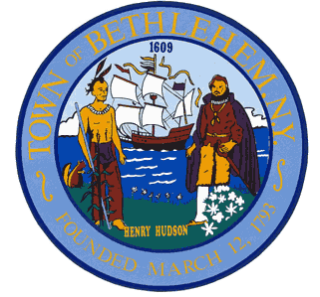


# TOWN OF BETHLEHEM



*John Clarkson*  
*Town Supervisor*

## Planning Board Minutes

*John Smolinsky*  
*Board Member/Chairman*

Tuesday, October 3, 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	Present	
Margaret Sherman	Board Member	Present	
Scott Lewendon	Board Member	Present	
Kate Powers	Board Member	Present	
Michael Moore	Planning/Zoning Board Counsel	Present	
Deborah Kitchen	Assistant to the Planning Board	Present	
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

#### **Greg Allen, 12 Penn Lane, Glenmont**

- comments related to Reserve at Feura Bush PDD
- letter to the Board, sent from Greg Allen, via email, was read aloud by Kelly Bronson
- not in favor of approving project
- recommends transparency
- affects of overall development
- approvals happen in spite of overall concerns
- Board should consider views of Bethlehem residents regarding development
- Town temperature regarding cumulative impacts
- Pause in development
- Does town have means to halt development / 5 year plan
- cumulative impacts of approved projects

#### **Kelly Bronson, 16 Manor Drive, Glenmont**

- comments related to Reserve at Feura Bush PDD
- does not support rezone application
- feels town is congested enough
- 2 page list of questions submitted at 09/05/2017 meeting
- petition of opposition submitted at 09/05/2017 meeting
- traffic issues, claimed as problematic, are coming from Feura Bush Road

#### **Tom Krautner, 24 Manor Drive, Glenmont**

- comments related to Reserve at Feura Bush PDD

- relocated to Glenmont from Queens
- would like to mirror Mr. Bronson's comments
- Feura Bush road is a state road but ....
- works at SEFCU by Price Chopper
- noted that if there is a police stop or accident on Feura Bush road it halts traffic and it is faster for him to walk home from work
- rabbits, deer, wildlife will be displaced
- quality of life is being diminished
- everything seems to be about money
- came to Town for peace and quite but bit by bit it is being desecrated
- he and his wife have been asking themselves this question: "Should we stay or go?"

**Dave Greenwood, 435 Feura Bush Road, Glenmont**

- comments related to Reserve at Feura Bush PDD
- too much development
- too close to single family homes
- questioned if this was the only point in the process to stop the project from moving forward
- urged the Members to vote no

**Laura Bronson, 16 Manor Drive, Glenmont**

- comments related to Reserve at Feura Bush PDD
- one of few wooded areas left in Glenmont
- has watched wildlife on a daily basis
- there are deer, rabbit, fox, amazing birds
- the project will destroy the wooded area
- if you drive thru Glenmont you will see building after buildings and development upon development
- where did the woods go?
- please do not allow this development to happen

**III. Minutes Approval**

**A. Tuesday, September 19, 2017**

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Gyory, Board Member
<b>SECONDER:</b>	Scott Lewendon, Board Member
<b>AYES:</b>	Smolinsky, Gyory, Sherman, Lewendon, Powers

**IV. Action Items**

**A. Reserve at Feura Bush PDD, Amedore Homes- Possible Action on Approval of Rezone Recommendation and SEQR Determination of Significance to establish the Reserve at Feura Bush Condominium Development as a Planned Development District (16-00600001)**

The project was before the Board for an update and possible action on the Rezone recommendation. Brett Steenburgh, PE and John Bossolini of Amedore Homes, the applicant, were present to provide information and answer questions. Staff comments were provided by Robert Leslie. To date, the project was placed on the following agendas:

