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>Brian Gyory</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Gianna Aiezza</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>Mark Sweeney</td>
<td>Planning/Zoning Board Counsel</td>
<td>Present</td>
<td>6:14 PM</td>
</tr>
<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>Leslie Lombardo</td>
<td>Senior Planner</td>
<td>Present</td>
<td></td>
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<tr>
<td>Nate Owens</td>
<td>Senior Planner</td>
<td>Present</td>
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</tr>
</tbody>
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A. Acknowledge new Board Member, Gianna Aiezza

Chairman Smolinsky welcomed new Member, Gianna Aiezza, who was appointed by the Town Board, on 01/09/2019, to serve a five (5) year term on the Planning Board.

B. Acknowledge former Board Member, Margaret Sherman

Chairman Smolinsky acknowledged Margaret Sherman, former Planning Board Member, whose term ended 12/31/2018, and noted that the following Resolution was prepared to recognize her service to the Town of Bethlehem:

PLANNING BOARD RESOLUTION

WHEREAS, Margaret (Peggy) Sherman has faithfully served as a committed and able Member of the Town of Bethlehem Planning Board, and

WHEREAS, her work has always been performed in a most professional and ethical manner, and

WHEREAS, she has demonstrated a strong commitment to thoroughness, a perceptive outlook toward development, a judicious respect for the rights of property owners, and a sincere desire to provide and preserve a desirable quality of life in the Town of Bethlehem;

NOW, THEREFORE, in recognition of her very dedicated service as an appointed Member of the Planning Board (June 14, 2017) serving actively from September 1, 2017 through December 31, 2018;
BE IT HEREBY RESOLVED, that the undersigned individuals with whom Margaret has worked, hereby express their gratitude and wish their esteemed colleague much success in the years ahead, and

BE IT FURTHER RESOLVED, that the sentiments of the Planning Board Members and Planning Staff shall be recorded and preserved with the official records of the Planning Board, and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be presented to Margaret Sherman, as a lasting personal memento in recognition of her very dedicated service to the citizens of the Town of Bethlehem.

II. Public Comment on Regular Agenda Items - 10 Minutes
No public comments on regular agenda items.

Comments related to the Public Hearing for Biscone Subdivision / Wemple Road Apartments on Wemple Road can be found in the meeting minutes under Item IV A.

Live or archived webcasts can be viewed thru the media center / meeting portal at http://bethlehemtownny.iqm2.com/Citizens/Default.aspx

III. Minutes Approval
A. Tuesday, December 18, 2018
RESULT: ACCEPTED [3 TO 0]
MOVER: Brian Gyory, Board Member
SECONDER: Scott Lewendon, Board Member
AYES: John Smolinsky, Brian Gyory, Scott Lewendon
ABSTAIN: Gianna Aiezza
EXCUSED: Kate Powers

IV. Public Hearings
A. Biscone Subdivision / Wemple Road Apartments on Wemple Rd & Route 9W, Glenmont / Wemple Road Developers, Inc - Public Hearing 01/15/2019 for 2 Lot Major Subdivision of 37+/- acres Related to Wemple Road Apts Site Plan Application - Subdivision Application 18-00400004

The project was before the Board for a public hearing. David Ingalls of Ingalls & Associates was present on behalf of the applicant John Biscone of Wemple Road Developers, to provide information and answer questions. Staff comments were provided by Leslie Lombardo. To date, the project was placed on the following Planning Board Agendas: 12/04/2018, 12/18/2018, 01/15/2019

Public Comments

Brian Clary, Glenmont
-comments related to Biscone Subdivision / Wemple Road Apartments on Wemple Rd
Stephanie Ostrowski, Wemple Road, Glenmont
-comments related to Biscone Subdivision / Wemple Road Apartments on Wemple Rd

Petra Reichmann, Glenmont
-comments related to Biscone Subdivision / Wemple Road Apartments on Wemple Rd

Susan Spindler, Glenmont
-comments related to Biscone Subdivision / Wemple Road Apartments on Wemple Rd

