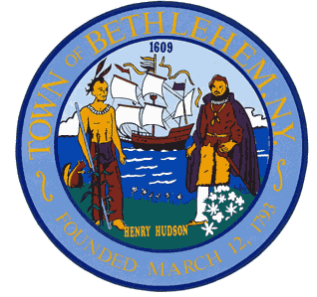


TOWN OF BETHLEHEM



John Clarkson
Town Supervisor

Planning Board Minutes

John Smolinsky
Board Member/Chairman

Tuesday, April 4, 2017
6:00 PM

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.

Attendee Name	Title	Status	Arrived
Brian Gyory	Board Member	Excused	
John Smolinsky	Chairman	Present	
Leah Farrell	Board Member	Present	
Scott Lewendon	Board Member	Present	
Kate Powers	Board Member	Present	
Michael Moore	Planning/Zoning Board Counsel	Present	
Deborah Kitchen	Assistant to the Planning Board	Present	
Robert Leslie	Director of Planning	Present	
Kenneth Kovalchik	Senior Planner	Present	
Leslie Lombardo	Senior Planner	Present	

II. Public Comment on Regular Agenda Items - 10 Minutes

Stephanie Ostrowski, 281 Wemple Rd, Glenmont

- comments related to project known as Wemple Road Apartments
- traffic study indicates 51 vehicles at AM peak and 71 vehicles at PM peak
- mentioned that there are other projects in the works that will also generate traffic on Route 9W
 - 44 condominium units / Planned Development District known as Preserve at Feura Bush
 - New 7,750 sf freestanding / commercial building at Glenmont Plaza
 - 82 units / Subdivision known as Brookside Meadows on Clapper Road
 - 118 units / Subdivision known as Hillman Subdivision on Clapper Road
- wonders if a comprehensive traffic study should be done
- noted that the Wemple Corners study is five years old
- inquired about possible access from Route 9W
- landscaping
- impacts to adjoining properties

III. Minutes Approval

A. Tuesday, March 21, 2017

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

IV. Action Items

A. Harrison and Burrows Bridge Constructors/Kasselmann Solar - 20/22 Hamilton Lane, Glenmont - Special Use Permit/Site Plan Amendment Application (SPA 236) - Rooftop Solar -- Possible Action on SEQR Classification of Action and Negative Declaration (17-01500004)

The proposed project was before the Board for an update and possible action on SEQR and date of Public Hearing. Lindsey Halse, Project Manager, for Kasselmann Solar, LLC, was present on behalf of the applicant, J-W Properties, 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: 03/21/2017 and 04/04/2017.

Discussion / Information Items:

-Special Use Permit / Site Plan Amendment application for roof mounted solar at 20 & 22 Hamilton Lane, Glenmont

Next Steps:

-Public hearing scheduled for 04/18/2017 at 6:00 p.m.

**PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

**SEQR RESOLUTION
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION**

**SPECIAL USE PERMIT (SUP 37) / SITE PLAN AMENDMENT (SPA 236 A1)
HARRISON AND BURROWS BRIDGE CONSTRUCTORS
ROOF MOUNTED SOLAR PV SYSTEM - 20/22 HAMILTON LANE, GLENMONT**

WHEREAS, Kasselmann Solar, representing Harrison and Burrows Bridge Constructors, have submitted to the Town of Bethlehem Planning Board an application for a Special Use Permit and Site Plan Amendemnt Application (SPA 236) approval to install an 91.4kW solar PV system on the roof of on an existing 9,486 sq. ft. office building and 8,023 sq. ft. garage/shop building. A total of 315 panels will be installed on both of the buildings located at 20/22 Hamilton Lane,

Glenmont, NY.

