I. Call to Order

II. Public Comment on Regular Agenda Items - 10 Minutes

III. Minutes Approval
   A. Tuesday, December 04, 2012

IV. Action Items
   A. Legends Preserve Conservation Subdivision - Possible Action on SEQR Resolution
   B. Legends Preserve Conservation Subdivision - Set Public Hearing

V. Discussion/Information Items
   A. Board Member Term - Christine Motta - 01/11/2006 thru 12/31/2012

VI. Adjournment
    Adjourn
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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<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>Christine Motta</td>
<td>Board Member</td>
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<td>Kate Powers</td>
<td>Board Member</td>
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<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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<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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<tr>
<td>Michael Morelli</td>
<td>Director of Economic Development and Planning</td>
<td>Excused</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>Excused</td>
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II. Public Hearings

A. Russell Road Conservation Sub - Public Hearing Documents

David Ingalls of Ingalls & Associates was present on behalf of the applicant, Finke Construction, to provide information and answer questions. Staff comments were provided by Mr. Lipnicky.

The project consists of a 31 lot conservation subdivision on Russell Road, Googas Road & Conestoga Drive with diversified styles of housing. The current layout includes a cul-de-sac and off Russell Road. A new section of highway would be constructed to connect Googas Road to Conestoga Drive. The project was last discussed at the November 20, 2012 Planning Board meeting. A Public Hearing notice was mailed to property owners within 200 feet of the proposed project and published in the Spotlight Newspaper. A copy of the preliminary plat was displayed at the meeting.

B. Russell Road Conservation Subdivision - Public Hearing on Preliminary Plat
A motion to open the public hearing and indent the public hearing notice into the minutes was offered by Ms. Powers, seconded by Mr. Rice, and approved by all Members present.

PUBLIC HEARING NOTICE, TOWN OF BETHLEHEM, ALBANY COUNTY, NY. Notice is hereby given that the Planning Board will conduct a Public Hearing as part of its regularly scheduled Board Meeting on Tuesday, December 4, 2012 at 6:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, NY, regarding a 31-lot Subdivision Application, submitted by Fiske Construction, 909 Shardon Court, Schenectady, entitled: Preliminary Plat, Russell Road Conservation Subdivision, Russell Road, Town of Bethlehem, County of Albany, State of NY, dated 07/05/2011, last revised 10/22/2012, prepared by Ingalls & Associates, LLP, 2603 Guilderland Avenue, Schenectady. 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 proposed project. All interested persons are invited to attend and be heard.

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

C. Russell Road Conservation Sub - Public Comments

Public Comments

Joseph Berdar, 10 Conestoga Drive
- resides in one of the five homes located in the Indian Hills Subdivision
- was under the impression that the Town prefers thru streets and noted that the proposed project contains a cul-de-sacs
- eight children in three houses on the existing dead-end street
- opposed to thru traffic

Angela Petitti, 9 Conestoga Drive
- prefers two cul-de-sacs versus a thru street
- not happy about inconvenience of changing her street address
- concerned about thru traffic
- does not believe the developer would lose any revenue if there were two cul-de-sacs
- multiple residents have sent letters to Ingalls asking for a design that does not include a thru street

Terri Bohl, 7 Connestoga Drive
- purchased her home because it was located on a dead-end street
- prefers two cul-de-sacs versus a thru street
- Conestoga is part of the Indian Hill Subdivision
- would like to keep the name Conestoga
- children are not accustomed to thru traffic
- concerned about safety of her children because they are used to playing in the street
III. Public Comment on Regular Agenda Items - 10 Minutes

Andy Brick, Attorney for the Law Firm of Donald Zee, P.C.
- Comments were related the proposed Stewart's & Wemple Road Apartments / Gordon Development projects at the Northwest corner of Route 9W & Wemple Road
- Representing client, Milltowne Plaza, who submitted a Rezoning Application for the Wemple Corner’s project which encompasses three (3) of the four (4) corners at the intersection of Route 9W & Wemple Road
- Client is actively involved in the SEQR / Environmental review process
- Client is in the process of compiling a Draft Environmental Impact Statement (DEIS)
- Client is interested in collaborating with Stewart's & Gordon Development on DEIS to avoid segmentation
- Noted that each project will need to conduct various studies
- Wondered if the Town intends to hold the two other applicants to the same standards as the Wemple Corner's project
- Noted that Stewart’s and Gordon Development should pay their "fair share" of the traffic analysis, water & sewer analysis, and housing market & absorption study

Marcus Mastracco, 34 Huntswood Lane, Glenmont
- Comments related to proposals for Stewart’s Shops & Gordon Development
- Noted that the Stewart’s & Gordon projects differ from the Milltowne project because they do not require zone changes
- Noted that there are 6 gas stations within a few miles of the intersection
- Why do we need another gas station?
- Wetlands are nearby .. concerned about potential contamination
- Hours of operation .. concerned that the station will be open 24 / 7
- Traffic study should consider traffic generated during the soccer season
- Inquired about ingress / egress for Gordon Development project
- Concerned about site distance on Wemple Road
- Would like more information about possible extension of Kimmey Drive
- Concerned about effects of lighting on the nearby neighborhood
- Hopes landscaping will shield the neighborhood from lights
- Noted that the site is zoned for this type of development
- Proposed number of apartments seems to fit
- Believes that the Wemple Corners project should consider the types of uses allowed on the undeveloped parcels near their project

Stephanie Shaw, Wemple Road, Glenmont
- Comments related to proposals for Stewart's Shops & Gordon Development
- Would like to advocate for one ingress/egress on Wemple close to Route 9W
- Wemple is an old country road with limited site distance
- Concerned about accidents

IV. Minutes Approval

A. Tuesday, November 20, 2012
RESULT: ACCEPTED [UNANIMOUS]
MOVER: John Smolinsky, Board Member/Deputy Supervisor
SECONDER: Thomas Coffey, Board Member
AYES: Leveille, Behuniak, Coffey, Motta, Powers, Rice, Smolinsky

V. Action Items

A. Hibachi & Sushi Asian Buffet -385 Route 9W Site Plan Amendment

The project was before the Board for an update and possible action on the application. The applicant, Jain Shan Zheng, was present. Staff comments were provided by Mr. Leslie.

