

**PLANNING BOARD
TOWN OF BETHLEHEM**

March 21, 2006

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting**, on March 21, 2006, 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
Daniel Odell, Planning Board Member
Howard Engel, Planning Board Member
Christine Motta, Planning Board Member
Thomas Cotrofeld, Planning Board Member
Brian Collier, Planning Board Member
Kathy McCarthy, Planning Board Member

Michael Morelli, Deputy Director of Economic Development & Planning
Terry Ritz, Assistant Engineer

Sam Messina, Town Board Member
Jim Gillespie, Bohler Engineering, Cumberland Farms
Stefanie Bitter, Esq., Bartlett, Pontiff, Stewart & Rhodes, Cumberland Farms
Steve Powers, Nigro Companies, Bethlehem Town Center II
Jack Buhlot, Bergmann Associates, Bethlehem Town Center II
Jay Jakovic, Esq., Bethlehem Town Center II
Mr. & Mrs. Van Derpoel, Bethlehem Town Center II

Agenda: Cumberland Farms
Bethlehem Town Center II
Troubador Subdivision

Chairman Mathusa called the meeting to order at 7:00pm and noted the presence of a quorum.

Cumberland Farms

Chairman Mathusa turned the Board's attention to the first item on the agenda the proposed site plan for Cumberland Farms. They were proposing a drive thru restaurant as part of their site and in their zoning they will need a special use permit. A public hearing will part of the Special Use Permit process.

Ms. Bitter presented for the applicant. She stated that there were a number of variances that had been obtained from the Zoning Board of Appeals. The majority of the variances dealt with setback requirements. They would be discontinuing the present use, demolish the existing structures and replace with a convenience store, drive thru Dunkin Donuts, regular gas and diesel gas canopies.

Mr. Gillespie continued the presentation. He stated that the project would increase green space on the site by 10%. The site would have two (2) access points. They had submitted plans for grading, storm

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water management, utilities and landscaping. They had concentrated heavily within the buffer area between the site and the residential neighbors along with a six (6) foot high stockade fence.

Ms. Bitter stated that after the public hearing at the Zoning Board level they had met with the neighbors to incorporate their concerns into the plans of the buffer area. She stated that Cumberland Farms would regulate the amount of time that the trucks would be allowed to stay on the site to minimize idling.

Mr. Gillespie said house shields would be installed on the outside lights to contain the lighting on the property. The hours of operation would be 24-7 with the message board of the drive thru being shut off at 11PM. The vacuum area would also be shut off at 11PM.

Mr. Morelli said an information waiver would be forth coming for topographic contours out 200 hundred feet. Staff did not think that component was necessary for review. He asked the applicant to show the Board the building elevations.

Mr. Collier wanted to know why the applicant decided to continue to service the diesel trucks. Ms. Bitter mentioned the close proximity of the thruway. He thought that the trucks queuing up would compromise the traffic flow within the site. As the trucks left, they were to pass by car gassing the area. Mr. Gillespie said that by pass lanes were incorporated within the design and the lanes were one way. Mr. Collier still felt that mixing tractor-trailers and regular gas customers would be challenging.

Mr. Collier liked the design of the buildings but wanted to see those design elements continued on the gas canopies especially the roofline. He also suggested using siding on the building in place of the stucco brick.

Ms. Motta suggested limiting the hours of operation of the drive thru restaurant. She asked if a traffic study had been done. Mr. Gillespie said that counts had been taken but no formal study had been done. Chairman Mathusa said that staff would be sending out more detailed memos as to the additional items that would be required and a traffic study could be one of those items.

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

Bethlehem Town Center II

Chairman Mathusa turned the Board's attention to the next item on the agenda, an amendment to a previously approved Site Plan for Bethlehem Town Center II. They were proposing a shift of the Staples structure and signage for the Petsmart store that would be the anchor in building B.

Jack Buholt, Bergmann Associates, presented for the applicant. He stated that the modifications reduced the size of the building by 97 sq. ft. The dumpster area had been relocated to the west side to avoid visibility from Rt. 9W. The impervious area had not been increased. He had a copy of the comment letter from Barton & Loguidice and they felt they could respond to the comments within the week. It was determined that some of the comments had already been submitted to the Town.

Mr. Buholt said that the elevation shown for Petsmart was what they preferred to use on their façade. They did not want to continue the canopy over the entrance to Petsmart. As an anchor store they wanted a separate entrance. Chairman Mathusa stated that the façade the Board had approved was continuous brick.

The Board all agreed that they wanted to see more brick used. They wanted the façade of Petsmart to mimic the façade of the remainder of the plaza that might also include an arch. The Board preferred that the covered walkway continue around the entire plaza. They considered the canopy as being user friendly and good for the community. Mr. Powers said there were design elements that Petsmart wanted that would make the continuance of the canopy challenging. The Board recognized the desire of the company to stand out but they wanted the continuity of the plaza façade that was approved to remain. Mr. Powers said they were relaying the desires of the tenant but they would go back to the tenant with the Board's concerns.

Mr. Buholt showed the Board where the applicant had agreed to an easement for the Van Derpoels to gain residential access. The Van Derpoels had been concerned with the increase of traffic on Rt. 9W and their ability to exit their home. The applicant had agreed to an easement that was to be for their private use only and would not be extended to a commercial use. The construction of the driveway along this easement would be at the Van Derpoel's expense.

Mr. Jay Jakovic, representing the Van Derpoels, addressed the Board concerning the proposed easement and his client's desire to expand on that easement. He distributed copies of letters that had gone between the applicant and the Van Derpoel's.

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

Troubador Subdivision

Chairman Mathusa stated that the applicant had submitted a request for an extension of their Conditional Final Approval. This was their second request. The first request had been approved through April 19, 2006. Under the Subdivision Regulation they were allowed two (2) ninety (90) day extensions past the original one hundred eighty (180) days allowed within the approval document. Mr. Lipnicky had submitted a letter stating that staff did not object to the extension. It would be the final extension.

A motion to grant the second, final extension of the Conditional Final Approval, changing the expiration date to July 18, 2006 was offered by Mr. Odell, seconded by Mr. Engel and approved by all Board members present.

A motion to approve the minutes as drafted was offered by Ms. McCarthy, seconded by Mr. Collier and approved by all Board members present.

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

The meeting adjourned at 8:40.