RESULT: CLOSED [UNANIMOUS]
MOVER: Brian Gyory, Board Member
SECONDER: Scott Lewendon, Board Member
AYES: Smolinsky, Gyory, Aiezza, Lewendon, Powers

Biscone Subdivision on Wemple Rd & Route 9W, Glenmont / Wemple Road Developers, Inc. - Application Materials Related to Public Hearing - Updated Utility Plan Sheet - Subdivision Application 18-00400004

B. VanDerlofske Ground Mounted Solar at 207 Old Quarry Rd, Feura Bush / Apex Solar - Public Hearing 01/15/2019 for 12kW solar PV System in the Front Yard - Special Use Permit / Site Plan Application 18-00200002

The project was before the Board for a public hearing. Matthew VanDerlofske, the applicant, was present to provide information and answer questions. Staff comments were provided by Leslie Lombardo. To date, the project was placed on the following agendas: 12/18/2018, 01/15/2019

Public Comments

There were no public comments.

RESULT: CLOSED [UNANIMOUS]
MOVER: Scott Lewendon, Board Member
SECONDER: Brian Gyory, Board Member
AYES: Smolinsky, Gyory, Aiezza, Lewendon, Powers

V. Action Items

A. VanDerlofske Ground Mounted Solar at 207 Old Quarry Rd, Feura Bush / Apex Solar - Possible Action on Special Use Permit for 12kW solar PV System in the Front Yard (SUP 49) - Site Plan / Special Use Permit Application 18-00200002

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

Meeting of Tuesday, January 15, 2019
WHEREAS, an application has been filed with the Planning Board of the Town of Bethlehem, Albany County, New York by Cody Himerlick of Apex Solar Power, agent for Matthew VanDerlofske, for a Special Use Permit under Sections 128-68 and 128-69, of the Zoning Law, to install a 12kW ground-mounted solar PV system in the front yard of the property. The property is located at 207 Old Quarry Road, Feura Bush, Town of Bethlehem, New York; and,

WHEREAS, the Planning Board, acting on said application, duly advertised in the Spotlight Newspaper held a public hearing on said application at the Town Hall, 445 Delaware Avenue, Delmar, New York on December 18, 2018 at 6:00 p.m.; and,

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

WHEREAS, notices having been provided as required by law, 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

Matthew VanDerlofske is the owner of property located at 207 Old Quarry Road, Feura Bush (Town of Bethlehem) and seeks a Special Use Permit under Town of Bethlehem Code Chapter 128, Article VII for a ground-mounted PV solar system to be used as an accessory use in the front yard of a single-family residence.

1. The site of the proposed action is located in a Rural (R) zoning district. A special use permit is required for a ground-mounted PV solar system.

2. Zoning Law §128-69.F of the Town Zoning Law outlines special use permit performance standards to be considered by the Planning Board. The performance standards applicable to the proposed ground-mounted solar PV system include:

   A. **Glare.** No direct or reflective glare from any lighting or process shall be permitted where such will interfere with traffic safety or the useful enjoyment of adjoining properties.

   36 panels will be located on a small scale ground mounted PV system in front of the existing garage next to the driveway of the existing single family home. The array will face the southern exposure and is located approximately 340’ from Old Quarry Road. Solar panels are constructed to absorb sunlight and not reflect it, therefore, glare from the 36 solar panels oriented toward the south should not negatively impact adjoining properties. The site plan shows the panels to be 340’ from the southern property line with an adjacent residential property. There is existing vegetation in the side yard of the property.

   B. **Character and appearance.** The character and appearance of the proposed use, buildings, structures, outdoor signs, and lighting shall be in general harmony with the character and appearance of the surrounding neighborhood and shall not adversely affect the general welfare of the inhabitants of the Town.
The ground mounted solar panels will be located on a 2.13 acre property in the Rural zone. There is existing vegetation that screens the house and location of the solar panels from the street and from neighboring properties.

