I. Call to Order

A Regular Meeting of the Planning Board of the Town of Bethlehem was held on the above date at the Town Hall Auditorium, 445 Delaware Avenue, Delmar, NY. The Meeting was called to order at 6:00 PM.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
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<tbody>
<tr>
<td>George Leveille</td>
<td>Board Member/Chairman</td>
<td>Present</td>
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<tr>
<td>Nicholas Behuniak</td>
<td>Board Member</td>
<td>Present</td>
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<td>Thomas Coffey</td>
<td>Board Member</td>
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<td>Kate Powers</td>
<td>Board Member</td>
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<tr>
<td>Stephen Rice</td>
<td>Board Member</td>
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<td>John Smolinsky</td>
<td>Board Member/Deputy Supervisor</td>
<td>Present</td>
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<tr>
<td>Michael Moore</td>
<td>Planning/Zoning Board Counsel</td>
<td>Present</td>
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<tr>
<td>Deborah Kitchen</td>
<td>Assistant to the Planning Board</td>
<td>Present</td>
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<td>Michael Morelli</td>
<td>Director of Economic Development and Planning</td>
<td>Present</td>
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<tr>
<td>Jeff Lipnicky</td>
<td>Town Planner</td>
<td>Present</td>
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<tr>
<td>Robert Leslie</td>
<td>Deputy Town Planner</td>
<td>Present</td>
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<tr>
<td>Terrence Ritz</td>
<td>Assistant Engineer/Land Surveyor</td>
<td>Present</td>
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II. Public Comment on Regular Agenda Items - 10 Minutes

Joseph Berdar, Sr., 10 Conestoga Dr., Slingerlands
- Comments regarding the Russell Road Conservation Subdivision
- Submission of petition (January 8, 2013) signed by 16 residents opposing the proposed thru street
- Submission of comment letter (August 2012) from neighbors to developer (Fiske)

Rick Touchette, Director of Cemeteries for Roman Catholic Dioceses of Albany
- Comments regarding the Legends Preserve Conservation Subdivision
- Representative of Our Lady Help of Christian Cemetery
- Would like the Board to require a 20' buffer between cemetery and proposed project because setbacks of some of the proposed new homes (4) are within 20' of the lot property
- Could be disruptive and disrespectful to things that take place at a cemetery

Michael Lanides, 26 Googas Rd, Slingerlands
- Comments regarding Russell Road Conservation Subdivision
- Email (01/30/2013) concerning the location of the proposed multi-use path
- Will be impacted, inconvenienced by the path because the back of his home is completely exposed
-Developer had previously indicated that he would reach out to Mr. Lanides to discuss a barrier, but has failed to do so
-Would like the Board to consider relocating the path in between two new lots, i.e., lots 30 & 34, rather than installing it adjacent to his existing home

**John Oberting, 77 Iroquois Trail, Slingerlands**
Comments regarding Russell Road Conservation Subdivision
- Believes that cul-de-sacs are consistent with the neighborhood
- Understands that there are advantages to thru streets, such as plowing
- Concerned that property values will be negatively impacted by a thru street
- Believes that property values are greater for homes located on a cul-de-sac

**William Beach, 85 Hannay Ln, Glenmont**
- Comments related to Shawna's Dog, 64 Hannay Lane
- Resides in one of four homes located on the street, owns two.
- Concerned about the noise and smell
- Lived on the street since 1984
- Even though street is zoned industrial it is very quiet

**Annemarie Farrell, 41 Mallard Rd, Glenmont**
- Comments regarding the Legends Preserve Conservation Subdivision
- Concerned about increased traffic and safety at intersection of Glenmont & Jolley Roads
- Concerned about additional traffic that will be generated by Glenwood Village Apt.

### III. Minutes Approval

**A. Tuesday, January 15, 2013**

RESULT: ACCEPTED [UNANIMOUS]

MOVER: John Smolinsky, Board Member/Deputy Supervisor
SECONDER: Stephen Rice, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Rice, Smolinsky

### IV. Public Hearings

**A. Legends Preserve Conservation Sub - Public Hearing Documents**

Upon motion of Nicholas Behuniak, seconded by Kate Powers, the Members voted in favor of opening the Public Hearing and indenting the Public Hearing Notice into the minutes. Staff comments were provided by Mr. Leslie. The applicant, LDM Management, was represented by Tom Andress, Rich List & Wade Coton.

The project consists of conservation subdivision on Jolley Road, Glenmont. A conservation subdivision is a conventional subdivision with a density bonus based on the amount of open space to be preserved. The Legends project consists of a combination of 102 attached/detached single family homes to be constructed on a 75 acre parcel. Approximately 42 acres will remain undeveloped, including steep slopes. Remaining undeveloped lands will be retained/maintained by a homeowner's association. A portion of the site will be deed restricted to protect wetlands. It is estimated that there will be an additional 70-80 cars at
AM & PM peak periods which is not expected to change the current level of operation. The distance between the nearest dwelling unit and the cemetery's property line is 40-45 feet. A sidewalk will be installed along Jolley Road.

