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>John Smolinsky</td>
<td>Chairman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Thomas Coffey</td>
<td>Board Member</td>
<td>Present</td>
<td></td>
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<tr>
<td>Leah Farrell</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Scott Lewendon</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Kate Powers</td>
<td>Board Member</td>
<td>Present</td>
<td></td>
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<tr>
<td>Michael Moore</td>
<td>Planning/Zoning Board Counsel</td>
<td>Excused</td>
<td></td>
</tr>
<tr>
<td>Deborah Kitchen</td>
<td>Assistant to the Planning Board</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Robert Leslie</td>
<td>Director of Planning</td>
<td>Present</td>
<td></td>
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<tr>
<td>Jeff Lipnicky</td>
<td>Town Planner</td>
<td>Excused</td>
<td></td>
</tr>
<tr>
<td>Kenneth Kovalchik</td>
<td>Senior Planner</td>
<td>Present</td>
<td></td>
</tr>
</tbody>
</table>

II. Public Comment on Regular Agenda Items - 10 Minutes

None

III. Minutes Approval

A. Tuesday, May 05, 2015

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Thomas Coffey, Board Member
SECONDER: Leah Farrell, Board Member
AYES: Smolinsky, Coffey, Farrell, Lewendon, Powers

IV. Public Hearings

A. Newell Place Conservation Subdivision on Wemple Road - Public Hearing

The project was before the Board for a Public Hearing. Lee Rosen of Rosen Development, Peter Yetto of Ingalls and Associates, and Tom & Valerie Newell, the applicant's, were present to provide information and answer questions. Staff comments were provided by Robert Leslie. To date, the project was placed on the following Planning Board Agendas: 11/19/2013, 05/06/2014, 04/21/2015, 05/05/2015 and 05/19/2015.
**Discussion / Information Items**

- project consists of a 53 lot major subdivision on Wemple Road, Glenmont
- the conservation layout includes a total of 50 residential lots and 3 stormwater lots
- 40 cottage style homes on Wemple Rd on the northern portion of the site
- 1 conventional single family home on Somerset Dr.
- 9 conventional single family homes on Egmont Ct on the southern portion of the site
- in addition 16 acres will be deed restricted / preserved as open space
- a portion of the site will also be reserved for a future North/South collector road; a potential connection with East/West collector road known as Kimmey Drive
- two easements will remain in place on lot that is located on Somerset (Sewer easement for Town & Agriculture easement for Applicant)
- road length was reduced from 6,600 l.f. in the conventional layout to under 3,000 l.f. in the conservation layout
- an alternative / conventional layout was also submitted for consideration
- the conventional layout included 89 lots (29 on Wemple, 1 on Somerset and 49 on Egmont)
- homes designed to cater to "empty nesters" and people who wish to "down size"

**Public Comment**

**Lawrence Shell, 136 Hasgate, Glenmont**

- owns property on the corner of Hasgate and Egmont which borders the southern portion of the development
- concerned about drainage area and existing trees located in the rear of his parcel
- would like established / mature trees to be preserved, if possible
- unable to construct a fence due to location of existing drainage easement

**Linda Jasinski, Bridge Street, Selkirk**

- excited about proposed development
- follows objectives of the Town's Comprehensive Plan
- infill project
- conservation design
- includes open space preservation
- diversified housing opportunity
- provides options for aging residents
**Michael Waldenmaier, Beacon Road, Glenmont**
- thanked the Newell family for providing open space
- walks along Wemple Road every day
- good product for town
- opportunity for residents to down-size
- provides Homeowner's Association (HOA) services
- it is the type of project people should be proud of

**Paul Supple, 52 Somerset Dr, Glenmont**
- owns property on Somerset which borders the southern portion of the development
- concerned about traffic patterns, traffic impacts and wetlands
- are stop signs need
- will a cut thru be created
- no opposed to the project
- noted that the right of way that is in current use on the lot which fronts on Somerset contains wooden posts and NO Trespassing signs has become an eye sore
- understands the applicant's concerns related to trespassing
- wondered if insurance coverage could indemnify the Newell family so they are not responsible for trespassers

**Board Member / Staff Comments**
- Town encourages preservation of existing vegetation and buffer zones between existing and proposed development
- street layout on the northern portion of the site is designed for traffic calming
- there will be stop signs within the proposed neighborhood
- traffic study was done for intersection at Feura Bush Road and Elsmere and Feura Bush Road and Wemple Road
- level of service at Elsmere & Feura Bush intersection saw a slight decrease from level C to D
- as a result of the impact to the Elsmere / Feura Bush Rd impact the applicant has agreed to contribute $21,000 toward intersection improvements (21 trips in PM peak x $1,000 per trip)
- wetlands delineation has been completed on the site
- applicant is pursing an ACOE permit for wetland impacts
- lot on Somerset will be privately owned not Town owned and fencing/appearance of the lot will be left up to the new owners of that lot
Next Steps

- staff will looking comments made by the public regarding the lot on Somerset
- possible action to approve Preliminary Plat at 06/02/2015 meeting

Further discussion of the project was tabled.