C. Emergency Services. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire, police and other emergency service protection.

The solar panels will be located on the side of the driveway in the front yard of the residence and will be accessible to emergency services. The solar PV system will be installed to comply with the National Electric Code and 2016 Uniform Code of New York State.

3. Electrical diagrams were prepared for the project and titled “Three Line Diagram” to show conformance with the 2016 Uniform Code of New York State.

4. Pursuant to the State Environmental Quality Review Act, the Planning Board at its meeting of December 18, 2018 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.

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 proposed ground-mounted solar facility will be in compliance with the standards as set forth in §128-69 and §128-71 of Town Zoning Law.

Accordingly, the Planning Board hereby grants the Applicants’ request for a Special Use Permit subject to the following conditions:

1. In the event trees associated with the screening are removed due to disease or natural disaster, the tree(s) should be replaced by the owner (quantity, size, species and location) at the discretion of the Director of Planning. If significant changes are proposed to the screening, the Director of Planning has the discretion to review and approve or forward the proposal to the Planning Board for site plan review and amendment.

2. Per Town Zoning Law §128-67.2 (E)(3)(a)[2]. Small-scale ground-mounted solar PV systems shall be permitted in a required minimum side yard or rear yard setback, provided that such system shall be set back not less than 10 feet from any rear or side lot line.

3. Submittal of a certification from a New York State licensed engineer, landscape architect or surveyor stating that the proposed land disturbance activity does not fall within the angle of repose of 20% or greater of any slope having a vertical rise of 20 feet or more, or 33% or greater of any slope with a vertical rise of 10 feet or more, or 40% or greater of any slope with a vertical rise of five feet or more. This certification shall be reviewed and approved by the Town Engineer prior to the stamping of the plans, land disturbance, and/or the issuance of a building permit. In the event modification to the site plan are needed resulting from the certification, the applicant shall return to the Planning Board for an amendment.

On a motion by Scott Lewendon, seconded by Brian Gyory and a vote of five (5) for, zero (0) against, zero (0) abstained, and zero (0) absent, this Resolution was adopted on January 15, 2019.

BY ORDER OF THE PLANNING BOARD

John Smolinsky, Chairman

The foregoing Resolution filed with the Clerk of the Town of Bethlehem, Albany County, New York, on January 18, 2019.
RESULT: APPROVED AS AMENDED [UNANIMOUS]

MOVER: Scott Lewendon, Board Member
SECONDER: Brian Gyory, Board Member
AYES: Smolinsky, Gyory, Aiezza, Lewendon, Powers

B. VanDerlofske Ground Mounted Solar at 207 Old Quarry Rd, Feura Bush / Apex Solar - Possible Action on Site Plan for 12kW solar PV System in the Front Yard (SPA 270) - Site Plan / Special Use Permit Application 18-00200002

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

SITE PLAN APPROVAL

SPECIAL USE PERMIT / SITE PLAN APPLICATION - HTE # 18-00200002
GROUND MOUNTED SOLAR PV SYSTEM - ACCESSORY USE
MATTHEW VANDERLOFSKE, 207 OLD QUARRY ROAD, FEURA BUSH

CERTIFICATE NO. SPA 270 DATE: January 15, 2019

1. TYPE OF APPROVAL: Site Plan Approval
NAME OF PROPOSAL: Ground-Mounted Solar PV
System, Accessory Use
DESCRIPTION OF PROPOSAL: Allow installation of a ground-mounted 12kW solar PV system consisting of 36 south-facing panels in the front yard of a single-family dwelling approximately 284’ from Old Quarry Road. The size of the parcel is +/- 2.13 acres and located in the Town of Bethlehem, New York; and,
LOCATION OF SITE: 207 Old Quarry Road, Feura Bush

TITLE OF DRAWINGS:

B. Site Plan Titled: Site Plan A2 - Cover and Plot Plan, 207 Old Quarry Road, Feura Bush, NY 12067, State of New York, Albany County, Town of Bethlehem, dated 1/10/2019, Sheet 2 of 5, prepared by Apex Solar Power.

