

**PLANNING BOARD
TOWN OF BETHLEHEM**

February 20, 2007

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on February 20, 2007, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:00 pm.

Present: Parker Mathusa, Planning Board Chairman
Keith Silliman, Planning Board Counsel
Katherine McCarthy, Planning Board Member
Daniel Odell, Planning Board Member
Chris Motta, Planning Board Member
Tom Cotrofeld, Planning Board Member
Howard Engel, Planning Board Member
John Smolinsky, Planning Board Member

Michael Morelli, Deputy Director of Economic Development & Planning
Jeffrey Lipnicky, Town Planner
Terry Ritz, Assistant Town Engineer

Howard Johannessen – Boutelle & Sons
Michael & Lisa Chenette
Thomas McGrath – Spectra Engineering
Dr. & Mrs. Andrejuk
James Gillespie - Bohler Engineering
William Gobel - Bohler Engineering
Alana Moran - Creighton Manning
Stefanie DiLallo Bitter, Esq. – Bartlett, Pontiff, Stewart & Rhodes, P.C.
Jim Murray
Robert Jasinski
Eugene Laks
Candice Van Roey

Agenda: Jericho Drive-In
Mystic Woods Subdivision
Cumberland Farms

Chairman Mathusa called the meeting to order and noted the presence of a quorum.

Jericho Drive-In

Mr. Johannessen presented for the applicant. The applicant is seeking a site plan approval for a twenty-four (24) by (24) foot building for an ice cream stand in a rural hamlet zone. Mr. Johannessen stated that the approval area was a portion of the parcel occupied by the Jericho Drive-In. There is an existing

concession stand that is used by the patrons of the drive-in theater. There are existing services on the site for water and sewer and a small pocket of wetlands. They were proposing to replace the existing service and provide a new service to the proposed ice cream stand. The sanitary sewer would tie into the existing grinder pump sewage system currently on the site.

The 24 x 24 concession would be for ice cream only. A new driveway would be constructed off of Jericho Rd. for a full ingress/egress on that portion of the site. The other ingress is off of the existing driveway for the theater. Twelve (12) parking spaces would be provided for the site plus one handicapped space. This number exceed the minimum required spaces which is seven (7) spaces. The applicant proposed picnic benches in the front grassy area of the site. The landscaping included Red Maple trees, Crab Apple trees and Linden trees.

Chairman Mathusa asked if the patrons of the drive-in would be able to purchase items from the stand. Mr. Johannessen stated that in order for that to be allowed, the applicants would need a variance from the Zoning Board. At this time, only non-patrons could purchase from the ice cream stand. A fence was proposed to block access by the drive-in patrons. In the future, the applicant could seek a variance from the Zoning Board to allow the drive-in patrons to purchase ice cream. They would not demolish the existing concession stand as it sells a wider variety of items. They were not supplying any indoor seating and per the Albany Health Department, they were not required to supply restrooms for patrons, only employees.

Mr. Morelli stated that the drive-in was a non-conforming use under the Zoning Law and therefore not allowed to expand. The ice cream stand was considered a conforming use as long as it was not available to the drive-in patrons. Mr. Johannessen said that the applicant wanted to be operational by this selling season, as it is the drive-in's fiftieth anniversary this year.

Chairman Mathusa wanted to know if any sidewalks or bike lanes were planned for the site. Mr. Johannessen said the operation was setup for access by cars. Mr. Smolinsky asked the applicant to consider putting in a striped walkway across the lot to the picnic area. The applicant pointed out that their property was not adjacent to Dowerskill Village so if someone wanted to walk, they would need to walk along Route 9W or Elm Avenue to Jericho Road.

Ms. McCarthy asked the applicant to consider another species than Red Maple because she thought it was an invasive species. Mr. Johannessen stated that the Red Maple did well in wet soil, as was the case on this site, but they would look at other options.

Ms. Chenette said they were in the process of replacing the existing fence that surrounded the drive-in theater with a six (6) foot high white vinyl style fence. The ice cream stand would be seasonal and coincide with the opening and closing dates of the drive-in.

Mr. Johannessen showed an elevation of the building. The roof would be black and the walls would be a white architectural stone. Twenty-five foot radius corners to accommodate emergency vehicles have been added per the comment letter from Planning/Engineering to the applicant.

Mr. Engel wanted to know if signage had been submitted. The applicant would submit the signage package at a later date for the Board's review.

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

Mystic Woods Subdivision

Chairman Mathusa turned the Board's attention to the next item on the agenda, a proposed nine (9) lot subdivision on Orchard Street. The Zoning District in this area of Town is Residential Large Lot.