Town Board: 03/08/2017

Planning Board: 04/04/2017, 09/05/2017, 10/03/2017

### **Public Comment**

-public comment(s) provided during the public comment period can be heard by listening to the meeting video which is accessible via the Town's Website / Meeting Portal via the following link:

<http://bethlehemtownny.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1528&Format=Minutes>

### **The Board received written comments via email from the following individuals:**

- Email 2017--10-03 from Beeler of Dover Estates to PB - re opposition to project
- Letter 2017--10-03 from Greg Allen of 12 Penn Ln to PB - re opposition to project and concerns about town wide development

### **Discussion / Information Items:**

- overview of Planning Development District (PDD) application process provided by Robert Leslie
- PDD application submitted by Amedore for change in zoning of parcel from Residential A to PDD to allow for multi-family development
- applicant seeking approval to construct 48 condominiums (12 4-unit bldgs) known as Reserve at Feura Bush
- existing 58 acre parcel, owned by St. Johns Church (Calvary Cemetery), has frontage at 481 Route 9W & 430 Feura Bush Rd
- parcel to be split via the Town's Land Division process
- 49 acres with frontage on Route 9W to be retained by the owner
- 8.9 acres with frontage on Feura Bush Road to be split from the parent parcel and developed
- Town Board accepted PDD application on 03/08/2017 and referred it to the Planning Board
- 5.48 units per acre
- BCSD website indicates enrollment is at a 20 year low
- stormwater management via dry wells at site is comprised of 12-14 foot of sand
- sidewalks to be installed along Feura Bush
- applicant has contributed to a cumulative impact traffic study of nearby intersections
- funding request for intersection (Route 9W, Feura Bush, Glenmont Rd) approved by NYS DOT with 80% Federal and 20% Local share
- comments and concerns related to the condition of Feura Bush Road must be addressed to the NYS DOT because it is a State highway

- project compared to Canterbury Crossing
- project provides 70% green space

**Board Member / Staff Comments:**

- staff provided data regarding the number of students reported by BCSD in previously approved PDDs (Nathaniel Crossing, Walden Fields, Gables, Blessing Corners)
- proposed project would provide a transition from commercial, hamlet, rental, PDD / condos, single family
- NYS DOT pavement evaluation report for Feura Bush Road was at a rating of 5, which is poor
- Feura Bush Road is slated to be paved next year
- Town would not hold a bond for improvements to Feura Bush by Amedore because it is a State highway
- a permit would need to be issued by NYS DOT
- language could be added to approval document to prevent heirs, successors and assigns from renting the units
- 50' buffer around the perimeter to be owned / maintained by the HOA, this includes landscaped areas
- Town staff has met with BCSD staff
- CDRPC reviews enrollment projections; 5 year projections show a decline
- multi-family units are not generating as many students as single family
- loss of wildlife habitat
- Town does not prohibit development based on what is on the site
- Town can only control development when it owns the property
- if project meets zoning code and impacts are not significant the Board can consider approval
- protection of the northern long eared bat triggers restrictions from April 1 and Sept 30 for clearing and site work
- Feura Bush Road is not a truck route but traffic will be allowed to access the site during construction
- NYS DOT does not require traffic study during construction
- dust and debris on the roadways will be addressed through the SWPPP
- Town can require that the road be cleaned if there is an issue
- seeding / straw will be placed on site to reduce dust
- 50' buffer will help to reduce dust
- Phase 1 A/B study has resulted in letter of no affect from NYS OPRHP