Public comments were recorded as follows:

**Annemarie Farrell, Mallard Rd, Glenmont**
- See Item II (above) for prior comments made by Ms. Farrell

**Paul Bradt, 55 Bob White Dr, Glenmont**
- Resides in the Quail Hollow Subdivision, owns 2.5 acres
- There is pedestrian traffic in the woods behind his home

**Jennifer Steel, 8 Mallard Rd, Glenmont**
- Concerned about traffic on Jolley Road
- It takes 20 minutes to travel between Jolley Road and Route 9W
- It also takes 15-20 to travel along Route 9W

**Rick Touchette, Director of Cemeteries for Roman Catholic Dioceses of Albany**
- Representative of Our Lady Help of Christian Cemetery
- See Item II (above) for prior comments made by Mr. Touchette
- Stated that the land in the cemetery could be used for cemetery purposes
- The buffer should be placed on the property that is going to be developed

**Janice Lombardo, 22 Jolley Rd, Glenmont**
- Asked for confirmation that the sidewalk will be located on the west side of Jolley Rd
- Requested clarification as to which section of Jolley Rd will be widened
- inaudible

**Don Ulicny, 157 Glenmont Rd, Glenmont**
- Owns property which abuts with the rear of the proposed development
- Wondered if the minimum requirement for off-street parking is still two cars per unit
- Believes there is a potential for two hundred cars per day
- Questions how the number of cars was estimated at 70-80 cars
- Noted that in family settings there is typically more than two cars per unit
- Traffic on Glenmont Road currently extends from Route 9W to the entrance of the Town Squire Plaza
- Concerns related to drainage were addressed by Town staff
- Data from Institute of Traffic Engineers was used to determine the number of trips

B. Legends Preserve Conservation Sub - Public Hearing

**RESULT:** CLOSED [UNANIMOUS]
**MOVER:** Nicholas Behuniak, Board Member
**SECONDER:** Kate Powers, Board Member
**AYES:** Leveille, Behuniak, Coffey, Powers, Rice, Smolinsky

V. Action Items

A. Shawna’s Dogs - SP/SUP - 64 Hannay Lane - SEQR Determination of Significance

Andrew Sacher and Shawna Sacher, the applicant, were present to provide information and answer questions. Staff comments were provided by Mr. Leslie. The project was before the Planning Board for an update and possible action on SEQR. A public hearing is required for the Special Use Permit Application.

Discussion was related to
- Performance standards, i.e., odors, noise, etc.
- Fence location, dumpster, parking
- Maximum number of dogs (40)
- Hours of operation (6:30 a.m. to 8:00 p.m.)
- Variance requirements
WHEREAS, the Town of Bethlehem Planning Board ("the Planning Board") has received an application from Shawna Sacher (applicant), for Site Plan and Special Use Permit Approval to occupy 4,000 sq. ft. of an existing building at 64 Hannay Lane for a doggy daycare facility; and,

WHEREAS, the Planning Board has received an Environmental Assessment Form ("EAF") for the project completed by the applicant; and,

WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQR; and,

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQR, (2) determine whether the action involves a federal agency, (3) determine whether there are other involved agencies, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,

WHEREAS, 6 NYCRR 617.6(b)(4) indicates that for uncoordinated review of an Unlisted action, each involved agency may proceed as if it were the only involved agency when making its determination of significance before acting on the matter before it; and,

WHEREAS, the Planning Board has independently considered both the information provided in the EAF and comments on the application provided by the Town of Bethlehem Engineering Division and Department of Economic Development and Planning;

NOW, THEREFORE, BE IT RESOLVED,

that the Planning Board hereby determines that:

1) approval of the proposed Site Plan constitutes an Unlisted action which is subject to SEQR,

2) the proposed action does not involve a federal or state agency,

3) the proposed action is located within 500 feet of an Agricultural District and, therefore, is subject to the provisions of the Agriculture and Markets Law, and
4) a short EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

that the Planning Board on January 15, 2013 determined to conduct a coordinated review with the Bethlehem Zoning Board of Appeals after receiving a Lead Agency request from the Zoning Board of Appeals letter date January 3, 2013; and declared its intent to serve as Lead Agency with respect to SEQR review of the proposed action in correspondence to the Bethlehem Zoning Board of Appeals dated January 16, 2013; and,

BE IT FURTHER RESOLVED,

that based upon its review of the project, the EAF, review of the proposal by Town Engineering and Planning staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Planning Board hereby finds that approval of the Site Plan and Special Use Permit for Shawna’s Dogs Doggy Daycare constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

1. The proposal involves the occupancy of 4,000 sq. ft. of an existing building for a doggy daycare business that would include training activities.

2. The site is zoned Rural Light Industrial District and a kennel use is subject to special use permit and site plan review and approval by the Planning Board. The daycare facility is considered a kennel based on the definition of kennel found in Zoning Law §128-22. Kennel - a parcel of land used for the harboring of more than three dogs that are more than six months old or more than 12 dogs that are under six months of age.

3. The expected use of the site will occur Monday - Friday during the daytime hours 6:30AM - 8:00PM.

4. The project would include placement of a 6-foot high chainlink fence for an outdoor exercise pen (3,680 sq. ft.) and construction of a common hallway area to access the exterior door to the pen.
5. Minor site disturbance needed to complete the project includes clearing of shrub vegetation for the exercise pen.

6. The site is located within 500 feet of land in the Albany County Agricultural District. The applicant has completed an Agricultural Data Statement identifying the property and owner of the agricultural lands. The property owner will be notified of the require public hearing for the special use permit.

7. The facility will be located 63 feet from the front property line and 163 feet from the side property line. Zoning Law §128-76 requires a kennel to be located a minimum of 200 feet from the property line. An application for an area variance has been submitted to the Zoning Board of Appeals.

8. The proposed use is compatible with existing land uses in the area, which include industrial uses consisting of motor vehicle repair shops, construction contractor yards, and an operator engineer’s training facility.

