

TOWN OF BETHLEHEM

David VanLuven
Town Supervisor

Planning Board Minutes

John Smolinsky
Board Member/Chairman

Tuesday, August 22, 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
John Smolinsky	Chairman	Present	
Brian Gyory	Board Member	Excused	
Scott Lewendon	Board Member	Present	
Kate Powers	Board Member	Present	
Michael Moore	Planning/Zoning Board Counsel	Excused	
Deborah Kitchen	Assistant to the Planning Board	Present	
Kenneth Kovalchik	Senior Planner	Present	
Robert Leslie	Director of Planning	Present	
Leslie Lombardo	Senior Planner	Present	

II. Public Comment on Regular Agenda Items - 10 Minutes

None

III. Minutes Approval

A. Tuesday, August 01, 2017

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

IV. Public Hearings

A. Legacy Church - 282 Elsmere Avenue, Delmar - Special Use Permit & Site Plan - Public Hearing
Date - 08/22/2017 at 6:00 p.m. (17-00100001)

The proposed project was before the Board for a public hearing and possible action on the SUP / SP Application. Frank Palumbo, Business Development Manager, for C.T. Male was present on behalf of the applicant, Legacy Church, 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: 03/21/2017, 08/01/2017 and 08/22/2017.

Discussion / Information Items:

-Special Use Permit / Site Plan application for improvements at church facility located at 282 Elsmere Avenue, Delmar

-4,712 sf addition to rear of church building for classroom and activity space

-2,040 sf addition to front of church for proposed lobby

-patio on south side of building near front

-landscape islands to be added to the parking lot to meet green space requirement for parking lot

-no changes to ingress/egress

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

V. Action Items

A. Legacy Church - 282 Elsmere Avenue, Delmar - Special Use Permit / Site Plan Application - Possible Action to Approve Special Use Permit Resolution - SUP 41 (17-00100001)

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

**SPECIAL USE PERMIT - SUP 41 RESOLUTION
HTE # 17-00100001**

**LEGACY CHURCH -BUILDING ADDITION
282 ELSMERE AVENUE, DELMAR**

WHEREAS, an application has been filed with the Planning Board of the Town of Bethlehem, Albany County, New York by the Legacy Church for a Special Use Permit under Sections 128-68 and 128-69, of the Zoning Law, to construct the following additions to an existing house of worship: 4,712 sq. ft. building addition to the rear of the existing church for classrooms and activity space, a 2,040 sq. ft. lobby addition to the front of the existing church, with an attached 18ft by 35ft patio on the south side of the building, a sidewalk across the front of the parking lot at the front building entrance, a drop off area between the sidewalk and parking lot drive lane and additional landscape islands in the existing parking lot at 282 Elsmere Avenue, Delmar, 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 August 22, 2017 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

The Legacy Church is the Owner of property located at 282 Elsmere Avenue, Delmar (Town of Bethlehem) and seeks a Special Use Permit under Town of Bethlehem Code Chapter 128, Article VII for a House of Worship.

1. The site of the proposed action is located in a Core Residential (CR) zoning district. A special use permit is required for a house of worship in a CR zone district.
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 house of worship building addition include:
 - A. *Traffic Access. All proposed traffic access ways shall be adequate but not excessive in number, shall be adequate in width, grade and alignment and visibility; shall be sufficiently separated from street intersections; and shall meet other similar safety considerations.*

The property has an existing access driveway from Elsmere Avenue/SR 335. No changes to the access are proposed.

- B. *Parking. Adequate off-street parking and loading spaces shall be provided in accordance with §128-56 to prevent parking in public streets of the vehicles of any persons connected with or visiting the use.*

The parking standard for a house of worship is 1 space per 5 seating spaces in the main assembly room. The existing sanctuary seating capacity is 275 seats, which requires a minimum of 55 parking spaces. The proposed classroom and activity space and lobby area does not add to the parking requirements. Existing parking consists of 114 parking spaces, with 2 spaces provided next to the church office. Proposed parking will include 97 parking spaces, which will include 4 accessible parking spaces. The existing +/- 43,835 square foot parking area is paved with asphalt. After the addition of landscape islands there will be 5,056 square feet of interior parking lot green space (11.5%).

C. Circulation. The interior circulation system shall be adequate to provide safe accessibility to all required off-street parking and to provide for the convenience and safety of vehicular, pedestrian and bicycle movement within the site and in relation to adjacent areas or roads.

Existing interior drive aisles (24' in width) allow circulation and access to all parking areas. The proposed sidewalk at the front of the building will allow for safe pedestrian access from the drop off area to the building entrance. The parking lot improvements include painted directional arrows in the aisles, restriping of parking spaces, landscape islands and marked spaces for handicap parking.

D. Landscaping and screening. All parking and service areas shall be reasonably screened from the view of adjacent residential lots and streets, and the general landscaping of the site should be in character with that generally prevailing in the neighborhood. Existing trees, 12 inches or more in diameter at breast height, should be preserved to the maximum extent practical.

The property is surrounded by mature trees. The existing trees located on the north, west and southwest property lines provide screening to the adjacent single-family parcels. An additional evergreen hedgerow of laurel bushes on the north side of the driveway entrance will provide screening to the adjacent residential property from the existing illuminated church sign on the south side of the driveway with Elsmere Avenue (as shown on the site plan).

E. 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.

Based on the elevations plans and renderings submitted the proposed additions to the building will be similar to the architecture and color palette of the existing church building. The highest point of the proposed addition is lower in height than the tallest point of the existing building.

F. Historic and natural resources. The proposed use shall be designed and carried out in a manner that minimizes impacts to historic and natural environmental features on the site and in adjacent areas.

The Environmental Assessment Form completed by the applicant concluded the project does not contain a structure listed on the State or National Register of Historic Places and is not located in an archeological sensitive area.

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

The project was reviewed by the Elsmere Fire Department, Town Building Department and Engineering Division for compliance with NY State fire code and deemed acceptable.

- H. *Nuisances. The proposed use shall not be more objectionable to nearby property owners or occupants by reason of noise, fumes, vibration or lighting than would the operations of a permitted use.*

The proposed additions to the building will allow for activities similar in nature to existing activities that occur. The rear addition will be for classrooms and activity space. The front addition for the lobby will also be used for congregation space before and after services. No new site lighting is proposed as per the application narrative.

- I. *Size and Scale. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, and the site layout and its relation to existing and future access streets shall be such that both pedestrian and vehicular traffic to and from the use will not be hazardous or inconvenient to, or incongruous with, or conflict with the normal traffic of the neighborhood.*

The Applicant is proposing to add 6,752 square feet to an existing building to allow for classrooms and activity space and an area (lobby) used for space for the congregation before and after services, activities similar in nature to existing activities that occur. There will not be an increase to the congregation space. There are no changes to the existing driveway access and the parking lot size will not increase. The highest point of the proposed addition is lower in height than the tallest point of the existing building.

3. ACPB recommendation letter, dated April 27, 2017, was to Defer to local consideration.
4. The project's area of disturbance is of 0.88 acres. Since the disturbance to the site is less than 1.0 acre, the project is not eligible for coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities GP-0-15-002 (General Permit). The applicant has prepared a Stormwater Narrative (dated July 25, 2017) which includes a drainage analysis in order to meet the requirements of §128-49 (C) (2) of Town Zoning Law pertaining to Grading, Erosion and Sediment Control and §128-71 E. (9) under Site Plan Review for Drainage.
5. Existing parking consists of 114 parking spaces, with 2 spaces provided next to the church office. Proposed parking will include 97 parking spaces, which will include 4 accessible parking spaces. The existing +/- 43,835 square foot parking area is paved with asphalt. After the addition of landscape islands there will be 5,056 square feet of interior parking lot green space (11.5%). The proposed changes to the parking lot by adding landscape islands as required by §128-56 (K) of Town Zoning Law will still allow the minimum parking standards to be met for a house of worship use per §128-56 (H) of Town Zoning Law.
6. Pursuant to the State Environmental Quality Review Act, the Planning Board at its meeting of August 1, 2017 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 additions to an existing church 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. Prior to certificate of occupancy the evergreen hedge row on the north side of the driveway as shown on the site plan will be planted.
2. Prior to certificate of occupancy the backflow prevention device will be installed on the existing water service to the church.

On a motion by Scott Lewendon, seconded by Kate Powers and a vote of three (3) for, zero (0) against, zero (0) abstained and one (1) absent, this Resolution was adopted on August 22, 2017.

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 August 29, 2017.