- Ms. Powers noted that applicant could build 17 single family homes instead of 48 condominiums
- she is not in favor of the project due to impacts on traffic, schools and area being overburdened
- does not believe there is a compelling reason to make a zone change
- Ms. Sherman indicated that she would like to see a traffic study
- Mr. Gyory inquired about traffic volume for 17 units versus 48 units
- Mr. Leslie said it reflects a difference of 16 trips during the PM Peak hour
- Mr. Gyory appreciates school data
- believes a map of the traffic area would be helpful
- Mr. Gyory is not comfortable with the current proposal as it stands
- Mr. Leslie noted that the applicant has committed to providing fair share costs to participate in a traffic study
- the Resolution will acknowledge the traffic study and applicant's contribution
- he believes that 16 trips is insignificant especially with contributions forthcoming
- ACPB has chosen not to provide a recommendation
- Fiscal impact assessment looked at schools, number of units, assessed value, infrastructure in the RA zoning district
- subdivision requires town road, town sewer, town water, town stormwater
- PDD requires private road, private sewer, private water, private stormwater and generates \$34,000 in tax revenue
- the RB zoning in the adjacent subdivision allows higher density
- Mr. Smolinsky noted that 11th hour comments will not be addressed by the Planning Board during the meeting
- Mr. Leslie indicated that he stands by the traffic generation rates obtained from the Institute of Transportation Engineers (ITE) which estimates 33 trips during PM peak
- he noted that housing diversity is a tool that is used to provide housing options
- Counsel, Michael Moore, noted that the Planning Board would need to provide a favorable report or unfavorable report to the Town Board and the Town Board could elect to proceed even in face of an unfavorable report
- Mr. Smolinsky noted that if the Town Board proceeds with a PDD, the project would come back to the Planning Board for Subdivision / Site Plan Review to deal with issues of geometry, landscaping, etc.
- Mr. Lewendon recommended that the Landscape Plan be reviewed by a Landscape Architect

**Next Steps:**

- Board would like to see map of traffic area

-Planning Board recommendation / Resolution to be sent to Town Board along with memo from staff

-Possible action by Town Board at 10/11/2017 meeting to proceed with scheduling of a Public Hearing on 11/08/2017

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

**RESOLUTION  
RECOMMENDATION ON SEQR DETERMINATION OF SIGNIFICANCE  
AND ZONING APPLICATION**

**APPLICATION TO ESTABLISH A PLANNED DEVELOPMENT DISTRICT  
FOR  
RESERVE AT FEURA BUSH CONDOMINIUM DEVELOPMENT**

WHEREAS, the Town Board of the Town of Bethlehem has received an application, Environmental Assessment Form and supporting plan set and reports from Amedore Homes (applicant), representing Calvary Cemetery (owner) to establish a Planned Development District for lands which are located along Feura Bush Road (NYS Rte. 910A) and have a tax parcel identification of 97.15-2-11; and,

WHEREAS, the proposed amendment to the zoning district boundary would re-zone approximately 8.89 acres of the 58.64 acre parcel from Residential A to Planned Development District. The remaining 49.75 acres would retain the Residential A zoning district classification; and,

WHEREAS, Amedore Homes has submitted a district plan for development of the District that entails the construction of up to 48 condominium units comprised of 12 buildings (4 units per building); and,

WHEREAS, the District pertains to the following drawings entitled:

- (a) "Existing Conditions Plan" - Amedore Homes, Reserve at Feura Bush PDD, (Sheet 1 of 4), Town of Bethlehem, County of Albany, State of New York, dated November 21, 2016, revised 9/22/17, prepared by Brett L. Steenburgh, P.E. PLLC, Niskayuna, NY.
- (b) "Concept Plan" - Amedore Homes, Reserve at Feura Bush PDD, (Sheet 2 of 4), Town of

Bethlehem, County of Albany, State of New York, dated November 21, 2016, revised 9/22/17, prepared by Brett L. Steenburgh, P.E. PLLC, Niskayuna, NY.