9. Zoning Law §128-69 outlines performance standards to be considered by the Planning Board. Performance standards applicable to the project include:
   - (3) Noise - Special use performance standards requires that the maximum noise level at the property line applicable to the use involved shall not exceed 70 dBA. The Building Department would use a decibel meter to enforce the 70 dBA noise level at the property line if they are notified of noise concerns. There are four residences located to the north and east, approximately 300-500 feet from the proposed facility. Adjacent industrial and commercial uses include the Operating Engineers training site, Estes Express Lines (trucking business), auto repair shops, and Hamilton News.
   - (7) Odors - The applicant’s January 8, 2013 letter to the Planning Board Chairman outlines the approach to addressing dog feces, which entails use of a standard trash can and weekly private trash pick-up service. The site plan identifies the location of the refuse bin at the rear of the building, approximately 320-feet from any residential property line.
   - (10) Traffic Access - Access will continue to be provided from Hannay Lane. Lands around Hannay Lane are zoned Rural Light Industrial and sufficient capacity exists on the road for vehicles accessing the facility.
   - (11) Parking - The Town Zoning Law does not contain parking requirements for a kennel. In lieu of parking requirements the retail use requirements should be applied. Based on the proposed 4,000 sq.ft. facility - 17 parking spaces are required. Seventeen parking spaces currently exist within the existing parking lot.

10. The project does not require the construction of any public sanitary sewers or water distribution facilities. A backflow prevention device will be installed on the main water line service entering the building.
11. Existing contours and drainage patterns on the property will essentially be maintained.

12. Review of the site in the field and with available environmental data revealed no environmentally sensitive characteristics of the development site (such as floodplains, steep slopes, significant vegetation or habitat, wetlands, archeological resources, etc.) or other areas requiring further study; and,

BE IT FURTHER RESOLVED,

that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Town Department of Economic Development and Planning is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Mr. Rice, seconded by Mr. Coffey, and by a vote of 6 for, 0 against, and 0 absent, this RESOLUTION was adopted on February 5, 2013.

RESULT: APPROVED [UNANIMOUS]

MOVER: Stephen Rice, Board Member
SECONDER: Thomas Coffey, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Rice, Smolinsky

B. Shawna’s Dogs - SP/SUP - 64 Hannay Lane - Public Hearing Date

PUBLIC HEARING NOTICE, TOWN OF BETHLEHEM, ALBANY COUNTY, NY.
Notice is hereby given that the Planning Board, in accordance with §128.69(L) of the Zoning Code, will conduct a Public Hearing as part of its regularly scheduled Board Meeting on Tuesday, February 19, 2013 at 6:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, NY regarding a Site Plan / Special Use Permit Application, submitted by Shawna Sacher to operate a day care facility for dogs at 64 Hannay Lane, Glenmont. Documentation related to the application can be viewed in the Planning Dept. at Town Hall, M-F, 8:30 a.m.- 4:30 p.m. Notice of Public Hearing was mailed to property owners within 200’ of the subject property. All interested persons are invited to attend and be heard.

A Public Hearing will be held on Tuesday, February 19, 2013, at 6:00 p.m.
RESULT: APPROVED [UNANIMOUS]
MOVER: John Smolinsky, Board Member/Deputy Supervisor
SECONDER: Nicholas Behuniak, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Rice, Smolinsky

C. 30 Dowers Way - SP/SUP - Vis Accessory Apt - Initial Presentation

The project was before the Board for an initial presentation. Staff comments were provided by Mr. Morelli.

The applicants, Gregory Vis and Nancy Hauss Vis, are seeking approval to construct a 24 x 24 foot addition to their existing home at 30 Dowers Way, Delmar to accommodate an accessory apartment. A public hearing is required for the Special Use Permit Application.

Discussion was related to:
-Diversified housing opportunity
-Requirements for accessory apartments
-Need for revised drawings which show setbacks and site location
-Possible conditions / deed restrictions related to owner occupancy

D. 30 Dowers Way - SP/SUP - Vis Accessory Apt. - Public Hearing

PUBLIC HEARING NOTICE, TOWN OF BETHLEHEM, ALBANY COUNTY, NY. Notice is hereby given that the Planning Board, in accordance with §128.69(L) of the Zoning Code, will conduct a Public Hearing as part of its regularly scheduled Board Meeting on Tuesday, February 19, 2013 at 6:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, NY regarding a Site Plan / Special Use Permit Application, submitted by Gregory & Nancy Vis to establish an accessory apartment at 30 Dowers Way, Delmar. Documentation related to the application can be viewed in the Planning Dept. at Town Hall, M-F, 8:30 a.m.- 4:30 p.m. Notice of Public Hearing was mailed to property owners within 200’ of the subject property. All interested persons are invited to attend and be heard.

A Public Hearing will be held on Tuesday, February 19, 2013, at 6:00 p.m.

RESULT: APPROVED [UNANIMOUS]
MOVER: John Smolinsky, Board Member/Deputy Supervisor
SECONDER: Nicholas Behuniak, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Rice, Smolinsky

E. Bethlehem Town Center - SP - Landscaping Revisions - Possible Action on SEQR

Josh O'Connor and Gregg Ursprung of Bergmann Associates, were present on behalf of the applicant, Nigro Companies, to provide information and answer questions. Staff comments were provided by Mr. Lipnicky. The project was before the Planning Board for an update and possible action on SEQR and Site Plan approval.

