

**PLANNING BOARD  
TOWN OF BETHLEHEM**

**September 21, 2004**

The Planning Board, Town of Bethlehem, Albany County, New York held a **Regular Meeting** on Tuesday September 21, 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 pm.

Agenda: Beacon Pointe Harbor – Public Scoping Session  
CVS Pharmacy – Initial presentation for new CVS in Elsmere

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

Jeffrey Lipnicky, Town Planner  
Randall Passmann, Senior Town Engineer

Julie Fincke, 188 Van Wies Point Rd., Beacon Pointe Harbor  
George Fincke, 188 Van Wies Point Rd., Beacon Pointe Harbor  
Dorothy Roberts, 58 Bobwhite Dr., Glenmont, Beacon Pointe Harbor  
Kevin & Mary Alice Smith, 816 Feura Bush Rd., Beacon Pointe Harbor  
Chris Lilholt, 1 Ashley Dr., Beacon Pointe Harbor  
Mark Boyder, 19 Darroch Rd., Beacon Pointe Harbor  
Sharon Fisher, 228 Van Wies Pt. Rd., Glenmont, Beacon Pointe Harbor  
Tom Yardley, BFJ, Beacon Pointe Harbor  
Mike Groff, Charles H. Sells, Inc., Beacon Pointe Harbor  
Bob Zick 11 W. Bayberry, Beacon Pointe Harbor  
Susan Kambrich, 75 Mosher Rd., Beacon Pointe Harbor  
David Ardman, Beacon Pointe Harbor  
Carole Nemore, Beacon Pointe Harbor  
Barbara Silbert, 4 Brightonwood Rd., Glenmont, Beacon Pointe Harbor  
Terry Cussar, Clifton Park, Beacon Pointe Harbor  
Peter Lynch, 48 Columbia St., Albany, Beacon Pointe Harbor  
Joe Rappazo, 536 Wemple Rd., Beacon Pointe Harbor  
Ken Daves, 24 Stratton Pl., Beacon Pointe Harbor  
Norbert Luft, 18 Weiser St., Beacon Pointe Harbor  
Simone Sebastian, Times Union, Beacon Pointe Harbor  
Howard A. Shafer, Selkirk, Beacon Pointe Harbor

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

Kathy Manilenko, 8 Malden Ln., Beacon Pointe Harbor  
Ted Jennings, 1186 River Rd., Beacon Pointe Harbor  
Jim Graol, 64 Hartman Rd., Beacon Pointe Harbor  
Vic Gush, Beacon Pointe Harbor  
Ron Burger, Beacon Pointe Harbor  
Howard Wilber, Beacon Pointe Harbor  
Rob Jazinski, Beacon Pointe Harbor  
Tim Waterman, Beacon Pointe Harbor  
Devin Dal Pos, 125 High Rock Ave., Saratoga, CVS  
Bob Lacourse, VHB Tuttle Place, Middletown, CT, CVS  
David Carroll, 805 Rt. 146, Clifton Park, CVS

**Beacon Pointe Harbor – Public Scoping Session (Verbatim)**

**CHAIRMAN MATHUSA:** Welcome, I thank you for joining us here at the Town of Bethlehem Planning Board meeting here on Tuesday, September 21, 2004. I note the presence of a quorum and I'd like to formally begin the meeting. The first item we have here on the agenda is a project called the Harbor at Beacon Pointe. There are some drawings, maps and sketches that illustrate the depth and size of that project. Tonight the Planning Board is starting the next phase of its process in evaluating the merits of this particular project by beginning the development of an Environmental Impact Statement. For the record the Harbor at Beacon Pointe project is located in Glenmont, NY. We call this evening a Public Scoping Session, the purpose of scoping is to narrow the issues and insure that the Environmental Impact Statement will be concise, accurate and a complete document. The ongoing scoping process is intended to insure public participation in the Environmental Impact Statement development process. It also allows open discussion of the issues of public concern and permits inclusion of relevant, substantive public issues in the final written scope. The Planning Board formally began its phase of this process on August 17, 2004, when the Planning Board accepted the applicant's draft scope document. Also at that time, we set a time frame for written comments from public and various government agencies, we set that time between August 18, 2004 and September 27, 2004. Also at that meeting we set the date for the Public Scoping Session for September 21, 2004, which is tonight. I should note that the lead agency for this project is the Bethlehem Town Board and in July 2004, issued a Positive Declaration for this project. There after the Town Board referred the project to the Planning Board for review. The applicant has also requested that the Town Board consider a proposed zone change from the site, from Heavy Industrial to what we call a Planned Commercial District. The purpose of the rezoning is to allow the proposed construction of some 1.5 million square feet of multi-use development on this water front site. At this point I would like a motion to indent the public notice of this meeting into the minutes. Do I have a motion please?

**MR. COLLIER:** So moved

**MR. ODELL:** Second

**CHAIRMAN MATHUSA:** All in favor

**All Board Members:** Aye

**CHAIRMAN MATHUSA:** The motion's approved.

Notice is hereby given that the Planning Board of the Town of Bethlehem, Albany County, New York, will hold a public DEIS Scoping Session on Tuesday, September 21, 2004 at 7:30 p.m., at the Town Hall, 445 Delaware Ave., Delmar, New York, on the application of O.G. Real Estate Developers for a Planned Commercial District, known as Harbor at Beacon Pointe, located between NYS Rt. 144 and the Hudson River, Town of Bethlehem, Albany County, State of New York. The purpose of the Scoping Session is to solicit input on the content of the Draft Environmental Impact Statement that will be prepared for the project.

**CHAIRMAN MATHUSA:** Before I ask the applicant to introduce the project and summarize the status of the project, I thought maybe that it might be time for the Board if it had any comments on this particular point or if staff had any particular points at this time before we moved on.

**MR. LIPNICKY:** Just to reiterate, the purpose of this scoping session really is to allow the public the opportunity to comment on what they believe should be contained within the Draft Environmental Impact Statement for this project. The scope itself, the document that will be the outcome of all this, is really the document that will define for the applicant the issues that will need to be addressed in the DEIS and the types of methodology that will need to be employed in addressing those issues. It will be a document that will be relatively detailed in terms of how one will go about preparing the DEIS. So tonight is really an opportunity for the public to comment on this and I would also note that there is a comment period on the scope for the public to provide us with written comments and that will run through September 27, 2004. After we get all these comments in, the Town Planning Board, working with staff, will put together a Final Scope for this Draft Environmental Impact Statement.

**CHAIRMAN MATHUSA:** Thank you Mr. Lipnicky. Mr. Gush would you or your colleagues like to make a short presentation to us so we all understand.