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

B. Legacy Church - 282 Elsmere Avenue, Delmar - Special Use Permit / Site Plan Application - Possible Action on Site Plan Approval - SPA 246 (17-00100001)

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

SITE PLAN APPROVAL

LEGACY CHURCH - HOUSE OF WORSHIP BUILDING ADDITION

282 ELSMERE AVENUE, DELMAR

CERTIFICATE NO. SPA 246

DATE: AUGUST 22, 2017

HTE #17-00100001

1. TYPE OF APPROVAL: Site Plan Approval

NAME OF PROPOSAL: House of Worship Building Addition

DESCRIPTION OF PROPOSAL: Allow the construction of the following additions to an existing house of worship: 4,712 sq. ft. building addition to the rear of the existing church for classrooms and activity space, a 2,040 sq. ft. lobby addition to the front of the existing church, with an attached 18ft by 35ft patio on the south side of the building, a sidewalk across the front of the parking lot at the front building entrance, a drop off area between the sidewalk and parking lot drive lane and additional landscape islands in the existing parking lot at 282 Elsmere Avenue. The site is part of an +/- 5.8 acre parcel located on the east side of Elsmere Avenue, Town of Bethlehem, New York; and,

LOCATION OF SITE: 282 Elsmere Avenue, Delmar, NY

TITLE OF DRAWINGS:

- A. Site Layout, Legacy Church, 282 Elsmere Avenue, Town of Bethlehem, Albany County, NY, dated February 21, 2017, last revised August 10, 2017 Sheet 1 of 2, prepared by CT Male Associates, 50 Century Hill Drive, Latham , NY 12110.
- B. Site Utility and Grading Plan, Legacy Church, 282 Elsmere Avenue, Town of Bethlehem, Albany County, NY, dated February 21, 2017, last revised August 10, 2017 Sheet 2 of 2, prepared by CT Male Associates, 50 Century Hill Drive, Latham, NY 12110.
- C. Exterior Elevations, Addition to Legacy Church, 282 Elsmere Avenue, Delmar, NY 12054, dated August 16, 2016, Sheet A-1, prepared by MPD Architecture, 2619 North Main Street, Newfane, NY 14108.
- D. Key Plan, Addition to Legacy Church, 282 Elsmere Avenue, Delmar, NY 12054, dated August 16, 2016, Sheet A-2, prepared by MPD Architecture, 2619 North Main Street, Newfane, NY 14108.
- E. Area of Disturbance Exhibit #1, Legacy Church, 282 Elsmere Avenue, Town of Bethlehem,

F. Area of Green Space in Parking Area Exhibit #2, Legacy Church, 282 Elsmere Avenue, Town of Bethlehem, Albany County, NY, dated May 5, 2017, E2 sheet 2 of 2, prepared by CT Male Associates, 50 Century Hill Drive, Latham, NY 12110

2. THIS WILL CERTIFY that the Planning Board, at a regular meeting held August 22, 2017, granted Site Plan Approval for the development of the site described above, such approval being contingent upon compliance with the MODIFICATIONS (Item 8) and CONDITIONS (Item 10) 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 of the Town of Bethlehem, the Albany County Planning Board and/or any other governmental authority having jurisdiction thereof.
3. There is currently one existing driveway providing ingress and egress to the site. No changes to the access to the site is proposed. The proposed changes to the parking lot layout will still allow the minimum parking standards to be met for a house of worship use per §128-56 (H) of Town Zoning Law.
4. The site is located in a Core Residential (CR) 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 August 1, 2017.
 - B. At its April 27, 2017 meeting, the Albany County Planning Board (ACPB) reviewed the application and recommended to Defer to local consideration.
6. The project's area of disturbance is of 0.88 acres. Since the disturbance to the site is less than 1.0 acre, the project is not eligible for coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities GP-0-15-002 (General Permit). The applicant has prepared a Stormwater Narrative (dated July 25, 2017) which includes a drainage analysis in order to meet the requirements of §128-49 (C) (2) of Town Zoning Law pertaining to Grading, Erosion and Sediment Control and §128-71 E. (9) under Site Plan Review for Drainage.
7. The site is within the boundaries of Water District of the Town of Bethlehem and the Bethlehem Sewer District.

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 planting schedule shown on the Site Layout plan should list 3" minimum caliper deciduous trees.

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 dated August 10, 2017 with a corresponding date for each such change.

10. This Approval is granted subject to the following CONDITIONS:
 - A. Prior to the issuance of a Certificate of Occupancy, the following items shall be provided to the Town:
 - a. Prior to certificate of occupancy the evergreen hedge row on the north side of the driveway as shown on the site layout shall be planted.
 - b. Prior to certificate of occupancy the backflow prevention device shall be installed on the existing water service to the church. A completed application form and engineering report for the backflow prevention device shall be submitted to the Town of Bethlehem Department of Public Works for review and approval.

 - B. 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 #8.

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.

12. In rendering its decision to approve this site plan application, the Planning Board has considered the design criteria of §128-71(E) 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.

13. Upon submission of revised Site Plan drawings reflecting those MODIFICATIONS specified in ITEM 8, and upon satisfying those CONDITIONS specified in ITEM 10 A and B 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

In accordance with §128-70.K of the Town's Zoning Code, 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 [UNANIMOUS]
MOVER: Scott Lewendon, Board Member
SECONDER: Kate Powers, Board Member
AYES: John Smolinsky, Scott Lewendon, Kate Powers
EXCUSED: Brian Gyory

C. Sunmark Federal Credit Union - 265 / 267 Delaware Avenue, Delmar - Site Plan Application - Financial Business - Possible Action on SEQR Classification of Action and Negative Declaration - SEQR - (17-00100006)

The project was before the Board for an update and possible action on the SP application. Brett Steenburgh, P.E., Todd Drake of GB CornerStone Building Corp aka Empire Real Estate Management LLC, Dan Sanders of Harris A. Sanders, Architects, P.C., and the property owner, Gregg Biche of Quality JGC Delaware Ave LLC were present on behalf of the applicant, Sunmark Federal Credit Union, to provide information and answer questions. Staff comments were provided by Kenneth Kovalchik. To date, the project was placed on the following agendas: 06/06/2017 and 08/22/2017

Discussion / Information Items

- applicant seeking approval to tear down the existing building at 265/267 Delaware and construct a 1,785 - 1,800 sf credit union with drive thru ATM
- site comprised of two (2) parcels, totally .9 acres
- access provided via Delaware Avenue
- layout would accommodate a stack up of seven (7) vehicles
- 17 parking spaces proposed
- not under DEC regulations because under 1 acre of disturbance

PLANNING BOARD

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

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

**EMPIRE REAL ESTATE MANAGEMENT, LLC
ON BEHALF OF SUNMARK FEDERAL CREDIT UNION (FINANCIAL INSTITUTION)
265 / 267 DELAWARE AVE, DELMAR**

WHEREAS, Empire Real Estate Management, LLC on behalf of Sunmark Federal Credit Union has submitted to the Town of Bethlehem Planning Board an application for Site Plan Approval for a proposal to remove the existing 4,440 square feet building (2-story) located at 267 Delaware Avenue in order to construct a 1,840 square feet credit union (1-story) with drive through. The parcel at 265 Delaware Avenue consists of vacant, maintained lawn area. The parcels are located on the north side of Delaware Avenue and located in the Commercial Hamlet (CH) Zone District, and;

WHEREAS, the Planning Board has received a Short Environmental Assessment Form ("EAF") for the project with Part I completed by the Applicant, and;

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA, and;

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District, and;

WHEREAS, NYCRR 617.6(b) establishes procedures for the review of Unlisted actions where an agency has determined it will not coordinate SEQR review of the action; and,

WHEREAS, the procedures for uncoordinated review of an Unlisted action indicate that an agency may proceed with said review as if it were the only involved agency unless it determines that the action may have a significant impact on the environment; 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, Department of Economic Development and Planning, New York State Department of

Transportation and Albany County Planning Board;

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 involves the New York State Department of Transportation (NYSDOT) and the Albany County Planning Board (ACPB).
3. the proposed action is not located in an Agricultural District and is not located within 500 feet of lands within an Agricultural District and, therefore, is not subject to the provisions of the Agricultural and Markets Law,
4. a Short EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

that the Planning Board, as provided at 6 NYCRR Part 617.6(b)(4) hereby determines it will not coordinate review of the proposed action and instead shall proceed as if it were the only involved agency; 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 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 the proposal for the removal of an existing +/- 4,440 building located at 267 Delaware Avenue to construct a 1,840 square feet credit union with drive through at 265 and 267 Delaware Avenue, 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 Commercial Hamlet Zone District, and a bank and financial institution is permitted within this zoning district subject to site plan approval. The footprint of the new building 1,840 square feet is less than the existing building

footprint of 2,400 square feet.

2. The project site is located in an existing commercial area and the proposed land use is compatible with the use of surrounding properties. In December 2016 the Planning Board approved the redevelopment of the site to allow for 6 apartment units. The project was never built.
3. The proposed action involves the removal of an existing 4,440 square feet building for the construction of a 1,840 square feet credit union. The project consists of two parcels measuring +/- 0.9 acres. The existing building was previously occupied for an attorney's office (professional office use).
4. Ingress to the site will be provided via an 18' wide driveway and egress from the site will be provided via a 20' wide driveway.
5. A total of 5 parking spaces are required for the financial institution use and the site plan indicates 17 spaces will be provided, which includes one accessible parking space.
6. One wall mounted sign and one freestanding sign are proposed. All signs shall comply with §128-59 (C) and (D) of the Town Zoning Law.
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. A backflow prevention device will be provided on the water line service.
8. Correspondence dated August 1, 2017, by Frank DeGraw, President/CEO of Sunmark Federal Credit Union, requested a waiver to the Planning Board from Zoning Law §128-49.C.1 for site disturbance within the angle of repose along the slope of the property. The site plan shows a portion of the credit union building, drive through lanes and parking area improvements are proposed within the angle of repose line. Zoning Law §128-49.C.1 prohibits these improvements unless a waiver is granted by the Planning Board during site plan review based on a review and recommendation from the Town Engineer.
9. A Geotechnical Evaluation, dated March 17, 2014, completed by Dente Engineering, established a safe distance for site improvements from the top of the slope, which is shown on the plans as a "Slope Setback Line". Site improvements, including but not limited to buildings, fill placement, pavements and stormwater management areas should not be planned between the setback line and the top of the slope.
10. A Geotechnical Certification letter, dated June 29, 2017, completed by Edward Gravelle, P.E. representing Dente Engineering, states construction or land disturbance activities would not result in a failure of the slope or in a danger to human health, welfare or property. The certification states the statement is made with a reasonable degree of engineering certainty based upon the slope stability analysis detailed in the Geotechnical Report which applied

properties typical to the soils and a minimum safety factor of 1.3. The certification acknowledges that temporary construction activities required for removal of the existing asphalt pavements and installation of the proposed gravel diaphragm beyond the setback line is, acceptable, provided the work does not result in any stockpiling of materials within the setback limits, even if only temporarily. After the site development is complete excavations into the slope and other slope or drainage alterations should not be allowed unless they are first evaluated and found to be acceptable by a Geotechnical Engineer.