Discussion was related to:
- Modifications to proposed plan
- Wetland avoidance

PLANNING BOARD
TOWN OF BETHLEHEM

SEQR RESOLUTION
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION

BETHLEHEM TOWN CENTER, LANDSCAPING MODIFICATIONS
SITE PLAN

WHEREAS, the Town of Bethlehem Planning Board has received an application from Nigro Companies to make certain grading and landscaping modifications on a portion of the Bethlehem Town Center property located near the intersection of U.S. Route 9W and Bender Lane; and,

WHEREAS, the Planning Board has received a short Environmental Assessment Form ("EAF") for the project with Part I completed by the applicant; and,

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA; and,

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,

WHEREAS, 6 NYCRR 617.6(b)(4) indicates that for uncoordinated review of an Unlisted action, each involved agency may proceed as if it were the only involved agency when making its determination of significance before acting on the matter before it; and,

WHEREAS, the Planning Board has independently considered both the information provided in the EAF and comments on the application provided by the Town of Bethlehem Department of Economic Development and Planning;
NOW, THEREFORE, BE IT RESOLVED,

that the Planning Board hereby determines that:

1) approval of the proposed Site Plan constitutes an Unlisted action which is subject to SEQRA,

2) the proposed action does not involve a federal agency,

3) there are no other involved agencies,

4) the proposed action is not located in, or within 500 feet of, an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law, and

5) a short EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby declares it is lead agency with respect to SEQRA review of the proposed action; and,

BE IT FURTHER RESOLVED,

that based upon its review of the project, the EAF, review of the proposal by Planning staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Planning Board hereby finds that approval of the Site Plan for Bethlehem Town Center, Landscaping Modifications constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

1. The proposal involves changes in grading and landscaping on a portion of the Bethlehem Town Center property in order to increase the visibility of a now vacant bank building from U.S. Route 9W and Bender Lane;
2. The proposed changes entail removal of two landscaping berms, existing landscaping and natural vegetation (including undergrowth and trees over 4 inches in caliper) over a total area measuring 1.36 +/- acres.

3. The landscaping that is removed would be replaced with new planting materials;

4. Existing drainage patterns would be maintained;

5. Silt fencing for erosion control would be placed at the perimeter of areas proposed for grading activity;

6. An existing wetland mitigation area located east of the bank parking lot would be avoided;

7. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristics of the site or other issues requiring further study; and,

BE IT FURTHER RESOLVED,

that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Town Department of Economic Development and Planning is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by _____ Mr. Rice _______, seconded by _____ Mr. Coffey _____ and by a vote of _____ 6 for, _____ 0 against, and _____ 0 absent, this RESOLUTION was adopted on ____ February 5, 2013.

RESULT: APPROVED [UNANIMOUS]

MOVER: Stephen Rice, Board Member
SECONDER: Thomas Coffey, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Rice, Smolinsky

F. Bethlehem Town Center - SP - Landscaping Revisions - Possible Action on Site Plan Approval
ALBANY COUNTY, NEW YORK

CERTIFICATE NO. S.P.A. 191

DATE:  February 5, 2013

1.  TYPE OF APPROVAL:  Site Plan Approval

   NAME OF PROPOSAL:  Bethlehem Town Center, Landscaping Modification

   DESCRIPTION OF PROPOSAL:  Modifications to existing landscaping and grading near the
intersection of Rt. 9W and Bender Lane to improve visibility of bank outparcel.

   LOCATION OF SITE:  US Rt. 9W & Bender Lane, Glenmont, New York.

   TITLE OF DRAWINGS:

   A.  Site Plan drawings titled as follows:

   C100  -  “Site Clearing Plan, Bethlehem Town Center, Landscaping Modification, Route 9W and
   Bender Ln. Glenmont, NY”, dated October 3, 2012, last revised 12/21/12, prepared by
   Bergman Associates, Albany, NY.

   C130  -  “Grading and Landscaping Plan, Bethlehem Town Center, Landscaping Modification, Route
   9W and Bender Ln. Glenmont, NY”, dated October 3, 2012, last revised 12/21/12, prepared
   by Bergman Associates, Albany, NY.

   C131  -  “Details, Bethlehem Town Center, Landscaping Modification, Route 9W and Bender Ln.
   Glenmont, NY”, dated October 3, 2012, last revised 12/21/12, prepared by Bergman
   Associates, Albany, NY.

   2.  THIS WILL CERTIFY that the Planning Board, at a regular meeting held February 5, 2012
   granted Site Plan Approval for the development of the site described above, such approval
   being contingent upon compliance with the MODIFICATIONS (Item 7) and CONDITIONS
   (Item 9) which follow, and also with--:

   A.  All standard specifications, requirements, and conditions pertaining to the development of
   the site as set forth in approvals of detailed plans granted by the Planning Board, the
Bethlehem Sewer District, Water District No. 1 of the Town of Bethlehem, the Albany County Department of Health and/or any other governmental authority having jurisdiction thereof.

3. Access to the site is provided by US Route 9W an existing State highway and Bender Lane a Town highway.

4. The site is located in a General Commercial District (C).

5. Prior to the granting of this Site Plan Approval the Board considered:

A. The potential environmental impact of the proposed site development, declared the proposal an Unlisted action and issued a Negative Declaration for compliance with SEQRA on February 5, 2013.

B. The following recommendations dated November 15, 2012 from the Albany County Planning Board: “Defer to local consideration:

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration.”

6. The site is located within the boundaries of Water District No. 1 of the Town of Bethlehem and the Bethlehem Sewer District.

7. Approval of the Site Plan was made with the following MODIFICATIONS to be shown on the plan set endorsed with the Planning Board’s stamp of Approval.

A. No modifications are necessary.

8. Any Site Plan submitted subsequent to the receipt of this approval by the Owner shall list the changes made to the plan since the last submittal -- with a corresponding date for each such change.