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

SITE PLAN AMENDMENT APPROVAL
HIBACHI & SUSHI ASIAN BUFFET
385 ROUTE 9W


1. TYPE OF APPROVAL: Site Plan Amendment

NAME OF PROPOSAL: Hibachi & Sushi Asian Buffet

DESCRIPTION OF PROPOSAL: The site plan amendment specifically includes the following revisions from the previous site plan approval dated May 1, 2012:

Site Plan
- Placement of a freestanding sign.
- Landscaping at the front of the site between the road and building. This will consist of the removal of the asphalt in this area.
- Landscaping along the northern parking area.
- Dumpster and enclosure, and shed at the rear corner of the northern parking area.
• Landscaping at the driveway entrance of the northern parking area.
• Relocation of waterline service and addition of a new water meter and backflow prevention device.

**Building Elevations**

• Trim along building facades to be green color.
• All four sides of building to be applied with stucco material (tan color).
• Decorative roof along front of building to include an asian-themed roof tile (green color)

**LAND USE:** Restaurant

**LOCATION OF SITE:** 385 Route 9W

**TITLE OF DRAWINGS:**


2. **THIS WILL CERTIFY** that the Planning Board, at a meeting held November 20, 2012, AMENDED a previous Site Plan Approval by APPROVING changes to the existing restaurant at 385 Route 9W as shown on a drawing entitled for the development of the site described above, such approval being contingent upon compliance with the MODIFICATIONS (Item 8) and CONDITIONS (Item 10) 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. This Amendment modifies the original Site Plan Approval granted by the Planning Board on May 1, 2012 and documented in Certificate of Site Plan Approval No. S.P.A. 183.

4. Vehicular access to the site is provided by NYS Route 9W.

5. The site is located in a Commercial Hamlet Zoning District where a restaurant is a permitted use.

6. Prior to the granting of this Site Plan Approval, the Board:

   A. Determined the project to consist of a SEQR Type II action.

   B. Determined the site amendments are all minor site plan items that do not require referral to the Albany County Planning Board, in accordance with the Intermunicipal Agreement between the Town of Bethlehem and Albany County Planning Board, dated December 7, 2007.

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

8. Approval of the Site Plan is granted with the following MODIFICATIONS to be shown on the plan set prior to being endorsed with the Planning Board’s stamp of approval:

   A. No modifications to the site plans are necessary.

9. 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.

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

    A. Prior to the Chairman’s stamping of the site plan, the applicant/owner shall provide a backflow prevention application and fees, which shall be reviewed and approved by the Town Engineering Division. The applicant shall not continue site work until the application is deemed complete and approved by the Town.
B. The freestanding sign shall meet all requirements of Zoning Law §128-59 D. Note the sign area shall not exceed 32 square feet, 10 feet in height, and shall be lit by external means only.

C. The dumpster enclosure shall be constructed to the dimensions as shown on the Site Plan: 12-feet x 18-feet, 6-feet high, and consist of the same tan stucco material applied to the building.

D. A Town of Bethlehem Building Permit is required prior to any additional work on the shed located at the northwestern corner of the northern parking lot.

E. All interior improvements to the building shall meet the requirements of the NYS Building Code.

F. Prior to the issuance of a Temporary or Final Certificate of Occupancy for the addition, all site improvements as identified on plans and elevations listed in ITEM 1 of this document and presented to the Planning Board shall be completed.

11. 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.

12. All provisions, requirements, and conditions stated in Certificate of Site Plan Approval No. S.P.A. 183 shall remain in full force and effect except as modified by this Amendment.

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

14. Upon submission of revised Site Plan drawings reflecting those MODIFICATIONS specified in ITEM 8, and upon satisfying those CONDITIONS specified in ITEM 10 herein, the Chairman of the Planning Board is empowered to endorse the Site Plan with his signature, such Site Plan shall be known henceforth as the FINAL APPROVED SITE PLAN.

BY ORDER OF THE PLANNING BOARD

George Leveille, Chairman
NOTE:

Expiration of Approval
In accordance with §128-70.K of the Town’s Zoning Code, this site plan approval shall be void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval. Prior to its expiration, the site plan approval may be renewed by request of the applicant for up to two (2) additional ninety (90) day periods.

Building Permits Required
A building permit is required for all work in and to any structure and for any proposal for a change of use or occupancy, new signs, and demolition of existing structures.

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

B. Capital Bank Drive Thru - 1365 New Scotland Road Site Plan Amendment
The project was before the Board for an update and possible action on the application. David Ingalls of Ingalls & Associates and Michael Cosmer of Windsor Development were present on behalf of the applicant, Capital Bank, to provide information and answer questions. Staff comments were provided by Mr. Leslie.

