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>
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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>
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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>Robert Leslie</td>
<td>Director of Planning</td>
<td>Present</td>
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<tr>
<td>Jeff Lipnicky</td>
<td>Town Planner</td>
<td></td>
<td>Excused</td>
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<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

III. Minutes Approval

A. Tuesday, December 20, 2016

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Leah Farrell, Board Member
SECONDER: Scott Lewendon, Board Member
AYES: John Smolinsky, Leah Farrell, Scott Lewendon, Kate Powers

IV. Public Hearings

A. TACS Autobody Expansion, 525 Route 9W / 6 Beacon Road, 533 Route 9W, 10 Beacon Road - Public Hearing 01/03/2017

The project was before the Board for a Public Hearing and possible action on the Special Use Permit / Site Plan applications. Staff comments were provided by Robert Leslie. Tom Andress of ABD Engineering and Steve Jones, Architect, as well as the owners / applicants (the Ungerer family) were present to provide information and answer questions. To date, the project was placed on the following Planning Board Agendas: 06/21/2016, 12/06/2016 and 01/03/2017.
**Presentation**
- application to expand existing auto service
- new 11,000 sf freestanding building
- right in, right out on Route 9W
- closing width of rear entrance along Beacon
- adding landscaping, fencing & gate
- merging 3 parcels 6 Beacon Road (525 Route 9W), 10 Beacon Road & 533 Route 9W
- demolishing 2 homes
- disturbance for stormwater management is under 1 acre so DEC approval not required
- stormwater post flow will not exceed preconstruction
- oil water separator will filter water before it enters stormwater management area
- stormwater management area to discharge into Town system
- applicant contributing to offsite / intersection improvements at Feura Bush Rd / Route 9W / Glenmont Rd
- 6’ fence along rear property line that abuts Geist
- 4’ fence in front yard setback on Beacon Road
- trees will remain
- screening along property boundary of abutting Day Care facility on Route 9W
- landscaping along front of Building
- facade will consist of pre-engineered materials & steel components
- mezzanine level to be stick built to accommodate office above ground floor waiting room
- mezzanine above shop to accommodate employee break room
- east elevation articulation (color, materials, scale, horizontal/vertical elements)
- canopy over handicap parking area

**Written Comments**
- Chairman Smolinsky noted that 28+/- documents were received by the Board during the public comment period

**Verbal Comments at 01/03/2017 meeting**
- Joe Manzi, Selkirk
- Hank Digeser, Glenmont
- Mike Raffe, 11 Noryl Drive, Delmar
- Brent Yanulavich, 169 Adams Street, Delmar
- Patricia Seibert, 15 Beacon Road, Glenmont
- Red Griffin, Attorney for Geist
- Stephen Malinowski, 171 Adams Street
- Tim Devost, Bryn Mawr Drive, Glenmont
- Karl Geist, 16 Beacon Road, Glenmont
- Carolyn Raferty
- unknown individual, Beacon Rd, Glenmont
- Sarah Sanford
- Deborah Umina
- Mike Frank
- unknown individual
- Carole Furman, Rural Place, Delmar
- Theresa Mudoco
- Mark K, Realty USA
- Garo Darian, Route 9W, Glenmont
- John Allen
- Peter Geist
- Dave Leavitt
- Chris Geist

The Public Hearing was closed at 7:15 p.m.

**Discussion / Information Items**

- existing building to remain with internal renovations and facade improvements
- motor vehicle repair is a permitted use in the Rural Hamlet Zoning District
- multiple buildings are allowed
- current building encroaches into front yard setback
- pre-existing non confirming uses can not be expanded
- other commercial uses in the vicinity include: 3D Rigging, former Dairy Queen, Church, Self-storage facility
- mix of residential / commercial uses
- concerns related to ground and water contamination were addressed
- TDE / CHA reviewed stormwater drainage report
  - no greater post runoff than pre development
- TDE / CHA and Town reviewed information about water separator system
- site plan includes arborvitae plantings along existing 4’ chain link fence
- building articulation
- accidents reports for past 7 years show no pattern attributed to TACS
- fluids from payment and roof will go thru oil/water separator
- NYS DEC reviewed project and determined that a permit was not required
- speedy dry is used to absorb fluids
- wrecked cars typically leak out at site of accident
- TDE / CHA and Town Engineer reviewed the drainage plan
- NYS DEC is aware of the site plan and proposed activities
- new paint booths to be installed in the new buildings
- new filtration system to replace existing 25 year old system
- new technology will improve process and filtration
- filters must capture 98% of volatile organic compounds and hazardous
  - currently 99.45 efficient
- paint fumes and toxins will be trapped
- dumpster plans for new facility including fencing and screening
- current business is bursting at the seems
- applicant to discuss pick up time with company that provides dumpster services
- scrap metal is taken to the port as a source of income