RESULT: CLOSED [UNANIMOUS]
MOVER: Thomas Coffey, Board Member
SECONDER: Scott Lewendon, Board Member
AYES: Smolinsky, Coffey, Farrell, Lewendon, Powers

B. Newell Place Conservation Subdivision Public Hearing Information Materials

V. Action Items

A. Crossroads Subdivision - Section 3 - Tate 3 Lot Minor Sub on Wemple Road, Glenmont - Possible Action to Adopt Park Fee Resolution Requiring Payment of Park Fee In-Lieu-Of Park Land Reservation

The proposed 3 lot minor re-subdivision was before the Board for possible action / approval. James Easton of WSP / Charles Sells was present on behalf of the applicant, Frank Tate, to provide information and answer questions. Staff comments were provided by Kenneth Kovalchik. To date, the project was placed on the following Planning Board Agendas: 03/03/2015, 04/21/2015, 05/05/2015 and 05/19/2015.

Discussion / Information Items

-project consists of a 3 lot minor subdivision on Wemple Road, Glenmont
-location of home on lot #2 was shifted to accommodate a 25' setback
-deed restricted area for lots 2 & 3 to include white pine trees
-restrictive covenants not needed / deed restrictions will suffice
-conditions related wetland protection, land conveyance, and vegetation preservation, must be met before the Planning Board Chairman endorses the approved plan
-the design does not encroach on setbacks required by National Grid right-of-way
-Mr. Kovalchik provided information regarding the conditions of approval

There was no further discussion.
WHEREAS, the Town of Bethlehem Planning Board has received an application from Frank Tate, Owner - Tate Family Limited Partnership for a subdivision of property located on Wemple Road in order to create three total lots from one existing lot; and,

WHEREAS, approval of the subdivision would result in three vacant single-family building lots; 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 Crossroads Subdivision - Section 3, Tate Family Limited Partnership 3 Lot Minor Subdivision presents a proper case for the requirement of public parkland, but that a suitable park of adequate size, which meets the criteria outlined in Local Law No. 7 of 2001 and Chapter 103 of the Code of the Town of Bethlehem, cannot be properly located on the 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 Crossroads Subdivision - Section 3, Tate Family Limited Partnership 3 Lot Minor Subdivision the amount and payment of which shall be made in accordance with Local Law No. 7 of 2001 and Chapter 103 of the Code of the Town of Bethlehem.

On a motion by Ms. Powers, seconded by Mr. Coffey, and a vote of five (5) for, zero (0) against, zero (0) abstained, and zero (0) absent, this RESOLUTION was adopted on May 19, 2015.

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

B. Crossroads Subdivision - Section 3 - Tate 3 Lot Minor Sub on Wemple Road, Glenmont - Possible Action to Grant Final Plat Approval

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

CONDITIONAL APPROVAL OF FINAL PLAT

CROSSROADS SECTION 3 - 3 LOT MINOR SUBDIVISION - WEMPLE ROAD

CERTIFICATE NO. 265 CF
DATE: May 19, 2015

THIS CERTIFIES THAT:

1. The PLANNING BOARD of the TOWN OF BETHLEHEM, Albany County, New York, at a Board meeting held May 19, 2015 CONDITIONALLY APPROVED a FINAL PLAT titled:

A. "Subdivision Plan, Sheet C-3 (4 of 8), Crossroads Subdivision - Section 3, Tate Family Limited Partnership, Wemple Road, Town of Bethlehem, New York", dated December 4, 2008, revised through April 24, 2015.

Additional plans include:

B. "Cover, Sheet 1 of 8, Crossroads Subdivision - Section 3, Tate Family Limited Partnership,
Wemple Road, Town of Bethlehem, New York", dated December 4, 2008, revised through April 24, 2015.

C. "Notes, Index and Legend, Sheet C-1 (2 of 8), Crossroads Subdivision - Section 3, Tate Family Limited Partnership, Wemple Road, Town of Bethlehem, New York", dated December 4, 2008, revised through April 24, 2015.

