I. Call to Order

II. Public Comment on Regular Agenda Items - 10 Minutes

III. Minutes Approval
   A. Tuesday, October 15, 2013

IV. Public Hearings
   A. 44 Carstead Drive - Accessory Apartment Special Use Permit / Possible Action to Set Date of Public Hearing

V. Action Items
   A. 44 Carstead Drive - Accessory Apartment Special Use Permit
   B. 44 Carstead Drive - Accessory Apartment Site Plan Waiver

VI. Discussion/Information Items
   A. Van Dyke Spinney - Phase 2 Site Plan

VII. 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>
</tr>
</thead>
<tbody>
<tr>
<td>George Leveille</td>
<td>Board Member/Chairman</td>
<td>Present</td>
<td></td>
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<tr>
<td>Nicholas Behuniak</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<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>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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<tr>
<td>Jeff Lipnicky</td>
<td>Town Planner</td>
<td>Excused</td>
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<tr>
<td>Robert Leslie</td>
<td>Director of Planning</td>
<td>Present</td>
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<td>Terrence Ritz</td>
<td>Assistant Engineer/Land Surveyor</td>
<td>Excused</td>
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II. Public Comment on Regular Agenda Items - 10 Minutes

III. Minutes Approval

A. Tuesday, September 17, 2013

RESULT: ACCEPTED [UNANIMOUS]

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

IV. Action Items

A. Legends Preserve Conservation Subdivision, Jolley Road - Preliminary Plat Approval

Tom Andress of ABD Engineers was present on behalf of the applicant, LDM Management Group, Inc., to provide information and answer questions. Staff comments were provided by Robert Leslie.

The Preliminary Plat, approved by the Planning Board on April 16, 2013, was originally scheduled to expire on October 14, 2013. The Planning Board received a letter from
Thomas Andress, dated September 24, 2013, requesting a time extension. A 90 day time extension was granted by the Planning Board, pursuant to Section 103 - 15 H. of the Subdivision Regulations, extending the Preliminary Plat Approval to January 14, 2014.

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

B. 44 Carstead Drive - Accessory Apartment Special Use Permit / Possible Action to Set Date of 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 Monday, November 4, 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 Howard & Wendy Schaffer to establish an accessory apartment at 44 Carstead Drive, Slingerlands. 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.

The project was before the Board for an initial presentation. Patrick Mooney of Harold H. Geurtze & Co, Inc., and the applicants, Harold and Wendy Schaffer, were present to provide information and answer questions. Staff comments were provided by Robert Leslie.

The applicants are seeking to create an accessory apartment which consists of one (1) bedroom, one (1) bath, living area, and kitchen. The apartment will be occupied by Mr. Schaffer’s mother. The home is located in a Residential A (RA) Zoning District on the northwest corner of Carstead Drive and Pinecrest Drive. Accessory apartments, with kitchens, are permitted uses in the zoning district subject to a Special Use Permit (SUP). A public hearing is required for the Special Use Permit Application.

RESULT: APPROVED [UNANIMOUS]
MOVER: Thomas Coffey, Board Member
SECONDER: Kate Powers, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Smolinsky

C. Birchwood Acres Subdivision, Sec 2B, Amend 1 - Possible action on Park Fee Resolution.

The project was before the Board for possible action on the Parkland Resolution and Conditional Final Approval. The project was originally presented to the Board on 08/20/2013. A public hearing was held on 09/03/2013. Howard Johannessen, PLS of Weston & Sampson, and the applicant, Brian OM Quinn were present to provide information and answer questions. Written comments were provided by Town Planner, Jeffrey Lipnicky. Additional staff comments were provided by Robert Leslie.

Mr. Leslie noted that there are conditions of approval that must be addressed before the final plat can be filed with the Albany County Clerk. These conditions include deeds,
The applicant has 180 days (04/13/2014) to meet the conditions of approval. The Board recommended that Mr. Quinn seek assistance from his engineer & / or attorney to draft the deeds.

PLANNING BOARD
TOWN OF BETHLEHEM

RESOLUTION
RESERVATION OF PUBLIC PARKLAND / FEE REQUIREMENT

BIRCHWOOD ACRES, SECTION 2-B, AMENDMENT 1 SUBDIVISION

WHEREAS, the Town of Bethlehem Planning Board has received an application from Brian OM Quinn and others for re-subdivision of property located at 5 Wicklow Terrace in order to create two additional lots from an existing lot originally approved by the Planning Board on March 26, 1964 as part of a subdivision known as Birchwood Acres, Section 2-B; and,

WHEREAS, approval of the subdivision would result in two additional single-family building lots - plus one lot already developed with single-family home; 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 Division 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 Amendment 1 to Birchwood

Meeting of Tuesday, October 15, 2013
Acres Section 2-B 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 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 Birchwood Acres Section 2-B, Amendment 1 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 Thomas Coffey, seconded by John Smolinsky, and a vote of five (5) for, zero (0) against, zero (0) abstained and zero (0) absent, this RESOLUTION was adopted on October 15, 2013.

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

D. Birchwood Acres Subdivision, Sec 2, Amend 1 - Possible action on Conditional Final Plat Approval.

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

CONDITIONAL APPROVAL OF FINAL PLAT
BIRCHWOOD ACRES, SECTION 2-B, AMENDMENT 1

CERTIFICATE NO. 258 CF
DATE: October 15, 2013

THIS CERTIFIES THAT:

1. The PLANNING BOARD of the TOWN OF BETHLEHEM, Albany County, New York, at a Board meeting held October 15, 2013 CONDITIONALLY APPROVED a FINAL PLAT titled:

This CONDITIONAL APPROVAL also includes the following sheet, which are a part of the FINAL PLAT submission:


ALL DRAWINGS MADE BY: Weston & Sampson, Rensselaer, New York.

2. This Approval was requested by the owner, Brian O’M Quinn, said request being delivered to the Board by C. Howard Johannessen, PLS as Agent for the Owner.

3. Approval was granted following a PUBLIC HEARING held September 3, 2013 at which the Plat was displayed and the plan of subdivision described by Mr. Johannessen.