**PETER LYNCH:** Members of the Board, Mr. Chairman, I'm Peter Lynch, I'm the attorney for the developer OG Developers, LLC. Mr. Gush is one of the principals here and actually the brainchild of this project. And I'd just like to start off by saying thank you for coming tonight because we're here to gather public input on this project. Everybody has a point of view and everybody has a right to make a comment and it's the purpose of this hearing to first of all, tell you what the project consists of and to invite your comment. If we could start off just for a moment to orientate you on the site because we all know that.

**FROM THE AUDIENCE:** I can't hear.

**MR. ODELL:** There are two microphones, one for taping and one for the PA system, you need to use both.

**PETER LYNCH:** You can see I'm not very technologically efficient. We have the Hudson River right here and to orientate you right along the north side of the site is the entrance of the Normans Kill Creek into the Hudson River. If you've ever been down on the Hudson River taking a boat tour you may recall seeing the boat building company which is right on the... what would be the northerly corner of the intersection of the Normans Kill Creek and the Hudson River and right north of that is the Port of Albany. We have a site here, the Beacon Harbor site is a seventy-seven (77) acre site. It's rectangular in shape and it runs along the line that I'm showing you here. What we're proposing to do, just from an orientation point, we're taking this seventy-seven (77) acre site, which is north of where the PSE & G power plant is, just to give you some orientation. To the west is Rt. 144, which would be the main roadway that we would be accessing onto. Now this particular plan here shows a concept and the concept is to develop a harbor within the middle of the site, as you can see. This is about a nine (9) acre waterway with the whole idea being to take advantage of the river for the development of a project that mixes office, retail, and residential use. Right now Mr. Mathusa indicated to you we are in a heavy industrial district and the reason why we're going for a Planned Commercial Development District is so that we can combine residential uses with the office and retail use. Also what you've got here is a layout of roads within the site with buildings which I'll show you in a moment on another scale, but it's a mixture of buildings. It's a concept to show you a maximum capacity. The total capacity is one point five (1.5) million square feet of space. A little over a million (1,000,000) square feet of office space. So the primary use is office but it's a mixture of some residential, two hundred (200) residential units approximately two hundred forty (240) thousand square feet of space and we're also talking about a couple of hotels, we're talking about a museum, we're talking about a marina, we're talking about restaurants, we're talking about a river front community so that the whole project is driven by the proximity to the river and obviously the harbor that we're proposing. What we have here is a three dimensional drawing and it kind of gives you a better idea, I don't know how well you can see from there but you're all invited to come up and take a look at it at your leisure. Again we're showing... the harbor is the focal point of this project. Along the northeasterly corner we're showing offices, we're showing office buildings to the south and to the rear on each of the corners. We're showing hotels on either side of the theater in the middle of this project. And we're showing a rim around the harbor which the idea along the harbor point is to show retail space on the lower floor with residential properties on the upper floor. Right now we're showing two (2) floors but in a Planned Development District you have some flexibility and the residential use may go up a floor or two (2) whatever happens along in the process. This is again a larger view of it perhaps easier to see than the other one, but you can see once again we've got the dock extensions several hundred boat slips can be utilized within the harbor point as well as docking along the river itself. This is going to be a destination facility for boaters but it's also going to have access to Rt. 144 by two (2) means of ingress and egress. The purpose of

tonight, we have a thirteen (13) page scoping document outlining all the various issues associated with the project. Many people of course are recognizing that traffic is always a concern, utilities, what the site consists of in terms of wild life. Any kind of comment that you think is relevant to an Environmental Impact on this project is the type of comments that we're looking for here tonight. From a purely legal point of view, under the State Environmental Review Act, tonight's session is basically voluntary. It's probably the one and only part of the Environmental Law that is voluntary. And the whole idea here is, as the Chairman has indicated to you, by virtue of the size of this project itself, it's fundamentally clear that there is a potential significant environmental impact requiring the preparation of an Environmental Impact Statement. Now the Environmental Impact Statement is not meant to be an encyclopedia but rather it is meant to be a tool to develop a hard look at any relevant environmental concern. By environmental we mean any impact on the land, the water, economic impact, social impact, it's a balance of all features of the project. When we finish the scoping session and as Jeff just pointed out there will be a scoping document, it's incumbent upon us to prepare that Environmental Impact Statement. When we get done with the Impact Statement, our goal is have enough information in that document, so that the Planning Board and then the Town Board as lead agency will have a basis from which to decide should we grant this zone change or not. Zone changes are completely discretionary with the legislative body but we feel that after we've had the opportunity to present all the evidence dealing with the impacts of this project that the Planned Commercial Development District is a win-win situation for the Town and is far superior to any potential impact that would arise out of any heavy commercial industrial development of the site. Now we know we have the Port to the north, we know we have the power plant to the south but this site sits like a gem in the rough if you will and we're very excited about moving forward with the project. But before we can do that we need input and that input if relevant to the project, we're going to implement into the impact statement to the fullest extent practicable. That's pretty much it in a nutshell Mr. Chairman.

**CHAIRMAN MATHUSA:** Thank you Mr. Lynch. Before I entertain comments from the public, let me ask does the Board have any thoughts at his point? Nothing at this point? Staff at this point?

**MR. LIPNICKY:** No Sir.

**CHAIRMAN MATHUSA :** OK. Before I call on the public, I would like to reiterate again what we are looking for here and what we are seeking from the public is a comment on a range of potential environmental issues that would be associated with such a project such as traffic, esthetics, air quality, noise, land use compatibility, impacts on adjacent waterways and so on. I should also note that this project is not related to the proposed river front hamlet project which is a concept being proposed a few miles south of this particular site. I ask those that are wishing to speak to introduce yourself by giving your name, home address, please speak into the microphone to make sure that we have a full record of comments. If anybody would like to approach us now I'd accept comments from the public. Sir. If you would come up here and introduce yourself.

**RON BURGER:** My name is Ron Burger, I live at 8 Wedge Rd. in Delmar. I'd like to ask Mr. Lynch, what exactly is there now in that space. I mean for your proposed project, what is there at the moment?

**PETER LYNCH:** Mr. Chairman, right now it is an undeveloped, vacant parcel.

**RON BURGER:** May I ask a follow-up question? Has there been any attempt to determine the biological nature of that, what do we know about it's wild life, any potential source of environmental damage that could be occurred? Is there been an assessment of that?