9. This Approval is granted subject to the following CONDITIONS:

A. Prior to stamping and signing the site plan with the Planning Board endorsement, the Owner will apply for a grading permit from the Town of Bethlehem Engineering Division.
10. The site delineated on the Approved Site Plan shall be developed in accordance with:

A. The detailed plan for development shown on the Final Approved Site Plan.

B. The following additional requirements:

1. Landscape plantings shall be as shown on the Grading and Landscaping Plan, with the quantity of plants to be not less than as shown on the plan;

2. All plants shall not be less than the minimum size, as specified on the Grading and Landscaping Plan, and shall conform to, and be planted in accordance with, the standards recommended by the American Association of Nurserymen, Inc.;

3. Grading of the site shall be as shown on the Grading and Landscaping Plan;

4. The development of the proposed site shall be performed in a manner such that (1) soil loss due to wind and water erosion is held to a minimum, and (2) healthy trees of desirable species are protected from damage;

11. In rendering its decision to approve this site plan application, the Planning Board has considered the standards of §128-71(E) of the Town Zoning Law, the applicable design standards of §128-34(E) of the Town Zoning Law and the decision criteria contained in Section §128-71(K) of said law.

12. This Site Plan Approval is limited in scope to modifications in landscaping and grading as shown on the drawings cited in Paragraph 1.A above. This approval does not authorize any other changes to the Bethlehem Town Center site or amendments to Building Project Approval No. 33 as issued by the Town Board on April 18, 2003 and as subsequently amended.

13. Upon submission of the required number of copies of the Site Plan drawings, and upon satisfying those CONDITIONS specified in ITEM 9 herein, the Chairman of the Planning Board is empowered to endorse the Site Plan with his signature, and such Site Plan shall be known henceforth as the FINAL APPROVED SITE PLAN.

BY ORDER OF THE PLANNING BOARD
George Leveille  
Chairman, Planning Board

NOTE: Expiration of Approval

Site Plan Approval in respect to a particular lot, plot, site or parcel shall expire one (1) year following the date of such approval by the Planning Board unless the development of such lot, plot, site or parcel, and/or the construction of the building thereon, has been started. Whether or not such development or construction has started shall be a determination of the Board.

An extension of the expiration date beyond the one (1) year specified may be granted by the Planning Board upon written request of the Applicant and for good cause shown. However, any such extension of time shall not exceed 180 days, in the aggregate.

RESULT: APPROVED [UNANIMOUS]
MOVER: John Smolinsky, Board Member/Deputy Supervisor
SECONDER: Kate Powers, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Rice, Smolinsky

G. Russell Road Conservation Sub (aka Fiske) - Possible Action on Park Fee Resolution

Chris Longo of Ingalls & Associates, was present on behalf of the applicant, Fiske Construction, to provide information and answer questions. Staff comments were provided by Mr. Lipnicky. The project was before the Planning Board for an update and possible action on a Park Fee Resolution and Preliminary Plat approval.

Discussion was related to:
- General design approach for subdivisions ... stub streets are typically connected
- Guidance from Comprehensive Plan and Subdivision Regulations regarding connectivity
- Geography, topography, wetlands, steep slopes, dangerous intersections, future access, and Town standards are taken into consideration when attempting to provide connectivity
- Stormwater management
- Remaining undeveloped lands will be retained/maintained by a homeowner's association (HOA)
- Perpetual conservation easements could be held by a conservation organization or the Town in lieu of a HOA but would require another public hearing
- HOA agreements / offering plans must be provided to the Town prior to obtaining final plat approval
- A 6' wide multi-use path will be located within a 30' easement
- The path will be located near the toe of the slope to increase privacy for existing homes
- The applicant is also willing to provide some additional screening near the multi-use path
- Town will need to reach out to the post office, fire department and police department to see if there is any objection to allowing the existing homes to retain their current address.

- Area, Yard & Bulk requirement calculations

PLANNING BOARD
TOWN OF BETHLEHEM
RESOLUTION
RESERVATION OF PUBLIC PARKLAND / FEE REQUIREMENT
RUSSELL ROAD CONSERVATION SUBDIVISION

WHEREAS, the Planning Board of the Town of Bethlehem has received an application from Fiske Construction for approval of a 31-lot conservation subdivision known as the Russell Road Conservation Subdivision; and,

WHEREAS, Chapter 103 of the Code of the Town of Bethlehem provides the Town Planning Board with the authority to review and approve subdivision applications; and,

WHEREAS, Local Law No. 7 of 2001 adopted by the Town Board on June 13, 2001 and §103-29 of the Town Code of the Town of Bethlehem authorize the Town Planning Board to require the reservation of land for public park, playground, or recreation purposes, or the payment of a fee in lieu of parkland, as a condition of subdivision approval for residential developments requiring such approval; and,

WHEREAS, said Local Law was adopted by the Town Board after careful consideration of the impacts that new housing development is having on the Town’s park and recreation facilities, as outlined in a memorandum from the Town Planning Department dated May 15, 2001; and,

WHEREAS, the Planning Board has considered the project site and its potential for accommodating a park site for active recreation use;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Planning Board hereby finds that the proposed Russell Road Conservation Subdivision presents a proper case for the requirement of public parkland, but that a suitable park of adequate size, which meets the criteria outlined in Local Law No. 7 of 2001 and Chapter 103 of the Code of the Town of Bethlehem, cannot be properly located on the Russell Road Conservation Subdivision parcel; and,
BE IT FURTHER RESOLVED,

that the Planning Board of the Town of Bethlehem hereby requires that a fee be paid in lieu of parkland reservation for the proposed Russell road Conservation Subdivision, the amount and payment of which shall be made in accordance with Local Law No. 7 of 2001 and Chapter 103 of the Code of the Town of Bethlehem.