4. Basic details of the proposed plan of subdivision follow:

A. LOCATION: 5 Wicklow Terrace, Delmar, NY

B. ACCESS: Wicklow Terrace and Wexford Road, both existing Town streets, and Elm Avenue, an existing County Highway.

C. DISTRICTS IN WHICH LOCATED: Core Residence (CR) District, Water District No.1, Bethlehem Sewer District, Bethlehem Central School District, Delmar Fire District.

D. AREA OF PARCEL (ACRES): 1.36 acres.

E. NUMBER OF LOTS PROPOSED: Three (3) residential building lots. (Note: #5 Wicklow Terrace is currently occupied by a single family home.)

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

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

B. In compliance with the State Environmental Quality Review Act (SEQRA):--
(1) On August 20, 2013 determined that the proposed subdivision was an Unlisted action;

(2) On August 20, 2013 made a Negative Declaration;

C. Considered the following recommendation from the Albany County Planning Board dated 8/15/13:

(1) A driveway permit will be required from Albany County Department of Public Works for the lot labeled street #64.

6. The Planning Board decided to consider the Plat submitted a FINAL PLAT due to the following facts--

A. The proposed subdivision consists of three lots and constitutes a minor subdivision as defined at §103-08 and §103-13.(C) of the Town of Bethlehem Subdivision Regulations.

B. One of the lots is already developed and contains a single family home.

C. The subdivision is presently served by public water, sanitary sewer, and a Town street.

D. The plat contains the level of detail required of a final plat as per § 103-34 of the Town of Bethlehem Subdivision Regulations, with only minor modifications required.

E. There are no significant environmental issues associated with the subdivision and no other significant issues were raised at the Public Hearing held on September 3, 2013.

7. 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 Plat on file with the Planning Board.

8. This Approval has been granted for a total of no more than three (3) residential building lots within the Approved Area. (Note: One of the three building lots within the subdivision is currently developed with a single family home.)

9. 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. Add a note to the Plat indicating as follows: “No building permit shall be issued for
construction of any new dwelling unit within this subdivision until such time that the private stormwater easement for the benefit of lot #3 Wexford Place has been filed with the Albany County Clerk’s Office.”

B. Add the following note to the Plat: “No building permit shall be issued for lot #64 Elm Avenue until arrangements have been made with the appropriate utility companies for relocation of overhead power and other utility lines.”

C. Under general site statistics amend “Slingerlands Fire District” to read “Delmar Fire District”.

D. On Sheet 2, provide appropriate erosion control at the catch basin to the rear of #64 Elm Avenue.

10. 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.

11. In order to obtain Building Permits for the lots shown on the Approved Plat, such plat must also be prepared in final form (FINAL PLAT), as stated in the attached “Addendum,” and submitted to the Planning Board for approval.

12. Prior to granting Final Plat Approval in respect to a submitted Final Plat, the Planning Board must have satisfactory evidence that the CONDITIONS stated below—and more fully described in the attached “Addendum”—have been satisfied. (See Subdivision Regulations §103-13.(N) & (O).):

A. MODIFICATIONS to the submitted plat required by this Approval, as listed in Item 9, above have been completed.

B. Arrangements have been completed with the pertinent public utility companies which serve the area in which the proposed subdivision is located for the delivery of electric power and other required utilities to the subdivision, and for the distribution of such power and other services within the subdivision. The arrangements shall include, among other things, provision of the necessary easements by the Owner(s).

13. Conditional Approval of this subdivision plat has been granted subject to the following additional conditions:
A. The Owner(s) shall convey to the Town a corner curve located at the southeast corner of Elm Avenue and Wexford Road as shown on the Plat cited in Item 1 above.

B. Prior to stamping of the Final Plat, the Owner(s) shall submit to the Town Engineering Division for its review and approval a metes and bounds descriptions and closure checks for the corner curve. The Owner(s) shall also provide the Town Engineering Division all necessary paperwork for Town acceptance and filing of the conveyance.

C. The Owner(s) shall grant a sanitary sewer easement to the Town along Elm Avenue as shown on the Plat cited in Item 1 above.

D. Prior to stamping of the Final Plat, the Owner(s) shall submit to the Town Engineering Division for its review and approval metes and bounds descriptions and closure checks for the proposed Elm Avenue sewer easement. The Owner(s) shall also provide the Town Engineering Division all necessary paperwork for Town acceptance and filing of the easement.

E. Prior to stamping of the Final Plat, the Owner(s) shall submit to the Town for its review, draft language for the private stormwater easement provided for the benefit of lot #3 Wexford Road, as shown on the Plat cited in Item 1 above.

F. Simultaneously with the filing of the final plat, the Owner shall file copies of the private stormwater easement in the Albany County Clerk’s Office. A copy of the filed easements and filing receipts shall be provided to the Planning Board Secretary.

G. No Building Permit shall be issued for either lot #3 Wexford Road or #64 Elm Avenue until such time the private stormwater easement cited above is recorded.

H. No building permit shall be issued for lot #64 Elm Avenue until such time arrangements have been made with the appropriate utility companies for relocation of overhead power and other utility lines on the lot.

I. Driveway access to the lot labeled Street #3 shall come from Wexford Road.

J. Prior to the issuance of a Building Permit for home construction on lots #3 Wexford Road and #64 Elm Avenue, the Owner(s) or Purchaser(s) of the respective lot shall pay the required fee in lieu of parkland in accordance with Local Law No. 7 of 2001 and §103-29 of the Town of Bethlehem Subdivision Regulations. (Note: Lot No. 5 Wicklow Terrace contains an existing single family home and is not subject to this fee.)
K. The Owner(s) shall comply with the recommendations of the Albany County Planning Board as outlined in Items 5.C.1.

14. Conditional Approval of this subdivision plat has been granted with the understanding that, in addition to other things, the Owner(s) will--

A. Provide the Town with easements, as required, for (a) drainage purposes, (b) for sanitary sewerage, (c) for water supply and (d) for such other activities for which the Town may need easements—in the locations shown on the Final Plat, and at such other locations as may be required by the Town.