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

SITE PLAN AMENDMENT APPROVAL
CAPITAL BANK DRIVE THRU
PRICE CHOPPER PLAZA, SLINGERLANDS
1355 NEW SCOTLAND ROAD

1. **TYPE OF APPROVAL:** Site Plan Amendment Approval

**NAME OF PROPOSAL:** Drive-Thru at Capital Bank

**DESCRIPTION OF PROPOSAL:** The site plan amendment specifically includes the following revisions from the previous site plan approval:

- Drive-thru island consists of stamped concrete material seasonal plantings and planters/flowers and a flower bed
- Four non-decorative overhead lighting fixtures (Flood Lights) mounted on the awnings to illuminate the drive-thru lane. Three decorative lighting fixtures (Indian Wells) to be wall mounted to the building.
- Widening and moving of the outside curb at the northwest corner of the site was not constructed since vehicle turn movements can be accommodated by the curb’s existing location.

**LAND USE:** Drive thru for bank use only

**LOCATION OF SITE:** 1355 New Scotland Road

**TITLE OF DRAWINGS:**


2. **THIS WILL CERTIFY** that the Planning Board, at a meeting held December 4, 2012, **AMENDED a previous Site Plan Approval by APPROVING changes to the drive thru facility at Capital Bank located at the Slingerlands Price Chopper Plaza, 1355 New Scotland Road, shown on a drawing entitled 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 Town Board, 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; and,

3. is located Vehicular access to the site is provided by New Scotland Road and the Slingerlands By-pass (NY Route 85).

4. The site in a Commercial Hamlet Zoning District where a bank is a permitted use.

5. Prior to the granting of this Site Plan Approval, the Board considered:
   A. Determined the project to consist of a SEQR Type II action.
   B. Determined the project does not require review by the Albany County Planning Board.

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

7. Approval of the Site Plan is granted with the following MODIFICATIONS to be shown on the plan set prior to being endorsed with the Planning Board’s stamp of approval:
   A. The three (3) decorative lighting fixtures as shown in the site plan shall be removed.

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. All landscaping within the drive-thru island shall consist of natural flowers and shrubs.

10. The site delineated on the Approved Site Plan (listed in Item 1A) shall be developed in accordance with:
    A. The detailed plan for development shown on the Final Approved Site Plan.

11. All provisions, requirements, and conditions stated in Certificate of Site Plan Approval No. S.P.A. 182 shall remain in full force and effect except as modified by this Amendment.
and listed in Item 1.

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

13. Upon submission of revised Site Plan drawings reflecting those MODIFICATIONS specified in
ITEM 7, 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, 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
In accordance with §128-70.K of the Town’s Zoning Code, this site plan approval shall be
void if construction is not started within one year of the date of Planning Board approval,
and completed within two years of the date of such approval. Prior to its expiration, the site
plan approval may be renewed by request of the applicant for up to two (2) additional
ninety (90) day periods.

Building Permits Required
A building permit is required for all work in and to any structure and for any proposal for a
change of use or occupancy, new signs, and demolition of existing structures.
RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Nicholas Behuniak, Board Member
SECONDER: Stephen Rice, Board Member
AYES: Leveille, Behuniak, Coffey, Motta, Powers, Rice, Smolinsky

VI. Discussion/Information Items

A. U.S. Route 9W - Bethlehem Town Center - Landscaping and Grading Revisions - Initial Presentation

The project was before the Board for an initial presentation. Gregg Ursprung of Bergmann Associates was present on behalf of the applicant, Nigro Companies, to provide information and answer questions. Staff comments were provided by Mr. Lipnicky.

The project consists of an amendment to the previously approved landscaping plan, specifically to remove a portion of the berm & landscaping that was installed along Bender Lane and Route 9W according to the Town Center’s landscaping plan in 2002. The overall result would improve visibility for the existing bank building and overall sight. The Planning Board would need to determine if the proposed changes are acceptable and consistent with the intent of the impact mitigation plan as proposed though the SEQR Findings Statement and whether or not environmental conditions have changed such that the original concerns and or mitigation are no longer relevant.

B. Stewart’s Shop - Route 9W & Wemple Road - Conceptual Site Plan Application - Initial presentation and discussion

The project was before the Board for an initial presentation. Tom Lewis of Stewart’s Shops and Jonathan Lapper of Bartlett, Pontiff, Steward & Rhodes were present on behalf of the applicant, Stewart’s Shops Corporation, to provide information and answer questions. Staff comments were provided by Mr. Lipnicky.

The applicant is seeking approval to construct a 3,000 sq. ft. convenience store & gas station at the northwest corner of Route 9W and Wemple Road on portion (2.7 acre) of an existing 37.2 acre parcel owned by Wemple Road Developers, Inc. The application requires site plan & subdivision review. Ingress/Egress would be provided via Route 9W and Wemple Road. The site is located in a Rural Hamlet District (RH) Zoning District. Convenience stores/Gas stations are permitted uses in the RH District. The Wemple Corners mixed-use project is proposed on lands to the immediate south, east and southeast. The application was placed on the agenda at the request of Stewart’s for initial feedback from the Board.

C. Wemple Road Apartments (Gordon Development) - Conceptual Site Plan Application - Initial presentation and discussion

The project was before the Board for an initial presentation. Jonathan Lapper of Bartlett, Pontiff, Steward & Rhodes, P.C., Michael Tucker of Creighton Manning Engineering and Jared George of Tri-Capital Realty were present on behalf of the applicant, Gordon Residential Development LP, to provide information and answer questions. Staff comments were provided by Mr. Lipnicky.
The applicant, Gordon Residential Development, is seeking approval to construct a 95 unit apartment complex (8 buildings, 243 parking spaces and a recreation facility) on a 37 acre parcel owned by Wemple Road Developers, Inc. The project requires subdivision and site plan review because Stewart’s Shops is looking to utilize 7 acres of the parcel for a convenience store. The proposed use is permitted in the Rural Hamlet (RH) zoning district.