**PETER LYNCH:** Mr. Chairman, in the environmental assessment form there has been a reference to a potential impact on threatened and/or endangered species. We've also done some preliminary studies on the soils, we've had an archeological study done, we've had a wetland delineation done, there's been a lot of preliminary studies done on this site. Right now we don't find there to be any significant negative impacts but for purposes of the scoping session, while we're more than happy to try an answer questions, our desire tonight is to get as much input on issues and clearly Mr. Burger has raised an issue, what is the impact on any potential species. And that is an impact that we have listed in our scoping document that will have to be fully considered and a hard look taken at. At this point we don't expect there to be one, but it is relevant issue and thank you for bringing that to our attention because we are aware of it an we will be addressing it in the impact statement.

**CHAIRMAN MATHUSA:** Thank you Mr. Lynch.

**RON BURGER:** May I ask a quick follow-up question, I appreciate? Where could I get a copy of this document and is it possible for you to very briefly summarize this for the audience? I mean the potential negative impact on the environment and I realize this is a very complex document and we're going to have to study it but for the people who haven't had a chance to do that is it possible to briefly summarize that? And where can I get a copy?

**PETER LYNCH:** First I believe it's on file with the Town.

**MR. LIPNICKY:** What document are we talking about?

**RON BURGER:** The one he just referenced.

**MR. LIPNICKY:** Well he referenced about six (6) different documents and the Town has one of the documents that he is referencing which is a long form Environmental Assessment Form.

**RON BURGER:** We could take a look at that?

**MR. LIPNICKY:** From the long form Environmental Assessment form the Town has concluded that this project does have the potential for significant impact on the environment.

**RON BURGER:** Negative?

**CHAIRMAN MATHUSA:** It was a positive declaration.

**MR. LIPNICKY:** The reason that we're going through this exercise of doing an Environmental Impact Statement. So although Mr. Lynch may conclude that there's no impact, at this point in time, the Town has not concluded that, in fact the Town has concluded that there is a potential significant impact.

**RON BURGER:** Thank you.

**CHAIRMAN MATHUSA:** Does anyone else wish to address?

**NORBERT LUFT:** Good evening, I'm Norbert Luft and I live at 18 Wiser St. in Glenmont. The question I have is what sort of traffic studies have been done? It's going to be a significant area of commercial activity, Rt. 144 has narrow shoulders and no turn lanes. In all probability some kind of widening or infrastructure improvement will probably have to be done in the future. Whose going to pay for that and what's the future plan for that?

**PETER LYNCH:** Chairman and Member of the Board, that is a totally legitimate comment, in paragraph 4.4 of our proposed Scoping Document, we do propose that there be a full blown traffic assessment. We've identified twelve relevant intersections within the immediate area that the impact is going to have to consider. Traffic impact in the Environmental Impact Statement has been identified as one of the areas that we have to take a hard look at, so it is an issue and it is identified in our scoping document and will be a part of the Environmental Impact process. The actual study itself is not complete. This scoping session is really the infancy of the preparation for the Environmental Impact Statement. So we're aware of that traffic situation and we know that we have to do a complete engineering study on the traffic issues.

**CHAIRMAN MATHUSA:** Thank you

**BOB ZICK:** My name is Bob Zick, I live in Glenmont. It may not environmental but having been on the School Board, what is the impact on the environment of the school system?

**CHAIRMAN MATHUSA:** In terms of this particular section?

**BOB ZICK:** Well we already have a crowded school system, we're already having a bond issue to build more, and what is this impact going to be on the school system as far as additional students and more load?

**CHAIRMAN MATHUSA:** Well there's two parts to that, I'll give some background on it. Across the street, 144, we call Beacon Heights, which is a project of some 400 units and the Town Board has deferred that since it's a residential development program because that potentially could have a relatively significant impact on the school system. The residential complex that is being considered on this particular site, at this point my understanding is that Dr. Loomis has looked at that and because the type of mix that would be there at this point he thought it would be somewhat diminuous but it was still one that needed to be evaluated.

**BOB ZICK:** It will be evaluated?

**CHAIRMAN MATHUSA:** Yes

**MR. LIPNICKY:** Mr. Chairman if I may just make a quick comment. The nature of the questions so far have been to some extent direct questions to us on various issues. I'd like to state at this point in time so everyone is clear on the fact that these questions have not been studied yet. So a lot of the questions folks out there maybe asking us, we may not be able to answer tonight and most of them we probably won't. The purpose here is really to get on the record the types of issues that are concerning people and that we will have to look into as we go through this process.

**HOWARD SHAFER:** My name is Howard Shafer, I'm the County Legislator for the district on which this project is proposed. What's the water impact and the sewer impact specifically where is the closest hookup for each of the two.

**CHAIRMAN MATHUSA:** I don't know if you want to answer that at this point or not.

**PETER LYNCH:** The water and sewer impact are clearly identified in our scoping document that need to be identified and actually there is a City of Albany eight inch water main running through the site, essentially dissecting the site north to south coming out of the Port at the area where the bridge shows on the plan running through the site to the PSE & G plant to our immediate south. So the potential availability of water from either the City of Albany or the Town of Bethlehem are issues that we need to address. So water is clearly an issue that needs to be addressed. We've also identified in the scoping document there's a potential hundred and sixty thousand (160,000) gallons of sewage per diem arising out of this project once it's fully built out after ten (10) or fifteen (15) year plan. That is an issue that has to be addressed in the study and the capacity of the Albany County sewer facility has to be included in our analysis. We are aware of the fact clearly that water and sewage, sewage especially when you have a project immediately on the river has to be addressed but our plan is that all of the facilities will be available if the water and sanitary sewer. We're not talking about any kind of wells or septic systems here. We're aware of the issues and it will be addressed fully in the impact statement.

**HOWARD SHAFER:** Where is the closest Bethlehem sewer hookup?

**MR. LYNCH:** We don't know off the top of our heads, but we think the closest one is south of Glenmont Road along Rt. 144. It's definitely quite a distance. The applicant had originally told us that he was going to investigate the possibility of tying into the county sewer district. And I believe that is still a legitimate avenue that these folks are going to pursue. Correct? Because of the distance.

**CHAIRMAN MATHUSA:** Do we have any further questions at this point?

**HOWARD WILBER:** My name is Howard Wilber, I live on Van Weis Point in Glenmont. Modern buildings often include high intensity mercury vapor lights etc. terms of impact on the environment, and thank you for asking the question about traffic because I think that that's one very pressing thing but there's other factors too. For the developer, in terms of the design are there any provisions being made for curtailing what's called light pollution? The night sky is something that many of us do enjoy and with the invasion of high intensity lights, that gets permanently destroyed, noise abatement and then in terms of the number of stories. How high do these buildings, is there a limitation on that?