15. The Owner is hereby reminded that in the final design of the subdivision--

A. Off-street parking shall be provided in accordance with the provisions of the Zoning Ordinance (see §128-56 “Off-street Parking and Loading”).

16. The Owner is hereby advised that certain additional requirements may be included in any Final Plat Approval that may be prepared for the subject subdivision. Some of such requirements are either listed in detail below or are more fully described in the attached "Addendum"--

A. The development of the proposed subdivision shall be performed in a manner such that soil loss due to wind and water erosion is held to a minimum. Unnecessary removal of healthy trees shall be avoided. The Town shall reserve the right to require additional measures of erosion control during construction of the project should it determine that such measures are necessary for the protection of surface waters or for the abatement of any nuisance caused by soil erosion from the project site.

17. Appropriate insurance coverage as deemed necessary by the Town of Bethlehem or the State of New York shall be obtained prior to the start of any work contemplated by this approval and proof of such coverage in the form of "Certificate of Insurance" shall be filed with the office of the Building Inspector and/or appropriate office of the State of New York. The Town of Bethlehem shall be named an additional assured.

18. Drainage facilities, sanitary sewers and/or water mains needed for this subdivision shall be constructed and/or installed by the Owner(s). Foundation drains, house sewer laterals, and house water services which are required for this subdivision shall be constructed and/or installed either by the Owner(s) or by the Purchaser(s) of a particular lot. All such construction or installations shall be made to the satisfaction of the Town and in accordance with specifications and/or regulations of the pertinent Town Departments—and of the
19. 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.

20. This approval of the stated 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.

21. In the preparation of the plat in final form all parcels to be conveyed to the Town and all easements to be granted to the Town shall be shown. The areas relating to such conveyances and/or easements shall be clearly delineated and labeled, and it shall be clearly noted on such plat; (a) that the parcels are to be conveyed to the Town, and/or (b) that the easements are to be granted to the Town, and (c) that the intent of each easement is for drainage, for sewer, for water, for a combination thereof, or for other purposes.

22. This approval shall expire April 13, 2014 (180 days from approval) unless the requirements stated in Items 9, 12 and 13.B, D, and E above have been completed to the satisfaction of the Board.

23. Upon satisfactory completion of the requirements stated in Items 9, 12 and 13.B, D, and E above, the Chairman of the Planning Board is empowered to endorse the Final Plat with his signature, thus signifying final approval of the plat.

24. Not later than sixty-two days after the Chairman of the Planning Board has endorsed the Final Plat with his signature pursuant to Item 23, above, the Owner shall file a copy of the approved Final Plat in the Office of the Albany County Clerk or final approval shall expire. The Owner shall submit a copy of the filing receipt to the Planning Board.

25. CERTAIN REQUIREMENTS IN RESPECT TO OBTAINING FINAL PLAT APPROVAL FOR A SUBDIVISION ARE STATED IN THE ATTACHED "ADDENDUM," WHICH IS PART OF THIS APPROVAL.

BY ORDER OF THE PLANNING BOARD
George Leveille, Chairman
NOTE: This approval amends a previously approved subdivision plat known as Birchwood Acres, Section 2-B, approved by the Planning Board at a meeting on March 26, 1964 and cited in Certificate of Approval No. 15, issued June 22, 1964.

RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Kate Powers, Board Member
SECONDER: Nicholas Behuniak, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Smolinsky

E. The Hamlet Apartments, New Scotland Road - Site Plan Amendment - SEQR Resolution

The project was before the Board for an initial presentation and possible action on SEQR and Site Plan Amendment Approval. The applicant, Windsor Development, is seeking approval to add 12 additional surface parking spaces. David Ingalls of Ingalls & Associates, and the applicant, David Sussman of Windsor Development, were present to provide information and answer questions. Staff comments were provided by Robert Leslie.

The 50 unit apartment complex, at 1339 New Scotland Road, was originally approved by the Planning Board on 11/14/2011. A private street (Hamlet Court) runs thru the complex. Two (2) stalls would be located in the vicinity of 15 Hamlet Court, one (1) stall in the vicinity of 10 Hamlet Court, one (1) in the vicinity of 26 Hamlet Court, and eight (8) stalls in the vicinity of 12 and 10 Hamlet Court. Additional landscaping would be added to screen the 8 stall parking area from New Scotland Road. The applicant owns the adjacent property and would need to provide an easement that permits the eight (8) stall parking area on the site. The total number of parking stalls would exceed the Town’s requirement of 1.5 spaces per unit. The added pavement for the parking spaces would consist of porous pavement so there would be no significant change to the drainage plan or SWPPP. The 8 stall parking lot would be located on an adjoining lot that is under the same ownership. A parking license would be put in place to allow for access to the parking area. A copy of the legal agreement must be submitted to the Planning Board.

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

SEQR RESOLUTION
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION

APPLICATION FOR SITE PLAN AMENDMENT 1
The Hamlet Apartments - Windsor Development Group Inc.
1339 New Scotland Road (Hamlet Court - private)
WHEREAS, the Town of Bethlehem Planning Board has received an application from Windsor Development Group Inc. for an amendment to a previously approved site plan, and said amendment entails the addition of 12 surface parking spaces; 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)(1) indicates that when a single agency is involved that agency will be the lead agency and must determine the significance of the action; 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 amendment constitutes an Unlisted action 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 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 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 Amendment for the Hamlet Apartments 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 proposed amendment involves the addition of 12 parking spaces on the site, which will continue to consist of porous pavement.

2) The 8 space parking area is located within the sideyard setback. Site plan design criteria found in Zoning Law 128-71 E(6)(a) authorizes the Planning Board to allow parking spaces within the sideyard setback line if it finds that such parking will not detract from the aesthetic character of the area. The applicant owns the adjacent Price Chopper Plaza and has provided an easement that permits the 8 lot surface parking area on the plaza site. The site plan includes evergreen trees with staggered spacing to screen the lot from New Scotland Road, and therefore the surface parking will not detract from the aesthetic character of the area.

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 John Smolinsky, seconded by Thomas Coffey, and a vote of five (5) for, zero (0) against, zero (0) abstained and zero (0) absent, this RESOLUTION was adopted on
October 15, 2013.