It was noted that a draft Environmental Impact Statement (DEIS) is being prepared for that the Wemple Corners mixed-use project that is also being proposed for lands at the intersection of Route 9W and Wemple Road.

VII. Adjournment

Motion To: Adjourn at 7:39 PM - Next meeting scheduled for Tuesday, December 18, 2012 at 6:00 p.m.

RESULT: ADJOURN [UNANIMOUS]
MOVER: Thomas Coffey, Board Member
SECONDER: John Smolinsky, Board Member/Deputy Supervisor
AYES: Leveille, Behuniak, Coffey, Motta, Powers, Rice, Smolinsky
WHEREAS, the Town of Bethlehem Planning Board has received an application from LDM Management Group, Inc. for subdivision approval of a 102-lot conservation subdivision located along Jolley Road; and,

WHEREAS, the development parcel consists of 75.52± acres of land located adjacent to the New York State Thruway and Lady Help Christian Cemetery and said land is currently zoned Residential A District; and,

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

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

WHEREAS, the SEQR regulations at 6 NYCRR 617.6(a) require that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether the action involves a federal agency; (3) whether other agencies are involved; (4) the appropriate preliminary classification of the action; (5) whether a full or short environmental assessment form (EAF) is necessary; and (6) whether the action is located in an agricultural district and subject to applicable provisions of the Agriculture and
Markets Law; and,

WHEREAS, the SEQR regulations at 6 NYCRR 617.6(b)(4) indicate that for uncoordinated review of an unlisted action the agency conducting the review may proceed as if it were the only involved agency; and,

WHEREAS, the Planning Board has independently reviewed and considered the subdivision application, the full Environmental Assessment Form (EAF) and supporting materials submitted by the applicant, and various staff memoranda prepared by the Town Designated Engineer, the Town Department Economic Development and Planning and the Town Engineering Division, which together address potential areas of environmental concern;

NOW, THEREFORE, BE IT RESOLVED,

that the Town of Bethlehem Planning Board hereby determines that: (1) the proposed action constitutes an action that is subject to SEQR; (2) the action does involve a federal agency, the U.S. Army Corps of Engineers; (3) involved agencies include the NYSDEC, the Albany County Department of Health; (4) the proposed action is appropriately classified as an unlisted action; (5) the proposed action is not located within 500 feet of, an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law; and (6) a full EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

that the Town of Bethlehem Planning Board hereby determines that input has already been received from involved and interested agencies and therefore, the Board will not coordinate SEQR review - said coordination is not warranted in this instance nor required pursuant to 6 NYCRR 617.6(b)(4); and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby declares it is lead agency with respect to SEQR 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 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 **Legends Preserve Conservation Subdivision** 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 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 Chairman of the Planning Board is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out; and,

BE IT FURTHER RESOLVED,

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

1. The subject property is located in a Residential A Zoning District. The proposed project is a permitted use within that zoning district.

2. *A full Environmental Assessment Form (dated 8/23/12, revised 11/16/12) was prepared for the project by ABD Engineers and Surveyors, and reviewed and accepted by Town planning staff.*

3. The subdivision is located partially within Town water district and is not located in the sanitary sewer district. The subdivision is required to prepare a Map, Plan, and Report for the extension of the water and sewer district in order to be served by public water and sanitary sewers.
4. The Town conducted an evaluation of extending water and sewer utilities to the northern property line. The Town Engineering Department evaluated the ability to extend gravity sewer the additional 800-feet to the northern property line. This evaluation concluded that based on varying elevation changes between the project site and the Old Route 9W/Corning Hill Road area the extension of a gravity sewer is not feasible. O’Brien & Gere Engineers, Inc. performed a hydraulic computer simulation of the Town water distribution system, dated March 27, 2012, with the inclusion of a waterline along Jolley Road and extended north to connect to US Route 9W. O’Brien & Gere’s evaluation concluded that there would be benefits to the water system by adding redundancy to the system, improve system hydraulics, and improve available fire flows for new developments. As such, the waterline shall be extended to the northern property line.

5. The project site is located in an archeologically sensitive area. A Phase 1A Literature Search/ Sensitivity Assessment and Phase 1B Archaeological Survey, dated July 2009, was prepared by Curtin Archaeological Consulting. A Phase 1 Addendum Report with Additional Detailed Historic and Environmental Documentation, Planned Development District, Legends, dated August 2011, was prepared for the project by ARCH TECH. The study concluded that historic sand mining has completely destroyed the contextual integrity of all pre-existing precontact and historic period archaeological deposits within the project’s Area of Potential Effect (APE). The study was submitted for review by NYSOPRHP. By letter dated August 22, 2011 NYSOPRHP recommends that “…the project will have No Effect on historic properties listed or eligible for listing on the National Register”.

6. A Preliminary Geotechnical Study, dated December 20, 2005, was prepared by Dente Engineering, which established slope setback lines on the site and are shown on the grading plan. A geotechnical engineer will be required to review final grading plans for compliance with the recommendations in the Study.

7. A Storm Water Pollution Prevention Plan (September 28, 2012) was completed by ABD Engineers & Surveyors and submitted to the Town. The Water Quality and Quantity Control components of the SWPPP have been developed in conformance with the requirements of the current NYS Stormwater Management Design Manual. The SWPPP has been reviewed by the Town Designated Engineer and the applicant will revise the SWPPP to comply with all requirements of NYSDEC SPDES GP-0-10-001. A Stormwater Management System Engineering report and O&M Manual for the system will be prepared to meet the requirements of the NYSDEC Phase II regulations.