**PETER LYNCH:** Seven (7) stories is the projected maximum height. In our scoping document paragraph 4.5 we 're dealing with air and noise pollution and lighting impact is also a consideration. Your absolutely right the lighting, we don't have a formal lighting plan done yet. The lighting impact on surrounding properties is a relevant issue and it will be included in the Environmental Impact Statement.

**MR. LYNCH:** If I might just add something. One of the questions that was asked was the number of stories. I would point out that part of the application, if in fact we going to something in the order of five (5) stories to seven (7) stories, would require a variance from the current Planned Commercial District regulations, which I believe the maximum height is forty (40) feet at this time.

**PETER LYNCH:** Which is the equivalent of four (4) stories.

**KEN DAVES:** My name is Ken Daves, 24 Stratton Place in Delmar. Two endangered species that come to mind in the area: number one (1) is bald eagles, I'm not sure if there are any bald eagles on the site or not. Number two (2) is short nosed sturgeon and this is a known short nosed sturgeon spawning ground out in front of the harbor area. They're there for a limited time in the Spring so basically the impact would be only be oriented towards construction. One thing that needs to be kept in mind is that this parcel is low land and it is in the one hundred (100) year flood plain. So it seriously needs to be developed to accommodate that type of water as well as storm drainage. I would hope that the plan would include separate storm drainage from the regular storm treatment. That's one issue that we're seeing a lot of development along the river having an impact on. I would hope that also the buildings, any buildings on the site would employ green energy standards, following suit with the DEC building along the river front up in Albany and other projects that are being proposed throughout the valley. Hopefully the Normans

Kill Creek would also be reinforced or some other type of protection would be given to that and the only other thing I really have a concern with shoreline reinforcement along the front, especially with it being within a one hundred (100) year flood plain. If you see the river the way it was this weekend, that wasn't a one hundred (100) year storm. Thank you.

**MR. LIPNICKY:** When you talk about reinforcement of the Normans Kill, are you talking about stream stabilization?

**KEN DAVES:** Right, especially with the amount of silt that comes through there.

**SHARON FISHER:** Sharon Fisher, 228 Van Weis Point in Glenmont. My concern is being on the flood plain also I know the river's edge has changed very often. So I'd like to know how much of that property is original, historically speaking, or could be partially filled and what impact that would have on building on that property?

**CHAIRMAN MATHUSA:** Would you like to comment?

**PETER LYNCH:** I've taken a note on that. We've had three (3) different soils studies done on the site and we do feel that it's suitable for building on it. I'm taking note of the comment and we'll address it.

**MR. LYNCH:** If I might just comment, a portion of this site itself is fly ash from the former, according to the EAF that was submitted, fly ash from the former Albany steam station. So that is an issue that will be investigated.

**RON BURGER:** I would like to ask a follow-up question, I'm Ron Burger again. Assuming a four (4) story height, I'm not sure that's correct, when this project is built out, how many people will live and work there?

**PETER LYNCH:** Well there's two hundred (200) units are proposed, so it depends on who buys the units.

**RON BURGER:** So say two hundred (200) times 2.5 plus people who work there that would be how many people?

**PETER LYNCH:** Well you've got about one million (1,000,000) square foot of office space, maybe we could answer the question this way, we're talking about, and you're looking at maximum capacity assuming the full build out, there's a proposal for five thousand four hundred twenty (5,420) parking spaces, so that might give you an idea of the scale of this project.

**RON BURGER:** Roughly, say six thousand (6,000) people living and working, assuming most people will drive individually. Is that a fair...?

**PETER LYNCH:** It will probably be more like five thousand (5,000).

**BARBARA SILBERT:** I'm Barbara Silbert at 4 Brightonwood Rd., Glenmont I was wondering if this happens to be approved and they do start building and for some reason it doesn't fly, if buildings aren't rented, if buildings are abandoned what provision do we have to get them bonded to restore and tear down abandoned buildings.

**CHAIRMAN MATHUSA:** I don't know if there's any response to that at this point.

**PETER LYNCH:** These buildings are not being built on spec. This is not a Don Quixote quest. The site has been acquired for a little over a million (1,000,000) dollars, this is not a situation where the applicant has a contract to buy the property if they get the approval. This has been a real investment thus far in the dirt. Buildings will be built as tenants are obtained, that's the whole idea of not building on spec so that we avoid situation like Mrs. Silbert just indicated a moment ago. And also the reason we want the Planned Development District too is because as the Board knows, if we get the zone change, every time we have a building within the parameters of the project that we seek to build we then have to come back to the Planning Board and the Town Board for a specific site review of that project. So it's almost like a double review of the project, we got the zone change first and then we're not just on our own to do whatever we want. We have to then come back each time for each building that we choose to build and the Planning Board has to review it and the Town Board has to review it. But to avoid this concept of a ghost town type of situation, we're not building on spec we'll be building with real tenants, with real money and hopefully that situation would never arise.

**MR. LIPNICKY:** The comment is noted and we'll look into it.

**CHAIRMAN MATHUSA:** Any other comments.

**CAROL NEMORE:** I'm Carol Nemore 184 Rowland Avenue. The question is, this is such a sizeable development project, including residential units. Could someone explain how this project will be related to the comprehensive planning process that the Town is going through right now and also how it relates to the moratorium that's in place? Since it is such a huge project that would really change the fabric of much of the Town in that area. I'd like to know how they're being coordinated.

**CHAIRMAN MATHUSA:** Maybe I can answer partially, this project has been reviewed by the Town Board and referred to the Planning Board for review. The Town Board found in July it's a Positive Declaration and an Environmental Impact Statement would have to be performed and that's part of this process. The Town Board also found that the other part of the project which is Beacon Heights which is just west of this, which had a lot of residential units in it, that part was deferred since there was a moratorium on the development of further residential dwellings. But I understand that the Town Board said that because the number of people who would live on this site is quite small versus the whole site itself that we could proceed to evaluate the overall project with the assumption that there will be some people living full time on the site at this point. So they took it apart saying there was not much of an impact of let's say in growth of people on this

particular site, that's way we could consider it as part of the Environmental Impact Statement at this time.

**MR. LIPNICKY:** The moratorium itself contains an exemption for residential units in Planned Commercial District when they are a part of a commercial development. One thing that I would note in addition to what the Chairman has said and I would agree by virtue, I mean the Town Board when this was referred and when the Town Board issued it's Positive Dec on the project, knew very well that we were proceeding with the comp plan process. I believe that by virtue of the Board referring this to the Planning Board, it would seem to me that we have no choice but to consider this proposal here. However, within the scoping document itself there is language which essentially says that part of this review will need to look at and address that question of where really the comp plan is going and to some extent how this fits into to that.