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. 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,
3. 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 Engineering and 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 and Site Plan Amendment for the purpose of installing an 91.4kW solar PV system on the roof of on an existing 9,486 sq. ft. office building and 8,023 sq. ft. garage/shop building 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 Rural Light Industrial Zoning District. Existing land uses adjacent to the site include developed parcels located in the Rural Light Industrial Zoning District.
2. An aerial photo showing the layout of the solar panels on the roof was submitted as part of the special use permit/site plan amendment application. The solar system will be installed on two separate buildings on the parcel, with 201 panels proposed on an existing 9,486 sq. ft. office building and 114 panels proposed on an existing 8,023 sq. ft. garage/shop building. A total of 315 panels will be installed on both of the buildings.
3. Per the August 30, 2016 letter from Nicolas Nitti, P.E., the existing roof structure was analyzed for adequacy in supporting the proposed additional loading due to rooftop solar panels. Based on the structural analysis the existing roof structure was determined to be adequate to support the additional load of the solar panels.
4. An electrical diagram was prepared for the office building PV solar system and garage/shop PV solar system to show conformance with the 2016 Uniform Code Of New York State.
5. The project site consists of +/- 3.76 acres and consists of an existing office building and garage/shop. The site is characterized as developed land.
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.

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 Ms. Farrell, seconded by Ms. Powers and a vote of four (4) for, zero (0) against, zero (0) abstained, and one (1) absent, this RESOLUTION was adopted on April 4, 2017.

RESULT: APPROVED [UNANIMOUS]
MOVER: Leah Farrell, Board Member
SECONDER: Kate Powers, Board Member
AYES: John Smolinsky, Leah Farrell, Scott Lewendon, Kate Powers
EXCUSED: Brian Gyory

B. Harrison and Burrows Bridge Constructors/Kasselmann Solar - 20/22 Hamilton Lane, Glenmont - Special Use Permit/Site Plan Amendment Application (SPA 236) - Rooftop Solar -- Possible Action on Scheduling a Public Hearing (17-01500004)

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, 04/18/2017 at 6:00 p.m.**, at the Town Offices, 445 Delaware Ave., Delmar, NY regarding a **Special Use Permit/Site Plan Amendment (SPA 236) Application**, submitted by **Harrison and Burrows Bridge Constructors**, as shown on drawing entitled **“Special Use Permit/Site Plan Amendment (SPA 236) - Roof Mounted Solar PV System, Harrison and Burrows Bridge Constructors, 20/22 Hamilton Lane, Glenmont, NY, 12077”**, dated **3/16/2017** and revised through **March 24, 2017**, prepared by **Kasselmann Solar, 20 Walker Way, Albany NY, 12205**. 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 **4/12/2017** issue of the Spotlight Newspaper. All interested persons are invited to attend and be heard.

RESULT: APPROVED [UNANIMOUS]
MOVER: Scott Lewendon, Board Member
SECONDER: Leah Farrell, Board Member
AYES: John Smolinsky, Leah Farrell, Scott Lewendon, Kate Powers
EXCUSED: Brian Gyory

C. Capital Communications Federal Credit Union (CapCom) – 384 Bender Lane, Glenmont - Site Plan Amendment Application (SPA 132) – Possible Action on SEQR Classification of Action and Negative Declaration (17-00100002)

The proposed Site Plan amendment application was before the Board for an update and possible action on SEQR and Site Plan. Daniel Biggs of Weston Sampson and Peter Gillies of WCGS Architects, were 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 and 04/04/2017.

Discussion / Information Items:

-Site Plan application for improvements at Cap Com Credit Union at 384 Bender Lane, Glenmont

-original site plan approved 06/05/2007

-amendment to site plan approved 11/18/2008 for 5 parking stalls

-current proposal to expand lot size, add parking spaces, relocate dumpster, add generator, update lighting, improve landscaping, lighting, pedestrian circulation, stormwater management

-applicant requested waiver to allow site disturbance within the angle of repose along the rear slope of the site

-geotechnical study by Dente Engineering

Planning Board Waiver to Zoning Law §128-49.C.1

Cap Com submitted a formal request, via letter dated 03/28/2017, for a waiver to allow site disturbance within the angle of repose along the rear slope of the site. A geotechnical review was conducted by Dente Engineering, dated March 17, 2017, which concluded “the construction or land disturbance activities would not result in a failure of the slope or a danger to human health, welfare or property. This statement is made with a reasonable degree of engineering certainty and is based, in part, upon our investigation of the site documented in our Geotechnical Evaluation for the Proposed Bank Office dated 11/09/2006.”