8. The applicant has submitted a letter from the NYS Natural Heritage Program (dated July 2, 2007) indicating the possible presence of Violet Wood-sorrell (Oxalis violacea), a
state threatened plant in the vicinity of the project site. In response, an on-site survey of the property was conducted by a biologist of Copeland Environmental LLC in July 2007 for the presence of Violet Wood-sorrell. By letter report dated November 29, 2007, Copeland Environmental LLC indicates there is no evidence of habitat on the property to support the Violet Wood-sorrell. The letter report states coordination with the DEC, consultation of the US Fish and Wildlife Service lists, and general walkover surveys indicate that state or federally protected species and their habitats do not appear to occur on the project site, therefore, impacts to these species or their habitats is unlikely.

9. According to a USACOE jurisdictional determination, dated February 8, 2008, the project site contains 5.37 acres of federal regulatory wetland and 1,081 linear feet of intermittent stream channel. The applicant is proposing to impact 0.43 acres of the wetland area. All remaining on-site wetland will be controlled by a homeowners association and will be deed restricted to prevent future development or encroachment in the wetland.

10. The proposed subdivision plan and wetland impacts will be submitted to the U.S. Army Corps of Engineers (ACOE) for their review and consideration for a Nationwide General Permit Number 29. The proposed impacts are less than ½ acre and are therefore allowable under the Nationwide General Permit Program. A wetland creation (mitigation plan) will create similar wetlands on site at the ratios required by the ACOE (totaling 1.34 acres of wetland creation/enhancement area) so that there will be no-net loss of wetland from the project. In addition, the open space and wetland preservation land that are proposed will insure that the remaining wetlands and streams, as well as a significant amount of upland habitat adjacent to them will remain in a natural state and continue to provide environmental functions for the watershed. There are no State regulated wetlands on the property.

11. As part of the Nationwide Permit Number 29 application, the wetland impact and mitigation plan will be submitted to the NYSDEC Region office for their review and issuance of a Section 401 Water Quality Certification. The project meets the terms and conditions of the streamlined water quality certification program as outlined in a Certification letter between the NYSDEC and ACOE, dated April 19, 2012.

12. A Traffic Impact Study (TIS) for the project site was prepared in June 2009 by Greeman Pedersen, Inc. and a revised Study was prepared in September 2012 to update the 2009 Study. The Study concluded that project is expected to generate 77 vehicle trips in the AM peak hour and 93 vehicle trips in the PM peak hour. The forecasted operations at the Glenmont Road/Jolley Road and Glenmont Road/River Road intersections with the additional traffic generated by the project are considered negligible and will be similar to those experienced during the no-build condition. There are expected to be some minor increases in delay at the intersection of Route 9W and Glenmont Road; however,
the additional site generated trips accounts for only 3.4% of the overall AM peak hour intersection volumes and 2.6% of the overall PM peak hour intersection volumes. The Traffic Impact Study concludes the proposed development will not significantly impact operations of the adjacent roadway network and that no mitigation is required. This volume is not expected to have any noticeable impact on the adjoining highway system. Barton & Loguidice reviewed the TIS for the Town and in correspondence, dated November 16, 2012, concurred with the Summary of Findings and Conclusions and Recommendations in the TIS. The applicant will respond and comply to comments provided by Barton & Loguidice’s November 16, 2012 letter.

13. A 5-foot wide concrete sidewalk will be constructed along the entire length of Jolley Road, as well as along “Legends Crossing” road within the subdivision to provide a location for pedestrian travel between the site and Glenmont Road.

14. The project site has been evaluated with respect to potential sight distance issues along Glenmont Road. The evaluation indicated that the right and left-turn movement from Jolley Road to Glenmont Road exceeded the AASHTO recommended values for sight distance.

15. Correspondence from emergency service departments/districts; Selkirk Fire District dated April 22, 2008; Bethlehem Police Department dated April 21, 2009, and Bethlehem Volunteer Ambulance Service dated April 19, 2009, identified no concerns with the site’s access from Jolley Road.

16. The Town conducted an evaluation of extending Jolley Road to the northern property line as part of the site’s development. The evaluation of extending Jolley Road is directed by the Town Subdivision Regulations §103-26 B. Layout of Streets and Roads and §103-26 H. Continuation of Streets into Adjacent Property. Subdivision Regulations §103-26 B. references the Town of Bethlehem Department of Public Works Guidelines for Final Subdivision Plans. The Planning Board is required by §103-26 H to extend Jolley Road and utilities to land adjacent to the proposed subdivision. The regulations provide the Planning Board with an opportunity to waive, subject to appropriate conditions and upon the recommendation of the Town Highway Department, the road extension if it is not in the interest of the public health, safety and general welfare. The Town Highway Superintendent, in correspondence dated August, 30, 2012, recommended that the project not include construction of Jolley Road to the northern property line. The correspondence states an extension would require snow removal and maintenance of the roadway surface and drainage structures, which will provide no public health, safety and general welfare benefit to the Town in the near term. The Highway Superintendent recommended the Planning Board pursue an agreement with the applicant where, the Town would reserve the right/option to
require the Jolley Road extension right-of-way to be conveyed by the project’s Homeowners Association to the Town, or Town’s designee, if/when development to the north is pursued in the future. The applicant has prepared a “Option to the Town of Bethlehem” document, dated June 4, 2012, revised December 5, 2012, which has been reviewed by the Town Planning Department Staff and the Planning Board Attorney and final details will be finalized during final plat review.

17. More than 50% of the project site will remain undeveloped. Undeveloped portions of the site, 42.41 acres, will be transferred to a homeowners association and preserved through deed restrictions as open space in conformance with the Town’s conservation subdivision regulations.

18. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristics of the parcel or other areas requiring further study;

On a motion by _________________, seconded by _________________ and a vote of ___ for and ___ against, and ___ absent, this RESOLUTION was adopted on ________________.
TO: Chairman Leveille  
Planning Board Members  

FROM: Robert Leslie, Deputy Town Planner  

RE: Legends Preserve Conservation Subdivision  
Possible Action on SEQR Determination of Significance & Set Public Hearing Date  

DATE: December 13, 2012  

On December 18, 2012 the Board will hear a presentation on the status of the Legends Preserve Conservation Subdivision application. The Board will also have the opportunity to:  

- Take Action on the SEQR Determination of Significance  
- Set a public hearing date for February 5, 2012  

The following is a status on the SEQR related items for the project, which are also identified in the attached resolution:  

Water and Sewer Utilities  
The subdivision is located partially within the Town water district and is not located in the sanitary sewer district. A condition of the preliminary plat approval will be the requirement for the preparation of a Map, Plan, and Report for the extension of the water and sewer district in order to be served by public water and sanitary sewers.  

The Town conducted an evaluation of extending water and sewer utilities to the northern property line. The Town Engineering Department evaluated the ability to extend gravity sewer the additional 800-feet to the northern property line. This evaluation concluded that based on varying elevation changes between the project site and the Old Route 9W/Corning Hill Road area the extension of a gravity sewer is not feasible. O’Brien & Gere Engineers, Inc. performed a hydraulic computer simulation of the Town water distribution system, dated March 27, 2012, with the inclusion of a waterline along Jolley Road and extended north to connect to US Route 9W. O’Brien & Gere’s evaluation concluded that there would be benefits to the water system by adding redundancy to the system, improve system hydraulics, and improve available fire flows for new developments. As such, the waterline shall be extended to the northern property line, which is shown on the plans.  

Cultural and Archeologically Resources  
According to the NYS Historic Preservation office, the project site is located in an archeologically sensitive area. As such, a “Phase 1 Addendum Report with Additional Detailed Historic and Environmental Documentation, Planned Development District, Legends”, dated August 2011, was
prepared for the project by ARCH TECH. The study concluded that historic sand mining has completely destroyed the contextual integrity of all pre-existing precontact and historic period archaeological deposits within the project’s Area of Potential Effect (APE). The study was submitted for review by NYSOPRHP. By letter dated August 22, 2011 NYSOPRHP recommends that “…the project will have No Effect on historic properties listed or eligible for listing on the National Register”.

**Geotechnical Study**
A Preliminary Geotechnical Study, dated December 20, 2005, was prepared by Dente Engineering, which established slope setback lines on the site, which are shown on the grading plan. A geotechnical engineer will be required to review final grading plans for compliance with the recommendations in the Study.

**Stormwater Pollution Prevention Plan**
A Storm Water Pollution Prevention Plan (September 28, 2012) was prepared by ABD Engineers & Surveyors and submitted to the Town. The Water Quality and Quantity Control components of the SWPPP have been developed in conformance with the requirements of the current NYS Stormwater Management Design Manual. The SWPPP has been reviewed by the Town Designated Engineer and the applicant will revise the SWPPP to comply with all requirements of NYSDEC SPDES GP-0-10-001. A Stormwater Management System Engineering report and O&M Manual for the system will be prepared to meet the requirements of the NYSDEC Phase II regulations.

**Threatened and Endangered Species**
The applicant has submitted a letter from the NYS Natural Heritage Program, dated July 2, 2007, indicating the possible presence of Violet Wood-sorrell (Oxalis violacea), a state threatened plant in the vicinity of the project site. In response, an on-site survey of the property was conducted by a biologist of Copeland Environmental LLC in July 2007 for the presence of Violet Wood-sorrell. By letter report dated November 29, 2007, Copeland Environmental LLC indicates there is no evidence of habitat on the property to support the Violet Wood-sorrell. The letter report states coordination with the DEC, consultation of the US Fish and Wildlife Service lists, and general walkover surveys indicate that state or federally protected species and their habitats do not appear to occur on the project site, therefore, impacts to these species or their habitats is unlikely.

**Wetlands**
A USACOE wetland jurisdictional determination for the project site, dated February 8, 2008, states the project site contains 5.37 acres of federal regulatory wetland and 1,081 linear feet of intermittent stream channel. The applicant is proposing to impact 0.43 acres of the wetland area. All remaining on-site wetland will be controlled by a homeowners association and will be deed restricted to prevent future development or encroachment in the wetland.

The proposed subdivision plan and wetland impacts will be submitted to the U.S. Army Corps of Engineers (ACOE) for their review and consideration for a Nationwide General Permit Number 29. The proposed impacts are less than ½ acre and are therefore allowable under the Nationwide General Permit Program. A wetland creation (mitigation plan) will create similar wetlands on site at the ratios required by the ACOE (totaling 1.34 acres of wetland creation/enhancement area) so that there will be no-net loss of wetland from the project. Wetland mitigation plans are provided in the subdivision plan set. In addition, the open space and wetland preservation land that are proposed will insure that the remaining wetlands and streams, as well as a significant amount of upland habitat adjacent to them will remain in a natural state and continue to provide environmental functions for the watershed. There are no State regulated wetlands on the property. (See attached correspondence from Copeland Environmental LLC, dated December 4, 2012).