2. THIS WILL CERTIFY that the Planning Board, at a regular meeting held January 15, 2019, 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 and/or any other governmental authority having jurisdiction thereof.
3. Access to the site is via an existing driveway from Old Quarry Road, a Town roadway.

4. The site is located in a Rural (R) Zone District.

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 uncoordinated SEQR review of the project and issued a Negative Declaration for compliance with SEQRA on December 18, 2018.

6. The site is outside the boundaries of the Water District of the Town of Bethlehem and the Bethlehem Sewer District. The property has a septic system and a well.

7. 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. In the event trees associated with the screening are removed due to disease or natural disaster, the tree(s) should be replaced by the owner (quantity, size, species and location) at the discretion of the Director of Planning. If significant changes are proposed to the screening, the Director of Planning has the discretion to review and approve or forward the proposal to the Planning Board for site plan review and amendment. A note has been added to the plan reflecting this condition.

   B. A note will be added to the Site Plan with the following language: “Permitted encroachment into the side yard setback per Town Zoning Code §128-67.2 (E)(3)(a)(2). Small-scale ground-mounted solar PV systems shall be permitted in a required minimum side yard or rear yard setback, provided that such system shall be set back not less than 10 feet from any rear or side lot line.”

   C. Rename the first Cover and Plot Plan page as “Site Plan A-1” and the second Cover and Plot Plan page as “Site Plan A-2” and update the Drawing Title boxes on each page to reflect these new page names.

   D. Update the Sheet Index boxes to reflect the additional page and updated page names in the plan set.

   E. Label plan set pages with a format “Sheet X of Y” and correct the date on all pages.

   F. A note will be added to Site Plan A1 and A2 describing the source of tree location information used to create site plan tree features.

8. Any Site Plan submitted subsequent to the receipt of this approval by the Owner shall list the changes made to the plan since the last submittal dated January 10, 2019 with a corresponding date for each such change.

9. 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 for its review and approval as indicated below:

      a. The Owner shall address all modifications as listed in item #7.

      b. Submittal of a certification from a New York State licensed engineer, landscape architect or surveyor stating that the proposed land disturbance activity does not fall within the angle of repose of 20% or greater of any slope having a vertical rise of 20 feet or more, or 33% or greater of any slope with a vertical rise of 10 feet or more, or 40% or greater of any slope with a vertical rise of five feet or more. This certification shall be reviewed and approved by the Town Engineer prior to the stamping of the plans, land disturbance, and/or the issuance of a building permit. In the event modification to the site plan are needed resulting from the certification, the applicant shall return to the Planning Board for an amendment.
10. The site delineated on the Approved Site Plan shall be developed in accordance with:

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

11. In rendering its decision to approve this site plan application, the Planning Board has considered the design criteria of §128-25 (E), standards for special use permit in §128-67.2 (E)(3) of the Town Zoning Law, the applicable performance standards of §128-69 (F) and the decision criteria contained in Section §128-71(K) of said law.

12. Upon submission of revised Site Plan drawings reflecting those MODIFICATIONS specified in ITEM 7, 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

Expiration of Approval:

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

RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Kate Powers, Board Member
SECONDER: Brian Gyory, Board Member
AYES: Smolinsky, Gyory, Aiezza, Lewendon, Powers

C. Wiggand 2 Lot Major Subdivision at 5 Elm Ave East - Possible Action to Approve Request for 90 Day Time Extension #1 to Allow Additional Time Needed to Meet Conditions of Approval for Major Subdivision 17-00400004

The applicant’s request for a 90 Day Time Extension (#1) was considered and approved. Staff comments were provided by Robert Leslie. To date, the project was placed on the following agendas: 06/20/2017, 02/20/2018, 03/06/2018, 05/01/2018, 08/07/2018

08/07/2018 approval + 180 days = 02/03/2019 + 90 day time extension #1 = 05/04/2019