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

F. The Hamlet Apartments, New Scotland Road - Site Plan Amendment

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

SITE PLAN AMENDMENT APPROVAL
The Hamlet Apartments - Windsor Development Group Inc.
1339 New Scotland Road (Hamlet Court - private)


1. TYPE OF APPROVAL: Site Plan Amendment

NAME OF PROPOSAL: The Hamlet Apartments

DESCRIPTION OF PROPOSAL: The site plan amendment specifically includes the following revisions to the previous site plan approval dated November 15, 2011:

- The addition of 12 parking spaces.
- Landscaping surrounding the 8 space parking area.

LOCATION OF SITE: 1339 New Scotland Road (Hamlet Court - private road)

TITLE OF DRAWINGS:

A. Site Plan Amendment, The Hamlet Apartments, Hamlet Court (private), dated August 23, 2013, revised 10/04/2013, prepared by Ingalls & Associates, LLP, Schenectady, New York 12306 - Sheet 1 of 1

2. THIS WILL CERTIFY that the Planning Board, at a meeting held October 15, 2013, AMENDED a previous Site Plan Approval by APPROVING an amendment to the approved Site Plan for the Hamlet Apartments at 1339 New Scotland Road. The AMENDMENT authorizes the addition of 12 surface parking spaces, 2 in the vicinity of 15 Hamlet Court, 1 in the vicinity of 10 Hamlet Court, 1 in the vicinity of 26 Hamlet Court, and an 8 space surface lot in the
vicinity of 12 and 10 Hamlet Court. Additional landscaping is also provided around the 8 space surface parking lot.

3. This Amendment modifies the original Site Plan Approval granted by the Planning Board on November 15, 2011 and documented in Certificate of Site Plan Approval No. S.P.A. 180.

4. Approval of this Amendment was granted with the following MODIFICATIONS to be shown on the revised plan set endorsed with the Planning Board’s stamp of approval:
   A. No modifications to the site plans are necessary.

5. This Approval is granted subject to the following CONDITIONS:
   A. All new pavement shall be porous pavement.
   B. Prior to the Planning Board Chairman’s stamping of the final plan, the applicant shall provide a copy the legal documents associated with the 8 space surface parking lot.

6. All provisions, requirements, and conditions stated in Certificate of Site Plan Approval No. S.P.A. 180 shall remain in full force and effect except as modified by this Amendment.

BY ORDER OF THE PLANNING BOARD

George Leveille, Chairman

RESULT: APPROVED AS AMENDED [UNANIMOUS]

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

G. 10 Salisbury Road and 13 Leonard Place - Pines at Normanside Subdivision Lot Line Revision - SEQR Determination of Significance

The project was before the Board for an initial presentation and possible action on SEQR and Subdivision Amendment Approval. The applicant is seeking approval to amend the existing lot line between 10 Salisbury Road and 13 Leonard Place in the Pines at Normanside Subdivision. The applicant, Stephen Bolduc of Keystone Builders, was present to provide information and answer questions. Staff comments were provided by Robert Leslie.

The lot at 10 Salisbury Road is a residential lot. The lot at 13 Leonard Place was reserved for stormwater management. The applicant wishes to transfer 2,138 sq. ft. of land area from 13 Leonard Place to 10 Salisbury Road to provide the square footage that is needed to construct a 3,660 sq. ft home and remain in compliance with the Town's maximum lot coverage requirement of 20%. The Town's Engineering Division has reviewed the proposed amendment and determined that the land area is not needed for stormwater management, and the land transfer would result in less land area for the Town to maintain. It was noted that the stormwater runoff from 10 Salisbury Road would remain on site and would not be directed to...
the stormwater management area on 13 Salisbury Road. As a result, the requirements for impervious surface area for 10 Salisbury Road would no longer be required.

PLANNING BOARD
TOWN OF BETHLEHEM

SEQR RESOLUTION
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION

LOT LINE REVISION
LOT 10 SALISBURY ROAD and LOT 13 LEONARD PLACE
THE PINES AT NORMANSIDE SUBDIVISION

WHEREAS, the Town of Bethlehem Planning Board ("the Planning Board") has received an application from Keystone Builders, Inc. for approval of a Lot Line Revision in the Pines at Normanside Subdivision at Lots 10 Salisbury Road and 13 Leonard Place; 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, 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 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 Town of Bethlehem Planning Board hereby determines that: (1) the proposed action constitutes an action that is subject to SEQR; (2) the action does not involve a federal agency; (3) no other involved agencies could be identified; (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 short 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 coordinated review of the action is not required, and pursuant to 6 NYCRR 617.6(b)(4) the Board will not coordinate review; 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 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 Lot Line Revision for Lots 10 Salisbury Road and 13 Leonard Place 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 proposed action results in a change in the location of a lot line in an approved subdivision for which an environmental review was previously undertaken and for which a Negative Declaration was previously issued by the Planning Board.

2. The proposed action does not result in any significant changes to the approved The Pines at Normanside Subdivision plans and will not result in any significant physical changes to the parcel.

3. Lot #10 Salisbury Road will no longer contribute to the stormwater management pond associated with the Pines at Normanside subdivision, and is therefore no longer restricted
by the impervious surface requirements of the final plat approval.

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.

On a motion by Nick Behuniak, seconded by Thomas Coffey, and a vote of five (5) for, zero (0) against, zero (0) abstained and zero (0) absent, this RESOLUTION was adopted on October 15, 2013

RESULT: APPROVED [UNANIMOUS]
MOVER: Nicholas Behuniak, Board Member
SECONDER: Thomas Coffey, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Smolinsky

H. 10 Salisbury Road and 13 Leonard Place - Pines at Normanside Subdivision Lot Line Revision

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

CERTIFICATE OF APPROVAL
LOT LINE REVISION
THE PINES AT NORMANSIDE SUBDIVISION
LOT 10 SALISBURY ROAD and LOT 13 LEONARD PLACE

CERTIFICATE NO. 246-CF-A2-LL
Date: October 15, 2013

THIS IS TO CERTIFY THAT:

1. The PLANNING BOARD of the Town of Bethlehem, Albany County, New York, at a meeting held October 15, 2013, approved a LOT LINE REVISION to a previously approved final plat titled, "Final Plat, The Pines at Normanside, Leonard Place, Town of Bethlehem, Albany County, NY", dated 11/07/2011, Drawing Number C-4., The approved plat was prepared by Creighton Manning Engineering LLP, Albany, NY 12205
2. The Final Plat Approval document corresponding to the plat cited above was issued by the Planning Board under date of November 15, 2011 as Certificate of Conditional Approval of Final Plat No. 246-CF.