**CAROL NEMORE:** It's consistency with a yet to be ratified comprehensive plan will be an after thought then rather than do a comprehensive plan and then ...

**CHAIRMAN MATHUSA:** There are a few things going on simultaneously, you have the moratorium component but you also are allowing commercial and industrial development to continue during this moratorium period which is only focused on the residential part.

**CAROL NEMORE:** I know the moratorium is but the comp plan is for everything.

**CHAIRMAN MATHUSA:** Right but this particular Planned Commercial District type of thing fits within the motion of trying to increase commercial development within the community as way to address some of the tax issues. That was a very conscience policy decision.

**CAROL NEMORE:** I guess I assumed that the comprehensive plan would attempt to relate the goals of commercial development for tax-based purposes to appropriate places. And I'm not suggesting that this is not an appropriate place or not I'm just suggesting if such a huge project it's proceeding effort.

**CHAIRMAN MATHUSA:** It's proceeding to the point where we would be in a position say to refer this to the Town Board for consideration to make a Planned Commercial District, nothing can proceed until the Town Board makes that decision. They may defer that decision until the comprehensive plan is complete. So we're just moving in parallel because of the time line of putting this type of thing together. Very sensitive to your issue, good point.

**ROBERT JAZINSKI:** Robert Jazinski, Glenmont, If you're talking zoning change, so if you change this zoning and then if the EPA decides to come in and use this property now by you changing the zoning, does this stop the EPA in some way from using it? Question #1. Question #2, If the EPA comes in and uses this property, will the zoning continue for a set number of years or forever. I mean if EPA comes in and uses this and Mr. Gush

decides not to go with the project, because of what EPA does, although they'll leave buildings and he'll have access to everything, they'll clean it up, I understand all that with EPA, but what kind of a time limit are we also talking. Have you any idea?

**CHAIRMAN MATHUSA:** Let me answer that question this way, this project has been referred from the Town Board to the Planning Board for consideration. We're proceeding with it as quote unquote "business as usual", fully aware that other things in the world could happen. But until they happen, we have to assume that this project will move forward. If the EPA, let's say in November, decides to do something that's one type of thing. If it continues past that and the Town Board decides not to go to a Planned Commercial District then something else will change. But we just have to move right along, because with the SEQR process and so on we have to do certain things within very specific time limits and we're assuming that we should move right ahead.

**ROB JAZINSKI:** OK, so you're saying time limits, so now I'll put you on the spot and say, what kind of a time are you anticipating for this SEQR project to be finalized? And at that point will it go to the Town Board?

**CHAIRMAN MATHUSA:** Yes, I believe, and maybe Jeff could correct me, I think it's like sixty (60) days we have to do a number of things within sixty (60) days.

**MR. LIPNICKY:** I think Mr. Jazinski is talking about the complete SEQR process here. That is a very difficult question to answer. There're too many variables that are beyond the Town's control, such as how quickly does the applicant respond to certain items that are put forth to the applicant. How quickly they decide to proceed, how quickly we and our consultants review this and the extent of public participation there is with this review. There are a lot of questions that make it a very difficult question to answer. We haven't had the analysis yet. When the site is being looked at we don't know what is going to be found in terms of this analysis. We're at the beginning point now and to answer that question with any degree of certainty, I'm afraid I can't do that.

**CHAIRMAN MATHUSA:** We're just going business as usual with the understanding there's a lot of other influences could change it instantaneously, but we not afforded that luxury, we're just moving right ahead.

**ROB JAZINSKI:** Now I'll ask another question if I may? Has there been any projects that have been attempted outside of the formaldehyde plant south of here for anywhere's in that area, any in the last fifty years? Any projects that have been attempted along that Rt. 144.

**CHAIRMAN MATHUSA:** You mean other than the Sears Oil Depot and Air Products.

**ROB JAZINSKI:** They were back in the fifties.

**CHAIRMAN MATHUSA:** Well, I don't know if they were that far back, and the Air Products which took over the old Exxon or SO plant .

**ROB JAZINSKI:** So in other words this is the first time that somebody is trying to use.

**CHAIRMAN MATHUSA:** Let's say new property...

**ROB JAZINSKI:** With a new thought and a new concepts and something that might be good for the Town.

**FROM THE AUDIENCE:** Don't forget Waste Management.

**TIM WATERMAN:** My name's Tim Waterman, I'm at 8 Darroch Rd. in Delmar and I wanted to ask that in Environmental Impact Statement that what would be included would be the visual and esthetic character of the surrounding communities and the existing building topology that exists and that the character of the new development be fitted to the local surroundings. It's quite clear that looking at Glenmont that a great deal of new construction has occurred that has paid very little attention to that and it's very quickly becoming sort of "Anywheresville" America. I'm saying that this will do that but it's important to proceed esthetically and in very careful ways which is also a very important environment consideration. As well as in terms of formal characteristics, I think to look at existing ways that the river itself has been constructed upon, I think that it might be important to look at this harbor and the marina that's included with the project and see what the potentials are for it to be silted up. These kinds of constructions along rivers tend to collect garbage and it might be detrimental to trying to find people to occupy these spaces. Thank you.

**CONNIE WILBER:** My name is Connie Wilber and I'm from Van Weis Point in Glenmont 222. I don't have a question, I have a comment. I like this idea. I like the closed, kind of contained nature of it. I live on the river so I'll definitely be impacted by this. But my hope would be that it would be attractive. I share all the environmental concerns that have already been mentioned. But in favor of it, I welcome you to keep going ahead with this. I like this better than the EPA and I like this better than the other project we talked about, the other harbor project that was discussed. Good luck.

**CHAIRMAN MATHUSA:** Do we have any other comments?

**TED JENNINGS:** Ted Jennings, 1186 River Rd. More comment than a question. I've been impressed by the willingness by the applicants to respond to what I think were very good statements about concerns. I had two (2) in particular, I'd like to re-enforce, one is the traffic concern. The entrance that I see on their map is on a hill, on a curve, on a bridge, right next to the entrance to the new plant at which I believe there've been a series of accidents already this year. It's a very, very nasty place and I can't imagine if there's a stop light there that the truckers roaring up and down Rt. 144 are going to want to stop going down the hill or start up again going up the hill. The second thing, I hope if there's any talk or any thought about tying into the Town of Bethlehem Waste Treatment plant, which is way, way south of course, it would be a long project, I suspect, but the capacity of that plant is pretty close to being strained at this point, with everything I understand.