On a motion by Mr. Coffey, seconded by Mr. Rice and a vote of 6 for and 0 against, and 0 absent, this RESOLUTION was adopted on February 5, 2013.

RESULT: APPROVED [UNANIMOUS]

MOVER: Thomas Coffey, Board Member
SECONDER: Stephen Rice, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Rice, Smolinsky

H. Russell Road Conservation Sub (aka Fiske) - Possible Action on Preliminary Plat Approval

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

PRELIMINARY PLAT APPROVAL
CONSERVATION SUBDIVISION

RUSSELL ROAD CONSERVATION SUBDIVISION

CERTIFICATE NO. 255-P
February 5, 2013

THIS CERTIFIES THAT:

1. The PLANNING BOARD of the TOWN OF BETHLEHEM, Albany County, New York, at a Board meeting held February 5, 2013 APPROVED a PRELIMINARY PLAT for the Russell Road Conservation Subdivision, consisting of the following drawings:

A. “Preliminary Plat, Russell Road Conservation Subdivision, Russell Road, Town of Bethlehem, County of Albany, State of New York”, dated 7/5/11, last revised 10/22/12, and prepared by Ingalls and Associates, LLP, Schenectady, New York. (Sheet 1 of 8)
B. “Grading Plan, Russell Road Conservation Subdivision, Russell Road, Town of Bethlehem, County of Albany, State of New York”, dated 7/5/11, last revised 10/22/12, and prepared by Ingalls and Associates, LLP, Schenectady, New York. (Sheet 2 of 8)

2. The Preliminary Plat cited in Item 1 preceding has been proposed by the Applicant and approved by the Planning Board pursuant to §103-18 of the Town of Bethlehem Subdivision Regulations, Conservation Subdivisions. In making this Preliminary Plat Approval the Planning Board finds that the Conservation Subdivision as proposed will benefit the Town and will fulfill the applicable purposes stated in §128-8 of the Bethlehem Zoning Law and §103-18.C of the Bethlehem Subdivision Regulations.

3. This Approval was requested by the Owner, Fiske Construction, Inc., on November 20, 2012, said request being delivered to the Board by David Ingalls, P.E. as agent for the Owner.

4. Approval was granted following a PUBLIC HEARING held December 4, 2012, at which the Preliminary Plat was displayed and the plan of subdivision described by David Ingalls, P.E., as agent for the Owner.

5. Basic details of the proposed subdivision follow:

A. LOCATION: South side Russell Road, North Bethlehem, NY.

B. ACCESS: Provided from Russell Road a County Highway, Googas Road a Town Highway, and Conestoga Drive a Town Highway.

C. DISTRICTS IN WHICH LOCATED: Residential A District, Bethlehem Sewer District, Water District No. 1 of the Town of Bethlehem, Elmwood Park Fire District, Guilderland Central School District.

D. AREA OF PARCEL (ACRES): 20.28 +/- acres.

E. NUMBER OF LOTS PROPOSED: 31 residential building lots. (Note: In addition to the approved building lots: (a) two lots measuring approximately 1.18 acres and 0.3 acres will be created and conveyed to the Town of Bethlehem for storm water management purposes, and (b) five lots totaling 8.19 +/- acres will be preserved as open space / conservation lands.)

6. Prior to granting this Approval, the Planning Board--

A. Determined that no portion of the proposed subdivision was in a New York State
Department of Environmental Conservation Designated Wetland.

B. In compliance with the State Environmental Quality Review Act (SEQRA):--

(1) On November 20, 2012 determined that the proposed subdivision was an Unlisted action, assumed lead agency status, and determined that the Board would not coordinate review pursuant to 6 NYCRR Part 617.6.

(2) On November 20, 2012 issued a Negative Declaration pursuant to the SEQRA regulations.

C. Considered the following recommendation from the Albany County Planning Board dated November 15, 2012:

Modify local approval to include:

(1) Review by Albany County Department of Health for realty subdivision required permits.

(2) Review by the Albany County Department of Public Works for design of highway access, assessment of road capacity, and drainage due to the fact that the proposed plans have been updated since a preliminary plan was sent in May 2012. No additional storage or backflow from this subdivision’s stormwater management system should be allowed to impact the County’s drainage system.

(3) Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

(4) A Notice of Intent to be filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared is being implemented or submission of a Stormwater Pollution Prevention Plan that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-10-001, January 29, 2010) for construction activities that disturb more than one acre of land.

7. As part of this Preliminary Plat Approval and as per §103-18.B and §103-18.M of the Bethlehem Subdivision Regulations, the Planning Board has determined the minimum lot area, yard setback and bulk requirements for this Conservation Subdivision shall be as follows:

A. For Lots 1-10 (attached single family)
(a) Minimum Lot Size: 5,700 sq. ft.
(b) Minimum Front Yard along Jacob Drive: 20 ft. from right-of-way line
(c) Minimum Yard along Russell Road: 35 ft. from right-of-way line
(d) Minimum Side Yard: 0 ft. for side yard with common building wall
(e) Minimum Side Yard: 5 ft. for second side yard
(f) Minimum Rear Yard: 25 ft.
(g) Minimum Highway Frontage: 30 ft.
(h) Minimum Lot Depth: 110 ft.
(i) Minimum Lot Width: 30 ft.
(j) Maximum Lot Coverage: 30%
(k) Minimum Yard / Accessory Structure: 5 ft.