3. The Lot Line Revision APPROVED by the Planning Board to the subdivision cited above is shown on a drawing titled “Lot Line Adjustment Between 10 Salisbury Road and 13 Leonard Place (Town Stormwater Management Lot) - The Pines at Normanside Subdivision, Subdivision, Grading, and Drainage Place”, dated 09/30/13. The drawing was prepared by Creighton Manning Engineering LLP, Albany, NY 12205

4. The Lot Line Revision was requested by the owner of Lot 10 Salisbury Road and 13 Leonard Place by means of the following:

5. The Lot Line Revision consists of conveying a 2,130 +/- square foot area from Lot 13 Leonard Place to Lot 10 Salisbury Road. The areas of the revised lots are 40,784 +/- square feet and 18,325 +/- square feet, respectively.

6. Prior to approving this Amendment, the Planning Board:
   A. On October 15, 2013, classified the proposal as an Unlisted action and issued a Negative Declaration in compliance with the State Environmental Quality Review Act.

7. The following MODIFICATIONS shall be made to the drawing cited in Item 3, above:
   A. No modifications are required.

8. This Lot Line Revision is granted subject to the following CONDITIONS:
   A. Prior to the stamping of the plans by the Planning Board Chairman, the applicant shall provide to the Planning Board secretary all necessary completed documents associated with the 15-foot drainage easement (as shown on the plan).
   B. The drawing cited in Item 3 above shall be filed in the Office of the Albany County Clerk. Evidence of said filing shall be provided to the Secretary of the Planning Board.

9. Upon satisfactory completion of the requirement(s) stated in Items 7 above, the Chairman of the Planning Board is empowered to endorse the approved drawing with his signature.
10. This Approval is an amendment in the location of the lot line between Lot 10 Salisbury Road and Lot 13 Leonard Place. Additionally, this amendment results in Lot 10 Salisbury Road no longer contributing to the stormwater management pond associated with the Pines at Normanside subdivision, and is therefore no longer restricted by the impervious surface requirements of the final plat approval. It does not authorize any other amendments to the drawings or conditions that are part of the Pines at Normanside Subdivision Approval, as cited in the Certificate of Conditional Approval of Final Plat No. 246-CF, which shall otherwise remain in full force and effect.

BY ORDER OF THE PLANNING BOARD

George Leveille, Chairman

Note: This Approval will expire within 180 days of granting such approval unless all applicable requirements stated herein have been completed. In addition, this Approval will expire unless the approved drawing is filed with the Albany County Clerk within 62 days following endorsement of said drawing by the authorized Planning Board officer.

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

V. Discussion/Information Items

A. Newell Place, Wemple Road - Proposed Conservation Subdivision - Initial Presentation

The project was before the Board for an initial presentation to identify the items necessary for the Planning Board to consider the project. David Ingalls of Ingalls & Associates, Lee Rosen of Rosen Development and the applicants, Thomas and Valerie Newell, were present to provide information and answer questions. Staff comments were provided by Robert Leslie.

The applicant is seeking approval to develop a 53.91 acre parcel located within a "super-block" of vacant land between Feura Bush Road, Wemple Road, Elm Avenue, and Elm Avenue East. The proposed project consists of 18 lots with a total of 90 dwelling units - including 1 existing single family home, 5 new single family homes, fifteen (15) 4-unit multi-family and three (3) 6-unit multi family "owned in fee simple." Recommendations from the Town's Land Use Management Advisory Committee's (LUMAC) Transportation Plan and Route 9W Corridor Study will be taken into consideration during review of the project. An in depth review is needed to better understand the potential impacts to local streets if a north-south collector road is not constructed. The applicant retained the services of Creighton Manning Engineering (CME) to assist with traffic impact assessment. The Town has retained the services of Clough Harbor & Associates (CHA). The applicant must submit additional layout options, including a Planned Development District (PDD) option, which includes a north-south collector road. A PDD may provide the density that is needed to offset the cost of installing the collector road. The applicant must provide information
which demonstrates the need for additional multi-family housing in the community, and what the public benefit of the project would be. As part of the public benefit the Board may wish to consider the possibility of adding another link to the existing trail corridor along the Dowers Kill stream to enhance connectivity.

B. Reschedule 11/05/2013 Meeting To 11/04/2013
Chairman Leveille noted that the first meeting in November was changed from Tuesday, 11/05/2013 (Election Day) to Monday, 11/04/2013 at 6:00 p.m.

C. Senior Planner Position Update
Robert Leslie provided an update regarding the Senior Planner position. He noted that the Town received 24 applications for the position, of which seven (7) candidates were interviewed; and three (3) were invited back for 2nd interviews. The position was offered to Kenneth Kovalchik, of Monroe, NY. Ken is a graduate of SUNY-Albany Master’s Program of Planning. He is expected to bring a mix of work experience to the department having served as a municipal planner in Nevada as well as a project representative for a solar company in New York. Ken is expected to begin work on 10/24/2013 if the Town Board approves his appointment on 10/23/2013.

D. Ribbon Cutting Ceremony for Owens Corning / Constellation Solar Project
Mr. Smolinsky noted that he attended the Ribbon Cutting Ceremony for the Owens Corning / Constellation Solar project. He noted that the technology was very impressive. He also noted that the Town received positive feedback regarding its review of the application.