11. In correspondence dated, August 22, 2017, from the Town Engineer to K. Kovalchik it states a review of the geotechnical engineer certification letter provided by Dente Engineering was completed and in general find it to be acceptable. The Town Engineer further states that the geotechnical engineer letter indicates that the temporary construction activities required to remove the asphalt and installation of the gravel diaphragm beyond the setback line is acceptable, provided that no stockpiling (even temporarily) occurs. Based on this the following conditions are recommended:
 1. No stockpiling of materials (even temporarily) beyond the setback line be allowed.
 2. During construction, the setback line shall be delineated in the field with orange construction fencing.
 3. That it [construction fencing] be removed during the temporary construction activities. Fence should be reinstalled daily, as well as once temporary construction activities are completed.
 4. Geotechnical Engineer shall provide regular monitoring during the construction activities to ensure that the recommendations in their letter [June 29, 2017] are being followed.
12. The site is located on a State roadway (NYS Route 443) and plans were sent to the New York State Department of Transportation (NYSDOT) Region 1 for review/comment. In an email dated August 4, 2017 NYSDOT commented they have no objections to the two proposed access points to the site, and that the proposed driveways shall meet DOT standards for width and radius.
13. A traffic impact and access study dated May 18, 2017 and prepared by Vanasse, Hangen and Brustlin, Inc. (VHB) was completed to assess the potential traffic impacts associated with the proposed project. The study provided the following conclusions:

Trip Generation and Distribution

To estimate the site generated traffic, peak hour counts were completed at an existing Sunmark Federal Credit Union branch in Rotterdam. The weekday PM Peak Hour is 4:45PM to 5:45PM and is expected to generate 66 trips (35 enter/31 exit) to the site during the weekday PM peak hour. The Saturday peak hour is 11:15AM to 12:15PM and is expected to generate 94 trips (42 enter/52 exit) during the Saturday peak hour. Data provided by the Institute of Transportation Engineers (ITE) indicates that banks with drive through windows have a weekday PM peak hour pass-by rate of 47%. To provide a conservative evaluation VHB utilized a pass-by rate of 45% for both the weekday PM and Saturday peak hour, which results in 15 pass-by trips during the weekday PM peak hour and 21 pass-by trips during the Saturday peak hour. When considering the existing pass-by trips compared to the total peak

hour trips, the net new trip generation projections are 36 new vehicle trips during the weekday PM peak hour and 52 new vehicle trips during the Saturday peak hour. Based on the existing travel patterns on Delaware Avenue and the population centers in the area it is estimated that 55% of the site trips will travel to and from the east and 45% of the site trips will travel to and from the west.

Level of Service Operations

To assess the intersection capacity a level of service analyses was conducted for the 2017 existing conditions, no-build, and build conditions for the site access intersections. For the purposes of evaluating the level of service for the project site two adjacent site driveway intersections were analyzed in addition to the project site driveways. The adjacent driveway intersections include the Delaware Avenue/Plaza Driveway (St.Croix Tan, Shampoodle, Loredana's Hair Studio and Spa and Dinapoli Opticians)/Site Ingress Driveway and the Delaware Avenue/CVS Driveway/Site Egress Driveway. Vehicle delays on the plaza driveway approach to Delaware Avenue are expected to increase by one second or less during peak hours. The site egress driveway approach to Delaware Avenue will operate with a level of service C or better during peak hours and provides two lanes exiting the site. This LOS is consistent with operations at other commercial driveways and side streets during the PM peak hour. The analysis of traffic operations consisted of a cumulative approach in that it incorporated expected traffic volumes from development projects along Delaware Avenue under review by the Planning Board, including 99 Delaware Avenue, 224 Delaware Avenue, and 232 Delaware Avenue. The project is expected to have minimal impacts on the traffic operations at the project site intersections.

This site is located in close proximity to the study area of the Delaware Avenue Complete Streets Feasibility Study (currently underway), which seeks to encourage a transportation system along Delaware Avenue, from Elsmere Avenue to the Normans Kill Bridge, that is designed and operated to enable safe access for all users, including pedestrians, bicyclists, transit users and motor vehicle drivers.

The study conducted a traffic analysis during the PM peak hour on the adjacent signalized intersection of Elsmere Avenue/Delaware Avenue/Groesbeck Place. The analysis accounted for projected background development growth out to 2030 and determined the intersection will continue to operate at an overall LOS of C during the PM peak hour. LOS D is considered an acceptable operation level for travel conditions.

Site Access and Circulation

The study identified one possible vehicle turning movement conflict when a vehicle turns left into the credit union site from Delaware Avenue and when a vehicle turns left exiting the plaza (south side of Delaware Avenue) using the center turn lane median. During the PM Peak Hour, 16 vehicles are expected to turn left into the project site and 19 vehicles are expected to turn left out of the plaza. During the Saturday Peak Hour 18 vehicles are expected to turn left into the project site and 24 vehicles are expected to turn left out of the plaza. Should an instance occur where vehicles are attempting both maneuvers concurrently, the vehicle exiting the plaza driveway is (per Vehicle and Traffic Law) required to follow the rules of the road and wait to exit until the vehicle turning left into the credit union site has completed the movement and the left-turn lane has cleared. The report concluded that based on the low number of vehicles making the turning movements and the

short amount of delay that will be experienced at the intersections, there will be limited interactions between vehicles making a left turn exiting the site and vehicles making a left turn exiting the plaza.

Vehicle Queuing

Drive through operations were observed at an existing Sunmark branch location in Rotterdam during weekday and Saturday peak hour times. During the weekday observations the maximum number of vehicles in queue for the drive through did not exceed four vehicles, and generally there was only one vehicle using the drive through at a time. During the Saturday observations the maximum number of vehicles in the queue for the drive through did not exceed three vehicles, and generally there were only one or two vehicles using the drive through at a time. The site plan for the proposed project indicates approximately seven vehicles are able to queue in the drive through lanes before extending into the parking lot areas. Based on the observations at the Rotterdam branch and the available space for vehicles to queue at the Delaware Avenue proposed site there is sufficient capacity to accommodate vehicle queuing.

14. In a letter dated June 6, 2017, prepared by Edward J. Costigan, Elsmere Fire District Plan Reviewer, commented on the driveway entrance radius, driveway entrance widths, drive through stacking and review by the Town of Bethlehem Police Department. The plans were revised to increase the driveway entrance from 16 feet to 18 feet in width and will incorporate an NYSDOT Type F curb cut design. Drive through stacking was addressed as part of the VHB traffic impact evaluation, which concluded sufficient drive through stacking will be provided.
15. In an email dated June 21, 2017 prepared by Adam Hornick, Commander Bethlehem Police Department commented that vehicles exiting the site to go east bound will have to make the turn against three lanes of traffic. All left turning vehicles exiting commercial driveways along Delaware Avenue east of this site are required to cross two lanes of traffic. At this location a center turn lane exists for a left turning vehicle to utilize while waiting for a gap in eastbound traffic. A left turning vehicle will only have to cross one lane of traffic prior to occupying the center left turn lane.
16. Pursuant to §239-m of General Municipal Law, Albany County Planning Board (ACPB) reviewed the project due to its location on a State roadway. At its June 15, 2017 meeting the ACPB provided the following recommendations to modify local approval to include:
 - a) Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.
17. The redevelopment of the site, as an alternative to development of a “greenfield” site, is a stated goal of the Town of Bethlehem’s Comprehensive Plan.
18. The existing two parcels will be merged as part of the redevelopment of the site. The redevelopment of the site and proposed building have been designed so as to be compatible

with the general character of buildings along the corridor and consistent with the Commercial Hamlet design guidelines of the Town Zoning Law. The primary entrance of the building is facing the street and sidewalks are proposed connecting the building entrance to the existing sidewalks on Delaware Avenue. Parking for the credit union will be provided at the side and rear of the building, and the drive through lanes are located at the side of the building. Seven Norway Spruce trees will be installed at the rear of the site to buffer the parking lot from adjacent residential uses. Nine Eastern Red Cedars are proposed along the east property line to buffer the drive through lanes and building from the adjacent commercial building. The front yard will be landscaped with a combination of shrubs (Boxwood and Goldflame Spirea) and trees (English Pyramidal Oak). A Registered Architect was utilized to design the credit union building so as to incorporate architectural features, materials and form consistent with existing structures along the Delaware Avenue corridor. The building incorporates the use of cultured stone base, architectural shingle roof and hardi-plank siding.

19. Town zoning law requires illumination at the property line not to exceed 0.2 foot candles. The lighting plan indicates illumination does not exceed 0.2 foot candles along the west, north and northern portion of east property lines. Along the south and southern portion of the east property lines the illumination exceeds 0.2 foot candles in order to comply with the New York State ATM Safety Act, which requires illumination of 2 foot candles within 30 feet of an ATM and 1 foot candle within 60 feet of an ATM. The adjacent property to the east consists of a medical office building. The drive through ATM locations are indicated on the plan, along with the 30' and 60' radius. The illumination along the east and south property lines exceeds 0.2 foot candles in order to comply with the ATM Safety Act. Town policy has been to allow illumination to exceed 0.2 foot candles in instances where ATM's are located in close proximity to property lines and must comply with the ATM Safety Act.