**Board Member / Staff Comments**
- articulation of facade for 5,000 sf building
- noise / location of four garage doors
- understand concerns of neighbors
- wants to retain small businesses
- believes the neighbors will see improvements
- retaining wall along boundary of property line between Geist & TACS
- species and variety of plantings to be added to landscape plan for boundary between Day Care & TACS
- lighting 15’ pole lights adjacent to residential
-lights to face away from Geist and flow West to East

-SPA to be amended to provide for 4-5 arborvitae along slope adjacent to retaining wall

-species of arborvitae to be specified as emerald green or equivalent.

RESULT: CLOSED [UNANIMOUS]
MOVER: Leah Farrell, Board Member
SECONDER: Kate Powers, Board Member
AYES: John Smolinsky, Leah Farrell, Scott Lewendon, Kate Powers

V. Action Items

A. TACS Autobody Expansion, 525 Route 9W / 6 Beacon Road, 533 Route 9W, 10 Beacon Road
   - Possible Action on Special Use Permit Approval

   WHEREAS, an application has been filed with the Planning Board of the Town of Bethlehem, Albany County, New York by T.A.C.S Autobody to construct an 11,125 square foot autobody and autorepair facility with parking and vehicle circulation areas at 525 Route 9W. The project will be an expansion of the existing motor vehicle autobody and repair facility at the site, which has been in existing for over 30 years. The existing single-family homes located at 10 Beacon Road and 533 Route 9W will be demolished to accommodate the project. A stormwater detention basin will be constructed on site; 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 January 3, 2017 at 6:00 PM; and,

   WHEREAS, Members of the Board are familiar with the area of the proposed project 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,

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

T.A.C.S Autobody is owner of 525 Route 9W/6 Beacon Road, 10 Beacon Road, and 533 Route 9W in the Town of Bethlehem, and seeks a Special Use Permit under Town of Bethlehem Code Chapter 128, Article VII.

1. The site of the proposed action is located in a Rural Hamlet Zoning District, where a motor vehicle repair shop is a permitted use subject to special use permit and site plan review by the Planning Board. The motor vehicle repair shop has been in operation at the site for over thirty years.

2. Zoning Law 128-35 provides design guidelines for the Rural Hamlet zoning district. The Planning Board is directed to use its discretion as to the applicability of these guidelines to redevelopment projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas.

All three parcels included in the project area consist of previously disturbed lands areas. Existing homes and a garage on the properties will be demolished. Design guidelines items (3), (4), (5) (8) (9), (10), (11), (12), (13), (14), (16), and (18) apply to the building architecture and appearance. The building elevations, as referenced in the site plan approval document, are consistent with these design guidelines. The proposed building is 11,125sqft. in area and consists of a two-story structure, which includes 58-ft of facade area articulated and projected in front of the larger building façade for a customer waiting area and office space in a mezzanine level. The roofline in this area is peaked to break-up the overall flat roofline. The façade materials consist of a mixture of vertical and horizontal metal siding and concrete block. The side and rear façade include a mix of vertical and horizontal metal siding. Based on a review of existing buildings and the mix of uses within the general area of the project, there is no consistent building character along the Route 9W street frontage that should be followed. The new building is designed in a manner consistent with the general architectural features of the existing building on the TACS site. The new building is aligned with the existing TACS building for compatibility purposes, continuity of the site’s appearance, and orientation towards Route 9W. Correspondence from Stephen D. Jones R.A., dated December 22, 2016, describes the articulation and features of the east (front) façade.
Additional items that are applicable to the project include items (17), (18), and (23) related to parking and delivery areas. The rear of the site will be used for the delivery of equipment, supplies, and vehicles in need of repair. Parking located on the site will address the parking need and complies with the Zoning Law’s off-street parking requirements. Landscaping will be installed along Beacon Road frontage, and portions of Route 9W. There is limited space between the Route 9W property line and parking area that restricts the landscaping area.