RESULT: APPROVED [UNANIMOUS]
MOVER: Brian Gyory, Board Member
SECONDER: Scott Lewendon, Board Member
AYES: Smolinsky, Gyory, Aiezza, Lewendon, Powers

D. Port Road South / Beacon Island / Albany Port District Commission Expansion Project / Industrial Park - Possible Action on SEQR Determination of Significance / Positive Declaration for the Preparation of a Draft Generic Environmental Impact Statement - Site Plan Application 19-00100001 previously 18-00100012

The project was before the Board for an update and possible action on the SEQR Resolution - Positive Declaration. Ashley Erdman of McFarland and Patrick Jordan, General Counsel, of the Albany Port District Commission, the applicant, were present to provide information and answer questions. Staff comments were provided by Robert Leslie, Director of Planning &
WHEREAS, the Planning Board of the Town of Bethlehem has received a site plan application from the Albany Port District Commission, for the Albany Port District Industrial Park Project for 81.57 +/- acres of land located on the east side of Route 144 (River Road) between the Normans Kill and PSEG with the Hudson River located to the east; and,

WHEREAS, the application is proposing to construct an industrial park with 5 conceptual layouts that range from 160,000 square feet to 1.3 million square feet of industrial use facilities (warehouse space and laydown area). Each concept would include associated access roads, employee parking, trailer parking, rail access from the north over Normans Kill and south through the PSEG site, and a bulkhead along Hudson River for on and offloading of equipment and materials; and,

WHEREAS, pursuant to 6 NYCRR 617.6(a), the Planning Board by Resolution adopted December 4, 2018, has: (1) determined the action is subject to SEQR; (2) made a preliminary classification of the action as a Type I; (3) identified other Involved Agencies including potential federal agency involvement; (4) required and submission of a full Environmental Assessment Form (EAF); and, (5) indicated its desire to be Lead Agency for SEQR review; and,

WHEREAS, pursuant to 6 NYCRR 617.6(b)(3), the Planning Board, by letters dated December 6, 2018, has undertaken coordinated review of the project by e-mailing notice, copies of the EAF and site plan application to other involved agencies indicating that it intends to act as Lead Agency for SEQR review unless objection is received from another Involved Agency within 30 days; and,

WHEREAS, the 30 day time period for establishing Lead Agency has expired, and the Planning Board has not received any objection to its assumption of Lead Agency for SEQR review; and,

WHEREAS, the Planning Board has independently reviewed and considered the site plan, full Environmental Assessment Form, supporting materials and the Criteria for Determining Significance found at 6 NYCRR 617.7; and,
WHEREAS, the identified areas of environmental concern associated with the project may include, but are not limited to, land, geological features, surface water, groundwater, flooding, air, plants and animals, aesthetic resources, transportation, energy, noise, odor and light, human health, and community character: and,

WHEREAS, the proposed action has potential to create at least one significant adverse environmental impact and preparation of a draft Environmental Impact Statement will enable the Planning Board to comprehensively consider the potential environmental effects;

NOW, THEREFORE, BE IT RESOLVED,

that the Planning Board hereby declares it is Lead Agency for SEQR review of the site plan application known as rezoning petition known as Albany Port District Industrial Park and the proposed action shall be classified as Type I;

BE IT FURTHER RESOLVED,

that based upon its review of the site plan application and supporting materials, including the full EAF Parts 1 and 2, and its own independent analysis of the application and comparison with the Criteria for Determining Significance found at 6 NYCRR 617.7, the Planning Board hereby finds that the site plan application for the Albany Port District Commission Industrial Park constitutes an action which may have a significant effect on the environment and therefore requires preparation of a draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this Determination of Significance shall be considered a Positive Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby authorizes and directs the Department of Economic Development and Planning to prepare, file and publish notice of this Determination as prescribed at 6 NYCRR 617.12.