B. For Lots 11-22 (cottage homes)

(a) Minimum Lot Size: 6,750 sq. ft.
(b) Minimum Front Yard along Jacob Drive and Madison Lane: 20 ft. from right-of-way line
(c) Minimum Yard along Russell Road: 35 ft. from right-of-way line
(d) Minimum Side Yard: 5 ft. (1)
(e) Minimum Rear Yard: 25 ft.
(f) Minimum Highway Frontage: 35 ft.
(g) Minimum Lot Depth: 95 ft.
(h) Minimum Lot Width: 45 ft.
(i) Maximum Lot Coverage: 30%
(j) Minimum Yard / Accessory Structure: 5 ft. (2)

(1) - The minimum side yard for Lot 12 shall be 10 feet along its western property line and the minimum side yard for Lot 13 shall be 10 feet along its eastern property line.

(2) - For Lots 12 and 13, no accessory structure shall be located in the 35 ft. minimum yard along Russell Road.

C. For Lots 23-31 (conventional single family)

(a) Minimum Lot Size: 9,700 sq. ft.
(b) Minimum Front Yard: 35 ft. from right of way line
(c) Minimum Side Yard: 10 ft.
(d) Minimum Rear Yard: 25 ft.
(e) Minimum Highway Frontage: 75 ft.
(f) Minimum Lot Depth: 120 ft.
(g) Minimum Lot Width: 75 ft.
(h) Maximum Lot Coverage: 20%
(i) Minimum Yard / Accessory Structure: 5 ft.

8. In approving the Preliminary Plat, the Planning Board has also determined that, notwithstanding §128-99, Schedule of Uses, of the Bethlehem Zoning Law as it pertains to the Residential A District, the single family attached dwelling units as proposed within the Russell Road Conservation Subdivision are a permitted use in a Conservation Subdivision as per §103-18.N of the Bethlehem Subdivision Regulations.

9. The Area Approved, which is also referred to herein as the Approved Area, is the area shown within the solid RED line on the copy of the Preliminary Plat on file with the Planning Board.

10. This Approval has been granted for a total of no more than thirty-one (31) residential building lots within the Approved Area.

11. This Approval has been granted with the following MODIFICATIONS which shall be shown on the plat of the subdivision next submitted to the Planning Board:

A. The full Plan Set shall be updated and revised as necessary to reflect the revised layout shown on the approved Preliminary Plat.

B. The Plan Set shall be modified as necessary to address the following items outlined in the October 17, 2012 Memorandum from J. Lipnicky to the Planning Board: Items A.5, B, C, D, E.1.b, E.1.c.

C. The Plan Set shall be modified as necessary to address the following items outlined in Review Comments #6 prepared by the Planning Division, dated October 2, 2012 and revised 1/29/13: Items D.1, D.3, E.12, E.21, F.5, F.6, F.20.

D. Rename Jacob Drive. This street name already exists in Bethlehem.
12. The following CONDITIONS may be required by the Planning Board in the final design and/or submission of the subdivision:

A. The applicant will be required to comply with the recommendations of the Albany County Planning Board dated November 15, 2012. (See Item 6.C. above.) As part of this condition, the Owner will be required to resubmit the proposed Final Plat drawings to Albany County Department of Public Works for their review and comment.

B. The Owner will be required to prepare and submit appropriate engineering reports for the proposed Municipal Water System Improvements, Municipal Sanitary Sewer District Improvements and formation of the required Drainage District.

C. The Owner shall submit to the Planning Board with submission of the Final Plat, for the Board’s review and approval, a plan showing erosion control measures, which will be employed to protect wetlands, streams, drainage channels and other appropriate areas from the effects of erosion and sedimentation. Said plan shall also incorporate appropriate measures to protect wetlands from physical disturbance during project construction.

D. This Preliminary Plat Approval is contingent upon the acceptance of a final Stormwater Pollution Prevention Plan (SWPPP) by the Engineering Division and the issuance of a signed NYSDEC MS4 SWPPP Acceptance Form by the Stormwater Management Officer.

E. The Planning Board will require as a condition of Final Plat approval that the Applicant obtain all necessary permit coverage required by NYSDEC under GP-0-10-001. In addition the Applicant will be required to provide the Town a copy of the Notice of Intent (NOI) that will be submitted to NYSDEC, as well as the acknowledgement of NOI for SPDES coverage.

F. The Planning Board will require as a condition of Final Plat approval that the Owner construct a sidewalk/trail through Open Space/Conservation Area 3, connecting Googas Road and Russell Road, as shown on the approved Preliminary Plat. The Owner will also provide an easement to the Town for said sidewalk/trail. The design and alignment for the sidewalk/trail will be finalized prior to granting Final Plat approval.

G. The Owner will be required to submit draft metes and bounds descriptions for the storm water management areas, highway right-of-way and any other lands proposed for conveyance to the Town. Draft metes and bounds descriptions shall also be provided for any proposed utility easements that will granted to the Town, and for the proposed sidewalk/trail connection between Googas Road and Russell Road.

H. The Planning Board may require as a condition of final plat approval that appropriate notice and/or restrictions be incorporated in the deed to any lot containing federal wetland -- the purpose of said notice and/or restrictions being to inform prospective buyers of
development constraints associated with said wetland areas and to prevent future encroachment and impacts to said areas.