3. The project is located within the Route 9W corridor and is consistent with the applicable Route 9W Corridor design guidelines found in Bethlehem Zoning Law §128-67.D. A single curb cut consisting of right-in/right-out only access will be provided along Route 9W. The site layout will not preclude or have significant adverse affects on a future roundabout at the Route 9W and Beacon Road intersection.

4. Zoning Law §128-69 outlines performance standards to be considered by the Planning Board. The applicant has submitted to the Planning Board an assessment, dated 9/28/16, of the performance standards as they may relate to the project.

5. A lighting detail and lighting pattern specifications was prepared for the project, which shows that no lighting will spill onto adjacent residential properties, nor interfere with traffic safety or the useful enjoyment of adjoining properties.

6. A back flow prevention device will be installed as part of the project. This device requires approval from the Town of Bethlehem Water District, Albany County Health Department and the New York State Bureau of Water Supply.

7. The site is served by existing public water and sanitary sewer services. The redevelopment of the site will not place any significant additional demands on these facilities.

8. Access to the project will be provided from three driveways - one located along US Rt. 9W and two located along Beacon Road. The site plan consolidates the existing full width driveway along Beacon Road into an exit only driveway located adjacent to Route 9W and a full access driveway located at the rear of the site. The Rt. 9W driveway is designed as right-in/right-out only to address queuing, potential safety and related access concerns with a full service driveway along Rt. 9W. The right-in/right-out is consistent with access management recommendations contained in the Town’s 2008 “US 9W Corridor Transportation Planning Assessment” and the Zoning Law 128-69 Route 9W Corridor Design Guidelines.

9. Consistent with traffic report conclusions and the SEQR Negative Declaration issued by the Planning Board, the Owner has agreed to make a fair share monetary contribution to an escrow account to be established by the Town for mitigation of traffic impacts at the intersection of US Rt. 9W and NYS Rt. 910A. This escrow account would be established for
the sole purpose of funding intersection improvements that contribute to reducing vehicle delay at the intersection. The amount of the Owner’s contribution is $6,000.00 (or $1,000.00 for each new trip the project would generate through the intersection during weekday PM peak hour as estimated in the project’s traffic report).

10. The redevelopment of the site (two existing residential lots), as an alternative to development of a “greenfield” site, is a stated goal of the Town of Bethlehem’s Comprehensive Plan.

11. Pursuant to the State Environmental Quality Review Act, the Planning Board at its meeting of December 4, 2016 considered the potential environmental impact of the proposed project and issued a Negative Declaration, finding that the project would not have a significant impact on the environment.

12. Pursuant to NYS General Municipal Law §239 the application was referred to Albany County Planning Board (ACPB). ACPB issued its recommendation concerning the application on June 16, 2016. As part of its determination ACPB recommended that the application be reviewed by the NYS Department of Transportation for design of highway access, drainage and assessment of roadway capacity. Referral and subsequent conversation between NYSDOT and Town Planning Staff indicates concurrence with the plan for site access. NYSDOT suggested the Town consider closing the existing driveway on Beacon Road [closest to Route 9W].

Town staff’s review of accident history for a 7 year period (2010 - 2016) at the intersection of Route 9W and Beacon Road/Asprion Road identified no accidents attributed to the location of the existing driveway on Beacon Road closest to the intersection. Discussions with the Bethlehem Police Department confirmed this assessment. Modifying the existing driveway to an exit only, and defining the driveway boundary is expected to improve operations at the intersection since vehicles entering from Beacon Road will be restricted to the rear driveway location (140-feet from the intersection). It is recommended that the existing driveway on Beacon Road closest to Route 9W be modified to an exit only.