D. “Existing Conditions Plan, Sheet C-2 (3 of 8), Crossroads Subdivision - Section 3, Tate Family Limited Partnership, Wemple Road, Town of Bethlehem, New York", dated December 4, 2008, revised through April 24, 2015.

E. "Grading and Utility Plan, Sheet C-4 (5 of 8), Crossroads Subdivision - Section 3, Tate Family Limited Partnership, Wemple Road, Town of Bethlehem, New York", dated December 4, 2008, revised through April 24, 2015.

F. "Sanitary Sewer Plan/Profile, Sheet C-5 (6 of 8), Crossroads Subdivision - Section 3, Tate Family Limited Partnership, Wemple Road, Town of Bethlehem, New York", dated December 4, 2008, revised through April 24, 2015.

G. "Erosion and Sediment Control Plan, Sheet C-6 (7 of 8), Crossroads Subdivision - Section 3, Tate Family Limited Partnership, Wemple Road, Town of Bethlehem, New York", dated December 4, 2008, revised through April 24, 2015.

H. "Details, Sheet D-1 (8 of 8), Crossroads Subdivision - Section 3, Tate Family Limited Partnership, Wemple Road, Town of Bethlehem, New York", dated December 4, 2008, revised through April 24, 2015.

All drawings made by: WSP Transportation and Infrastructure, Albany, NY.

2. This Approval was requested by the Frank Tate, Owner - Tate Family Limited Partnership on January 30, 2014, said request being delivered to the Board by James Easton, P.E. (WSP Transportation and Infrastructure) as Agent for the Owner.

3. Approval was granted following a PUBLIC HEARING held May 5, 2015 at which the Plat was displayed and the plan of subdivision described by James Easton, P.E.

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

A. LOCATION: Wemple Road, Glenmont.
B. **ACCESS:** Wemple Road, an existing Town road.

C. **DISTRICTS IN WHICH LOCATED:** Residential A District, Crossroads 0 Water District, Bethlehem Sewer District #8, Bethlehem Central School District, Selkirk Fire District.

D. **AREA OF PARCEL (ACRES):** 1.39 acres.

E. **NUMBER OF LOTS PROPOSED:** Three (3) residential building lots.

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. Federal wetlands exist on the site and were delineated by North Country Ecological Services with a map titled “Existing Conditions” dated December 4, 2008, last revised April 24, 2015.

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

1. On April 21, 2015 determined that the proposed subdivision was an Unlisted action;

2. On April 21, 2015 made a Negative Declaration;

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 in §103-08 and §103-13(C) of the Town of Bethlehem Subdivision Regulations.

B. An area variance (AV-1403) for the subdivision regarding a flag lot for Lot 2 was issued by the Zoning Board of Appeals on April 16, 2014. An extension of time was issued by the Zoning Board of Appeals at their April 15, 2015 as the Applicant was unable to commence construction within one year of the date of approval of the variance. The extension of time is valid through December 31, 2015.

C. The subdivision is presently served by public water, sanitary sewer and a Town road.
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 no 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 May 5, 2015.

7. This Approval has been granted for a total of no more than three (3) residential building lots within the Approved Area.

8. This Approval has been granted with the following MODIFICATIONS which shall be shown on the plat of the subdivision prior to stamping of the plans:

A. Sheet C-3 (4 of 8) - Revise the title block and remove Subdivision Plan and replace with Final Plat.
B. Sheet C-6 (7 of 8) - Show the 20ft wide vegetation preservation deed restriction area as shown on Sheet 4 of 8.

9. No construction work, clearing or land disturbance 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.

10. Prior to granting Final Plat Approval in respect to a Final Plat (see item 8A above), the Planning Board must have satisfactory evidence that the CONDITIONS specified below have been satisfied:

A. 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).

11. Conditional Approval of this subdivision plat has been granted subject to the following additional conditions:

A. Prior to the stamping of the Final Plat, the Owner(s) shall submit to the Town Department of Economic Development and Planning for its review and approval the deed restriction language and document for lot #224 Wemple Road and lot #228 Wemple Road associated with the vegetation preservation deed restriction area as shown on the Plat cited in Item 1.
above. The Town of Bethlehem shall be identified as the party for enforcement. Notice shall be incorporated in the deeds to lot #224 Wemple Road and lot #228 Wemple Road, notifying owners of (1) the presence of deed restricted areas and their purpose, and (2) the right of the Town to enforce the deed restrictions.