And that strikes me as a very important consideration is that the whole area of the Environmental Impact be looked at very closely. I also think the eventual impact on the schools and especially the tax situation need to be looked at. I think the questions have been good, I think the responses have been good, I think it's a bold and exciting project and I would rather hope that everything comes out positively but I'm a little bit worried.

**HOWARD SHAFER:** Howard Shafer again. Is this coming out as a pilot project or is this going to be paying full taxes?

**CHAIRMAN MATHUSA:** I do not know that.

**KEN DAVES:** Ken Daves again, 24 Stratton Place. One thing I want to echo along with my fellow Town's people is the traffic issue but I also want to mention that as the progress or the concept here has evolved, the applicant has made some serious changes, on reflection of the environmental issues. One particular thing is that originally the Normans Kill Creek was going to be tied in with the harbor. While I feel that some sort of positive water flow is necessary within the harbor to prevent things from washing in there from the river, I think that the connection to the creek would have been more detrimental to the silting in and everything else like that. I just wanted to put that out. Thank you.

**CHAIRMAN MATHUSA:** Do we have any other questions or thoughts?

**BARBARA SILBERT:** Barbara Silbert again, 4 Brightonwood Rd. It's more food for thought, things have been going through my mind. I talked about if buildings are abandoned are they going to be bonded for restoration. If on this same vain can they come back at some point in time and plead hardship if things aren't going well and change the nature of the rentals or the use of the buildings that are under construction or have been constructed. Another question that I have is how will we planning to integrate the residents of that community into the fabric of the Town of Bethlehem. Delmar being a psychological center, you know they're going to driving up, you're going to want them to come to Elsmere and go shopping, there's going to be consideration for traffic flow because those roads are very narrow. Corning Hill Road is extremely narrow, Glenmont Road is extremely busy and just as narrow and they have trucks on Corning Hill Road so consideration needs to be taken there. If they want to change, it's an industrial zone now, if the zoning is changed and residents move in, how will that impact the commercial parcels that neighbor it. If a really good commercial company wants to come in and build a plant of some sort and be a potential generator of wonderful tax base, can then the people there say well we're residents we really shouldn't have that and would that prevent the industry or the industrial use of the neighboring parcels. I think we need consideration of that. And I think it's fairly clear that we don't have water and sewer for that area so who's going to pay for building the water and sewer plants to service that area.

**CHAIRMAN MATHUSA:** I would suspect that would be the developer's responsibility to do all that.

**BARBARA SILBERT:** We can suspect but we don't know if that is going to be so. Hopefully we will take that into consideration and not burden the tax payers to build that if the tax base is not going to generate enough to more than cover that. Also I really think that any commercial or residential builder ought to have a certain amount of dollars per living unit designated toward capital improvement of the school district that's aside from taxes. If they're going to put x number of people living there and their purpose is to make money let's face it, it's not a charity that there going to plant their cement there and start building things, they're going to build, collect taxes, make money and make a good profit they hope. But they need to help the infrastructure also and I think we ought to have rules and laws that have them feed into that on the outset.

**CHAIRMAN MATHUSA:** Thank you, any other comments at this point. I don't Mr. Gush if you have a quick summary of what the status of EPA's interest on the site is, all we know is what we read in the paper, I don't know if you have greater insight or is this still unknown.

**VICTOR GUSH:** You know as much as I do, they haven't contacted us and I don't know what's happening.

**CHAIRMAN MATHUSA:** So that's still an unknown. Any questions or comments from the Board?

**MR. ODELL:** Other than to say thank you for the people who took the time to come here tonight and contribute their concerns.

**CHAIRMAN MATHUSA:** Jeff, do you have any comments at this time?

**MR. LIPNICKY:** None at this time Mr. Chairman.

**MR. COLLIER:** I want to take a moment to emphasize something that the Chairman said, and that was "business as usual". I don't want anyone to have the impression that that means that an approval is imminent. These things don't just happen to get approved, the process that these projects go through is, as I'm sure the applicant can attest to, very rigorous, very detailed, exhaustive. And we're in the initial steps of analyzing the impacts of this project, nowhere near an approval. Business as usual meaning, following the steps in the law.

**CHAIRMAN MATHUSA:** Yes, absolutely, following the steps in the process of the Environmental Review Act. If there's nothing else, I'll entertain a motion to close the public scoping session.

**MS. MCCARTHY:** So moved.

**MR. COLLIER:** Second.

**CHAIRMAN MATHUSA:** All in favor.

**All Board Members:** Aye.

## **CVS PHARMACY**

Chairman Mathusa turned the Board's attention to the next project on the agenda. CVS is proposing a new facility on the intersection of Elsmere Avenue and Delaware Avenue, across the street from the existing CVS. The applicant had a few informal meetings with the Chairman and staff prior to their application submission. They were on the agenda for an initial presentation to the Board.

Mr. Dal Pos, from Laker Development Group, presented for the project. He introduced the other members of the team; Bob Lacourse from VHB Engineers and David Carroll, Esq., the local counsel with Ianniello, Anderson and Riley. They had submitted their proposal to the Planning Board along with a traffic study that had been done by Transportation Concepts. The proposal was for a re-development of three separate parcels, the former Boston Market, the Elsmere Arms Apartments and a few commercial buildings, one that used to house a real estate company. CVS would be ground leasing the entire parcel, two of the parcels would be purchased and the ground lease would be from one entity. CVS would build, own and operate the building itself. All of the structures would be demolished and the traffic pattern in the area would be changed. Mr. Dal Pos passed out existing condition on the site and proposed site plans. The reason that the location had been chosen was close proximity to existing store, their lease was running out and the location had been profitable. The existing site had some limitations that they would like to address with the new proposal such as more parking and a drive thru. They felt the location on the opposite side of the street and the drive-thru would be beneficial to their customers on their way home from work at night. Mr. Dal Pos stated that a drive-thru was helpful to non-ambulatory people and people with sick children. It would only be used for the drop off and pick up of prescriptions.