The Town Engineer confirmed, via correspondence dated, 03/20/2017, that the geotechnical review addresses concerns for the parking lot and landscaping. Based upon the Town Engineer’s recommendation, the Planning Board issued a waiver to Zoning Law §128-49.C.1.

**PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

**SEQR RESOLUTION
DETERMINATION OF SIGNIFICANCE / NEGATIVE DECLARATION**

**SITE PLAN AMENDMENT APPLICATION (SPA 132 A2)
CAPITAL COMMUNICATIONS FEDERAL CREDIT UNION (CAPCOM)
384 BENDER LANE, GLENMONT**

WHEREAS, the Planning Board of the Town of Bethlehem has received an application for site plan

approval from CapCom for the following: (1) increase the number of parking spaces from 19 to 38; (2) installation of new stormwater management facility; (3) installation of new parking lot lighting; (4) installation of new landscaping; (5) installation of new generator and (6) acquisition of a portion of 347 Route 9W to allow for the parking lot expansion; and,

WHEREAS, the development parcel consists of one tax lot measuring 1.07 +/- acres in area located 140 feet west of the intersection of U.S. Rt. 9W and Bender Lane, and said parcel is currently zoned Commercial Hamlet District (CH); and,

WHEREAS, the existing tax lot contains an existing 3,093 square feet bank (credit union) with 19 parking spaces; and,

WHEREAS, conveyance of a portion of 347 Route 9W (0.41 acres) to be merged with 384 Bender Lane will be necessary in order to accommodate the proposed project; and,

WHEREAS, Chapter 128, Article VII, of the Code of the Town of Bethlehem provides the Town Planning Board with the authority to review and approve special use permit and site plan applications; and,

WHEREAS, the State Environmental Quality Review Act (SEQR) 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 SEQR; 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 Unlisted action that is subject to SEQR; (2) the action does not involve a federal agency; (3) does involve the Albany County Planning Board; (4) the proposed action is appropriately classified as an unlisted action; (5) the proposed action is not located within an Agricultural District; and (6) a short EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

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

BE IT FURTHER RESOLVED,

that based upon its review of the project, the EAF, review of the proposal by Town Engineering and Planning staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Planning Board hereby finds that approval of the parking lot expansion and other site improvements at the existing bank site 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 project site is located in a Commercial Hamlet (CH) District, and is a permitted land use within this zoning district subject to site plan approval.
2. The project site is located in an existing commercial area and the proposed land use is compatible with the use of surrounding properties.
3. The project site is located in the municipal water and sanitary sewer districts and will be served by said districts. The proposed expansion of the site will not place any significant additional demands on these facilities
4. Adequate provision has been made for the collection and discharge of storm water from the site. The project land disturbance consists of a previously disturbed area of 0.53 acres, proposed disturbed area of 0.21 acres and total disturbed area of 0.74 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 Weston and Sampson, prepared in December 2016 and revised February 2017 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, existing stormwater

management systems in place on site will remain functional and serve the same subcatchment areas. The proposed stormwater management system for the parking lot expansion area will consist of curbs, catch basins, storm pipes, underground detention system and an overflow connection into the existing overflow system located on site. Runoff is directed towards a proposed catch basin via asphalt pavement and curbs. The catch basin will direct water into an underground detention system (separate from the existing system), which will mitigate stormwater discharge to pre-development flows. The storage volume provided onsite will detain the rainfall and the post developed peak flow rates from the 1, 10 and 100-year storm events to less than the predevelopment condition. By letter issued March 8, 2017, the TDE, Clark Patterson Lee (CPL) recommends conditional approval of the project subject to the applicant addressing remaining comments in the March 8, 2017 letter.