B. Within the hatched buffer area, as shown on the Plat cited in Item 1 above, located on the lot line for Lot 2 and Lot 3, there shall be no clearing, burning, cutting or destroying of trees or vegetation, except removal or trimming of vegetation hazardous to person or property, or of timber downed or damaged due to disease or natural disaster. The plot plans prepared in connection with the Building Permits for the development of lot #224 Wemple Road and #228 Wemple Road shall show the hatched buffer area as shown on the Plat cited in Item 1 above.

C. 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 20ft wide utility easement (for sanitary sewer purposes), which extends across lot #218 Wemple Road and lot # 224 Wemple Road. The Owner(s) shall also provide the Town Engineering Division all necessary paperwork for Town acceptance and filing of the easement.

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 20ft wide private sewer lateral easement, as shown on the Plat cited in Item 1 above, provided for the benefit of lot # 228 Wemple Road. 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 Engineering Division for its review and approval metes and bounds descriptions and closure checks for the proposed 28ft wide utility easement (for access to the sanitary sewer line), which extends across lot # 224 Wemple Road. The Owner(s) shall also provide the Town Engineering Division all necessary paperwork for Town acceptance and filing of the easement.

F. 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 private ingress/egress easement, provided to the benefit of lot # 228 Wemple Road. The final language for the proposed ingress/egress easement agreement shall be prepared by the Owner and submitted to the Town for approval by the Planning Board Attorney.

G. Simultaneously with the filing of the final plat, the Owner shall file copies of the ingress/egress easement and deed restrictions in the Albany County Clerk’s Office. A copy
of the filed easements, deed restrictions and filing receipts shall be provided to the Planning Board Secretary.

H. No Building Permit shall be issued for lot # 218 Wemple Road, lot # 224 Wemple Road or lot # 228 Wemple Road until such time the utility easements, ingress/egress easement and deed restrictions cited above are recorded.

I. Notice shall be incorporated in the deeds to lot # 218 Wemple Road, lot # 224 Wemple Road and lot # 228 Wemple Road, which contain Federal Regulatory Wetlands, indicating there is Federal Regulatory Wetland on the property and there shall be no further filling of said wetland or other disturbance thereto without prior contact and authorization from the US Army Corp of Engineers. Final draft language for said Notice shall be prepared by the Owner(s) and submitted to the Town for approval prior to the signing of the Final Plat.

J. The Owner shall retain an archeologist on call during the site grading phase of construction activity. In the event any cultural artifacts are uncovered during site grading, the contractor shall suspend grading activity in the general vicinity of the artifacts and notify the Owner and archeologist. The parties in turn will notify and consult with the Town and NYS Historic Preservation Office to develop and implement an appropriate mitigation and/or recovery plan.

K. 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 land conveyance along Wemple Road. The Owner(s) shall also provide the Town Engineering Division all necessary paperwork for Town acceptance and filing of the conveyance.

L. The Owner(s) shall convey to the Town land located along Wemple Road as shown on the Plat cited in Item 1 above.

M. Prior to the issuance of a Building Permit for home construction on lot #218 Wemple Road, lot #224 Wemple Road and lot # 228 Wemple Road, 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.

N. Prior to any land disturbance on the site, the limits of disturbance as illustrated on the Erosion and Sediment Control Plan (Sheet 7 of 8), and the 20ft wide vegetation preservation deed restriction area as illustrated on Subdivision Plan (Sheet 4 of 8) for lot #224 Wemple Road and lot #228 Wemple Road shall be delineated in the field with orange construction fencing to avoid disturbance to areas outside the limits.

12. 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. Such easements shall be provided to and accepted by the Town prior to the issuance of Building Permits for the subdivision.

13. 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”).

14. The Owner(s) is/are hereby advised that one or more of the following requirements will be included in any Certificate of FINAL PLAT APPROVAL that may be prepared for the subject subdivision--

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.

15. 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.

16. 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 Albany County Department of Health, where applicable.

17. 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.
18. 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.

19. 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.

20. This approval shall expire November 15, 2015 (180 days from approval) unless the requirements stated in Items 10 and 11 (associated with the stamping of the Final Plat) above, have been completed to the satisfaction of the Board.

21. Upon satisfactory completion of the requirements stated in Items 10 and 11 above, the Chairman of the Planning Board is empowered to endorse the Final Plat with his signature, thus signifying final approval of the plat.

22. Not later than sixty-two days after the Chairman of the Planning Board has endorsed the Final Plat with his signature pursuant to Item 21, 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.