The site plan shown had the front door, which was located at the corner of the building, facing the corner of Delaware Avenue and Elsmere Avenue and the structure itself was to the rear of the property. Mr. Dal Pos stated that the issues of ample parking and a drive thru were addressed by placing the majority of the parking by the front door. He stated that it was critical to CVS to maximize their benefits because the relocation would be costly. They felt it was very important to have the majority of their parking at the front door that he claimed "fed the store". Loading, trash and a compactor would be placed in the rear of the building. Mr. Dal Pos stated the backside of the building would be one way to compliment the drive thru. There would be two ingress/egress points on the site, one accessed from Delaware Avenue and one from Elsmere Avenue. This reduced the number of curb cuts that would be on the site. There would be one eliminated from the Elsmere side and one from the Delaware side. He felt this would improve the site line. He stated that significantly more landscaping would be added to the site. They proposed to put what they call a pocket park on the corner of Delaware Avenue and Elsmere Avenue. Mr. Dal Pos stated that this layout maximizes CVS's property. They were not asking for

or required to obtain any variances for the property, their use was a permitted use within the zone. The traffic study that was done concluded that there wasn't any loss of service in what's being proposed, it actually would be enhancing the situation. The study also indicated that there would not be much increase of traffic with this proposal. Mr. Dal Pos stated that twenty-nine thousand (29,000) square feet of buildings existed on the property. There was about fifteen thousand five hundred fifty (15, 550) square feet of foot print. The proposed project would have thirteen thousand thirteen (13,013) square feet of building.

Mr. Dal Pos stated that historically CVS worked with individual towns to provide the best looking buildings that they could. He understood that the esthetics of the project was an important issue. He stated that landscaping was another area that they would be willing to work on with the Town. The areas that they felt very strongly about were the actual, physical layout of the site and the building's orientation to the street, the parking orientation to the building and the entrance to the streets as well. He stated that the intent of the proposed project was meant to enhance the redevelopment of the area. He stated that CVS wanted to continue their presence in Delmar.

Mr. Lacourse, the Engineer on the project, spoke to the drainage on the site. He located the existing conditions and the proposed location of an above ground detention basin in the far corner of the property. He stated that the proposed project would decrease the peak flows from the existing conditions on the site from between 10% to 15%. He stated that they had been in contact with the Engineering Division about the drainage. They were aware that they hadn't applied all of the standard facilities that were listed in DEC's interim policy. They have had conversations with the DEC and they would be filing an application for what was called "non-standard", including mechanical devices that they believe would work. Mr. Lacourse stated that they had proposed a combination of types of trees for the landscaping with flowers planted under the trees.

Mr. Dal Pos showed the Board three different elevations that CVS had used in different communities. One was brick with a plain façade, one was brick with some gables on the roofline and the third had more pitch to the roofline and appeared more residential in character.

Mr. Odell mentioned that a few of the businesses along Delaware Avenue had incorporated some residential details to blend into the neighborhood. He felt that the designers of the structures had taken into account the area that they were moving into.

Ms. McCarthy felt that the area was a very mixed use area with residential neighborhoods that surround the commercial area. She stated that she was pleased that they were interested in anchoring the redevelopment. She felt that they could correct a problem that exists on Delaware Avenue which were having parking lots in the front of the structures. She wanted to see the building moved up to the road with the parking placed in the rear. She wanted urge the other members of the Board to encourage the applicant to move the building up to the street to stop the parking lot look.

Mr. Dal Pos said that they would work with the Board to soften that through landscaping but he stated that CVS was not interested in a streetscape building at this location. He thought they rarely worked. He said that CVS was adamant about the location of the building and the parking. He said that because of the cost of the property, they needed to maximize the parking-to-the-door. If they did not have that parking, the store would fail.

Mr. Collier wanted to talk about the project as a concept rather than as a do-or-die situation. He wanted to know where the elevation of this building lined up with the buildings that would remain. Mr. Dal Pos stated that some of the buildings were up to the street and others were set back some. He mentioned that the problem with having buildings up to the corner was sight lines and traffic safety. He thought that their proposed design would open up the corner and provide more traffic safety.

Chairman Mathusa asked how that could possibly be accomplished with the amount of shrubbery that was proposed. Mr. Lacourse stated that with the combination of trees and shrubs you would be able to see under the tree line.

Chairman Mathusa stated that the Town was in the process of going through a Comprehensive Land Use Management Plan, the upgrade of the Delaware Avenue corridor was a discussed topic during that process. Many members of the Bethlehem Planning Advisory Committee, by listening to the community, wanted to change Delaware Avenue to more of a street scene. They have a very strong commitment to that concept. As far as the drive thru on the building, Chairman Mathusa stated though they have their value, maybe not in this case. In the past, the Board had fought very hard to get Boston Chicken located on that corner. He had hoped that CVS could be an anchor store to this whole idea. After a meeting with colleagues of Mr. Dal Pos, he was under the impression that the applicant would come in with a few concept ideas for the Board to see before they had made an investment in any one plan. He now wanted the applicant to take into account the comments by the Board members.

Mr. Dal Pos stated that Delmar had a nice village feel and the master plan that the Town was trying to put in place would compliment that feel. He agreed that the Town needed anchors to draw them to the Town and he felt that CVS could be that anchor. He thought that though the proposal had two rows of parking in the front that it was less than other businesses down at the beginning of Delaware. He stated that he would work with the Board as best they could within the existing Code. The Code did not allow the building to be right up to the corner. He stated that it was critical to the success of the store to have sufficient parking by the front door. He understood that the need to increase the tax base was something that he continually heard in the Town. He was willing to work on the esthetics and the landscaping to soften the look of the building, along with increasing the area of the pocket park at the corner. Having the building directly at the corner negated the convenient parking near the door for the customers. Chairman Mathusa disagreed.

Mr. Engel thought that landscaping and natural beauty was more important than the building. He had been to a few places during the summer that had used the design of the building, the landscaping and the signage to create very attractive businesses. He stated

that the majority of people went to places in their car. He thought that the years of the walkable community were gone. As far as the Code, he was not sure that the building could be placed up to the street. If it were to be placed at the corner, where would you place a drive-thru, the loading docks, the trash compacting facilities or the trash. Those things needed to be out back. He thought that an entrance needed to be inviting and the third elevation the applicant had shown, he felt had the most character. He thought that with the proper design of the landscaping, the corner could be very attractive. He thought that the four corners lacked sufficient parking to make it convenient to go there.

Being a resident in the neighborhood, Ms. McCarthy wanted to speak about Elsmere. She stated that many people in the area live there so they can walk. She felt that the idea of the walkable community was again gaining popularity for a number of reasons, one being health.

Mr. Engel thought that the drive-thru was a very important issue for many seniors. Conveniently getting their medicine was very important. He had heard many complaints from the community about the parking at the existing CVS. He had a real concern with putting new buildings up on the street without taking into consideration the purpose of the building. The entrance would then be in the back, generally speaking, pharmacies don't have display windows. They use the back area for storage. He thought it would also make it more difficult for deliveries. He stated that he would lean more towards something off the street with adequate landscaping and a nice design that would blend into the community.