5. Access to the site is provided from two existing driveways on Bender Lane. No changes to the driveways are proposed.
6. At its December 20, 2016 meeting, the Albany County Planning Board reviewed the application and found the proposed action will have no significant countywide or intermunicipal impact and recommended to defer to local consideration.
7. A zoning compliance letter dated March 7, 2017 prepared by the Town of Bethlehem Building Department to Weston and Sampson indicated that following the completion of the land conveyance from 347 Route 9W, Glenmont and merger with 384 Bender Lane, Glenmont as proposed on the map titled Lot Line Revision Plan, dated December 1, 2016, prepared by Weston and Sampson, the remaining parcel will be in compliance with the minimum lot and bulk requirements of the district in which it is located.
8. CapCom's application material states that the parking lot expansion is needed to accommodate existing bank users and employees so as to address the current risk of potential traffic accidents occurring on the site when the parking lot is fully occupied. The peak traffic times of the site occur during lunch hour, Saturdays, and days before holidays, which does not coincide with the typical PM peak hour of traffic found between 4PM and 6PM along Route 9W. Branch operations occur until 4:30PM three days of the week, and until 6:00PM two days of the week. As such, the parking lot expansion is not expected to result in a significant increase in traffic at adjacent intersections along Route 9W and therefore, no mitigation measures for traffic are necessary.
9. In a letter dated March 28, 2017, prepared by Robert J. Roemer, CapCom Vice President/Innovation and Project Management requested a waiver to the Planning Board from §128-49.C.1 for site disturbance within the angle of repose along the slope of the property.

10. A geotechnical evaluation entitled, “Geotechnical Evaluation Proposed Bank Office, Glenmont, NY”, dated November 9, 2006 was prepared by Dente Engineering to address grading, steep slopes, conduct three test borings and analyze soil samples.
11. A letter dated March 17, 2017 prepared by Dente Engineering was provided addressing the Parking Lot Expansion Grading Plan dated December 1, 2016 to determine if there are slope stability concerns for the proposed expansion. The review concluded that the construction or land disturbance activities would not result in a failure of the slope or is a danger to human health, welfare or property. The statement was made with a reasonable degree of engineering certainty and is based upon investigation of the site documented in the Geotechnical Evaluation for the proposed bank dated November 9, 2006.
12. Correspondence dated March 20, 2017, from the Town Engineer to K. Kovalchik concurred with the review and conclusions of the March 17, 2017 geotechnical letter provided by Dente Engineering.
13. The project site consists of +/- 0.65 acres, which is currently occupied by a bank. As part of the parking lot expansion +/- 0.41 acres of adjacent property will be acquired for a total project site of +/- 1.06 acres. No State or Federal wetlands exist on the site.
14. The project will not have an impact on historic or cultural resources. The existing two parcels to be joined to the site consist of a multi-family dwelling and bank.
15. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristics of the parcel or other areas requiring further study;

On a motion by Ms. Farrell, seconded by Mr. Lewendon, and a vote of four (4) for, zero (0) against, zero (0) abstained, and one (1) absent, this RESOLUTION was adopted on April 4, 2017.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leah Farrell, Board Member
SECONDER:	Scott Lewendon, Board Member
AYES:	John Smolinsky, Leah Farrell, Scott Lewendon, Kate Powers
EXCUSED:	Brian Gyory

D. Capital Communications Federal Credit Union (CapCom) – 384 Bender Lane, Glenmont - Site Plan Amendment Application (SPA 132) – Possible Action on Site Plan Amendment Approval (17-00100002)

**PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

SITE PLAN AMENDMENT APPROVAL

CAPITAL COMMUNICATIONS FEDERAL CREDIT UNION

384 BENDER LANE, GLENMONT

CERTIFICATE #: SPA 132 A2

DATE: April 4, 2017

1. TYPE OF APPROVAL: Site Plan Amendment Approval

NAME OF PROPOSAL: Capital Communications Federal Credit Union (CapCom) - Parking Lot Expansion

DESCRIPTION OF PROPOSAL: Site improvements consisting of the following: (1) increase the number of parking spaces from 19 to 38; (2) installation of new stormwater management; (3) installation of new parking lot lighting; (4) installation of new landscaping; (5) installation of new generator and (6) acquisition of a portion of 347 Route 9W to allow for the parking lot expansion

LOCATION OF SITE: Bender Lane, Glenmont, NY

TITLE OF DRAWINGS:

- A. Site Plan drawings titled: "Site Plan Amendment, CapCom FCU - Parking Lot Expansion, 384 Bender Lane, Town of Bethlehem, County of Albany, State of New York", prepared by Weston and Sampson, Albany, NY.