VI. Adjournment
Motion To: Adjourn at 7:25 p.m. - Next Meeting Monday, November 4, 2013

RESULT: ADJOURN [UNANIMOUS]
MOVER: George Leveille, Thomas Coffey
SECONDER: Nicholas Behuniak, Board Member
AYES: Leveille, Behuniak, Coffey, Powers, Smolinsky
MEMORANDUM

TO: Chairman Leveille & Planning Board Members

FROM: Robert Leslie, AICP

RE: Public Hearing Waiver of Site Plan Review /Draft Special Use Permit Approval Document 44 Carstead Drive – Accessory Apartment

DATE: October 31, 2013

On November 4th the Planning Board will hold a public hearing pursuant to Section 128-69 (L) of the Zoning Law regarding a proposal to convert an addition on the east side of the existing residence for the purpose of establishing an accessory apartment. The request is to establish a 480 +/- sq. ft. one (1) bedroom, one (1) bath, living area, and kitchen area for an accessory apartment for her mother. The applicant has received a building permit for the addition but desires to add a kitchen to the addition, which results in the need for a special use permit for an accessory apartment. The property is located in a Residential A Zoning District where accessory apartments are permitted as a Special Use Permit and subject to criteria found in Zoning Law §128-73. The property is located on the northwest corner of Carstead Drive and Pinecrest Drive.

At the November 4th meeting, the Planning Board will also have the opportunity to waive site plan review and approve the special use permit.

Staff Recommendation:
The Board should grant a waiver for site plan review as the application meets the criteria of Section 128-71 B of the Town of Bethlehem Zoning Law (Application Waiver). The application also meets the criteria of Section 128-73 of the Town of Bethlehem Zoning Law for accessory apartments and therefore the Board should consider taking action on the attached draft Special Use Permit document.

Please feel free to contact me if you have any questions regarding this matter.

Attachments

cc: D. Kitchen, M. Moore
WHEREAS, an application has been filed with the Planning Board of the Town of Bethlehem, Albany County, New York by Wendy and Howard Shaffer for a Special Use Permit under Sections 128-71 and 73 of the Zoning Law, to construct a one (1) story, 480 +/- square foot addition to an existing single family residence, located at 44 Carstead Drive, Slingerlands for an accessory apartment which includes a one (1) bedroom, one (1) bath, living area, and kitchen area; and,

WHEREAS, the Planning Board, acting on said application, granted an application waiver for site plan review and approval, per Section 128-71-B of the Zoning Law at its November 4, 2013 meeting. The Planning Board determined that the action to be undertaken as described in the site plan application consisted of a minor nature and would not result in significant additional traffic generation, wastewater flows, or water consumption and would not otherwise adversely affect pedestrian and traffic circulation, eliminate parking, or alter the height of the existing façade. This determination will be forwarded in writing to the Building Inspector by the Department of Economic Development and Planning in a letter dated November 4, 2013; and,

WHEREAS, the Planning Board, acting on said application, duly advertised in the Spotlight, held a public hearing on said application at the Town Hall, 445 Delaware Avenue, Delmar, New York on November 4, 2013 at 6:00 PM; and,

WHEREAS, Members of the Board are familiar with the area in which the proposed addition is to be undertaken and the specific site of same; and,

WHEREAS, all those who desired to be heard had the opportunity to be heard at the above hearing; now therefore,

BE IT RESOLVED, that the Planning Board makes the following Findings of Fact and Conclusions of Law in this matter:

**FINDINGS OF FACT**

Wendy and Howard Schaffer is the Owner of property located at 44 Carstead Drive (Town of Bethlehem) and seeks a Special Use Permit under Town of Bethlehem Code Chapter 128, Article VII.

1. The property in question is located in a Residential A (RA) Zoning District where accessory apartments are permitted as a Special Use Permit.

2. The apartment is located within the principal building in compliance with Section 128-73 A.

3. The apartment is clearly subordinate to the one-family dwelling unit to which it is attached in compliance with Section 128-73 B1.

4. The number of bedrooms in the apartment will not be more than two (i.e. one bedroom is proposed) in compliance with Section 128-73 B2.
5. The floor area of the accessory apartment is greater than 400 square feet (i.e. 480 +/- square feet) in compliance with Section 128-73 B3.

6. The floor area devoted to the apartment is less than 40% of the entire floor area of the one family dwelling or 1000 square feet, whichever is less, in compliance with Section 128-73 B4.

7. The accessory apartment will have a safe and proper means of entrance, clearly marked for the purpose of fire safety and mail service (i.e. 44 A Carstead Drive) in compliance with Section 128-73 B5.

8. The site is served by existing public water and sewer and adequate capacity exists for the accessory use in compliance with Section 128-73 B6 and 7.

9. The owner(s) of the one-family lot upon which the accessory apartment is located, occupy a dwelling unit on the premises in compliance with Section 128-73 B10.

10. The proposal consists of a one (1) story addition on the east side of the building, and includes a portion of the existing residence space. The proposed addition is not of a sufficient magnitude to alter the general appearance of the single-family residence.

11. The site provides adequate off-street parking for the accessory apartment.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, this Board concludes that permitting the proposed 480+/- square foot accessory apartment to the existing owner occupied, single family residence will be in compliance with the standards as set forth in Section 128-69 and 73 of the Zoning Law.

Accordingly, the Planning Board hereby grants the Applicant’s request for a Special Use Permit.

On a motion by ____________, seconded by ____________ and a vote of ____ for, ____ against, and ____ absent, this Resolution was adopted on ____________.

BY ORDER OF THE PLANNING BOARD

George Leveille, Chairman

The foregoing Resolution filed with the Clerk of the Town of Bethlehem, Albany County, NY, on ____________.

Deborah Kitchen, Administrative Assistant
See map entitled, "MAP OF CARSTEAD DRIVE SUBDIVISION SECTION NO. 2 PROPERTY OF REGIONAL DEVELOPMENT CORPORATION", dated October 26, 1966 and made by Edward W. Boutelle and Son, Civil Engineers and Surveyors and filed in the Albany County County Clerk's Office as map number 4505 drawer number 164.

Certification:
I hereby certify to City and County Savings Bank, Robert S. and Marlene C. Bourke and to USLife Title Insurance Company of New York that the survey shown is correct.