20. A drainage report was prepared by Brett Steenburgh, P.E., received 4/3/2017. The report concluded that the amount of impervious surface on the site will be reduced from 0.39 acres to 0.34 acres. Drainage at the rear of the site will flow from the parking lot to the grassed area. A gravel diaphragm is shown on the plans 5 feet of the edge of pavement to capture the stormwater and dissipate any energy while returning the runoff qualities to sheet flow similar to a level spreader. The diaphragm will also remove sediment from the stormwater prior to runoff off the site. The front portions of the parking lot drive aisle and lawn will sheet flow onto Delaware Avenue and into the closed drainage system. The water quantity analysis determined the post development peak run off rates will be less than or equal to the pre development peak run off rates during the 2, 10, and 100 year storm events. The total peak runoff rates for the site is reduced to the rear of the site by up to 7% and to Delaware Avenue by 13%-22%.

21. Town Department of Economic Development and Planning and Division of Engineering review of the project Site Plan and the Town's environmental inventory files did not identify any other environmentally sensitive characteristics 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 Mr. Lewendon, seconded by Ms. Powers and a vote of three (3) for, zero (0) against, zero (0) abstained and one (1) absent, this Resolution was adopted on August 22, 2017.

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

D. Sunmark Federal Credit Union - 265 / 267 Delaware Avenue, Delmar - Site Plan Application - Financial Business - Possible Action on Site Plan Approval - SPA 247 (17-00100006)

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

SITE PLAN APPLICATION APPROVAL

**EMPIRE REAL ESTATE MANAGEMENT, LLC
ON BEHALF OF SUNMARK FEDERAL CREDIT UNION (FINANCIAL INSTITUTION)
265 / 267 DELAWARE AVE, DELMAR**

CERTIFICATE NO. SPA 247

DATE: August 22, 2017

HTE# 17-00100006

1. TYPE OF APPROVAL: Site Plan Approval

NAME OF PROPOSAL: Sunmark Federal Credit Union

DESCRIPTION OF PROPOSAL: Remove an existing 4,440 square feet building in order to construct a 1,840 square feet credit union with drive through.

LOCATION OF SITE: 265-267 Delaware Avenue, Delmar, NY

TITLE OF DRAWINGS:

- A. Existing Conditions Plan drawing titled: Sunmark FCU 265-267 Delaware Avenue, Town of Bethlehem, County of Albany, State of New York, dated January 20, 2017 and revised through June 21, 2017, Sheet 1 of 8, prepared by Brett L. Steenburgh, P.E., PLLC, Niskayuna, NY.

- B. Site Plan drawing titled: Sunmark FCU 265-267 Delaware Avenue, Town of Bethlehem, County of Albany, State of New York, dated January 20, 2017 and revised through June 21, 2017, Sheet 2 of 8, prepared by Brett L. Steenburgh, P.E., PLLC, Niskayuna, NY.

- C. Grading Plan drawing titled: Sunmark FCU 265-267 Delaware Avenue, Town of Bethlehem, County of Albany, State of New York, dated January 20, 2017 and revised through June 21, 2017, Sheet 3 of 8, prepared by Brett L. Steenburgh, P.E., PLLC, Niskayuna, NY.

- D. Landscaping Plan drawing titled: Sunmark FCU 265-267 Delaware Avenue, Town of Bethlehem, County of Albany, State of New York, dated January 20, 2017 and revised through June 21, 2017, Sheet 4 of 8, prepared by Brett L. Steenburgh, P.E., PLLC, Niskayuna, NY.

- E. Details Plan drawing titled: Sunmark FCU 265-267 Delaware Avenue, Town of Bethlehem, County of Albany, State of New York, dated January 20, 2017 and revised through June 21, 2017, Sheet 5 of 8, prepared by Brett L. Steenburgh, P.E., PLLC, Niskayuna, NY.

- F. Lighting Plan drawing titled: Sunmark FCU 265-267 Delaware Avenue, Town of Bethlehem, County of Albany, State of New York, dated January 20, 2017 and revised through June 21, 2017, Sheet 6 of 8, prepared by Brett L. Steenburgh, P.E., PLLC, Niskayuna, NY.

- G. Floor Plan drawing titled: Sunmark Federal Credit Union 265-267 Delaware Avenue, Town of Bethlehem, County of Albany, State of New York, dated April 21, 2017 and revised through July 5, 2017, Sheet 7 of 8, prepared by Harris A. Sanders Architects, P.C., Albany NY.

- H. Schematic Elevations drawing titled: Sunmark Federal Credit Union 265-267 Delaware Avenue, Town of Bethlehem, County of Albany, State of New York, dated April 21, 2017 and revised through July 5, 2017, Sheet 8 of 8, prepared by Harris A. Sanders Architects, P.C., Albany NY.

- 2. THIS WILL CERTIFY that the Planning Board, at a regular meeting held August 22, 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 Planning Board and/or any other governmental authority having jurisdiction thereof.

3. Access to the site is provided via NYS Route 443 (Delaware Avenue), an existing State roadway.
4. The site is located in a Commercial Hamlet (CH) zoning 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 August 22, 2017.
 - B. The following recommendations dated June 15, 2017 from the Albany County Planning Board. 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.
 - C. The following comments in an email dated August 4, 2017 from the New York State Department of Transportation:
 1. No objections to the two proposed access points.
 2. The proposed driveways shall meet DOT standards for width and radius.
6. The site is within the boundaries of Water District No. 1 of the Town of Bethlehem and the Bethlehem Sewer District.
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. Include the following note on the site plan (Sheet 2 of 8) as follows: Correspondence from Sunmark , dated August 1, 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 June 29, 2017, which concluded “construction or land disturbance activities would not result in a failure of the slope or in a danger to human health, welfare or property. This statement is made with a reasonable degree of engineering certainty based upon the slope stability analysis detailed in our Geotechnical Report which applied properties typical to the soils and a minimum safety factor of 1:3. Temporary construction activities required for removal of the existing asphalt pavements and installation of the proposed gravel diaphragm beyond the setback line is, in our opinion, acceptable, provided this work does not result in any stockpiling of materials within the

setback limits, even if only temporarily and is based, in part, upon our investigation of the site documented in our Geotechnical Evaluation for the site dated March 17, 2014.”

- B. Include the following note on Sheet 2 of 8 as follows: “After site development is completed excavations into the slope and other slope or drainage alterations should not be allowed unless they are first evaluated and found to be acceptable by a geotechnical engineer.”

- C. The two access driveways shall be designed to comply with NYSDOT minor commercial driveway standards and the Delaware Avenue Streetscape Enhancement Project design standards (taper driveway) and reviewed and approved by the Town Engineer. The site plan shall be updated accordingly.

- D. Provide a wood guide rail to delineate the safe slope setback line along the edge of pavement. A detail of the guide rail shall be provided on the detail sheet.

- 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 revision date June 21, 2017 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. All modifications listed in item 7 above shall be provided on plans.
 - b. The Owner/Applicant shall address all Engineering Division comments in the attached June 5, 2017 memorandum from T. Ritz (Assistant Town Engineer) to K. Kovalchik.
 - c. Submit to the Town for its review, a draft copy of the lot line revision map and metes and bounds description showing the merger of 265 Delaware Avenue (tax parcel id# 86.09-1-20) and 267 Delaware Avenue (tax parcel id# 86.09-1-21). Once the parcels have been merged the parcel will be addressed as 265 Delaware Avenue.
 - d. The Owner shall file a copy of the lot line revision map and metes and bounds description for the merged parcels in the Albany County Clerk’s Office. A copy of the filing receipts shall be provided to the Planning Board Secretary.

 - B. Prior to the issuance of a Building Permit, the following items shall be provided to the Town:

- a. A backflow prevention device shall be required for the project. A completed application form and engineering report for the backflow prevention device shall be submitted to the Town of Bethlehem Department of Public Works for review and approval.

- C. The Owner(s) shall obtain a highway work permit from New York State DOT Region 1 for work within the DOT right-of-way.

- D. All proposed signs shall comply with §128-59 of the Town Zoning Law.

- E. The approved use is for a financial institution with drive through, any change in use in the future will require site plan amendment approval by the Town Planning Board.

- F. Correspondence from Sunmark, August 1, 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 Certification letter, dated June 29, 2017, completed by Edward Gravelle, P.E. representing Dente Engineering, states construction or land disturbance activities would not result in a failure of the slope or in a danger to human health, welfare or property. The certification states the statement is made with a reasonable degree of engineering certainty based upon the slope stability analysis detailed in the Geotechnical Report which applied properties typical to the soils and a minimum safety factor of 1.3. The certification acknowledges that temporary construction activities required for removal of the existing asphalt pavements and installation of the proposed gravel diaphragm beyond the setback line is, acceptable, provided the work does not result in any stockpiling of materials within the setback limits, even if only temporarily. After the site development is complete excavations into the slope and other slope or drainage alterations should not be allowed unless they are first evaluated and found to be acceptable by a Geotechnical Engineer.

- G. In correspondence dated, August 22, 2017, from the Town Engineer to K. Kovalchik it states a review of the geotechnical engineer letter provided by Dente Engineering was completed and in general find it to be acceptable. The Town Engineer further states that the geotechnical engineer letter indicates that the temporary construction activities required to remove the asphalt and installation of the gravel diaphragm beyond the setback line is acceptable, provided that no stockpiling (even temporarily) occurs. Based on this the following conditions are recommended:
 1. No stockpiling of materials (even temporarily) beyond the setback line be allowed.
 2. During construction, the setback line shall be delineated in the field with orange construction fencing.
 3. That it [construction fence] be removed during the temporary construction activities. Fence should be reinstalled daily, as well as once temporary construction activities are completed.
 4. Geotechnical Engineer shall provide regular monitoring during the construction activities to ensure that the recommendations in their letter are being followed.

Based upon the Town Engineer's recommendation, the Planning Board hereby issues a waiver to Zoning Law §128-49.C.1.