13. ACPB also issued an advisory note concerning the application for the town to consider a condition under site plan approval to address the stormwater quality runoff. Adequate provision has been made for the collection and discharge of storm water from the site. The project land disturbance will consist of 0.98 acres, which does not require post construction stormwater management practices in accordance with the NYSDEC SPDES General Permit for Stormwater Discharges. However, in accordance with Zoning Law 128-49 D(2) a Stormwater Management Report was prepared by ABD Engineers, LLP, revised October 17, 2016 to verify that the land disturbance would not alter or change the direction and/or quantity of water flow within any established drainage channel or that would not change the direction and/or quantity of water flow across neighboring properties. According to the Report, stormwater from the site will sheet flow to catch basin/closed pipe system that flows to a detention basin onsite. The storage volume provided onsite will detain the
rainfall and the post developed peak flow rates from the 1, 10, 25, and 100-year storm events to less that the predevelopment condition. An oil/water separator will be installed just before the outlet to capture any oils that may runoff the pavement into the storm system.

14. Correspondence to the Planning Board from Peter and Karl Geist, received 7/14/16, and Kristopher Geist, dated 12/6/2016 (neighbors to the project), Peter Geist, dated 12/28/16 expressed concern regarding ground and water contamination, building size, and building compatibility along Route 9W. A review of the concerns presented by the Geists was addressed in a Staff memo to the Planning Board, dated December 29, 2016. Review by Town Planning and Engineering staff indicates that the concern for ground and water contamination is addressed through the installation of an oil/water separator located just before the outlet to the stormwater basin to capture any oils that may runoff the pavement into the storm system. NYSDEC’s complaint form logs and letter to Peter Geist, dated August 2, 2012, confirms no contamination of the adjacent ponds at 16 Beacon Road is occurring from the TACS site.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, this Board has taken into consideration the public health, safety and general welfare of the Town and the comfort and convenience of the public in general and the surrounding properties in particular and concludes that permitting the above described improvements proposed by T.A.C.S. Autobody will be in compliance with the standards as set forth in Section 128-69 of the Zoning Law.

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

On a motion by Mr. Lewendon, seconded by Ms. Farrell, and a vote of four (4) for, zero (0) against, zero (0) abstained, and zero (0) absent, this Resolution was adopted on January 3, 2017.

BY ORDER OF THE PLANNING BOARD

John Smolinsky, Chairman

The foregoing Resolution was filed with the Clerk of the Town of Bethlehem, Albany County, New York, on January 5, 2017.
RESULT:               APPROVED [UNANIMOUS]
MOVER:             Scott Lewendon, Board Member
SECONDER:         Leah Farrell, Board Member
AYES:             John Smolinsky, Leah Farrell, Scott Lewendon, Kate Powers

B. TACS Autobody Expansion, 525 Route 9W / 6 Beacon Road, 533 Route 9W, 10 Beacon Road
   - Possible Action on Site Plan Approval

   PLANNING BOARD
   TOWN OF BETHLEHEM
   ALBANY COUNTY, NEW YORK

   SITE PLAN APPROVAL

   T.A.C.S. - THE AUTO COLLISION SPECIALISTS
   525 ROUTE 9W/6 BEACON ROAD, 533 ROUTE 9W, 10 BEACON ROAD, GLENMONT

   CERTIFICATE #:  SPA 240                      DATE:  January 3, 2017

   1. TYPE OF APPROVAL:  Site Plan Approval

      NAME OF PROPOSAL:  T.A.C.S - The Auto Collision Specialists Expansion

      DESCRIPTION OF PROPOSAL:  Proposed 11,125 sqft. Building with parking and vehicle circulation areas.

      LOCATION OF SITE:  U.S. Route 9W and Beacon Road, Glenmont, NY

      TITLE OF DRAWINGS:


         Sheet 1 of 5- “Site Plan”, dated April 18, 2016 revised 12/23/16.