BY ORDER OF THE PLANNING BOARD

John Smolinsky, Chairman

RESULT: APPROVED AS AMENDED [UNANIMOUS]

MOVER: Thomas Coffey, Board Member
SECONDER: Leah Farrell, Board Member
AYES: Smolinsky, Coffey, Farrell, Lewendon, Powers

C. Elm Avenue Subdivision - Elm Avenue / Shanks Place, Delmar - SEQR - Possible Action to adopt Resolution for Coordinated Review

The project was before the Board for an initial presentation. Frank Barbera of Barbera Homes, the applicant, Rob Osterhoudt of Bohler Engineering, Mark Kelly and Kevin Klersy were present to provide information and answer questions. Staff comments were provided by Kenneth Kovalchik. To date, the project was placed on the following Planning Board Agendas: 05/05/2015 and 05/19/2015.

Discussion / Information Items
- Project consists of a subdivision on Elm Avenue / Shanks Place, Delmar
- The applicant has provided plans showing a conventional layout with 63 lots and a conservation layout showing 53 lots
- It was determined that a coordinated SEQR review would be the best course of action
- The Town would serve as Lead Agency

Next Steps
- Letters would be sent to involved / interested agencies to solicit comments

There was no further discussion.

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

SEQR RESOLUTION
PRELIMINARY CLASSIFICATION OF ACTION AND LEAD AGENCY COORDINATION

APPLICATION FOR SUBDIVISION APPROVAL
ELM AVENUE SUBDIVISION

WHEREAS, the Planning Board of the Town of Bethlehem has received an application from Barbera Homes, Inc. for approval of a proposed subdivision located along Elm Avenue in the vicinity of Shanks Place and NYS Route 32; and,

WHEREAS, the development parcel consists of +/- 46.4 acres of land located on the east side of Shanks Place, NYS Route 32 and Elm Avenue and said land is currently zoned Residential A District; and,

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

WHEREAS, the State Environmental Quality Review Act regulations found at 6 NYCRR Part 617.3(a) require that no agency shall undertake, fund or approve an action until it has complied with the provisions of SEQR; and,
WHEREAS, the SEQR regulations found 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 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, 6 NYCRR 617.6(b) establishes procedures for establishment of lead agency and coordinated review of Unlisted actions,

NOW, THEREFORE, BE IT RESOLVED,

that the Planning Board of the Town of Bethlehem hereby determines that the application of Barbera Homes, Inc. for subdivision approval of lands located along Elm Avenue in the vicinity of Shanks Place and NYS Route 32 constitutes an action that is subject to SEQR; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby determines that the preliminary SEQR classification of the action shall be designated as “Unlisted”; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby determines that at minimum, a full EAF is necessary to determine the significance of the action; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby determines that the proposed action is not located in an agricultural district and therefore is not subject to the provisions of the Agriculture and Markets Law; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby determines that a federal agency, specifically the U.S. Army Corps of Engineers, may have jurisdiction in this matter in as much as federal regulatory wetland may be located on the site and impacted by development; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby determines that other involved agencies with respect to this action may include: (1) the Albany County Health Department; (2) the New York State Department of Environmental Conservation; (3) the Albany County Department of Public Works, (4) the Town of Bethlehem Highway Department, and (5) the Town of Bethlehem Department of Public Works; and,
BE IT FURTHER RESOLVED,

that the Planning Board hereby determines that interested agencies with respect to this action may include: (1) the New York State Office of Parks, Recreation and Historic Preservation, (2) the Delmar Fire District, (3) the Town of Bethlehem Building Department; and (4) Albany County Planning Board; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby determines that coordinated SEQR review of this action will be undertaken in accordance with 6 NYCRR Part 617.6; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby authorizes and directs the Town Department of Economic Development and Planning (DEDP) to initiate coordinated review by filing a copy of the subdivision application, full EAF - Part 1 and appropriate notice with involved agencies, and notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby authorizes and directs the Town DEDP to notify interested agencies of the proposed action; and,

BE IT FURTHER RESOLVED,

that the Planning Board as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review; and,

BE IT FURTHER RESOLVED,

that having notified the involved agencies of the Planning Board's desire to be Lead Agency, the Planning Board hereby declares it shall be Lead Agency for SEQR review of the proposed action unless objection to such designation is received from any involved agency within the above specified thirty day (30) time period.

