

**PLANNING BOARD
TOWN OF BETHLEHEM**

May 17, 2005

The Planning Board, Town of Bethlehem, Albany County, New York held a Regular Meeting, on May 17, 2005, at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY. Chairman Mathusa presided and called the meeting to order at 7:30 pm.

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

Jeffrey Lipnicky, Town Planner
Randall Passmann, Town Senior Civil Engineer
Janine Saatman, Deputy Town Planner

Agenda: Feeney-Castronuovo Subdivision #3
Price Chopper
CVS Pharmacy

Present: Paul E. Hite, LLS, Feeney-Castronuovo Subdivision #3
Tom Andress, ABD Engineering, Price Chopper
Robert Miller, Windsor Development, Price Chopper
Eldon Smith, Price Chopper
Bob Lacourse, VHB Engineering, CVS
David Carroll, Esq., Ianneillo, Anderson & Reilly, CVS
Barbara Leonard Carkner, Feeney-Castronuovo Subdivision #3
Trisha Driscoll, Feeney-Castronuovo Subdivision #3

Feeney-Castronuovo Subdivision #3

Chairman Mathusa called the meeting to order at 7:30 PM and noted the presence of a quorum. He turned the Board's attention to the first item on the agenda, Feeney-Castronuovo #3, a 2lot subdivision. The project had been on the last agenda for their Public Hearing. He stated that staff had reviewed the project and had prepared Conditional Final Approval documents for the Board's review and possible action. The first item for consideration was the Part II of the Environmental Assessment form.

A motion to approve the Part II EAF as drafted was offered by Mr. Collier, seconded by Mr. Engel and approved by all Board members present.

The next document for consideration was the SEQR Resolution. Mr. Hite questioned the necessity of the condition dealing with set back lines. Ms. Saatman explained that it was not a condition but a requirement and it was already shown on the map. Additionally he questioned

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the condition to show an erosion control and grading plan. He said there was a notation on the plat that clarified the erosion control. Mr. Passmann stated that a minimal approach to address the erosion control was shown on the plans. Engineering would like to an opportunity to look at the proposed erosion controls on the plans. He stated that the grading that shown on the plats was sufficient for the current design. Ms. Saatman stated that if the house and/or driveway location changed, the erosion control and grading for that change needed to be shown together.

A motion to approve the SEQR Resolution as drafted was offered by Mr. Cotrofeld, seconded by Ms. McCarthy and approved by all present.

The next document for consideration was the draft of the Conditional Approval of Final Plat Document. Ms. Saatman inserted a 9C into the document pertaining to interval drainage under the proposed driveways.

A motion to approve the Conditional Final Approval Document as amended was offered by Mr. Collier, seconded by Ms. Motta and approved by all present.

The final document for the Board's consideration was the Parkland Resolution. A motion to approve the Parkland Resolution as drafted was offered by Mr. Collier, seconded by Ms. McCarthy and approved by all present.

Price Chopper

Chairman Mathusa turned the Board's attention to the next item on the agenda, Price Chopper's proposed 10,000 square foot addition to their New Scotland Avenue store. This would be an amendment to an approved BPA.

Mr. Tom Andress, ABD Engineering, presented for the applicant. He stated that they were proposing a forty-eight (48) foot wide addition on the northern end of the building. The existing front façade would continue across the addition. They were proposing to change the entry area by enclosing it with glass. The entrances would be set to the sides increasing safety for the customers and making the entrance more weather tight. The painted crosswalk would be moved to reflect the change. For a point of reference, Mr. Andress said that the addition would be in the location of the existing driveway. Everything would be shifted over in that direction. The retention basin in the rear would be affected slightly. Because they were over the one (1) acre disturbance limits, the basin would be redesigned. The applicant had been in negotiations with the ACOE the last few years and had recently finalized an agreement with them. The wetland mitigation for this project would be handled with deed restrictions for portions of the wetlands, about three and half (3 ½) acres, behind the building. These deed restrictions were necessary for the project to move forward.

Chairman Mathusa asked if the deed restrictions would eliminate the possibility of a second entrance in the rear of the property from the future Rt. 85 extension. Mr. Miller said that they had tried to work with the ACOE for a different solution but it didn't materialize. They would work with the neighbor to the rear in the future for another access. Mr. Lipnicky said that the deed restriction area would provide a visual barrier for the rear of the building.

Mr. Andress stated that the previous comments had been addressed and the new set of plans had just been submitted. They proposed a removable guardrail in the access area to the storm water detention basin. The 3 on 1 slope would be treated with a stabilization mat so the contractor could go down. A contractor they had contacted said he could bring a track machine down the slope to the storm water basin for maintenance.

Chairman Mathusa asked about the existing waterline under the driveway within the easement to the Town. Mr. Andress stated that the existing easement would be abandoned but a new easement for the new waterline would be given to the Town. They were also changing the location of the hydrant. Chairman Mathusa asked if when they moved the waterline would there be the required ten (10) foot separation between the new waterline and the existing storm water line. Mr. Andress said that had been addressed by moving the position of the hydrant and adding another catch basin that would be further back.