         Sheet 2 of 5- “Grading and Utilities Plan”, dated April 18, 2016 revised 12/23/16.
B. Building Elevation drawings titled: “Proposed New Building for TACS Autobody, 525 Route 9W, P.O. Box 265, Glenmont, NY 12077”, prepared by Marchand Jones Architects, Delmar NY


Sheet A2 of A4- “New Building Enlarged Plan”, dated July 27, 2016 (showing first floor plan and mezzanine plan)


2. THIS WILL CERTIFY that the Planning Board, at a regular meeting held January 3, 2017, granted Site Plan Approval for the development of the site described above, such approval being contingent upon compliance with the MODIFICATIONS (Item 7) and CONDITIONS (Item 9) which follow, and also with--:

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

3. Access to the site is provided by US Route 9W an existing State highway and Beacon Road, and existing Town road.
4. The site is located in a Rural Hamlet District (RH).

5. Prior to the granting of this Site Plan Approval the Board considered:
   
   A. The potential environmental impacts of the proposed site development, declared the proposal an Unlisted action, conducted a coordinated SEQR review of the project and issued a Negative Declaration for compliance with SEQRA on December 6, 2016.
   
   B. The public comments provided at a public hearing held on January 3, 2017.
   
   C. The following recommendation from the Albany County Planning Board, dated June 16, 2016:
      
      "Modify local approval to include:
      1. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.
      
6. The site is within the boundaries of Water District No. 1 of the Town of Bethlehem and the Bethlehem Sewer District.

7. The existing building on the site is located within the 30-ft. Front yard setback along Beacon Road. This building is considered a pre-existing non-conforming structure and is permitted to remain since there are no proposed changes to the building that would increase the non-conformity.

8. Approval of the Site Plan was granted with the following MODIFICATIONS to be shown on the plan set endorsed with the Planning Board's stamp of Approval.
   
   A. The site plan shall show 4 to 5 arborvitae along the slope adjacent to the retaining wall.
   B. Specify the species of arborvitae as emerald green or equivalent.

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

10. This Approval is granted subject to the following CONDITIONS:
A. Prior to the signing of the approved plans by the Planning Board Chairman, the Owner shall prepare or cause to be prepared the following items, and shall provide the following items to the Town as indicated below:

a. Copy of any permits required by the NYSDEC for encroachment within the 100-feet wetland buffer.

B. Consistent with traffic report conclusions and the SEQR Negative Declaration issued by the Planning Board, the Owner has agreed to make a fair share monetary contribution to an escrow account to be established by the Town for mitigation of traffic impacts at the intersection of US Rt. 9W and NYS Rt. 910A. This escrow account would be established for the sole purpose of funding intersection improvements that contribute to reducing vehicle delay at the intersection. The amount of the Owner’s contribution is $6,000.00 (or $1,000.00 for each new trip the project would generate through the intersection during weekday PM peak hour as estimated in the project’s traffic report). Said monies shall be deposited in escrow with the Town prior to issuance of a Building Permit.

C. Prior to the issuance of a Building Permit, the Owner shall provide the following items to the Town:

a. A copy of the Highway Work Permit that will be required from the NYS Department of Transportation for work along US Rt. 9W. Said permit shall cover all proposed work in the NYSDOT right-of-way.

b. Combine the three tax parcels that currently comprise the site into one lot of record. A copy of the revised deed as filed in the Albany County Clerk’s Office and copy of the filing receipt shall be provided to the Town Planning Department.

D. Prior to the commencement of any site activity or the issuance of a Building Permit, whichever comes first, the limits of the area to be disturbed along the side and rear property line, as shown on Sheet 5- Existing Conditions and Demolition Plan, shall be delineated on the site with orange construction fencing.

E. A backflow prevention device shall be required for the project. Prior to issuance of a Building Permit a completed application form and engineering report for the backflow prevention device shall be submitted to, reviewed and approved by the Town Department of Public Works.

F. Prior to issuance of a Building Permit, the applicant shall obtain any necessary water and sanitary sewer permits from the Department of Public Works.
G. The Owner shall provide to the Town an as-built survey of the completed stormwater facilities prepared by the engineer of record and provide the Town with a certification of completed works.

H. Following demolition of the garage, a test pit shall be performed to verify groundwater is located a minimum of 3-feet from the bottom of the stormwater basin. The results of the test pit shall be provided to the Town Engineering Division for review and approval prior to the commencement of construction of the stormwater basin. In no instance shall a Building Permit be issued until the Town Engineering Division reviews and approves the test pit results as it relates to the design and function of the stormwater basin.