On a motion by Mr. Lewendon, seconded by Ms. Powers, and a vote of five (5) for, zero (0) against, zero (0) abstained, and zero (0) absent, this RESOLUTION was adopted on May 19, 2015.
RESULT: APPROVED [UNANIMOUS]
MOVER: Scott Lewendon, Board Member
SECONDER: Kate Powers, Board Member
AYES: Smolinsky, Coffey, Farrell, Lewendon, Powers

D. Homes by Quality PM, LLC - 3 Lot Minor Subdivision - 86 Cherry Avenue, Delmar - Possible Action on SEQR Classification of Action and Negative Declaration

The project was before the Board for possible action on SEQR and to set a date for the Public Hearing. Paul Hite, of Hite Land Surveying, and Greg Biche of Quality PM, the applicant, were present to provide information and answer questions. Staff comments were provided by Kenneth Kovalchik. To date, the project was placed on the following Planning Board Agendas: 04/21/2015 and 05/19/2015

Discussion / Information Items
-consists of a 3 lot minor subdivision at 86 Cherry Avenue, Delmar
-drawings were revised / now 4 sheets instead of 1
-staff visited the site on 05/07/2015 with the applicant to address comments / concerns raised by the Board at the 04/21/2015 meeting
-some existing evergreen trees will be relocated
-an upland area near the northeast corner of the site will be impacted during construction but the applicant plans to retain as much vegetation as possible
-a lot of the existing vegetation on northeast portion of site has been suffocated by vines that have taken over
-the sewer easement has been shifted to allow for the installation of a fence along the rear property line
-Albany County DPW will not allow the applicant to saw cut the pavement on Cherry Avenue
-Albany County DPW stated that an option would be to bore into an existing manhole
-Town Engineer standards does not allow sewer lateral to discharge into an exiting manhole
-it was determined that a sewer extension off of Leaf Road is the best option
-a neighbor on Leaf Road, to the south, would also be able to tie into the proposed sewer
-staff is comfortable with the Board moving forward with SEQR
-ACPB reviewed the project on 04/21/2015, comments were related to access, road capacity & drainage
-lot 1 has an existing curb cut, lots 2 & 3 will require new curb cuts
-additional fill will be placed along Cherry Avenue
-Mr. Hite met with Theresa Egan, 40 Leaf Road, has expressed an interest in having the trees planted on her property to ensure that they would be preserved

Board Member Comments:
Mr. Lewendon recommended that the applicant place additional vegetation on the top of the proposed berm to help buffer 35 Leaf Road.

Mr. Lewendon requested that more details be added to the planting schedule, i.e., species and size.

There was no further discussion.

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

SEQR RESOLUTION
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION

86 CHERRY AVE - 3 LOT MINOR SUBDIVISION
HOMES BY QUALITY PM, LLC

WHEREAS, the Town of Bethlehem Planning Board has received an application from Homes by Quality PM, LLC for re-subdivision of property located at 86 Cherry Avenue (Map Parcel No. 85.14-4-18.1), Delmar, NY, in order to create three additional lots from an existing lot approved by the Town of Bethlehem via a land division in 2014; 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) involved agencies include the Albany County Department of Public Works; (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,

the Planning Board hereby declares it is lead agency with respect to SEQRA review of the proposed subdivision; 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 Homes by Quality PM, LLC - 3 Lot Minor 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 this determination is based upon the following facts and conclusions:

1. The proposal is to re-subdivide a previously approved lot in order to create three new undeveloped lots.

2. The project does not require the construction of any new roadway. Access to each of the three lots is provided from Cherry Avenue (County Route 52), an existing County road.
3. The site is located on a County roadway (County Route 52) and, pursuant to §239-m of General Municipal Law, Albany County Planning Board (ACPB) reviewed the project at their April 21, 2015 meeting. The ACPB commented that a review by the Albany County Department of Public Works (AC DPW) for design of highway access, assessment of road capacity, and drainage will be required and a highway work permit will be required from AC DPW for any work done within the right of way for CR 52. The ACPB included an advisory note stating it appears that the changes to the grade on this property will be channeling water into a southeasterly direction behind adjacent houses. The seepage pits shown may not be adequate if the water table is high. The town may want to ensure that drainage from the site does not adversely impact neighboring properties.

4. Site drainage will conform to existing drainage patterns in the area. Total site disturbance will be kept to less than one acre. An erosion control plan will be prepared for the project and will be reviewed and accepted by the Town prior to any site disturbance.

5. The subdivision is located within both the public water and sanitary sewer districts and these districts have adequate capacity to serve the proposed subdivision. A Town sewer line will be extended from Leaf Road through the rear of the subdivision, which will allow lateral connections to each of the three proposed homes.

6. Review of the site in the field and with available environmental data revealed no other significant or environmentally sensitive characteristics of the parcel or issues requiring further study.

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 Ms. Farrell, seconded by Mr. Coffey, and by a vote of five (5) for, zero (0) against, zero (0) abstained, and zero (0) absent, this RESOLUTION was adopted on May 19, 2015.

