineers, represented Windsor Development. Because the Phase II Regulations were not in effect when the original structure was built, Mr. Pagan stated that the existing Storm Water Management System would be modified to comply with the new Phase II regulations. He stated that with the addition to the side of the building, they would be moving the existing driveway, guardrails and waterline. Mr. Pagan stated that Chazen Company was the wetland consultant on the project. He had just been informed that they had received their DEC 401 certificate and one of the stipulations was deed restrictions on the wetlands in the upland areas. This was the mitigation agreed upon due to the disturbance area being over one acre..

Mr. Lipnicky wanted to know if the deed restrictions had been filed. Mr. Pagan was not sure. Mr. Lipnicky stated that the reason he mentioned the deed restrictions was that there was a proposal from the Regional Transportation Improvement Program to extend the Slingerlands Bypass. It would wrap around the back of the parcel and DOT would close the current main entrance to the shopping center. The entrance that is currently on New Scotland Avenue would then become a full access point. Part of the original Building Project Approval stated that when that occurred, Windsor would seek an alternative means of access to the site. One possibility that had been under consideration was coming

in from the back with an access from the bypass at the point where the technology park would be coming into the by-pass so they would line up. The deed-restricted uplands fell within the only area in which the road could potentially come through.

Mr. Sussman, the President of Windsor Development, stated that they had been in contact with DOT and had hired engineers to come up with different plans for a secondary access point.

Mr. Lipnicky stated that the Town had pursued the idea of a right-in right-out access on the proposed bypass with DOT. When the Town last had a conversation with DOT they were not in favor of that idea because of some safety concerns. Mr. Sussman stated that DOT had recently asked them to submit some designs for that access. They were working on that but hadn't submitted anything as of yet.

Mr. Lipnicky stated that when the New Scotland Avenue entrance became the main access it would need some circulation design work internally. He was concerned that a high volume of traffic would be directed into the main pedestrian flow.

Chairman Mathusa mentioned that there was an interest to turn the area of New Scotland Avenue from Cherry Avenue to Mahar Road into a mixed commercial/residential neighborhood. That would add to the traffic congestion problem.

Mr. Sussman stated that there would not be large increase of delivery trucks with the expansion. Chairman Mathusa and Mr. Lipnicky were in agreement that it would be advantageous to have as many organizations as possible lobby the DOT for additional access to the site.

Mr. Lipnicky asked Mr. Pagan to explain the changes that had been made to the detention pond to bring it into compliance with the Phase II Storm Water Regulation. Mr. Pagan stated that the detention area would be a wet pond. Mr. Lipnicky stated that the previous pond had under drains in it because of the high water table. If the pond was going to be designed with standing water in it, he wanted to know how deep it would be, and would the water eventually drain. Mr. Pagan stated that under DEC regulation they needed to maintain three (3) feet of water within the pond. Mr. Lipnicky wanted to know if any safety measures were being installed. Mr. Pagan stated that because this was not in a residential area there weren't any planned at this time.

Mr. Odell wanted to know if any provisions were being made to control the mosquito population within the detention basin. Mr. Pagan stated that he had contacted DEC concerning that question but had not received a definitive answer. Mr. Passmann stated that DEC did have some guidance for designers to prevent stagnant water conditions. That could entail either the installation of a larvicide or an aeration/ agitation system. He stated that the Engineering Division could offer some guidance as they go through the design phase. He stated that as part of Phase II, Storm Water Ponds needed ongoing maintenance and inspections. A copy of the long term O & M Manual would be filed as part of the approval process.

Mr. Lipnicky wanted to know how they planned on accessing the pond for that maintenance because it was at the bottom of a ten (10) or twelve (12) foot slope. Mr. Pagan stated they could install a gravel access for a small piece of equipment. Mr. Sussman stated that they would provide that information.

Mr. Lipnicky stated that the Planning Department would have comments out shortly. There were a few items that had been in the SEQR Neg Dec that he wanted to mention. The applicant needed to submit a copy of the wetland mitigation plan, an erosion control plan, and an architectural elevation with the materials that would be used.

Chairman Mathusa stated that the Planning Board had the option of holding an additional public hearing if they deemed the amendment a significant change to the original project. Mr. Odell didn't think that the change was significant enough to warrant a public hearing, nor did Mr. Collier.

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

A motion to approved the minutes as amended was offered by Ms. Motta, seconded by Mr. Collier and approved by all present.

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

The meeting adjourned at 8:20 pm.

Respectfully Submitted,

Nanci Moquin