Mr. Andress stated that the elevation of the building would be submitted. A copy of how the vestibule would work had been submitted this evening. Mr. Miller said that he would submit the draft language for the easements by the end of the week.

Mr. Lipnicky said the main concerns of staff had been the safety of customers exiting the store and the access to the storm water management area. Staff would review tonight's submissions.

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

CVS

Chairman Mathusa turned the Board's attention to the next item on the agenda, CVS. Mr. Carroll presented for the applicant. He said that they would update the Board on how they had addressed the comments from staff. He stated that they were looking for a Negative Declaration from the Board this evening or a conditional approval. He noted that the Board had stated that they did not want to approve a document with numerous conditions. The applicant hoped that they had addressed some of the issues, eliminating some items that would have been conditions.

Mr. Lacourse, VHB Engineering, said that they had submitted copies of the revised plans, the SWPPP and the O & M Manual. Chairman Mathusa wanted to review the comments that they had received from staff and how the applicant felt they had addressed them. One important issue was how the demolition would affect SEQR.

Mr. Lacourse felt they had incorporated most of the comments of Mr. Lipnicky's review letters. They had added requested notations to the plats, addressed the truck radius questions and they agreed to relocate a crosswalk in the parking lot. They would reduce the islands to thirty-six (36) feet. They had submitted a revised lighting plan, which averaged five (5) foot candles across the parking lot and had added some signage information. The additional truck turning movement had been distributed. He said that the DOT standard island at the Delaware Avenue entrance made it necessary for a truck to swing into the adjacent lane to negotiate that driveway. He said at busy times of the year there would be three (3) tractor trailer delivers

each week during off peak hours. All other deliveries were in smaller trucks. For this reason they didn't feel that it was an undue hazard to make that swing. Mr. Lacourse and the Board discussed alternatives for that movement. Mr. Lipnicky suggested that widening the entrance driveway at Delaware Avenue might be an option. Mr. Lacourse said they could try to get DOT to agree to widening the driveway slightly. Another option would be to use mountable curbs. Presently there was planted island at that driveway but they could extend the cement across and make it a mountable curb. Mr. Lipnicky thought that DOT had a problem with the mountable curb because of the signage on that island. Mr. Lacourse stated that one of the corners could be rounded to accommodate the trucks. He would pursue that option with DOT.

Mr. Lacourse stated that the light poles in the parking lot would be twenty (20) foot high except one that would be twenty-three (23). They would be shoebox lights. Chairman Mathusa wanted to know if the decorative lights used at the Four Corners could be used either throughout the parking lot or within the pocket park. Mr. Lacourse said they could add the decorative lighting within the pocket park and they would look into moving the one higher light pole onto green space to keep them all the same height. Additionally there would be wall-mounted lights on the buildings and lights in the soffits.

Mr. Lipnicky stated that there were insufficient notations on the plans pertaining to the lighting for the building inspector to interpret. The correct serial numbers and a key needed to be added. They also needed to supply more information on the wall-mounted lights as to projection and intensity.

Mr. Lacourse said that the sign size was submitted. Mr. Lipnicky said they needed the drawings to scale with color and materials included to determine if the signs fit within the sign code. Mr. Lipnicky stated that the proposed sign was twenty (20) feet in height. He wanted the Board to be aware that the new zoning code had a height limitation of ten (10) feet. The proposed sign would be substantially higher than the new code would allow. Mr. Lacourse said that the proposed freestanding sign was the standard CVS non-message board sign that would be internally lit.

Mr. Lacourse said a demolition plan was in the process of being prepared. It was suggested by Engineering to limit the hours of operation to between 7am to 5pm; the applicant would prefer 7am to 7pm, Monday through Friday. Ms. McCarthy said she was worried about the school children that would be walking in the area. Mr. Collier wanted to know if temporary fencing would be installed during demolition to protect pedestrians and children in the area. Mr. Lacourse said that those details would be worked out with the Building Department during the demolition permit phase. Mr. Carroll thought that if the hours of demolition were twelve (12) hour days, it could be done faster and possibly a large portion could be completed during the summer months when the children were not in school. He wanted the Board to consider allowing the longer hours. Some of the Board members and staff thought that the Saturday work and hours would be a problem. Mr. Collier thought that the submission of a demolition plan would clarify the necessity for certain hours of operation. Mr. Lacourse said that for a contractor this was a relatively small job. Some of the demolition and construction would be done at the same time. Demolition would not be completely done before construction was started. Chairman Mathusa suggested that during the demolition they consider asking CDTA to move the bus stop to the corner at Elsmere and Herber. He thought that would be helpful for safety reasons. Mr. Lacourse said licensed contractors would handle the disposal of any

regulated materials. All the utilities would be marked in the field, capped and terminated at the property line. The demolition will proceed with standard equipment and disposed of offsite. The contractor would determine the sequence of the demolition. Dust would be controlled by the spraying of water or with calcium chloride as necessary. He said that there would be a minimal amount of time that the site would have exposed soils. Chairman Mathusa stated that the Board needed to see the demolition plan in order to make an informed recommendation on SEQR. Mr. Silliman stated that a Negative Declaration would not be granted until the necessary information was provided for review.