11. The site delineated on the Approved Site Plan shall be developed in accordance with:

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

B. The following additional requirements:

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

2. All plants shall not be less than the minimum size, as specified on the plan, and shall conform to, and be planted in accordance with, the standards recommended by the American Nursery and Landscape Association;

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

4. The installation of utility services shall be made in accordance with the requirements of such governmental authorities, as may have jurisdiction thereof;

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

12. In rendering its decision to approve this site plan application, the Planning Board has considered the standards of §128-71(E) of the Town Zoning Law, the applicable design standards of §128-35(E) of the Town Zoning Law and the decision criteria contained in Section §128-71(K) of said law.
13. Upon submission of revised Site Plan drawings reflecting those MODIFICATIONS specified in ITEM 8, and upon satisfying those CONDITIONS specified in ITEM 9.A herein, the Chairman of the Planning Board is empowered to endorse the Site Plan with his signature, such Site Plan shall be known henceforth as the FINAL APPROVED SITE PLAN.

BY ORDER OF THE PLANNING BOARD

John Smolinsky, Chairman

NOTE: Expiration of Approval

Site Plan Approval in respect to a particular lot, plot, site or parcel shall expire 180 days following the date of such approval by the Planning Board unless all conditions and requirements established by the Board as a prerequisite to endorsement of the site plan have been satisfied and said site plan has been endorsed by the Planning Board stamp and signature. Prior to expiration and upon request of the applicant, the site plan approval may be extended by the Planning Board for up to two additional 90 day periods.

Site plan approval shall be void if construction is not started within one year of endorsement of the site plan as noted above, and completed within two years of said endorsement. Prior to expiration and upon request of the applicant, the site plan approval may be extended by the Planning Board for up to two additional 90 day periods.

RESULT: APPROVED AS AMENDED [UNANIMOUS]

MOVER: Scott Lewendon, Board Member
SECONDER: Leah Farrell, Board Member
AYES: John Smolinsky, Leah Farrell, Scott Lewendon, Kate Powers

C. 85 Elm Avenue, Delmar - Bethlehem Lutheran Church - House of Worship Special Use Permit / Site Plan Application - Possible action to approve a 90 day time extension to allow additional time needed to meet conditions

The project was before the Board for a public hearing and possible action on a time extension request. Wes Greenman, Chair of Project Team was present on behalf of the applicant, Bethlehem Lutheran Church, to provide information and answer questions. Staff comments were provided by Kenneth Kovalchik. To date the project has been placed on the following agendas: 02/02/2016, 04/05/2016, 04/21/2016 and 10/04/2016.

A 1st 90 Time Extension (10/18/2016 - 01/16/2017), granted by the Planning Board on 10/04/2016, will allow additional time that is needed by the applicant to meet the conditions of approval for SPA 226 approved 04/21/2016 + 180 days = 10/18/2016 + 90 days = 01/16/2017.

90 Day Time Ext 2 Approved
Approval 04/21/2016 + 180 days = 10/18/2016 + 90 days = 01/16/2017 + 90 days = 04/16/2017
VI. Discussion/Information Items

A. Port Road South, 126 - Site Plan Application - Project Update

The proposed Site Plan application was before the Board for an update. Michael Morelli, Michelle Alexander, Environmental Specialist for Ingalls & Associates, and George McHugh & Nick Laraway of Carver Companies, the applicant, 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: 04/21/2016 and 01/03/2017.

Discussion / Information Items:

- applicant now seeking approval for temporary bailey bridge / spud barge and permanent straddle bridge/ trestle system
- currently does not have access to the Hudson
- 6.07 acre parcel
- 94,000 sf steel building currently occupied by Barker Steel / Harris Rebar
- existing business to relocate to 40,000 sf building in the Coeymans Industrial Park
- project would consist of adaptive reuse of existing facility at 126 Port Road South
- site located in Heavy Industrial Zoning District
- site adjacent to Sims Metal Management and Serrano Boats
- bailey bridge to connect to spud barge
- spuds to be installed in the river bed
- spud barge to float up and down with the tide
- barges will travel up/down the Hudson
- existing 25 ton crane will be used to load the barge with steel to be used for projects in NY City
- NYS DEC requested a more permanent setup so there will be a permanent straddle Bridge System
- no residential housing within 1,000’ of the project
- temporary permit expires 11/30/2017
- SEQR Involved / Interested Agencies include: NYS OPRHP, NYS DOS, NYS OGS, ACOE
- ACOE serving as Lead Agency
- plans have been finalized and submitted to NYS DEC and COE
- 50 trucks / week would travel from Fort Ann to Albany on Route 144 between Broadway exit of 787 and Port of Coeymans
-this facility would eliminate 11 miles of truck traffic on Route 144 (between Port of Albany and Port of Coeymans)
-NYS DEC wants permanent but is allowing temporary
-applicant seeking conditional approval

Board Member / Staff Comments
-concerns related to SEQR
-visit to Port of Coeymans to look at type of project that is being proposed in the Port of Albany

Next Steps
-continue review of Site Plan drawings submitted 12/30/2016
-discuss SEQR with Counsel
-coordinate site visit for Board Members

Further discussion of the project was tabled.

B. Capital Communications Federal Credit Union (CapCom) – 384 Bender Lane, Glenmont - Site Plan Amendment Application (SPA 132) – Initial Presentation

The proposed Site Plan amendment application was before the Board for an Initial Presentation. Daniel Biggs of Weston Sampson was present on behalf of the applicant, Capital Communications 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: 01/03/2017.

Discussion / Information Items:
-prior amendment 11/2008 for 5 parking stalls
-current proposal to expand lot size and add parking stormwater detention
-stormwater detention to be located in existing parking and new parking lots
-lighting to be converted to LED
-landscape buffer along neighbor
-geotechnical report required for slope setbacks

Board Member / Staff Comments
-will applicant be required to contribute to off-site intersection improvements even though they were not required to do so when the project was originally approved in 2007
- pedestrian connectivity to new parking lot
- appreciate that the applicant submitted a complete & professional planting schedule
- ACPB deferred to local consideration
- TDE will review stormwater elements

Further discussion of the project was tabled.

C. DG SUNY Solar 1, LLC/NextEra Energy - 93 Bridge Street, Selkirk - Special Use Permit/Site Plan Application - 8MW Solar PV System - Initial Presentation

The proposed Special Use Permit / Site Plan application was before the Board for an Initial Presentation. Anthony (Tony) Yonnone, Project Director of NextEra Energy, Michael Newhouse and John Wendelburg of Kleinfelder were present on behalf of the applicant, Albany Broadcasting Company 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: 01/03/2017.

Discussion / Information Items:
- 8 MW solar at 93 Bridge Street, Selkirk
- overhead line
- 15' gravel road
- wetlands
- existing farm pond
- proposed access from Bridge Street
- access road to cross culvert
- 44 acres
- 33,000 panels
- fencing / gates
- drainage
- tree clearing
- ACOE review
- SWPPP
- visual impacts
- decommissioning plan
- photo simulation
- fire apparatus access road requirements / working with building dept. to determine road width, typically 20' - 26'
- current road 2,700' 
- 1-3 turnarounds 
- area variance would be needed to reduce 120' setback requirement 
- only one principal use is allowed per lot / and the parcel already has an existing home 
- remote net metered solar facility is also considered a principal use 
- national grid requires separate addresses for meters 
- NYS allows 2 MW facility per lot 

**Next Steps** 
- applicant to address issues related to setbacks, principal uses, access, metering addresses, SEQR and decommissioning plan 
- staff to meet with applicant 
- subdivision application required to address regulations related to principal uses 
- area variance required for setbacks 
- applicant to submit letter of no affect / archeological impacts 

Further discussion of the project was tabled. 

**VII. New Business** 
None 

**VIII. Adjournment** 

**Motion To:** Adjourn - Next Meeting 01/17/2017 at 6:00 p.m. 

**RESULT:** ADJOURN [UNANIMOUS] 
**MOVER:** Leah Farrell, Board Member 
**SECONDER:** Scott Lewendon, Board Member 
**AYES:** John Smolinsky, Leah Farrell, Scott Lewendon, Kate Powers