On a motion by Scott Lewendon, seconded by Brian Gyory, and a vote of five (5) for, zero (0) against, zero (0) abstained, and zero (0) absent, this RESOLUTION was adopted on January 15, 2019.
E. Dominitz Accessory Apartment at 16 & 16A Font Grove Rd, Slingerlands - Initial Presentation and Possible Action on SEQR Resolution for Classification and Determination of Significance for an Accessory Apartment - Special Use Permit / Site Plan Application 18-01400005

The project was before the Board for an initial presentation, possible action on the SEQR Resolution and date of public hearing. The homeowners, Alon & Maria Dominitz, were present on behalf of the applicant, Hanifin Home Builders, to provide information and answer questions. Staff comments were provided by Nate Owens. To date, the project was placed on the following agendas: 01/15/2019

RESULT: APPROVED [UNANIMOUS]
MOVER: Gianna Aiezza, Board Member
SECONDER: Brian Gyory, Board Member
AYES: Smolinsky, Gyory, Aiezza, Lewendon, Powers

F. Dominitz Accessory Apartment at 16 Font Grove Rd, Slingerlands - Possible Action to Set Public Hearing Date for 02/05/2019 6:00 p.m. for an Accessory Apartment - Special Use Permit / Site Plan Application 18-01400005

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, 02/05/2019 at 6:00 PM, at the Town Offices, 445 Delaware Ave, Delmar regarding a Site Plan / Special Use Permit Application, to establish an Accessory Apartment at 16 Font Grove Rd, Slingerlands, as shown on drawing entitled “Floor Plan Showing Apt Footprint”, dated 01/11/2019, prepared by Hanifin Home Builders, 420 Kenwood Avenue, Delmar. Documentation related to the application can be viewed in the Planning Office at Town Hall, M-F, 8:30 AM - 4:30 PM. Notice of Public Hearing will be mailed to property owners within 200’ of the subject parcel. Said notice will also be published in the 01/30/2019 issue of the Spotlight Newspaper. All interested persons are invited to attend and be heard.

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

SEQR RESOLUTION
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION

SPECIAL USE PERMIT / SITE PLAN APPLICATION - HTE #18-01400005
ACCESSORY APARTMENT AT 16 FONT GROVE ROAD, SLINGERLANDS

WHEREAS, Hanifin Home Builders, Inc., agent for property owner, has submitted to the Town of Bethlehem Planning Board an application for a Special Use Permit/Site Plan approval for an accessory apartment within an existing single-family residence on the property located at 16 Font Grove Road, Slingerlands, NY. The residence is 2,232 square feet. The accessory
apartment is 560 square feet.

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 when it proposes to undertake, fund, or approve a Type I or Unlisted 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 Department of Economic Development and Planning;

NOW, THEREFORE, BE IT RESOLVED,

that the Planning Board hereby determines that:

1. approval of the proposed site plan constitutes an Unlisted Action which is subject to SEQRA;
2. there are no involved or interested agencies associated with the project;
3. the proposed action is not located in, or within 500 feet of, an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law;
4. 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 SEQR review of the action is not required or warranted, and pursuant to 6 NYCRR 617.6(b)(4) the Board will not coordinate said SEQR review; and,

BE IT FURTHER RESOLVED,

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

BE IT FURTHER RESOLVED,

that based upon its review of the project and the EAF, review of the proposal by Town Planning staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Section 617.7(c), the Planning Board hereby finds that approval of the Special Use Permit/Site Plan to allow for an accessory apartment 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 site of the proposed action is located in a Residential “A” Zoning District. An accessory apartment is not a permitted use by right in this zone district. The proposed accessory apartment will be permitted subject to special use permit approval.

2. Floor plan drawings were submitted as part of the application. The accessory apartment is located within the primary single family residence; therefore, the accessory apartment should not have a negative impact on surrounding land uses.

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

4. Access to the site will be from an existing asphalt driveway from Font Grove Road. The existing space within the driveway will provide the required four parking spaces for the single-family residence and accessory apartment.

5. The project site consists of 1.72 acres and is currently occupied by a single family residence. The accessory apartment will be located in the northeast corner of the first floor.