- H. Upon construction being completed a Geotechnical Engineer shall send a letter to the Town certifying the work within the safe slope setback was done in accordance with the site plans and geotechnical evaluation letter provided by Dente Engineering dated June 29, 2017.
 - I. Future land disturbance on the site is prohibited without the review/approval by the Town Engineer to ensure work is being completed in accordance with §128-49.C of Town Zoning Law.
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 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 7, and upon satisfying those CONDITIONS specified in ITEM 9.A thru E B 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: Kate Powers, Board Member
SECONDER: Scott Lewendon, Board Member
AYES: John Smolinsky, Scott Lewendon, Kate Powers
EXCUSED: Brian Gyory

E. Dynamic Energy / Albany Broadcasting Company, Inc. - 2.6MW Ground Mounted PV Solar System at 509 Wemple Road, Glenmont - Special Use Permit / Site Plan Application - Possible Action on Special Use Permit - SUP 42 (17-00200001)

The project was before the Board for an update and possible action on the SUP / SP Application. David Ingalls of Ingalls & Associates was present on behalf of the applicant, Dynamic Energy / Albany Broadcasting Company, Inc. to provide information and answer questions. Staff comments were provided by Kenneth Kovalchik. To date, the project was placed on the following agendas: 06/06/2017, 07/06/2017, 07/18/2017, 08/01/2017 and 08/22/2017.

Discussion / Information Items

-Special Use Permit & Site Plan Application for 2.6 MW ground mounted solar system at 509 Wemple Road, Glenmont

-site currently contains 3 antenna towers utilized by the Albany Broadcasting Facility

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

**SPECIAL USE PERMIT - SUP 42 RESOLUTION
HTE# 17-00200001**

**DYNAMIC ENERGY SOLUTIONS, LLC / ALBANY BROADCASTING COMPANY, INC.
509 WEMPLE ROAD, GLENMONT
2.6MW GROUND MOUNTED SOLAR PV PROJECT
63 WEISHEIT ROAD, GLENMONT**

WHEREAS, an application has been filed with the Planning Board of the Town of Bethlehem, Albany County, New York by Dynamic Energy Solutions, LLC/Albany Broadcasting Company, Inc. for a Special Use Permit under Sections 128-68 and 128-69, of the Zoning Law, to construct a 2.6MW ground mounted solar generation facility on a parcel consisting of +/- 25.27 acres and located on Wemple Road, Glenmont, 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 August 1, 2017 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

Dynamic Energy Solutions, LLC and Albany Broadcasting Company, Inc. have applied for a Special Use Permit under Town of Bethlehem Code Chapter 128, Article VII to construct an 2.6MW ground mounted solar generation facility at 509 Wemple Road.

1. The site of the proposed action is located in a Rural (R) Zoning District. A special use permit is required for a solar PV system, primary use in a Rural zoning district.
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 solar PV system include:
 - a) **Noise. The maximum noise level at the property line applicable to the use involved shall not exceed 70 dBa as measured in accord with the procedure specified by the American National Standards Institute.**

Noise created by solar generation facilities is typically generated by inverters, in the form of faint humming. The noise generated by inverters is usually unnoticeable beyond the fenced areas of solar facilities.

- b) **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.**

A glare study was prepared by Barrett Energy Resources Group (BERG) to assess the potential effects of glare on motorists travelling northbound and southbound in I-87. BERG utilized a glare modeling tool developed by the US Department of Energy for the Federal Aviation Administration. The tool utilized a driver in a tractor trailer with a viewing position of 7.6 feet above the roadway, which is consistent with AASHTO guidelines. Specific array attributes, such as fixed panel system, 25 degree tilt angle, 180 degree azimuth and average panel height of 8 feet were input to the glare modeling tool. Six observation points each on the northbound and southbound lanes of I-87, for a total of 12 observation points, were used as part of the analysis to determine if glare would be observed. The analysis concluded there is a potential for glare to be observed in the peripheral view of motorists from mid-

March to the end of September for approximately a 15 minute timeframe around 7:00AM. The glare would impact drivers for approximately 13 seconds if travelling at 65MPH and would be viewed to the side or behind the driver's field of view. The line of sight analysis concluded that topography alone would not block the glare. To mitigate the potential impacts of glare it is recommended that a 7' tall fence be installed along the western boundary of the project.

In an email dated August 17, 2017 the NYSTA provided review comments to the glare study and recommended an 8' tall fence should be installed to mitigate the impacts of the glare potential. In an email dated August 17, 2017 from Dynamic Energy to NYSTA, Dynamic Energy agrees to install an 8' tall fence.

- c) *Traffic access. All proposed traffic access ways shall be adequate but not excessive in number; shall be adequate in width, grade and alignment and visibility; shall be sufficiently separated from street intersections; and shall meet other similar safety considerations.***

Access to the site will be from Weisheit Road via a 20' wide fire access road. The Selkirk Fire District provided comments in a letter dated June 23, 2017 related to signage at the entrance to the site, maintenance related to annual mowing and signs to be placed at the emergency disconnects.

- d) *Parking. Adequate off-street parking and loading spaces shall be provided in accordance with § 128-56 <<http://ecode360.com/8995019>> to prevent parking in public streets of the vehicles of any persons connected with or visiting the use.***

No employees will be working at the site, so off-street parking is not required. Annual maintenance of the site will occur and workers will be able to park along the interior access road and access turnaround area.

- e) *Circulation. The interior circulation system shall be adequate to provide safe accessibility to all required off-street parking and to provide for the convenience and safety of vehicular, pedestrian, and bicycle movement within the site and in relation to adjacent areas or roads.***

Interior access roads consist of a 20' wide gravel road designed to accommodate loads of fire apparatus vehicles. One turnaround area is provided interior to the site.

- f) *Landscaping and screening. All parking and service areas shall be reasonably screened from the view of adjacent residential lots and streets, and the general landscaping of the site should be in character with that generally prevailing in the neighborhood. Existing trees, 12 inches or more in diameter at breast height (dbh), should be preserved to the maximum extent practical.***

The Applicant provided a visual analysis with photos taken from adjacent roadways and parcels at 8 locations. Based on the results of the visual analysis the solar facility will have visual impacts to residents on both Weisheit Road and Wemple Road. To mitigate impacts the Applicant used the services of a Registered Landscape Architect (RLA) to design a landscape plan to screen the solar facility from adjacent residential uses. The landscape plan incorporates large, medium and small deciduous trees, coniferous trees and shrubs designed in a manner where the larger trees will meander through the middle of the landscaped area, with clusters of smaller and medium sized trees and shrubs placed on either side of the larger trees. The cluster layouts contain small and medium size trees and small shrubs distributed throughout the cluster areas. The landscape design will transition from small, to medium to large landscape species, which will screening from ground level to canopy level of trees. The Applicant is also installing a green colored chain link fence around the perimeter of the solar facility, with vertical slats to be installed in the fence along the southern perimeter of the solar facility.

- g) 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 Applicant provided a visual analysis with photos taken from adjacent roadways and parcels at 8 locations. Based on the results of the visual analysis the solar facility will have visual impacts to residents on both Weisheit Road and Wemple Road. To mitigate impacts the Applicant used the services of a Registered Landscape Architect (RLA) to design a landscape plan to screen the solar facility from adjacent residential uses. The landscape plan incorporates large, medium and small deciduous trees, coniferous trees and shrubs designed in a manner where the larger trees will meander through the middle of the landscaped area, with clusters of smaller and medium sized trees and shrubs placed on either side of the larger trees. The cluster layouts contain small and medium size trees and small shrubs distributed throughout the cluster areas. The landscape design will transition from small, to medium to large landscape species, which will screening from ground level to canopy level of trees. The Applicant is also installing a green colored chain link fence around the perimeter of the solar facility, with vertical slats to be installed in the fence along the southern perimeter of the solar facility. The proposed action will not have a significant adverse aesthetic impact.

- h) Historic and natural resources. The proposed use shall be designed and carried out in a manner that minimizes impacts to historic and natural environmental features on the site and in adjacent areas.***

Correspondence from SHPO dated June 14, 2017 states SHPO reviewed the project and concluded there will be no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Register of Historic Places.

- i) Emergency services. All proposed buildings, structures, equipment, and/or material shall be readily accessible for fire, police, and other emergency service protection.***

Correspondence from the Selkirk Fire District dated June 23, 2017 provides review comments from the Fire District related to installation of emergency contact information to be posted at the entrance to the site, annual mowing and signage at electrical disconnects.

- j) Nuisances. The proposed use shall not be more objectionable to nearby property owners or occupants by reason of noise, fumes, vibration or lighting than would the operations of a permitted use.***

The proposed solar generation facility will not create any fumes and vibration. Noise created by solar generation facilities is typically generated by inverters, in the form of faint humming. The noise generated by inverters is usually unnoticeable beyond the fenced areas of solar facilities. Interior lighting of the site is limited to the transformer area and consists of low level lighting.

- k) Size and scale. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, and the site layout and its relation to existing and future access streets shall be such that both pedestrian and vehicular traffic to and from the use will not be hazardous or inconvenient to, or incongruous with, or conflict with the normal traffic of the neighborhood.***

Access to the lot for the solar system will be from Weisheit Road via a 20' wide gravel access road designed to accommodate fire apparatus vehicles. After construction of the solar system has been completed vehicular traffic to the site will be minimal, and will consist of occasional maintenance vehicles. No pedestrian use of the site is expected.

- l) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.***

No buildings are proposed as part of the solar generation system development. Security fencing will be installed around the perimeter of the site, which will consist of an 8' tall chain link fence green in color.