As part of the Nationwide Permit Number 29 application, the wetland impact and mitigation plan will be submitted to the NYSDEC Region office for their review and issuance of a Section 401 Water Quality Certification. The project meets the terms and conditions of the streamlined water quality certification program as outlined in a Certification letter between the NYSDEC and ACOE, dated April 19, 2012.
Traffic Impact Study
As required by the Planning Board at its September 4, 2012 meeting a revised Traffic Impact Study (TIS) for the project site was prepared as an addendum to a June 2009 TIS prepared by Greeman Pedersen, Inc. The Study concluded that project is expected to generate 77 vehicle trips in the AM peak hour and 93 vehicle trips in the PM peak hour. The forecasted operations at the Glenmont Road/Jolley Road and Glenmont Road/River Road intersections with the additional traffic generated by the project are considered negligible and will be similar to those experienced during the no-build condition (i.e. traffic conditions if the project was not built). There are expected to be some minor increases in delay at the intersection of Route 9W and Glenmont Road; however, the additional site generated trips accounts for only 3.4% of the overall AM peak hour intersection volumes and 2.6% of the overall PM peak hour intersection volumes. The Traffic Impact Study concludes the proposed development will not significantly impact operations of the adjacent roadway network and that no mitigation is required. This volume is not expected to have any noticeable impact on the adjoining highway system. Barton & Loguidice reviewed the TIS for the Town and in correspondence, dated November 16, 2012, concurred with the Summary of Findings and Conclusions and Recommendations in the TIS (see attached). The applicant will respond and comply to comments provided by Barton & Loguidice’s November 16, 2012 letter.

A 5-foot wide concrete sidewalk will be constructed along the entire length of Jolley Road, as well as along “Legends Crossing” road within the subdivision to provide a location for pedestrian travel between the site and Glenmont Road and the Quail Hollow Subdivision.

The June 2009 TIS evaluated any potential sight distance issues along Glenmont Road. The evaluation indicated that the right and left-turn movement from Jolley Road to Glenmont Road exceeded the AASHTO recommended values for sight distance.

Correspondence from emergency service departments/districts; Selkirk Fire District dated April 22, 2008; Bethlehem Police Department dated April 21, 2009, and Bethlehem Volunteer Ambulance Service dated April 19, 2009, identified no concerns with the site’s access from Jolley Road.

Albany County Planning Board
The Board reviewed the subdivision project at its October 18, 2012 meeting and provided standard comments related to review by Albany County Health Department for sewer/water extensions and USACOE review for wetland disturbance and permitting. The County also recommended consulting with NYSDOT regarding their assessment for the need of a left turn lane from Glenmont Road (NYS Route 910A) to Jolley Road. NYSDOT Region 1 had the opportunity to review the initial TIS dated June 2009 and stated the study conclusions and recommendations appear to be reasonable. Note the conclusions and recommendations of the September 2012 TIS addendum were unchanged from the June 2009 TIS. The Study states that 2012 traffic volumes along Glenmont Road have decreased since the 2008/2009 traffic volumes were conducted.

Jolley Road Extension to the Adjacent Property
The Town conducted an evaluation of extending Jolley Road to the northern property line as part of the site’s development. The evaluation of extending Jolley Road is directed by the Town Subdivision Regulations §103-26 B. Layout of Streets and Roads and §103-26 H. Continuation of Streets into Adjacent Property. Subdivision Regulations §103-26 B. references the Town of Bethlehem Department of Public Works Guidelines for Final Subdivision Plans. The Planning Board is required by §103-26 H to extend Jolley Road and utilities to land adjacent to the proposed subdivision. The regulations provide the Planning Board with an opportunity to waive, subject to appropriate conditions and upon the recommendation of the Town Highway Department, the road extension if it is not in the interest of the public health, safety and general welfare. The Town Highway Superintendent, in correspondence to the Planning Board, dated August, 30, 2012, recommended that the project not include construction of Jolley Road to the northern property line. The Highway Superintendent recommended the Planning Board pursue an agreement with the applicant where, the Town would reserve the right/option to require the Jolley Road extension right-of-way to be conveyed by the project’s Homeowners Association to the
Town, or Town’s designee, if/when development to the north is pursued in the future. The applicant has prepared an “Option to the Town of Bethlehem” document, dated June 4, 2012, revised December 5, 2012, which has been reviewed by the Town Planning Department Staff and the Planning Board Attorney (see attached). A condition of the preliminary plat approval will be to finalize the language during final plat review.

Open Space/Conservation Lands
More than 50% of the project site will remain undeveloped. Undeveloped portions of the site, 42.41 acres, will be transferred to a homeowners association and preserved through deed restrictions as open space in conformance with the Town’s conservation subdivision regulations §103-18 S. Each lot created from the subdivision will be granted individual rights to enforce the deed restrictions protecting the open space lands.

DEDP Recommendation
I have reviewed the attached subdivision plans submitted by ABD Engineers & Surveyors in response to comments made at the Planning Board meeting of September 4, 2012 and my previously distributed comment memo dated October 30th. The attached materials include a preliminary plat and a grading plan, both revised through 11/16/12. Although a number of items still need to be addressed during final plat, in general, the materials submitted (studies, reports, plans) provide sufficient information upon which to issue a SEQR Determination of Significance and set a public hearing on the preliminary plat.

Attached for the Board’s consideration is a draft Resolution to issue a SEQR Negative Declaration. As indicated, the Board may also wish to schedule a public hearing for February 5, 2012.

Please contact me at 439-4955 x1157 with any questions you may have.