Mr. Lipnicky stated that a Part III to the EAF had been requested. The applicant had since submitted a SWPPP and a drainage plan. He said that the air quality and noise issues still needed to be addressed within the context of the Part III. There was also a potential, historic district on the other side of the railroad tracks. Staff was still awaiting information from the applicant regarding SHPO. Mr. Lipnicky wanted to know if the Board considered the issue of how the design of the building fit within the community character finalized. It had been identified as a significant impact.

Chairman Mathusa told the applicant the air quality and the noise were both issues that needed to be addressed for SEQR. The Board needed answers for how these would be handled during the demolition and construction. He said that the historical relevance question might be able to be conditioned. Chairman Mathusa wanted to proceed to the elevation of the Elsmere Avenue side of the building. He said that it had been discussed to add another window and delete one of the louvers to give the building a more balanced look.

Mr. Collier had not been at the last meeting but read the minutes. He wanted to know why the applicant had used louvers instead of dormers. Mr. Lacourse was not sure but thought there was a structural reason. He would speak to the applicant. Mr. Lipnicky said that at that meeting the Board had wanted the applicant to put windows in the second and fourth bays. They couldn't use those bays due to structural constraints, so they proposed the third and fifth bays. Staff had thought that it would be a better visual balance to add one more window to the first bay and delete one of the louvers. Mr. Lacourse said that Mr. Dal Pos believed that the dormer issue had been settled. Mr. Carroll wanted to make sure that he reported exactly what the Board wanted to his client. He said that he would take back to him the Board's question on dormers. He wanted to know if that was the consensus of the Board.

Mr. Collier asked if balance could not be achieved with windows that possibly they could use dormers. Another suggestion was adding an additional treatment to the roof at the opposite end of the building from the entrance.

Chairman Mathusa said that he thought the Board had given up the dormers to have the lower roofline. Ms. McCarthy did not want any of the windows to be deleted to add dormers. She thought the windows did more to break up the length of the building.

Chairman Mathusa wanted to know if the intention of the applicant was to still combine the four (4) parcels into one tax parcel. If not, easements would need to be submitted. Mr. Carroll said that they were in the process of acquiring the parcels but their intention remained that Delwood Properties would own and combine the parcels and then lease the property to CVS. They understood that the maintenance agreement for the Storm Water Maintenance needed to

be tied to the property owner but they would then transfer that responsibility to CVS. Mr. Silliman stated that the language of that agreement needed to be submitted for review by the Town attorney. Current easements needed to be extinguished when the parcels were consolidated.

Mr. Passmann said that a portion of their sanitary sewer system was currently Town owned. Once the parcels were consolidated, the Engineering division recommended that section of the sanitary sewer be taken over by the property owner and the easement be extinguished. Mr. Lacourse said that the applicant would own and maintain all the utilities on the site. Mr. Passmann said that the manhole covers would need to be changed. He said that two of the buildings that needed to be demolished encroached onto the neighboring property. The Engineering Division has asked the applicant to obtain either a temporary construction easement or permission from the adjacent owner to be on their property during demolition.

Mr. Lipnicky asked the Board if they still considered the esthetics of the building a SEQR issue pertaining to community character. Chairman Mathusa and Mr. Collier said that the board had worked to get the building elevation as esthetically pleasing as possible. Other than a few details, they didn't think there was much more that could be done. The consensus of the Board was that the building was no longer a SEQR issue. Mr. Silliman said that should be reflected in the approval document. At this point the Board wanted to see the final elevation that reflected the detail changes.

Mr. Passmann asked if it would be possible for them to put provisions in their demolition plan for monitoring during the demolition by the engineer of record or an Environmental Monitor that would be a point person for problems such as noise and dust. Mr. Silliman stated that he had known of Environmental Monitors being used but never on a project on this small of scale. If the Board felt strongly about it they could still require it. Mr. Lacourse said that if the Board required it, they would use an Environmental Monitor. The Board felt that would be a good idea, especially with the closeness of the surrounding neighborhood.

The Board clarified that they wanted the applicant to provide revised colored elevations. They wanted two options; one with an additional window and deleting one louver and one with a different roofing design to the opposite side of the building or a reason why it was not reasonable. They also wanted the details of the sign.

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

A motion to approve the Public Hearing minutes of May 3, 2005 as amended was offered by Ms. Motta, seconded by Mr. Cotrofeld and approved by all present.

A motion to approve the regular meeting minutes of May 3, 2005 as amended was offered by Mr. Engel, seconded by Ms. McCarthy and approved by all present.

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

The meeting adjourned at 10:05pm.

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