6. Town Department of Economic Development and Planning review of the project Site Plan and the Town's environmental inventory files did not identify any other environmentally sensitive characteristic of the site or areas requiring further study.

7. A review of the land division that created this single family residential property was completed by New York State Parks, Recreation and Historic Preservation due to the property location within the State and National Register Listed Slingerlands Historic District Boundary. A letter dated August 21, 2017, by Weston Davey to Mr. Daniel Farnan of Maser Consulting P.A., stated that the “office has no concerns with the proposal to subdivide the property”.

8. Albany County Planning Board recommendation, dated 12/20/2018, to “defer to local consideration”.

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 Gianna Aiezza, seconded by Brian Gyory, and by a vote of five (5) for, zero (0) against, zero (0) abstained, and zero (0) absent, this RESOLUTION was adopted on January 15, 2019.
RESULT: APPROVED [UNANIMOUS]
MOVER: Scott Lewendon, Board Member
SECONDER: Brian Gyory, Board Member
AYES: Smolinsky, Gyory, Aiezza, Lewendon, Powers

VI. Discussion/Information Items

A. Keystone West Apts at 653-657 Delaware Ave, Delmar - Project Update for Construction of Two 3-Unit Single Story Apartment Buildings and Two 3-Bay Garage Buildings - Site Plan Application 17-00100015 Related to Prior Town Board Rezoning Application 17-00800001

The project was before the Board for an update. The applicants, Stephen & Robert Bolduc of Keystone Builders, and Luigi Palleschi of ABD Engineering, were present on behalf of the property owners, Joseph & Ann Hughes to provide information and answer questions. Staff comments were provided by Leslie Lombardo. To date, the project was placed on the following agendas:

Town Board: 03/08/2017, 08/23/2017, 09/13/2017 (PH)
Planning Board: 03/21/2017, 06/06/2017, 12/05/2017, 01/15/2019

Discussion / Information Items:

- apartments / garages on 657 Delaware Ave across from the BCHS Athletic Fields
- two 3-unit apt buildings and two 3-car garage buildings
- project area comprised of two parcels; 653 & 657 Delaware
- project referred to Planning Board by Town Board following approval of Rezone application for 657 Delaware from CR to H on 09/13/2017

B. Glenmont Self Storage LLC - 564, 572, 576 Route 9W, Glenmont - Initial Presentation for Construction of 4 Buildings to Expand Existing Facility - Site Plan Application 18-00100014

The project was before the Board for an initial presentation following the 09/26/2018 MED 3 Approval by the Town Board. Luigi Palleschi of ABD Engineering and Steve Marchand, of Marchand Jones Architects were present on behalf of the owner / applicant, Garo Derian to provide information and answer questions. Staff comments were provided by Robert Leslie. To date, the project was placed on the following agendas:

Town Board: 03/28/2018, 08/22/2018, 09/12/2018 (PH) 09/26/2018 (MED 3 Approved)
Planning Board: 04/17/2018, 06/05/2018, 08/07/2018, 01/15/2019

Discussion / Information Items

- parcel located in an approved Mixed Economic Development (MED) District
- project area comprised of 3 parcels, totaling 45.5 +/- acres at 564, 572, 576 Route 9W, Glenmont
- development to occur on approximately 2.3 acres
- remaining lands will be retained as undeveloped State wetlands
-applicant seeking approval to construct four (4) new self-storage buildings ranging in size from 7,875 to 11,700 sf, totaling 40,000 sf

- building #1 11,700 sf
- building #2 11,338 sf
- building #3 9,400 sf
- building #4 7,875 sf

-existing single family home to remain for now and be occupied by property manager

-a 5th 6,300 sf building will be constructed in the future to replace the property manager’s residence

-project includes solar PV panels on roofs of existing and proposed buildings

VII. New Business

A. 2019 State of the Town Address By David VanLuven 01/16/2019 8:30 a.m. at Town Hall, 445 Delaware

A video recording of the 01/16/2019 State of the Town Address can be found on the Town's website via the Meeting Portal / Media:
http://bethlehemtownny.iqm2.com/Citizens/Media.aspx

B. Glenmont Roundabout & Sidewalk Project Workshop 01/17/2019 6:00 p.m. Glenmont Elementary School, 328 Route 9W

Public workshop #2 to discuss safety and traffic flow at the Route 9W, Glenmont Road, Feura Bush Road intersection.