Cc: D. Kitchen, M. Morelli, T. Ritz, M. Moore
WHEREAS, the Town of Bethlehem Planning Board has received an application from LDM Management Group, Inc. for subdivision approval of a 102-lot conservation subdivision located along Jolley Road; and,

WHEREAS, the development parcel consists of 75.52+/- acres of land located adjacent to the New York State Thruway and Lady Help Christian Cemetery and said land is currently zoned Residential A District; and,

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

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

WHEREAS, the SEQR regulations at 6 NYCRR 617.6(a) require that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether the action involves a federal agency; (3) whether other agencies are involved; (4) the appropriate preliminary classification of the action; (5) whether a full or short environmental assessment form (EAF) is necessary; and (6) whether the action is located in an agricultural district and subject to applicable provisions of the Agriculture and Markets Law; and,

WHEREAS, the SEQR regulations at 6 NYCRR 617.6(b)(4) indicate that for uncoordinated review of an unlisted action the agency conducting the review may proceed as if it were the only involved agency; and,

WHEREAS, the Planning Board has independently reviewed and considered the subdivision application, the full Environmental Assessment Form (EAF) and supporting materials submitted by the applicant, and various staff memoranda prepared by the Town Designated Engineer, the Town Department Economic Development and Planning and the Town Engineering Division, which together address potential areas of environmental concern;

NOW, THEREFORE, BE IT RESOLVED,

that the Town of Bethlehem Planning Board hereby determines that: (1) the proposed action constitutes an action that is subject to SEQR; (2) the action does involve a federal agency, the U.S. Army Corps of Engineers; (3) involved agencies include the NYSDEC, the Albany County Department of Health; (4) the proposed action is appropriately classified as an unlisted action; (5) the proposed action is not located within 500 feet of, an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law; and (6) a full EAF is adequate for determining the significance of the
proposed action; and,

BE IT FURTHER RESOLVED,

that the Town of Bethlehem Planning Board hereby determines that input has already been received from involved and interested agencies and therefore, the Board will not coordinate SEQR review – said coordination is not warranted in this instance nor required pursuant to 6 NYCRR 617.6(b)(4); and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby declares it is lead agency with respect to SEQR 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 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 Legends Preserve Conservation Subdivision 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 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 Chairman of the Planning Board is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out; and,

BE IT FURTHER RESOLVED,

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

1. The subject property is located in a Residential A Zoning District. The proposed project is a permitted use within that zoning district.

2. A full Environmental Assessment Form (dated 8/23/12, revised 11/16/12) was prepared for the project by ABD Engineers and Surveyors, and reviewed and accepted by Town planning staff.

3. The subdivision is located partially within Town water district and is not located in the sanitary sewer district. The subdivision is required to prepare a Map, Plan, and Report for the extension of the water and sewer district in order to be served by public water and sanitary sewers.

4. The Town conducted an evaluation of extending water and sewer utilities to the northern property line. The Town Engineering Department evaluated the ability to extend gravity sewer the additional 800-feet to the northern property line. This evaluation concluded that based on varying elevation changes between the project site
and the Old Route 9W/Corning Hill Road area the extension of a gravity sewer is not feasible. O’Brien & Gere Engineers, Inc. performed a hydraulic computer simulation of the Town water distribution system, dated March 27, 2012, with the inclusion of a waterline along Jolley Road and extended north to connect to US Route 9W. O’Brien & Gere’s evaluation concluded that there would be benefits to the water system by adding redundancy to the system, improve system hydraulics, and improve available fire flows for new developments. As such, the waterline shall be extended to the northern property line.

5. The project site is located in an archeologically sensitive area. A Phase 1A Literature Search/ Sensitivity Assessment and Phase 1B Archaeological Survey, dated July 2009, was prepared by Curtin Archaeological Consulting. A Phase 1 Addendum Report with Additional Detailed Historic and Environmental Documentation, Planned Development District, Legends, dated August 2011, was prepared for the project by ARCH TECH. The study concluded that historic sand mining has completely destroyed the contextual integrity of all pre-existing precontact and historic period archaeological deposits within the project’s Area of Potential Effect (APE). The study was submitted for review by NYSOPRHP. By letter dated August 22, 2011 NYSOPRHP recommends that “…the project will have No Effect on historic properties listed or eligible for listing on the National Register”.

6. A Preliminary Geotechnical Study, dated December 20, 2005, was prepared by Dente Engineering, which established slope setback lines on the site and are shown on the grading plan. A geotechnical engineer will be required to review final grading plans for compliance with the recommendations in the Study.

7. A Storm Water Pollution Prevention Plan (September 28, 2012) was completed by ABD Engineers & Surveyors and submitted to the Town. The Water Quality and Quantity Control components of the SWPPP have been developed in conformance with the requirements of the current NYS Stormwater Management Design Manual. The SWPPP has been reviewed by the Town Designated Engineer and the applicant will revise the SWPPP to comply with all requirements of NYSDEC SPDES GP-0-10-001. A Stormwater Management System Engineering report and O&M Manual for the system will be prepared to meet the requirements of the NYSDEC Phase II regulations.

8. The applicant has submitted a letter from the NYS Natural Heritage Program (dated July 2, 2007) indicating the possible presence of Violet Wood-sorrell (Oxalis violacea), a state threatened plant in the vicinity of the project site. In response, an on-site survey of the property was conducted by a biologist of Copeland Environmental LLC in July 2007 for the presence of Violet Wood-sorrell. By letter report dated November 29, 2007, Copeland Environmental LLC indicates there is no evidence of habitat on the property to support the Violet Wood-sorrell. The letter report states coordination with the DEC, consultation of the US Fish and Wildlife Service lists, and general walkover surveys indicate that state or federally protected species and their habitats do not appear to occur on the project site, therefore, impacts to these species or their habitats is unlikely.

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On a motion by ____________________, seconded by ____________________ and a vote of ___ for and ___ against, and ___ absent, this RESOLUTION was adopted on ____________________.