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MAP OF PROPERTY OF
ROBERT S. AND MARLENE C. BOURKE
TOWN OF BETHLEHEM

PAUL E. HITE & WILLIAM F. MOSER, LICENSED LAND SURVEYORS
205 DELAWARE AVENUE
DELMAR, NEW YORK
44 Carstead Drive
Special Use Permit - Accessory Apartment
Aerial Location Map

Accessory Apartment Location
44 Carstead Drive
Special Use Permit - Accessory Apartment
Aerial Location Map
MEMORANDUM

TO: Chairman Leveille & Planning Board Members

FROM: Robert Leslie, AICP

RE: Public Hearing
Waiver of Site Plan Review /Draft Special Use Permit Approval Document
44 Carstead Drive – Accessory Apartment

DATE: October 31, 2013

On November 4th the Planning Board will hold a public hearing pursuant to Section 128-69 (L) of the Zoning Law regarding a proposal to convert an addition on the east side of the existing residence for the purpose of establishing an accessory apartment. The request is to establish a 480 +/- sq. ft. one (1) bedroom, one (1) bath, living area, and kitchen area for an accessory apartment for her mother. The applicant has received a building permit for the addition but desires to add a kitchen to the addition, which results in the need for a special use permit for an accessory apartment. The property is located in a Residential A Zoning District where accessory apartments are permitted as a Special Use Permit and subject to criteria found in Zoning Law §128-73. The property is located on the northwest corner of Carstead Drive and Pinecrest Drive.

At the November 4th meeting, the Planning Board will also have the opportunity to waive site plan review and approve the special use permit.

Staff Recommendation:
The Board should grant a waiver for site plan review as the application meets the criteria of Section 128-71 B of the Town of Bethlehem Zoning Law (Application Waiver). The application also meets the criteria of Section 128-73 of the Town of Bethlehem Zoning Law for accessory apartments and therefore the Board should consider taking action on the attached draft Special Use Permit document.

Please feel free to contact me if you have any questions regarding this matter.

Attachments

cc: D. Kitchen, M. Moore
MEMORANDUM

TO: Gil Boucher, Building Inspector

FROM: Robert Leslie, AICP

RE: Site Plan Application Waiver for 44 Carstead Drive – Accessory Apartment, Wendy and Howard Shaffer

DATE: November 4, 2013

At its October 15 and November 4, 2013 meetings, the Planning Board heard a proposal to convert an addition on the east side of the existing single family residence, located at 44 Carstead Drive, for the purpose of establishing an accessory apartment. The Planning Board has reviewed the proposed site plan/special use permit application and submits the following recommendation.

In accordance with Section 128-71-B (Application Waiver) of the Town Zoning Law, site plan review and approval may be waived by the Planning Board if it determines that the proposed site plan will not result in significant additional traffic generation, waste water flows, or water consumption, and would not otherwise adversely affect pedestrian and traffic circulation, eliminate parking, or alter the height of the exterior façade. This determination shall be made to the Building Inspector, in writing, after decision of the Planning Board.

At its meeting on November 4, 2013, the Planning Board determined that the action to be undertaken as described in the site plan/special use permit application is minor in nature since the exterior changes to the building involves a one (1) story 480+/- addition on the east side of the existing single family residence. This letter serves to inform you that the Planning Board grants an application waiver of site plan review for the proposed accessory apartment at 44 Carstead Drive.

Note: This does not include a waiver of the Special Use Permit review. On November 4, 2013 the Planning Board approved a special use permit for the proposed accessory apartment. A copy of that approval is attached.

Please contact me if you have any comments regarding this matter.

Attachment

Cc: D. Kitchen, M. Moore
MEMORANDUM

TO:        Chairman Leveille & Planning Board Members

FROM:    Robert Leslie, AICP

RE:    Van Dyke Spinney – Planned Development District
       Initial Presentation – Phase 2 – 62 Units

DATE:   November 1, 2013

At the November 4, 2013 Planning Board meeting, the Board will hear an initial presentation from
Brewer Engineering regarding Van Dyke Spinney Phase 2, which includes the construction of 62 dwelling
units for senior citizens. The proposed layout for Phase 2 is consistent with the layout approved by the
Town Board during the Planned Development District rezone. Please note at the request of the Town
Supervisor, residents along Van Dyke Road were notified of the project’s listing on the November 4,
2013 agenda (see attached letter to Van Dyke Road resident).

Phase 2 project components include:

- Construction of nine (9) buildings to accommodate the 62 units.
- Proposed extension of sanitary sewer and water along the site frontage of Van Dyke Road from
  Aertsan Place to Gelder Way.
- Landscaping plan along the Van Dyke Road site frontage to screen the development from the
  road and adjacent properties.
- Building elevations would follow the same color scheme and architectural features as Phase 1.
- All site facilities, including roads, sewer, water, and stormwater areas within the site will be
  privately owned and maintained.
- Sewer and water line extension along Van Dyke Road would be owned by the Town of
  Bethlehem.

The site plans are currently under review by the Town Engineering Division. Please note the SEQR
Negative Declaration issued during the PDD approval remains in effect, and the subsequent site phases
(Phase 1 – 5) will not need to undergo SEQR action.

Site Plan Items Needed

Internal Walking Trail
The Van Dyke Spinney PDD approval document required the development of an internal walking trail
network throughout all five (5) phases of the project. Phase 1 also requires internal walking trails, which
have yet to be identified through the site. (The October 2010 approved site plans do not show an
internal walking trail.) At this time, it is recommended that as the trails for Phase 2 are located on the
site plan, the trails for Phase 1 should also be identified. In this manner a logical trail connection point
between Phase 1 and Phase 2 could be identified. Staff notes that the linear area of land (50-ft wide) between Phase 1 and Phase 2 would serve as a logical trail connection. Additionally, as shown on Sheets 15 and 16, a staggered row of Norway Spruce trees were approved as part of the landscape plan along the Phase 2 northern boundary. A minor modification to the landscaping may be necessary to provide for the connection between Phase 1 and 2. The applicant is currently working with staff to layout the internal walking trail for Phase 1 and Phase 2.