Presentations to include:

- Preliminary designs developed using input received at the workshop held on 06/26/2018
- Comparison of traffic operations, intersection safety and impacts to adjacent properties

Town staff and consultants will be on hand throughout the informal open house and following the workshop presentation to answer questions, hear your comments, ideas and concerns.

Glenmont Roundabout & Sidewalk Project Flyer


C. Comprehensive Plan Update - Public Forum Meeting 01/30/2019 6:00 p.m. Delmar Reformed Church, 386 Delaware Ave

A series of public workshops to discuss existing hamlets in Bethlehem; what they are now and what we want them to be in the future.

Public Forum Meeting Schedule
http://www.townofbethlehem.org/DocumentCenter/View/12049

11/29/2018 - 6:00-8:00 p.m.
Slingerlands Firehouse, 1520 New Scotland Rd, Slingerlands

12/13/2018 - 6:00-8:00 p.m.
Selkirk Firehouse #1, 126 Maple Ave, Selkirk

01/10/2019 - 6:00-8:00 p.m.
Bethlehem Grange Hall, 24 Bridge St, Selkirk

01/30/2019 - 6:00-8:00 p.m.
Delmar Reformed Church, 386 Delaware Ave, Delmar

02/12/2019 - 6:00-8:00 p.m.
North Bethlehem Firehouse, 589 Russell Rd, Albany
http://www.townofbethlehem.org/DocumentCenter/View/12108/North-Bethlehem-Outreach-Flyer-FINAL?bidId=

03/07/2019 - 6:00-8:00 p.m.
Glenmont Elementary School, 328 Route 9W, Glenmont

03/21/2019 - 6:00-8:00 p.m.
Elsmere Elementary School, 247 Delaware Ave, Delmar

D. Meet the People - Making Local Conservation Happen Workshop 02/07/2019 6:00 p.m.
Five Rivers Environmental Education Center, 56 Game Farm Rd

Public event intended to be an inspirational and educational evening that includes locally-sourced refreshments, short talks by landowners and conservation organizations about their unique success stories and a guided Crescent Moon Hike at the environmental center.

Conservation Stories: Talks, Tastes, and a Tour Flyer
http://www.townofbethlehem.org/DocumentCenter/View/11064/Feb-7-Conservation-Stories-event-flier_Final?bidId=

E. Planning Board Member Training Opportunity - NYPF - 04/28-04/30, Bolton Landing
New York Planning Federation - 81st Annual Conference
http://nypf.org/annual-conference/

VIII. Adjournment - Regular Meeting

Motion To: Adjourn Regular Meeting and Enter into Executive Session to Discuss Pending Litigation
RESULT: ADJOURN [UNANIMOUS]
MOVER: Scott Lewendon, Board Member
SECONDER: Brian Gyory, Board Member
AYES: Smolinsky, Gyory, Aiezza, Lewendon, Powers

Next Meeting - 02/05/2019 - 6:00 p.m.
Live or archived webcasts can be viewed thru the media center / meeting portal at http://bethlehemtownny.iqm2.com/Citizens/Default.aspx

IX. Executive Session to Discuss Pending Litigation

Motion To: Adjourn Executive Session
RESULT: ADJOURN [UNANIMOUS]
MOVER: Gianna Aiezza, Board Member
SECONDER: Scott Lewendon, Board Member
AYES: Smolinsky, Gyory, Aiezza, Lewendon, Powers

The executive session was held to discuss pending litigation. It was attended by the Planning Board Members, Counsel and Planning staff. No action was taken. The executive session was adjourned at 9:35 p.m.