RESULT: APPROVED [UNANIMOUS]
MOVER: Leah Farrell, Board Member
SECONDER: Thomas Coffey, Board Member
AYES: Smolinsky, Coffey, Farrell, Lewendon, Powers

E. Homes by Quality PM, LLC - 3 Lot Minor Subdivision - 86 Cherry Avenue, Delmar - 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 will conduct a Public Hearing as part of its regularly scheduled Board Meeting on Tuesday, 06/02/2015 at 6:00 p.m., at the Town Offices, 445 Delaware Ave., Delmar, NY regarding a Subdivision Application, submitted by Homes by Quality PM,
LLC, as shown on drawing entitled “Map of Proposed (3) Lot Subdivision, Lands of Homes By Quality PM, LLC, Street No. 86 Cherry Avenue, Town of Bethlehem, Albany County, New York”, dated 02/26/2015, prepared by Paul E. Hite, LLS, 230 Delaware Ave, Delmar, NY. 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 will be mailed to property owners within 200’ of the subject property. Said notice will also be published in the 05/27/2015 issue of the Spotlight Newspaper. All interested persons are invited to attend and be heard.

The Public Hearing will be held on 06/02/2015 at 6:00 p.m.

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

VI.  Discussion/Information Items

A. Kendall Square, 394 Elsmere Avenue - Amendment to Commercial Building A - Initial Presentation on Site Plan

The proposed site plan amendment was before the Board for an initial presentation. James Giacone of Kendall Commercial LLC, the applicant, Dan Sanders of Harris A. Sanders, Architects, P.C. and Peter Yetto of Ingalls & Associates, were present to provide information and answer questions. Staff comments were provided by Robert Leslie. The original site plan was approved 05/20/2014. To date, the proposed amendment was placed on the following Planning Board Agendas: 05/19/2015

History

In July 2010, the Board approved the Kendall Square project which consisted of 110 dwelling units and up to 40,000 sf commercial space. To date 102 dwelling units have been constructed. A condition of the original approval requires that development of the commercial / mixed use structures would require further review to ensure that each building complies with the Hamlet Zoning District guidelines and is consistent with the overall site plan.

In May 2014, site plan approval was granted to Mr. Giacone to construct a 4,500 sf mixed use building (A) at 394 Elsmere Ave, to be located near the intersection of Elsmere Ave and Ive St, a private road in the Kendall Square development. The proposal included expanded parking, sidewalk between Ive St and Feura Bush Rd, and internal sidewalks around the building and in the parking area. The building was to include commercial use on the 1st floor and three (3) dwelling units on the 2nd floor. The building design/layout was found to be consistent with the 2010 site plan approval for Kendall Square.

Discussion / Information Items

-applicant seeking to amend the previously approved site plan for the mixed use building at 394 Elsmere Avenue
-proposed amendment includes a 4,800 sf mixed use building. 1st Floor to consist of a 3,770 sf office and one 2-bedroom apt. 2nd Floor to consist of four 2-bedroom apartments. 23 parking stalls proposed, 19 required (including 8 for the residential units). Proposed changes include building size / location, roadway, sidewalk, parking layout / spaces added

Comments from the Applicant
-applicant received approval for the prior application but was not content with the design/layout
-noted that the prior approval was for 3 residential units, and there was no garage space
-a commercial realtor was hired to market the site
-problem with original design was that it included 3 large oversized apartments (1,500 sf each), above commercial space, with 21 steps to get to the 2nd floor, and no garages
-the current application includes 5 residential units (4 units on the 2nd floor and an ADA adaptable unit on 1st floor)
-original design had a stair case at each end of the building, this design has one staircase in the center of the building
-stormwater & parking areas remain unchanged
-current building is a smaller footprint
-facade colors were modified / improved
-applicant noted an economic struggle / financial limitations
-prior administration recognized that buildings within a Hamlet District need flexibility
-applicant's vision is to construct one more 2-story building and possibly two 1-story buildings
-noted that good things take time "like the Vista project which also received tax breaks"
-has not found anyone willing to sign a commercial lease for ten years
-has come to realize that no one builds a building this size unless 75% of it is leased
-could allow a pizza shop but would rather locate food services closer to the corner
-has presented a building which reflects the applicant's preference for design
-a few deli's have contacted the applicant and asked for a 1,500 sf floor plan
-applicant wants a product mix, does not want to allow a deli and then have a competing restaurant at the corner
-would like the Town to approve the redesigned building and if the applicant cannot rent the commercial space in two years, allow the applicant to add three more residential units
-if the Town can't approve with that condition / option, applicant would like the Town to allow a sixth apartment
-after meeting with his accountant, and obtaining the estimated taxes, the applicant has decided to move forward with the current design
-applicant claims that offices generally don't want a bank of windows on the front of the building or a desk to be higher than the bottom of a window

-applicant open to retail, but would not want to allow a pizza, deli or sub shop in the same building as a specialty food store

-applicant believes he has met the hamlet design guidelines with regard to front & back access to the building, window size, awnings, cultured stone, color scheme, and areas reserved for signage, etc.