8-Foot wide Multi-Use Path
The Van Dyke Spinney PDD approval document required an 8-foot wide multi-purpose path along the eastern side of Van Dyke Road. In Phase 1, the multi-use path was required along Van Dyke from the Delmar By-pass extension to the Aertsan Place. Due to construction delays the installation of the multi-use path will not occur this year. The multi-use path is to be constructed of porous pavement, which requires specific temperate conditions for proper installation. Late fall and winter temperature conditions do not permit the installation of porous pavement. As such, the multi-use path will be constructed as soon as possible this upcoming spring.

Regarding Phase 2, the applicant proposes to extend the multi-use path from Aertsan Place to Gelder Way. The path will be constructed following installation of the sewer and water lines, which will also extend from Aertsan Place to Gelder Way – parallel to the multi-use path.

An option to avoid the delayed construction of the multi-use path, which occurred in Phase 1, would be to condition the issuance of a Building Permit upon completion of the sewer and water line extensions and completion of the multi-use path. Essentially, the utility and multi-use path work along Van Dyke Road is to be completed prior to the issuance of a Building Permit to begin construction of any of the buildings. In this manner, all work within the Van Dyke Road right-of-way would occur at the same time so as to avoid a lengthy construction period along Van Dyke Road.

**Next Steps**
Engineering Division comments will be provided to the applicant. Following the applicant’s response to comments and layout of internal walking trail system the plans should be ready for site plan approval action by the Planning Board.

**Brief history of the Van Dyke Spinney Project Development and Approvals**
In May of 2008, Van Dyke Spinney, LLC received approval from the Bethlehem Town Board establishing a Planned Development District (PDD) for 87.89+/- acres of a 91.87+/- acre parcel of land located on Van Dyke Road. The remaining 3.98+/- acres (located on the west side of Van Dyke Road) remains within the existing Residential A zoning district. The applicant proposes to eventually seek subdivision approval for the 3.98+/- acres to create up to eight (8) individual lots for detached single family residences. In addition, the applicant donated 33+/- acres of land along the Phillipin Kill for open space/conservation purposes to the Mohawk Hudson Land Conservancy.

The Planned Development District approval allows the applicant to construct up to 229 dwelling units for senior citizens on the east side of Van Dyke Road on land commonly referred to as the Leonard Farm. The individual residences within the PDD would range in size from 800+/- square feet to 1,400+/- square feet and would be arranged in attached townhouse style fashion. Most of the units would have an attached one-car garage.

The project also includes a 4,400+/- sq. ft. community center for residents, which includes a swimming pool and potential tennis and/or multi-purpose courts. These amenities are proposed to be constructed as part of Phase IV of the project. In the meantime, residents will be able to use the existing community center, pool and tennis courts at Adam Station apartments, which are also owned by the applicants.
Listed below is a chronology of dates and sequence of events in the review of this project:

- August 23, 2006 the Town Board accepted the PDD application for Van Dyke Spinney, and referred the application to the Planning Board pursuant to Section 128-40 C for review and recommendation. The Town Board also considered the project as a Type I action under SEQR and declared itself as lead agency.

- October 3, 2006 the applicant presented the preliminary site plan to the Planning Board.

- May 1, 2007 the applicant provided an update to the Planning Board in response to comments including meetings with Town staff and with representatives from Barton and Loguidice, the Town Designated Engineer (TDE) assigned to this project. The updated information included items such as slope stability, storm water pollution prevention, traffic impacts, grading, landscaping, location of wetlands and other site development issues.

- October 2, 2007, the Planning Board unanimously adopted a resolution recommending that the Town Board “amend the current zoning district boundaries to include a Planned Development District for the purpose of constructing up to 229 multi-family residence units for senior citizen living” and further that the project constitutes an action which will not have a significant impact on the environment and recommended that the Town Board issue a negative declaration pursuant to the provisions of SEQR (copy of negative declaration attached).

- October 24, 2007 the Town Board accepted the Planning Board’s recommendation that it amend the current zoning district to a Planned Development District.

- October 24, 2007 the Town Board issued a Negative Declaration pursuant to Article 8 of the Environmental Conservation Law (copy of Town Board’s negative declaration attached).

- November 28, 2007 Town Board held a public hearing pursuant to Section 128-40 8(a) of the Zoning Code to solicit public comment on this project. The Town Board extended the public hearing to accept written comments until December 12, 2007.

- February 27, 2008 the applicant submitted a response to public comments, which were provided to the Town Board members.

- May 14, 2008 Town Board adopted a resolution requiring a fee be paid in lieu of public parkland. This resolution recognized that the applicant will provide on site private recreation facilities, including a clubhouse and swimming pool, and that the parkland fee should therefore be reduced by an amount of 50% of the required fee or 50% percent of the cost of the on-site facilities, whichever is less.

- Also on May 14, 2008, the Town Board approved the Planned Development District application for Van Dyke Spinney. The Town Board’s approval of the PDD allowed the applicant to move forward for site plan review by the Planning Board (copy of Town Board approval document attached).
June 17, 2008 the applicant presented their project to the Planning Board for site plan review. At that meeting, the Board recommended that certain buildings proposed on the north end of the site be eliminated which would reduce potential impacts on wetlands and limit the amount of clearing and tree removal in that area. It would also allow for the selective clearing of some of the trees and vegetation for the proposed multi-purpose path while improving the line of site along this portion of Van Dyke Road.

September 2, 2008 the applicant returned to the Planning Board with an updated site plan that reduced the total number of units to 214 which mitigated impacts on wetlands and reduced the amount of clearing and tree removal on the north end of the site.

March 2, 2010 the applicant presented a project update to the Planning Board. The applicant proposes to build the project in five (5) phases which was presented to the Board. Phase I involves the construction of 44 units located on the north end of the site.

October 19, 2010 the applicant received site plan approval for Phase I.

April 2012 the applicant received a site plan amendment for Phase 1 regarding the landscaping plan for the areas within the 50’ buffer areas and the typical foundation plantings for the residential units including the planting of a street tree at 50’ +/- intervals. This also included the final architectural design of all proposed buildings, including the color and material proposed for use on exterior structures and the style of exterior light fixtures.

April 2012 applicant completed the land conveyance to Mohawk Hudson Land Conserancy.

Please contact me if you have any questions regarding this matter.

CC: D. Kitchen, M. Moore