Mr. Dal Pos likened the drive-thru at the pharmacy to ones used at banks. He stated that the majority of people came to pharmacies to get prescriptions. The customers were often disabled, sick, elderly or had some sort of medical issue. The drive-thru would make the pick-up of those prescriptions easier.

Mr. Lipnicky stated that there were a number of banks along Delaware Avenue that made the drive-thru work with the parking in the back of the buildings.

Mr. Dal Pos stated that the front of the store was where CVS would make their money. He agreed that walking was important in communities. He lived in Saratoga and the problem with that downtown area was the lack of parking. The summertime was the worst. There were unique stores there that made it worth putting up with the hassle of parking.

Mr. Collier didn't think that within his lifetime would the Delaware Avenue corridor from Elsmere to the Plaza would ever look like a downtown streetscape. There were too many existing buildings that would inhibit that look. The banks that Mr. Lipnicky referred to had a front façade that lined up with the surrounding buildings. He thought the side of the building could be closer to the road. Then the parking near the door could remain for the convenience of their customers.

Mr. Dal Pos stated that a bank business and a retail business were very different. He said that banks today encourage people to use their drive-thrus and reduce the foot traffic. In this way they can also reduce the necessary square footage of the bank building.

Mr. Lipnicky thought that if the building was in the middle of the block, a large side parking lot would blend better with the surrounding buildings. Because this was a major intersection it felt it would set the tone for the community. The choice might be that the area could continue as a commercial strip or maybe a different message could be sent that the area didn't want to be a commercial strip anymore. He stated that the Board had fought to keep the Boston Chicken at the corner when they had wanted to tear it down. For the first few years, it was a very successful business. He thought their failure had to do with product.

Mr. Dal Pos stated that there was a Boston Market in Saratoga that was doing very well. They were set off the street with the parking in the front. He thought that the reason it didn't work here was because it wasn't convenient to get in and out.

Mr. Cotrofeld thought that the proposal was a good first attempt. He appreciated the applicant bringing in three different elevations to view. He thought that one of those choices was very attractive and if they could move the building closer to the road and not having so much parking on two major roadways, it would be an improvement. He thought the applicant had done an excellent job with their willingness to landscape. He stated that he was not a proponent of drive-thrus. He was concerned with children crossing through the lot and with people hurrying through a drive-thru, it could be a safety concern. He would like to see the building a little closer to the road so that the parking could be less visible. He didn't think that Boston Market failed because of the parking. He thought it was a good idea to use this project as the poster child as to what would be expected of future development in the area.

Mr. Dal Pos stated that he didn't mind being that poster child within the confines of the Code. He was willing to work with the Board in the areas in which CVS was flexible. Those were landscaping and the esthetics of the building. If the Code required that the buildings in the area be on the street, they might not be looking at this site. That was not the case. He stated that the Board was asking people to voluntarily ask people to do something that they would like to see. If that was what they wanted to do then the Town should go forward with an overlay plan that had been done in other Towns requiring development to be closer to the street.

Chairman Mathusa stated that the Comprehensive Land Use Plan that was currently being developed was looking at all the corridors of the Town to make a difference in the community.

Mr. Dal Pos stated that they would like to make a difference in the community, but in order to do that they needed to be successful. That success was dependent on parking at the door.

Ms. Motta stated that she liked the drive-thru and hoped that they could move the building a little closer and keep the drive-thru.

Mr. Odell stated that he lived close to that CVS and walked there quite frequently. He also wanted the building much closer to the street. Even though the Code does not have that type of requirement, historically, as a Board, they had had some success in convincing developers to move closer to the street.

Ms. McCarthy stated that on the other side of the railroad tracks there were residences that should be taken into consideration when planning loading docks and trash receptacles.

Mr. Dal Pos stated that he would share with CVS the Board's feelings on moving the building closer to the street. They had been aware that this was an issue that might be brought up. They would look again and try to give them something along those lines. CVS had been firm on the location of the building. If CVS doesn't feel that the location of the building would be equitable, they would walk from the deal. He asked if there were any more comments that the Board wished him to bring back to CVS.

Mr. Collier stated that the image of the community would be enhanced by the type of building shown in one of the elevations. He thought it was important that buildings fit in with the streetscape of the existing buildings adjacent to it. He mentioned how Main Square fit into the surrounding area and they had a few rows of parking in the front. He felt that an attractive building that was nicely landscaped would be an asset to the image of the Town.

Mr. Lipnicky stated that when the LUMAC survey had been done for the Town, Main Square had been identified as one of the most attractive sites in Town and also one of the most unattractive sites in Town. He stated that you can't please all the people, all the time.

Mr. Dal Pos stated that both parties had issues that they felt strongly about. He reminded the Board that businesses were in the business of making money and they needed to be in a climate that would allow that to occur.

Mr. Cotrofeld agreed with Mr. Dal Pos, but he wanted him to take into consideration the comments of the Board. He thought that there were creative people that worked for CVS that could take into consideration these concerns and come up with a design that was attractive and worked for both parties.

Mr. Dal Pos asked to Board to also be flexible and creative in their thinking. As much as people would like to walk more places, he thought that on a whole, we live in the automobile age.

Mr. Odell stated that at one time the neighborhood had been one with the businesses closer to the street. He felt that as redevelopment took place, that streetscape could be

restored. He agreed that we were in the age of the automobile, but it didn't mean that we had to park our car in the front yard. The decisions that the Board made here would affect more than just the current project, but future ones as well.

Chairman Mathusa wanted to know how the Boston Chicken building met the Code being so close to the road. Mr. Lipnicky stated this building could meet Code and be on the corner also. There was a fifteen-foot setback from the property line under the existing Code. Some of the corner had been taken away in the past when the road was widened.

Mr. Dal Pos stated that a fear of CVS would be that with a building up to the street and parking less convenient, a competitor would move into their existing building with door side parking, people would shop there for its better access.

Chairman Mathusa thanked Mr. Dal Pos for his presentation. He stated that the Board would like to work with CVS and hoped that there were compromises that could be made. It was a critically important intersection in the Town and the Board was committed to improving the Town.

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

A motion to approve the minutes of August 17, 2004 as amended was offered by Ms. McCarthy, seconded by Mr. Engel and approved by all present.

A motion to approve the minutes of September 7, 2004 as amended was offered by Ms. McCarthy, seconded by Mr. Engel and approved by all present.

A motion to adjourn was offered by Mr. Collier, seconded by Mr. Cotrofeld and approved by all present.

The meeting adjourned at 10:15 PM.