I. The Owner will provide with submission of the Final Plat appropriate documentation showing that all necessary authorizations have been obtained from the U.S. Army Corp of Engineers (USACOE) regarding the disturbance of wetlands on the property, including a copy of said authorization and any conditions attached thereto. (Note: Some changes have been made to the subdivision plans following issuance of the 12/12/11 USACOE authorization letter.)

J. The Owner will provide with submission of the Final Plat appropriate documentation showing that the required Water Quality Certification has been obtained from the NYS DEC, including a copy of said Certification and any conditions attached thereto.

K. The Planning Board will require as a condition of Final Plat approval that appropriate notice and/or restrictions be incorporated in the deeds to lots where a “safe slope setback” line has been established -- the purpose of said notice and/or restrictions would be to inform prospective buyers of the setback line and development constraints associated therewith. The Board will also require that a condition be placed in the Contract for Purchase and Sale of Real Estate for said lots, indicating that the deed for the lot will have a deed notice.

L. The Planning Board will require as a condition of Final Plat approval that appropriate soil studies be conducted for certain individual lots prior to the issuance of building permits for said lots. This includes lots where any portion of a foundation or building footprint would be located on the downhill side of the “safe slope setback” line.

M. The Owner shall pursue the formation of a Drainage District to accept and maintain the proposed storm water management facilities on the parcel. The Owner will prepare the necessary maps and reports for the formation of said District and submit these materials to the Town Engineering Division. Any Final Plat approval by the Planning Board will be contingent upon the formation of said District.

N. Pursuant to §103-18.S.(5) of the Town Subdivision Regulations, the Planning Board will require as a condition of Final Plat approval that a perpetual conservation easement (or other appropriate restrictions or covenants) restricting development be placed on the 8.19 +/- acres of open space / conservation area as shown on the Preliminary Plat. Draft language for the conservation easement shall be submitted to the Planning Board with the submission of the Final Plat. In preparing said conservation easement, the Owner is advised to consult the above cited section of the Subdivision Regulations, as well as §103-18.S.(2) dealing with prohibited uses in the open space area and §103-18.S.(3) dealing with individual lot owner rights to enforce the provisions of the conservation easement.

O. The Owner shall submit to the Planning Board with submission of the final plat, a detailed
outline of the responsibilities and functions of the proposed Homeowners Association in-as-much as said Association is proposed as a means to own, manage, maintain, and enforce restrictions on the open space areas. The Planning Board may also condition approval of the final plat on the Owner showing sufficient financial arrangement for the Homeowners Association to ensure that it can fulfill its responsibilities.

P. The Owner will be required as a condition of final plat approval to provide a landscaped buffer strip along: (1) the Russell Road frontage of the property, (2) the rear and a portion of the side property line of 541 Russell Road, (3) the rear and portions of the side property lines of 521 Russell Road and (4) the rear property line of 509 Russell Road. Proposed plantings for these locations are shown conceptually on the Grading Plan cited in Paragraph 1 above. During its review of the Final Plat, the Planning Board reserves the right to require such changes in the planting plan for these areas as it deems necessary to provide ample screening. Details concerning plant location and materials will be finalized as part of the Final Plat Review. As part of this review the Planning Board may also establish guidelines and/or restrictions regarding the placement of fencing in those yards abutting Russell Road.

Q. The Owner shall submit to the Planning Board with submission of the final plat, for the Board's review and approval, a street tree planting plan designed to enhance the aesthetics of the development.

R. In accordance with the requirements of Sec. 103-29 of the Town of Bethlehem Subdivision regulations, the Planning Board will require as a condition of final plat approval that a fee in lieu of public park land reservation on the parcel be paid to the Town of Bethlehem, said fee to be paid at the time of building permit application for each lot and in an amount as specified in the fee schedule found a Sec. 103-29(I)(2).

13. No construction work shall be started on the proposed subdivision prior to the approval of the plat in final form (FINAL PLAT) by the Board, unless specific permission for the start of such work has been granted by the Planning Board AND also by any concerned Town departments. Such specific permission may not be granted by the Board prior to the submission of the Final Plat to the Board for approval.

14. Any plats of this subdivision submitted to the Board subsequent to the receipt of this approval by the Owner(s) shall list the changes made in the plat since the last submittal--with a corresponding date for each such change.

15. This approval of the stated Preliminary Plat does NOT authorize:

A. The filing of the Plat in the Office of the Albany County Clerk, or

B. The issuance of Building Permits in respect to the proposed building lots shown on such Plat.
16. Prior to endorsing the Preliminary Plat with the Planning Board Stamp of Preliminary Plat Approval, the applicant shall deliver to the Board copies of the Preliminary Plat stamped and signed by both the project engineer and land surveyor.

17. Pursuant to the provisions of Town Law, Article 16, the Owner(s) must submit the Plat in Final Form to the Planning Board for approval within six (6) months of the approval of the Preliminary Plat. If such Plat in Final Form is not so submitted, the Planning Board may revoke the approval of the Preliminary Plat.

18. CERTAIN REQUIREMENTS IN RESPECT TO OBTAINING FINAL PLAT APPROVAL FOR A SUBDIVISION ARE STATED IN THE ATTACHED "ADDENDUM."

BY ORDER OF THE PLANNING BOARD

George Leveille, Chairman

Town Planning Board

RESULT: APPROVED [UNANIMOUS]
MOVER: John Smolinsky, Board Member/Deputy Supervisor
SECONDER: Kate Powers, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Rice, Smolinsky

VI. Discussion/Information Items

None

VII. Adjournment

Motion To: Adjourn

RESULT: ADJOURN [UNANIMOUS]
MOVER: Kate Powers, Board Member
SECONDER: Stephen Rice, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Rice, Smolinsky