Sheet 1 of 10 - "Lot Line Revision Plan", dated December 1, 2016 revised through 2/09/17.

Sheet 2 of 10 - "Existing Conditions, Demolition and Erosion and Sediment Control Plan", dated December 1, 2016 revised through 2/09/17.

Sheet 3 of 10 - "Site Layout Plan", dated December 1, 2016 revised 2/09/17.

Sheet 4 of 10 - "Site Grading and Drainage Plan", dated December 1, 2016 revised through 2/09/17.

Sheet 5 of 10 - "Site Landscaping Plan", December 1, 2016 revised through 2/09/17.

Sheet 6 of 10 - "Site Lighting Plan", December 1, 2016 revised through 2/09/17.

Sheet 7 of 10 - "Erosion and Sediment Control Details", December 1, 2016 revised through 2/09/17.

Sheet 8 of 10 - "Construction Details", December 1, 2016 revised through 2/09/17.

Sheet 9 of 10 - "Construction Details", December 1, 2016 revised through 2/09/17.

Sheet 10 of 10 - "Construction Details", December 1, 2016 revised through 2/09/17.

2. THIS WILL CERTIFY that the Planning Board, at a regular meeting held April 4, 2017, granted Site Plan Amendment 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 BS202, Glenmont 201 Water District 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 Bender Lane, an existing Town road.
4. The site is located in a Commercial Hamlet District (CH).
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 April 4, 2017.
 - B. The following recommendation from the Albany County Planning Board, dated December 20, 2016:

1. The Board found that the proposed action will have no significant countywide or intermunicipal impact and deferred to local consideration.

6. The site is within the boundaries of Glenmont 201 Water District of the Town of Bethlehem and the Bethlehem Sewer District BS202.

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. Satisfy all comments from Clark Patterson Lee (Town Designated Engineer) in the March 8, 2017 letter to Paul Penman, Town Engineer.
 - B. Satisfy all Engineering Division comments in the letter dated January 5, 2017 from T. Ritz to K. Kovalchik.
 - C. Add the following note to the site plan: "Correspondence from CapCom, dated March 28, 2017, to the Planning Board included a formal request for a waiver to Zoning Law §128-49.C.1 to allow site disturbance within the angle of repose along the rear slope of the site. A geotechnical review of the site was conducted by a Fred Dente P.E, Dente Engineering, dated March 17, 2017, which concluded "the construction or land disturbance activities would not result in a failure of the slope or a danger to human health, welfare or property. This statement is made with a reasonable degree of engineering certainty and is based, in part, upon our investigation of the site documented in our Geotechnical Evaluation for the Proposed Bank Office dated November 9, 2006." In correspondence dated, March 20, 2017, the Town Engineer confirmed that the geotechnical review addresses concerns for the parking lot and landscaping. Based upon the Town Engineer's recommendation, the Planning Board issued a waiver to Zoning Law §128-49.C.1 on April 4, 2017.

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

9. This Approval is granted subject to the following CONDITIONS:
 - A. 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. All modifications listed in item 7 above shall be provided on the plans.