3. Pursuant to the State Environmental Quality Review Act, the Planning Board at its meeting of July 18, 2017 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 2.6MW ground mounted solar system 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. The Applicant shall comply with all conditions specified in Town Zoning Law 128-67.2.G (5).
2. Per the August 7, 2017 Decommissioning Plan the operational lifespan of the solar generation system is 30 years. If the operational lifespan of the system is to change the Applicant shall notify the Town Building Inspector and Town Planning Board.
3. Per the August 7, 2017 Decommissioning Plan the party responsible for decommissioning of the solar generation system is Albany Broadcasting Company. If for any reason Albany Broadcasting Company will no longer be the party responsible for decommissioning of the facility they shall notify the Town Building Inspector and Town Planning Board of the change and identify the new party responsible.
4. Per the August 7, 2017 Decommissioning Plan it states decommissioning will be initiated following any continuous 6 month period during which no electricity is generated. Decommissioning of the solar generation facility will be completed within 6 months of a decommissioning initiating event. Per the lease agreement with the landowner and §128-67.G.4.a of Town Zoning Law, the land shall be fully restored to its pre-solar undeveloped condition.
5. Per the August 7, 2017 Decommissioning Plan a cost estimate was prepared by a professional engineer and reviewed by a Town Designated Engineer (TDE) and Town Engineer. The total decommissioning cost of the solar generation system after 30 years, including a 2.5% inflation rate, is estimated to be \$259,448.
6. Per §128-67.2.G.5.b of Town Zoning Law, prior to the issuance of a building permit and every three years thereafter, the Applicant shall file with the Town evidence of financial surety in the form of a letter of credit in the amount of \$133,201. The letter of credit is to provide for the full cost of decommissioning and removal of the solar generation system in the event the system is not removed by the Owner and/or landowner. Evidence of financial surety shall be in effect throughout the life of the system and shall be in the form of an irrevocable letter of credit or other security acceptable to the Planning Board. The letter of credit shall include an auto extension provision, to be issued by an A-rated institution solely for the benefit of the Town. The Town shall be entitled to draw on the letter of credit in the event that the commercial solar PV system owner and/or landowner is unable or unwilling to commence decommissioning activities within the time periods specified herein. No other parties, including the owner and/or landowner shall have the ability to demand payment under the letter of credit.
7. Per §128.67.2.G.5.c of Town Zoning Law, Dynamic Energy shall on a yearly basis provide the

Town Building Inspector a report showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid over the most recent 12-month period. The report shall also identify any change in ownership of the solar generation system and/or land upon which the system is located and shall identify any change in the party responsible for decommissioning and removal of the system upon its abandonment. The annual report shall be submitted no later than 45 days after the end of the calendar year. Every third year, to coincide with the filing of evidence of financial surety, the annual report shall also include a recalculation of the estimated full cost of decommissioning and removal of the solar generation system. The Town reserves the right to utilize a Town Designated Engineer, at the Owner's expense, to review and verify the Estimate of Cost.

8. Annual maintenance shall include a minimum of semi-annual mowing within the facility and mowing a minimum of 25 feet outside the perimeter fence to reduce the possibility of a brush fire.
9. Access between the perimeter fencing and solar panels shall be maintained to be large enough to accommodate access by a 4-wheel drive brush truck or utility truck.
10. The 8' feet tall fence recommended along the western property line as part of the glare study to mitigate the potential impacts of glare from the solar facility to the New York State Thruway shall be maintained throughout the operational lifespan of the solar system. If, during the operational life of the solar system, the fence is damaged the Owner(s) shall repair the fence within a reasonable amount of time.
11. Landscaping shall be installed as shown on the landscaping plan (Sheet 6 of 9) and maintained throughout the operational lifespan of the solar system. If, during the operational lifespan of the solar system, landscaping is damaged due to disease or natural disaster, the Owner(s) will remove and replace the landscaping within a reasonable amount of time.
12. Prior to the issuance of a Building Permit, the substance of the letter of credit associated with the decommissioning plan shall be subject to review and approval by Planning Board Counsel.

On a motion by Mr. Lewendon, seconded by Ms. Powers and a vote of three (3) for, zero (0) against, zero (0) abstained, and one (1) absent, this Resolution was adopted on August 22, 2017.

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 August 29, 2017.

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

F. Dynamic Energy / Albany Broadcasting Company, Inc. - 2.6MW Ground Mounted PV Solar System at 509 Wemple Road, Glenmont - Special Use Permit / Site Plan Application - Possible Action on Site Plan Approval - SPA 248 (17-00200001)

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

SITE PLAN APPROVAL

**DYNAMIC ENERGY SOLUTIONS, LLC / ALBANY BROADCASTING COMPANY, INC.
509 WEMPLE ROAD, GLENMONT
2.6MW GROUND MOUNTED SOLAR PV PROJECT
63 WEISHEIT ROAD, GLENMONT**

CERTIFICATE NO.: SPA 248

DATE: August 22, 2017

HTE# 17-00200001

1. TYPE OF APPROVAL: Site Plan Approval

NAME OF PROPOSAL: Albany Broadcasting Company, 63 Weisheit Ground Mounted Solar Project

DESCRIPTION OF PROPOSAL: Proposal to construct a 2.6MW ground mounted solar generation facility on a parcel consisting of +/- 25.27 acres and located on 63 Weisheit Road, Glenmont.

LOCATION OF SITE: Weisheit Road, Glenmont, Town of Bethlehem, Albany County New York.

TITLE OF DRAWINGS:

- A. Site Plan drawings titled as follows:

“Site & ESC Plan (Sheet 4 of 9) - Lands N/F Morrell, 509 Wemple Road, Town of Bethlehem, Albany County, State of New York”, prepared by Ingalls & Associates, LLP, 2603 Guilderland

- Sheet 1 Cover Sheet
- Sheet 2 Existing Conditions Plan
- Sheet 3 Lot Line Revision Plan
- Sheet 4 Site and ESC Plan
- Sheet 5 Grading Plan
- Sheet 6 Landscape Plan
- Sheet 7 Site Profile
- Sheet 8 Site Details
- Sheet 9 ESC Details

2. THIS WILL CERTIFY that the Planning Board, at a regular meeting held August 22, 2017, granted Site Plan Approval for the development of the site described above, such approval being contingent upon compliance with the MODIFICATION (Item 7) and CONDITION (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 provided by Weisheit, an existing Town Road.
4. The site is located in a Rural Zoning District (R).
5. Prior to the granting of this Site Plan Approval the Board considered:
 - A. The potential environmental impact of the proposed development declared the proposal an Unlisted action and issued a Negative Declaration for compliance with SEQRA on July 18, 2017.
 - B. Pursuant to §239-m of General Municipal Law, the referral was sent to the Albany County Planning Board (ACPB) to be reviewed at their June 15, 2017 meeting. The ACPB recommended to defer to local consideration.
 - C. The following comments dated June 23, 2017 from the Selkirk Fire District, as follows:
 - 1) Install signage at entrance (within 50' of Weisheit Road) indicating the street number with emergency contact information and emergency instructions for first responders.

- 2) Add a requirement that annual maintenance shall stipulate a minimum of semi-annual mowing within the facility and a minimum of 25 feet outside the perimeter fence to reduce the possibility of a brush fire within the facility.
 - 3) Place signs at emergency electrical disconnects for first responders to use.
 - 4) Access between the perimeter fencing and solar panels shall be large enough to accommodate access by a 4-wheel drive brush truck or utility truck.
- D. The performance standards found in §128-69.F of Town Zoning Law and issued a Special Use Permit (SUP 42) on August 22, 2017.
- E. The area variance (AV-1716) approved by the Town Zoning Board of Appeals on June 7, 2017 for a reduction in side yard and rear yard setbacks.
6. The site is within the boundaries of the Town of Bethlehem Water District and outside the boundaries of the Town of Bethlehem Sewer District.
 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. All those modifications as outlined in the hereto attached August 17, 2017 memorandum from T. Ritz (Assistant Town Engineer) to K. Kovalchik.
 - B. Revise the title block of Sheet 4 as follows, "Site and ESC Plan, Dynamic Energy Solutions, LLC/Albany Broadcasting Company, Inc., 2.6MW Ground Mounted Solar PV System, 63 Weisheit Road, Town of Bethlehem, Albany County, State of New York."
 - C. On the Site Plan (Sheet 4 of 9) show an 8 feet tall solid fence along the western property line.
 8. Any Site Plan submitted subsequent to the receipt of this approval by the Applicant 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 for its review and approval as indicated below:
 1. The Owner/Applicant shall address all modifications as listed in item #7.
 2. The Owner/Applicant shall address all Engineering Division comments in the attached August 17, 2017 memorandum from T. Ritz (Assistant Town Engineer) to K. Kovalchik.

3. The Owner/Applicant shall address all New York State Thruway Authority comments in the attached August 17, 2017 email from Tim Wainwright to K. Kovalchik.
 4. The Owner(s) shall submit to the Town Engineering Division for its review and approval a metes and bounds descriptions and closure checks for the 0.72 acres of land conveyance along Weisheit Road. The Owner(s) shall also provide the Town Engineering Division all necessary paperwork for Town acceptance and filing of the conveyance.
 5. The Owner shall file a copy of the lot line revision map with the Albany County Clerk's Office. A copy of the filing receipts shall be provided to the Planning Board Secretary.
- B. Prior to the pre-construction meeting, the applicant shall submit to the Planning Department a landscape installation schedule, which shall reflect the installation of the plantings occurring over the same schedule as the installation of the piers and racking system.
- C. Prior to any land disturbance occurring on the site, orange construction fencing is required to be installed to indicate the limits of disturbance as identified on the Grading Plan (Sheet 5 of 9). Necessary land disturbance is permitted that would provide access to accomplish the installation of the construction fencing. Upon completing the construction fence installation, the Owner(s) shall provide to the Town a letter from a Professional Engineer or Surveyor certifying the orange construction fencing was installed in accordance with the area shown on the Grading Plan (Sheet 5 of 9).
- D. Prior to the issuance of a Building Permit, the substance of the letter of credit associated with the decommissioning plan shall be subject to review and approval by Planning Board Counsel.
- E. Prior to the issuance of a Certificate of Occupancy, the Owner shall provide the following:
1. Install the 911 Address and Emergency Contact Sign within 50 feet of the entrance from Weisheit Road (see letter from the Selkirk Fire District dated June 23, 2017, from Charles A. Wickham, Jr., Chairman-Board of Fire Commissioners).
 2. Place signs at emergency electrical disconnects for first responders to use (see letter from the Selkirk Fire District dated June 23, 2017, from Charles A. Wickham, Jr., Chairman-Board of Fire Commissioners).
- F. Landscaping shall be installed concurrently with the installation of the solar system and be substantially completed prior to the solar panels being installed on the racking system. Substantial completion is defined as no less than 75% of the trees planted. If for some reason there is a delay in implementation of the landscaping plan, the Planning Department has authorization to allow the Applicant to proceed with the installation of the solar

photovoltaic system if good cause is shown as to why the landscaping is delayed (i.e. a particular tree or shrub species listed on the landscape plan is not available).