Mr. McGrath, SPECTRA Engineering, presented for the applicant. The twenty-five (25) acre parcel is located on the northerly side of Orchard Street. The minimum size of the lots is two acres and the largest proposed lot is two point nine (2.9) acres. The access to the site would be a new road terminating in a cul-de-sac. Water would come from the Town main on Orchard Street. Grinder pumps for sewage would be installed on each individual parcel and pump to the force main on Orchard Street. Some of the storm drainage would be detained in a detention pond and then empty into the existing drainage ditch along Orchard Street. Rear drainage would empty into another pond and then discharge into one of the fingers of the Philipin Kill. The Five Rivers Environmental Center borders the property at one (1) corner.

Chairman Mathusa wanted additional information on Lot #9's long driveway. Mr. McGrath said there was nothing unique about the six hundred (600) foot driveway. They would place a meter pit at the end of the driveway and it be would constructed to Town standards.

Mr. McGrath said that when the project first started, the zoning would have allowed about forty (40) building lots. That was never the intention of the applicant. The applicant had originally submitted a thirteen (13) lot subdivision. There was some resistance from the neighbors ,raised at a Development Planning Committee meeting, and the Town to that number. After further discussion with Town staff, the applicant decided to reduced that number down to nine (9) lots. That number would still be sufficient to take care of their needs. The proposed homes would be larger, such as the other homes currently on Orchard Street.

Mr. Odell asked about the slopes on the parcel. Mr. McGrath said that there was a high point on the site of about two hundred forty (240) feet. He said that the slope of the land was very gentle. The lowest spot on the site was two hundred twenty-six (226) feet. The wetlands had been delineated and were identified on the plat.

Mr. Smolinsky asked about the site distance analysis. Mr. McGrath said they met the requirements in the New York State design manual for intersecting driveways. Mr. Smolinsky asked if the criteria was different for roads that were heavily used for walking and biking. Mr. McGrath said that it was designed for the speed limit of the road. Engineering had not reviewed the plan as yet.

Mr. Smolinsky mentioned that one (1) of the questions on the EAF said that there wasn't public opposition to the project and he thought that was a misnomer. He thought there were neighbors that had concern.

Two (2) of the neighbors, Mr. Murray and Mr. Laks voiced an opposition to the number of lots proposed in the project.

A motion to table the project was offered by Mr. Cotrofeld, seconded by Ms. McCarthy and approved by all Board members present.

Cumberland Farms

Chairman Mathusa turned the Board's attention to the next item on the agenda, Cumberland Farms proposed site plan for Selkirk that would include a convenience store, fuel pumps and a drive-thru Dunkin Donuts. The site is located at the intersection of Maple Avenue and Route 9W in a Rural Hamlet Zone.

Ms. DiLallo Bitter, Esq. presented for the applicant. The proposal is to construct a Cumberland Farms store, with a drive thru Dunkin Donuts on the northern end of the site. Six fueling stations are proposed for this site and three (3) access points. There wouldn't be any baking for Dunkin Donuts on site, the items for sale would be brought in. The store would be four thousand one hundred eighty-five (4,185) square feet. Payphones and air pumps to be located at the north end of the site. The site has 17 proposed parking spaces and signage would include free standing directional signs as well as two (2) wall signs.

Mr. Gobel, Bohler Engineering, stated that the parcel was approximately one point one five (1.15) acres. There would be a large green space between the property line to the north and the developed portion of the site. Another green space is located at the corner of Route 9W and Maple Avenue. The northern portion of the property in the vicinity of Route 9W and Miller Avenue is largely undeveloped. There is a residence presently in the rear that would be demolished as part of this application. The grade of the property slopes towards Miller Avenue.

Mr. Gobel said the six (6) fueling pumps would have a canopy over them. Proposed access to the site would contain three (3) curb cuts; one (1) on Maple Avenue, another access point on Route 9W, pushed as far from the intersection with Maple Avenue as possible and a third access point from Miller Avenue. The circulation pattern for the drive-thru would be counter clockwise around the building with a menu board in the rear. The pick-up window is located on the north side of the building. The trash was fully enclosed with a fence. They had done a perk test and showed a proposed septic system to the rear of the site. The storm water management consisted of under ground detention systems, over sized pipes and a sand filter design that would eventually tie into the storm sewer system on Miller Avenue. The site had public water. The architectural design of the building would be of the same designed being built at Corning Hill Road in Glenmont; glass front with columns, peaked roof with a cupola, small sign over the door and brick on two sides of the building.