- b. A draft copy of the metes and bounds description for 347 Route 9W (tax parcel id# 97-12-1-3) showing the conveyance of 0.41 acres to 384 Bender Lane (tax parcel id# 97-12-1-1).
 - c. A draft copy of the metes and bounds description for 384 Bender Lane (tax parcel id# 97-12-1-1) showing the conveyance and merger of 0.41 acres from 347 Route 9W (tax parcel id# 97-12-1-3).
 - d. Simultaneously with the filing of the lot line revision map, a copy of the revised deeds for 384 Bender Lane and 347 Route 9W shall be filed in the Albany County Clerk's Office and copy of the filing receipts shall be provided to the Town Planning Department.
 - e. Clarifications shall be made on the plans that no storm drainage work will be done outside the safe slope setback line.
- B. 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 2- Existing Conditions, Demolition and Erosion and Sediment Control Plan, shall be delineated on the site with orange construction fencing.
- C. 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.
- D. Correspondence from CapCom, dated March 28, 2017, to the Planning Board included a formal request for a waiver to Zoning Law §128-49.C.1 to allow site disturbance within the angle of repose along the rear slope of the site. A geotechnical review of the site was conducted by a Fred Dente P.E, Dente Engineering, dated March 17, 2017, which concluded "the construction or land disturbance activities would not result in a failure of the slope or a danger to human health, welfare or property. This statement is made with a reasonable degree of engineering certainty and is based, in part, upon our investigation of the site documented in our Geotechnical Evaluation for the Proposed Bank Office dated November 9, 2006." In correspondence dated, March 20, 2017, the Town Engineer confirmed that the geotechnical review addresses concerns for the parking lot and landscaping. Based upon the Town Engineer's recommendation, the Planning Board hereby issues a waiver to Zoning Law §128-49.C.1.
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.
 - 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;
11. 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 §128-34(E) of the Town Zoning Law 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 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 [UNANIMOUS]
MOVER: Scott Lewendon, Board Member
SECONDER: Kate Powers, Board Member
AYES: John Smolinsky, Leah Farrell, Scott Lewendon, Kate Powers
EXCUSED: Brian Gyory

V. Discussion/Information Items

A. Wemple Rd, Glenmont - Wemple Road Apartments -Project Update for Site Plan application submitted by Rosen Development for 96 unit multi-family development (16-00100015)

The project was before the Board for an update. Staff comments were provided by Leslie Lombardo. David Ingalls of Ingalls & Associates and Lee Rosen of Rosen Development, the applicant, were present on to provide information and answer questions. To date, the project was placed on the following Planning Board Agendas: 08/16/2016, 09/20/2016 and 04/04/2017.

Discussion / Information Items:

- Site Plan application for multi-family dwelling units / 96 apartments (10 6-unit bldgs) (9 4-unit bldgs)
- existing 37 acre parcel, owned by John Biscone, is located at the northwest corner of Wemple Road and Route 9W
- parcel to be split via the Town's Land Division process
- 7 acres with frontage on Route 9W and Wemple Road, would be retained by the owner for future commercial development
- 12 of the 30 acres on Wemple Road to be split from the parent parcel and developed
- 17.9 acres to be preserved as green space credit per requirements of NYS DEC

Topics of discussion were related to number of units, wetlands, NYS DEC permit restrictions, ACOE permit, stormwater management, landscaping, setbacks, water / sewer connections, ingress / egress, traffic impacts / mitigation, potential connection to Route 9W, site distance along Wemple, off-site improvements, impacts to neighbors.

Further discussion was tabled.

B. Reserve at Feura Bush, Amedore Homes - Initial Presentation on Proposed Planned Development District for 48 condominium units (16-00600001)

The project was before the Board for an initial presentation. Staff comments were provided by Robert Leslie. Bret Steenburgh, PE and John Bossolini of Amedore Homes, the applicant, were present on to provide information and answer questions. To date, the project was placed on the following Planning Board Agendas: 04/04/2017.

Discussion / Information Items:

- Planned Development District application to be known as the Preserve at Feura Bush for multi-family dwelling units / 48 condominiums (12 4-unit bldgs)
- existing 58 acre parcel, owned by St. Johns Church (Calvary Cemetery), has frontage at 481 Route 9W & 430 Feura Bush Rd
- parcel to be split via the Town's Land Division process
- 49 acres with frontage on Route 9W to be retained by the owner
- 8.9 acres with frontage on Feura Bush Road to be split from the parent parcel and developed
- Town Board accepted PDD application on 03/08/2017 and referred it to the Planning Board

Further discussion was tabled.

VI. New Business

None

VII. Adjournment

Motion To: Adjourn at 8:06 p.m. - Next meeting 04/18/2017 at 6:00 p.m.

RESULT:	ADOPT [UNANIMOUS]
MOVER:	Leah Farrell, Board Member
SECONDER:	Kate Powers, Board Member
AYES:	John Smolinsky, Leah Farrell, Scott Lewendon, Kate Powers
EXCUSED:	Brian Gyory