- G. Landscaping shall be installed as shown on the landscaping plan (Sheet 6 of 9) and maintained throughout the operational lifespan of the solar system. If, during the operational lifespan of the solar system, landscaping is damaged due to disease or natural disaster, the Owner(s) will remove and replace the landscaping within a reasonable amount of time.

 - H. The 8 feet tall fence recommended along the western property line to mitigate the potential impacts of glare from the solar facility to the New York State Thruway shall be maintained throughout the operational lifespan of the solar system. If, during the operational life of the solar system, the fence is damaged the Owner(s) shall repair the fence within a reasonable amount of time.

 - I. Annual maintenance shall include a minimum of semi-annual mowing within the facility and a minimum of 25 feet outside the perimeter fence to reduce the possibility of a brush fire.

 - J. Access between the perimeter fencing and solar panels shall be maintained to be large enough to accommodate access by a 4-wheel drive brush truck or utility truck.

 - K. In the event the site is no longer operated as a solar generation facility all equipment and structures shall be removed from the site pursuant to the decommissioning plan, dated August 7, 2017 and prepared by Dynamic Energy, LLC.
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 standards of §128-71(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 7, 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 Code, 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.

Building Permits Required

A building permit is required for all work in and to any structure and for any proposal for a change of use or occupancy, new signs, and demolition of existing structures.

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

G. First Student Transportation Services at 130 Retreat House Road, Glenmont - Site Plan Application - Possible Action on SEQR Determination of Significance Resolution - SEQR (17-01500008)

The project was before the Board for an initial presentation and possible action on the SP application. Bob Cordell of Advance Engineering, Rodney Abele & Jeff Abele of Corning Hill Properties, the owner / applicant, and George Henderson of First Group, the tenant, were present to provide information and answer questions. Staff comments were provided by Robert Leslie. To date, the project was placed on the following agendas: 08/22/2017

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

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

**SITE PLAN APPLICATION
FIRST STUDENT TRANSPORTATION SERVICES / CORNING HILL PROPERTIES, LLC
130 RETREAT HOUSE ROAD, GLENMONT**

WHEREAS, the Town of Bethlehem Planning Board ("the Planning Board") has received an application from Corning Hill Properties, LLC for Site Plan Approval to occupy an existing site with buildings for use as a garage facility for First Student school transportation services, which will provide student transportation services to the City of Albany School District; and,

WHEREAS, the Planning Board has received a short Environmental Assessment Form ("EAF") for the project with Part I completed by the applicant; and,

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA; and,

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,

WHEREAS, the SEQR regulations at 6 NYCRR 617.6(b)(4) indicate that for uncoordinated review of an unlisted action the agency conducting the review may proceed as if it were the only involved agency; and,

WHEREAS, the Planning Board has independently considered both the information provided in the EAF and comments on the application provided by the Town of Bethlehem Engineering Division and Department of Economic Development and Planning,

NOW, THEREFORE, BE IT RESOLVED,

that the Town of Bethlehem Planning Board hereby determines that: (1) the proposed action constitutes an action that is subject to SEQR; (2) the action does not involve a federal agency; (3) there are no involved agencies identified; (4) interested agencies may include the Albany County Planning Board; (5) the proposed action is appropriately classified as an unlisted action; (6) the proposed action is not located within an Agricultural District; and (7) 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 due to absence of potentially significant impacts from the site plan, coordinated review of the action is not warranted or required, and pursuant to 6 NYCRR 617.6(b)(4) the Board will not coordinate review; and,

BE IT FURTHER RESOLVED,

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

BE IT FURTHER RESOLVED,

that based upon its review of the project, the EAF, review of the proposal by Town Engineering and Planning staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Planning Board hereby finds that approval the occupancy at 130 Retreat House Road for use as a garage facility for First Student school transportation services, constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact

Statement, and;

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

1. The proposed project is located within a Rural Light Industrial zoning district and is subject to site plan review by the Planning Board.
2. The 5.026+/- acre site currently contains a 1,600 square foot vacant office building and 8,300 square foot maintenance garage, which were previously occupied by Bohl Construction. Bohl Construction also occupied the yard area for storage of construction contracting equipment and vehicles. The yard area consists of a gravel surface. The site has had limited use of the maintenance garage by the current owner, Corning Hill Properties LLC.
3. Interior improvements will be made to both buildings, and all improvements will comply with the NYS Building Code.
4. Site disturbance for the project is related the placement of an asphalt surface over the existing gravel driveway on River Road (reflecting an area of approx. 9,000sqft). The proposed project will not alter the drainage flow on site or patterns of surface water runoff.
5. The property has frontage along and access from both River Road (NYS Rte. 144) and Retreat House Road. Eighty-eight (88) school buses will be in operation during the morning (5:15AM to 9:15AM) and afternoon (1:15PM to 7:00PM) time period to service student transportation in the Albany School District located to the north of the site. The property is located just beyond the City of Albany municipal boundary. River Road will serve as the only primary access point for buses entering and exiting the site. Correspondence from NYSDOT Region 1-Traffic Safety & Mobility, dated August 3, 2017, related to the driveway on Route 144 states: "the Department is ok with the location and we have no comments to add at this time."
6. Approximately 165 employees are expected to access the site daily. Existing parking spaces and parking area within the yard area is sufficient to accommodate the parking of motor vehicles. Additionally, to accommodate access to the site via public bus service, First Student and CDTA have added a bus stop to Bus Route 7 at the site's entrance along River Road.
7. An existing municipal waterline is located along Retreat House Road. A backflow prevention device is required on the existing water lateral.
8. No onsite fueling facilities will be provided. Fueling of the buses will be conducted at an off-site facility.

9. The site is not serviced by a municipal sanitary sewer line. A Sanitary Sewer Management Plan, dated August 2017, was prepared by Advance Engineering & Surveying, PLLC. The site has a private onsite septic system that has a capacity of 225 gallons per day (GPD). This capacity is not sufficient to handle the 165 persons (90 drivers + 65 aids + 10 office employees), which may require a need for a facility that can handle 925 GPD. The Albany County Health Department, per correspondence dated August 10, 2017, has approved use of a temporary restroom trailer that would provide 3 additional bathrooms to the site (resulting in a total of 6 bathrooms). The approval requires the usage of the bathroom trailer for a four or five month period so as to analyze the usage results that would then be used to determine the design of an upgrade to the existing onsite septic system. The site plan approval will require as a condition of approval that the bathroom trailer is a temporary use and will be required to be removed once the existing septic system is improved to Albany County Health Department standards. Improvements to the septic system will require a site plan amendment review by the Planning Board.
10. The proposed project is located adjacent to existing industrial properties, and in the vicinity of the Port of Albany area and industrial properties along Port Road South. Noise generated from the site will reflect that of typical industrial uses. To mitigate noise from the parking of buses, the applicant has positioned the buses closest to River Road. Training of bus drivers on-site will occur intermittently.
11. The redevelopment of the site, as an alternative to development of a "greenfield" site, is a stated goal of the Town of Bethlehem's Comprehensive Plan.
12. Zoning Law 128-39 states all outdoor storage of goods or materials shall be screened from view from the main roadways. The site plan shows the site is surrounded by an opaque chain link fence and existing roadside vegetation will serve to screen the location of the bus parking area..
13. 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;

BE IT FURTHER RESOLVED,

that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law, and;

BE IT FURTHER RESOLVED,

that the Chairman of the Planning Board is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Scott Lewendon, seconded by Kate Powers, and by a vote of three (3) for, zero (0) against, zero (0) abstained, and one (1) absent, this RESOLUTION was adopted on August 22, 2017.

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

H. First Student Transportation Services at 130 Retreat House Road, Glenmont - Site Plan Application - Possible Action on Site Plan Approval - SPA 249 (17-01500008)

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

SITE PLAN APPROVAL

**FIRST STUDENT TRANSPORTATION SERVICES / CORNING HILL PROPERTIES, LLC
130 RETREAT HOUSE ROAD, GLENMONT**

CERTIFICATE NO.: SPA 249
HTE# 17-01500008

DATE: August 22, 2017

1. TYPE OF APPROVAL: Site Plan Approval

NAME OF PROPOSAL: First Student transportation services

DESCRIPTION OF PROPOSAL: Occupancy of the existing facilities (buildings and yard) located at 130 Retreat House Road by First Student transportation services for student transportation services associated with the City of Albany School District.

LOCATION OF SITE: 130 Retreat House Road

TITLE OF DRAWINGS:

- A. Sheet 1 of 2, "Overall Site Plan", Lands N/F of Corning Hill Properties, LLC, Town of Bethlehem, County of Albany, New York", prepared by Advance Engineering & Surveying, PLLC, Latham NY dated June 29, 2017 revised 08/15/17.
- B. Sheet 2 of 2, "Site Plan", Lands N/F of Corning Hill Properties, LLC, First Student, Town of Bethlehem, County of Albany, New York", prepared by Advance Engineering & Surveying, PLLC, Latham NY dated August 1, 2017 revised 08/15/17.