-applicant claims that the prior administration led him to believe the commercial portion of Kendall Square was only conceptual and the buildings still needed to be designed

-an ADA adaptable apartment on the 1st floor allows applicant to construct a 4th unit on the 2nd floor and makes the project buildable

-applicant willing to accept approval for 5 units, possibly 6, rather than the 8 that can be constructed

-the cost of constructing the building can be floated with 5 apartments and reduces the risk

**Board Member / Staff Comments**

-Mr. Smolinsky noted that he is seeing a move away from the mixed use Hamlet design and more importantly the commercial look of the original approval

-noted that the applicant had submitted a letter which states that if the commercial space does not work out he would be interested in converting it to more apartments

-wondering what is the applicant's long range vision is for the rest of the site

-is concerned that 5 of the 8 units are being added in this building which leaves only 3 units for the remainder of the site

-it was noted that the applicant was aware of the concepts and approvals for the site

-the Members are open to hearing more information related to the difficulties of marketing a commercial property and the conditions which prevent this project from being a marketable site

-Town was expecting to see mixed uses in all 4 buildings

-Ms. Farrell stated that she agrees that the proposed building feels like it is moving away from commercial

-Ms. Powers understands that there may have been unforeseen circumstances which required a change in design but many questions were asked / considered when the project was originally approved

-the Members would be open to hearing that the applicant has thought this through and is prepared to demonstrate, and present evidence, that the revised layout will work better than the original layout

-it sounds as though there may still be room with the current proposal

-Mr. Lewendon does not understand why the facade was changed along Elsmere Avenue

-the current proposal does not look like a commercial building
-wondered if there was something against allowing retail in the building
-suggested that the building be designed so it can accommodate residential, office & retail
-current building appears to be limited to residential & office, no retail
-noted that design guidelines for the Hamlet Zone are pretty clear when it comes to treatments on the facade of the buildings
-Mr. Coffey stated that he likes the design and understands the risks involved
-appreciates the applicant's hesitation and agrees that an office setting on the 1st floor would be preferred over a food service
-Mr. Smolinsky agrees that features on the building such as cultured stone are very nice
-believes the commercial look of the original facade is where the building ought to go
-recommends, in terms of construction logistics, that the applicant clean up the overall appearance of the site to improve marketability
-amenities for the ADA adaptable apartment should be identified on the plan
-ADA parking should be located near the ADA apartment
-Mr. Leslie noted that the previously approved building showed 3 entrances on the side of the building closest to Elsmere Ave
-wainscoting's panels and doors could be added to allow for both office and retail
-Town concerned that the building plan is for full residential rather than mixed use
-mixed use building should allow for retail to comply with the original plan for Kendall Square
-Mr. Smolinsky recalls that the approval was geared toward commercial development at the corner
-applicant has boxed out retail and restaurants and has made it difficult to find tenants
-would like to receive input from a commercial realtor
-questioned, is there no market for retail, restaurant and food service businesses?
-if it is only the applicant's concept / vision to box out commercial uses, Mr. Smolinsky would not be very sympathetic to giving up the commercial space on the 1st floor because the applicant has chosen not to allow certain types of development
-Ms. Farrell would prefer that the 1st floor apartment be ADA accessible, not just ADA adaptable

**Next Steps**

-Board Members to determine if the project complies with the Hamlet Zoning District guidelines
-Board Members to determine if the project is consistent with the overall site plan that was approved for Kendall Square
- Applicant to address Board Member concerns related to the facade / commercial appearance

- Applicant to review Hamlet District design guidelines as well as the approval documents for Kendall Square and provide a narrative or matrix which shows how the project complies with the guidelines and the original approval

Further discussion of the project was tabled.

VII. New Business
None

VIII. Adjournment

Motion To: Adjourn at 7:26 p.m. - Next meeting 06/02/2015 at 6:00 p.m.

RESULT: ADJOURN [UNANIMOUS]
MOVER: Leah Farrell, Board Member
SECONDER: John Smolinsky, Chairman
AYES: Smolinsky, Coffey, Farrell, Lewendon, Powers