There would be landscaping in the front corner area of the site with a small sign. Buffering and landscaping would be along the property line to the rear and near the entrance on the Miller Avenue side. The lighting would be fourteen (14) foot high shoebox type fixtures. These would contain the light on the site. Chairman Mathusa was concerned with the hours of operation because there were residents on Miller Avenue that might be affected by the lights. He wondered if the proposed buffering would be sufficient. Mr. Gobel said that the lights could be repositioned to minimize their effect off-site. Mr. Smolinsky raised the question of headlights bothering neighbors on Miller Avenue. Mr. Gobel said he would check on that issue.

The circulation of the gas trucks was questioned. Mr. Gobel said they would come in from Route 9W go across the front of the site to the underground storage and then exit out onto Maple Avenue. Chairman Mathusa asked if sidewalks would be installed as part of the project. Mr. Ritz said the next phase of the Maple Avenue, Selkirk sidewalk would bring the sidewalk to the Corner Market, across the street from the project.

Mr. Smolinsky thought that if a large truck stopped at the light on Maple Avenue, it would block the entrance on that side. If people were coming off Route 9W to go into the site from Maple Avenue, the entrance would be blocked and then hold up traffic turning onto Maple Avenue. Ms. Moran, Creighton Manning, said that the traffic engineers were suggesting a do not block driveway sign at the east side of the entrance on Maple Avenue. That would leave the driveway area open. Mr. Smolinsky asked the distance from the stop line to the driveway. Mr. Gobel said it was about fifty (50) feet.

Mr. Engel believed there would be an increase of development at that intersection. There were a number of accidents at that intersection now. He knew it was a state road but thought there should be turn lanes to help the intersection. He said that at one high point of traffic, six hundred (600) trucks went down Maple Avenue in one day. On average there were one hundred (100) to two hundred (200) trucks per day. The other issue he wanted to mention was the old garage that had been on the site, he wondered if once they started digging if pollution from oil might be a problem. Mr. Gobel said that testing was done extensively prior to the purchase of the land so they know the condition of the site and the site would be cleaned per NYSDEC regulations.

Mr. Morelli said that the Town had suggested that Cumberland Farms place a few booths in the interior for the residents in Selkirk. Ms. Bitter said that the applicant did not want it to become a gathering area but wanted to keep the open space for product. Mr. Engel said that businesses in the rural hamlet district should be encouraged to have a friendly atmosphere for the residents. He wasn't convinced that this style of store fit in the rural hamlet, but the introduction of booths might help. Mr. Engel wanted to know if the applicant had looked at purchasing the property adjacent to the site on Maple Avenue for a better entrance. Mr. Ritz said they were asking \$249,000 for the property. Mr. Morelli said that they had spoken to the applicant about that purchase but the price was very high for that parcel.

Mr. Morelli said that the drive in , though allowed, would need a special use permit. A public hearing would need to be held after the SEQR Determination. Mr. Ritz asked if the site would cater to tractor trailers. Mr. Gobel said the site was not designed to cater to trucks.

A motion to table the project was offered by Ms. McCarthy, seconded by Mr. Smolinsky and approved by all Board members present.

Ms. Moran from Creighton Manning stated that she had more information concerning the traffic report that the Board had not heard.

A motion to reopen the project was offered by Mr. Odell, seconded by Mr. Engel and approved by all Board members present.

Ms. Moran presented findings of the traffic report done by Creighton Manning for the applicant. She stated that the trip generation data had been collected in the month of November. The trip generation for

this Cumberland Farms using the ITE trip generation handbook. They are estimating two hundred (200) am peak hours trips and two hundred thirty (230) pm peak hour trips. She said that the conclusion was that fifty (50) % of their customers would be from people already driving by for other reasons. The site distance had been studied at the three site driveways and concluded that it was generally acceptable. The site distance looking left on Maple Avenue was limited by cars parked on the adjacent parcel in the right-of-way. If the vehicles are removed, the site distance would be improved but it still limited but not critically limited. It is considered acceptable.

Mr. Engel said the truck traffic during spring and fall, September being very heavy, was much greater than numbers that would have been generated in November. The traffic in the spring and summer was much heavier with trucks alone averaging between one hundred (100) to two hundred (200) per day, sometimes higher. He thought the counts should be done at different times of the year. He said that though they were not catering to truck traffic, the reality was that they would probably stop along Route 9W and walk over. He thought that was something that the company would need to address at sometime. Ms. Moran responded that CMA could modify the traffic data to reflect Mr. Engel's concern and re-submit the revised traffic report.

A motion to table the project was offered by Mr. Engel, seconded by Ms. Motta and approved by all Board members present.

The Board reviewed the draft minutes of February 6, 2007.

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

A motion to adjourn was offered by Mr. Odell, seconded by Ms. Motta and approved by all Board members present.

The meeting adjourned at 8:40PM.