SIGN ELEVATION:

- C. Sheet 1 of 1, "Proposed Freestanding Sign First Student", 130 Retreat House Road, Town of

2. THIS WILL CERTIFY that the Planning Board, at a regular meeting held August 22, 2017, granted Site Plan Approval for the development of the site described above, such approval being contingent upon compliance with the MODIFICATIONS (Item 6) and CONDITIONS (Item 8) 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 Albany County Department of Health and/or any other governmental authority having jurisdiction thereof.
3. Access to the site is provided by Retreat House Road, an existing Town highway; and River Road (NYS Rte. 144), an existing State highway.
4. The site is located in a Rural Light Industrial District (RLI).
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 and issued a Negative Declaration for compliance with SEQRA on August 22, 2017.
 - B. The following recommendation from the Albany County Planning Board:

"Modify local approval to include:

 1. Review by NYSDOT for highway access.
6. 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 title block should reflect the property address: "130 Retreat House Road".
 - B. The plan shall show there is through access to the property to the north by removing the line that indicates a jersey barrier.
7. 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.

8. 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. A set of revised drawings showing all those modifications as listed under Item 6 above. The modifications made shall be satisfactory to the Department Economic Development and Planning.
 - B. Prior to the issuance of a Final Certificate of Occupancy, the applicant shall comply with all NYS Building Code, and comply with NYSDOT fire and safety requirements for garages (bus safety). Any certificates of approval issued by the NYSDOT shall be provided to the Town Building Department.
 - C. Prior to the issuance of a Final Certificate of Occupancy, the applicant shall install a backflow prevention device on the existing water line as approved by the Town Department of Public Works and Albany County Health Department.
 - D. Pursuant to the letter dated August 10, 2017 from George Henderson to Mike Stafford regarding noise reduction at the site, the site operations shall comply with Item 4 as stated in the letter: "We will position a person in the yard (spotter) at the gate entrance, far away from parking area, to validate the drivers reverse lights when they leave, eliminating the driver from testing the reverse in the parking lot. Drivers are required to complete this important safety step as part of the pre-trip inspection regulated by USDOT & NYS."
 - E. Planning Board approval is provided for temporary use of the bathroom trailer facility, until such time Albany County Health Department approves improvements to the onsite septic system.
 - F. Correspondence from the Albany County Health Department, dated August 10, 2017, approved the Sanitary Sewer Management Plan (Plan), dated August 2017, prepared by Advance Engineering & Surveying, PLLC. The Plan identifies the temporary use of a bathroom trailer for a four or five month period. During this time period the usage (volume of flow) of the trailer will be monitored so as to determine the appropriate design of an upgrade/improvements to the existing onsite septic system.
 - G. Within 5 months of the issuance of the Certificate of Occupancy, the applicant shall:
 - a. Provide to the Town usage records of the bathroom trailer. These records shall also be provided to the Albany County Health Department.
 - b. Provide to the Town and Albany County Health Department a proposed plan, prepared by a Professional Engineer, for improvements to the existing septic system based on the usage (volume of flow) records and compliance with the NYS Building Code.

- c. Improvements to the on-site septic system will require a site plan amendment review and approval by the Planning Board, and any approvals required by the Albany County Health Department and Town Building Department.

- H. The parking of buses along the Retreat House Road side of the property shall be limited to the bus parking spaces as shown on the site plan. The location of bus parking and employee parking on the site can be modified, except for the location of the 35 employee parking spaces in the vicinity of Retreat House Road. There shall be no parking of busses within the area identified as 35 employee spaces.

- I. First Student shall send a letter to adjacent residential properties along Retreat House Road informing them of emergency contact information for First Student, a copy of the letter shall be submitted to the Town Planning Department.

9. 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;

10. 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 §128-39(E) of the Town Zoning Law and the decision criteria contained in Section §128-71(K) of said law.

11. Upon submission of revised Site Plan drawings reflecting those MODIFICATIONS specified in ITEM 6, and upon satisfying those CONDITIONS specified in ITEM 8 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

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.

Building Permits Required

A building permit is required for all work in and to any structure and for any proposal for a change of use or occupancy, new signs, and demolition of existing structures.

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

I. Town Squire 2 - Chili's Restaurant Facade at 382 Route 9W, Glenmont - Site Plan Amendment Application - Possible Action on Site Plan Amendment Approval - SPA 113-G (17-01500009)

The project was before the Board for an initial presentation and possible action on the SP application. Jim Feltman of 360 Project Management, was present on behalf of the applicant, Tania Inigo, ID Studio 4, and the tenant Chili's aka J.J.Jamadar, Pepper Dining, Inc. to provide information and answer questions. Staff comments were provided by Leslie Lombardo. To date, the project was placed on the following agendas: 08/22/2017

Discussion / Information Items

-applicant seeking approval to change the facade at Chili's Restaurant, 382 Route 9W, Glenmont

PLANNING BOARD

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

SITE PLAN AMENDMENT APPLICATION APPROVAL

FAÇADE CHANGES

CHILI'S RESTAURANT / J.J. JAMADAR - PEPPER DINING, INC.

382 ROUTE 9W, GLENMONT

CERTIFICATE NO.: SPA 113-G

DATE: August 22, 2017

1. TYPE OF APPROVAL: Amendment to Previously Approved Site Plan - Façade Renovations

NAME OF PROPOSAL: Town Squire 2 - Schuyler Companies

DESCRIPTION OF PROPOSAL: Amendment to Site Plan for facade changes to include painting exterior and renovation of signage for Chili's Restaurant / J.J. Jamadar - Pepper Dining, Inc.

LOCATION OF SITE: 382 Route 9W, Glenmont, New York

TITLE OF DRAWINGS:

"Chili's Reimage 2020" 382 Route 9W, Glenmont, NY 12077, dated 6/21/17, revised 8/14/17, prepared by Davis Scott Windle, AIA, 1431 Greenway Rd. Suite 510, Irving, Texas, 75038, Sheets G100, A201-A203 and A003.

"Chili's Glenmont CHO998", 382 Route 9W, Glenmont, NY 12077, dated 6/8/17, and revised 8/10/17, prepared by Federal Heath Visual Communications, 2300 North Highway 121, Euless, Texas, 76039, Sheets 1-6.

2. THIS IS TO CERTIFY THAT the PLANNING BOARD of the Town of Bethlehem, Albany County, New York, at a meeting held August 22, 2017 AMENDED a previous Site Plan Approval by APPROVING façade renovations to the building located at Town Squire Plaza 2, 382 Route 9W, Glenmont, New York.
3. This Amendment modifies the original Site Plan Approval granted by the Planning Board on December 3, 2003, as documented in Certificate No. S.P.A. 113, dated December 3, 2003, and by Site Plan Amendment granted by the Planning Board on May 4, 2004, as documented in Certificate No. S.P.A. 113-B.

4. More specifically, this amendment consists of the approval of the revised building elevation drawing as cited above, which shows reconfiguration of the Chili's signage on the front and side façade as well as new paint colors for sections of the front and side façade and recladding of awnings and other trim work.

5. Approval of the Site Plan was made with the following MODIFICATIONS to be shown on the plan set endorsed with the Planning Board's stamp of Approval:
 - A. No modifications.

6. Prior to the granting of this Amendment, the Planning Board:
 - a. Classified the proposal as a Type II action in compliance with SEQR
 - b. Determined that it did not require referral to the Albany County Planning Board

7. Approval of the site plan was made with the following conditions:
 - a. The orange colorline LED light shown on the roofline of the front and two side elevations of the building on plan sheets 4 of 6 and 6 of 6 prepared by Federal Heath Visual Communications shall not flash or move or cause any distraction to passing vehicles.

8. Except as modified by this Amendment, all other provisions, requirements and conditions of Site Plan Approval for Town Squire Plaza 2, as outlined in Certificate of Site Plan Approval No. S.P.A. 113 and S.P.A. 113-A, B, C, D, E, F shall remain in full force and effect.

BY ORDER OF THE PLANNING BOARD

John Smolinsky, Chairman

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

VI. Discussion/Information Items

A. Wemple Road Apartments on Wemple Road, Glenmont - Site Plan Application submitted by Rosen Development - Project Update 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, 04/04/2017 and 08/22/2017.

Discussion / Information Items:

-Site Plan application for multi-family dwelling units / 96 apartments (10 6-unit bldgs) (9 4-unit bldgs)

-37 acre parcel, owned by John Biscone, located at NW corner of Wemple Rd and Rt 9W

-17.9 acres to be preserved as green space per requirements of NYS DEC

-12 acres to be developed

-7 acres with frontage on Rt 9W and Wemple Rd to be retained by owner for future development

-project also requires Land Division approval by the Dept. of Economic Development & Planning

Topics of discussion were related to number of units, wetlands, permits, ingress / egress, traffic impacts / mitigation, connectivity to Route 9W, site distance, off-site improvements, impacts to neighbors.

VII. New Business

A. Public Meeting - Tuesday, September 26, 2017 - Delaware Avenue Complete Streets Feasibility Study - 6:00 PM at Town Hall

B. Public Meeting - Thursday, October, 12, 2017 – Open Space Planning – 6:00 PM at Five Rivers Environmental Education Center

C. Public Meeting - Tuesday, October 24, 2017 – Local Waterfront Revitalization Plan – 6:00 PM at Town Hall

VIII. Adjournment

Motion To: Adjourn - Next Meeting, Tuesday, September 5, 2017 at 6:00 p.m.

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