- (c) "E & SC Plan" - Amedore Homes, Reserve at Feura Bush PDD, (Sheet 3 of 4), Town of Bethlehem, County of Albany, State of New York, dated November 21, 2016, revised 9/22/17, prepared by Brett L. Steenburgh, P.E. PLLC, Niskayuna, NY.
- (d) "Details" - Amedore Homes, Reserve at Feura Bush PDD, (Sheet 4 of 4), Town of Bethlehem, County of Albany, State of New York, dated November 21, 2016, revised 9/22/17, prepared by Brett L. Steenburgh, P.E. PLLC, Niskayuna, NY.
- (e) Reserve at Feura Bush PDD (Sheet 0 of 4) - *Color plan sheet*

WHEREAS, Zoning Law §128-40 of the Code of the Town of Bethlehem contains procedures for the establishment of a Planned Development District, and said procedures authorize the Town Board to establish such a District upon referral to, and recommendation of, the Town Planning Board; and,

WHEREAS, Zoning Law §128-40 B(7) requires the Planning Board when making its recommendation to the Town Board to address the criteria in Subsection C(11) of the PDD regulations; and,

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

WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(a), the Town Board at its meeting of March 8, 2017: (1) determined that the PDD application constituted an "action" subject to SEQR; (2) identified other involved agencies for the purpose of coordinated review; (3) made a preliminary classification of the project as a "Unlisted" action; (4) required a full Environmental Assessment Form to assist the lead agency in its determination of significance; and (5) determined that the proposed action was not located in a certified agricultural district and therefore not subject to the provisions of the Agriculture and Markets Law; and,

WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(b) the Town Board at its meeting of March 8, 2017 also initiated a coordinated review of the action, declared its desire and intent to be lead agency for SEQR review, and subsequently circulated the PDD application and full EAF to all involved agencies; and,

WHEREAS, the Town Board at its meeting of March 8, 2017 also referred the PDD application to the Planning Board for a recommendation on both the application and on a SEQR Determination

of Significance; and,

WHEREAS, the Planning Board has reviewed and considered the PDD application, the full Environmental Assessment Form and supporting materials submitted by the applicant; and,

WHEREAS, supporting materials include, but are not limited to, preliminary grading and utilities plan, preliminary stormwater management plan, archeological surveys/investigations, endangered, threatened and rare species investigation, and a conceptual project plan and narrative which addresses site layout, utilities, storm water management, grading, archaeological sites, and other site development factors; and,

WHEREAS, the Planning Board has reviewed and considered public comments, and staff comments and memoranda prepared by the Town Department of Economic Development and Planning, and Town Engineering Division, as well as comments received from involved agencies, addressing potential areas of environmental concern for the PDD rezoning and constructing the proposed project; and,

WHEREAS, the applicant has submitted materials which respond favorably to the comments and correspondence noted above, and to comments raised by the Planning Board in reviewing the application; and,

WHEREAS, the Planning Board has concluded that the applicant has adequately addressed identified areas of concern and will provide appropriate environmental mitigation for the project; and,

WHEREAS, the Planning Board has conducted its own independent analysis of the application and its potential environmental effects;

NOW, THEREFORE, BE IT RESOLVED,

that based upon its review of the PDD application, the full EAF and other supporting materials submitted by the applicant; comments on the application submitted by the Town Planning Department, Town Engineering Division, and involved agencies; its own independent analysis of the application; and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Planning Board hereby concludes that approval of the Reserve at Feura Bush PDD application to amend the current zoning district boundaries to include a Planned Development District for the purpose of constructing up to 48 condominium units comprised of 12 buildings, constitutes an action which will not have a significant impact on the environment; and,

BE IT FURTHER RESOLVED,

that the Planning Board hereby recommends to the Town Board that a Negative Declaration be issued pursuant to Article 8 of the Environmental Conservation Law with respect to the



Feura Bush Road PDD application, and that the portion (8.89 acres) of the parcel identified in the application be rezoned from Residential A District to Planned Development District; and,

BE IT FURTHER RESOLVED,

that this recommendation is advisory in nature and is made for the purpose of assisting the Town Board, the SEQR lead agency, in conducting its own independent review of the application and associated SEQR issues; and,

BE IT FURTHER RESOLVED,

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

1. The District will include 8.89 acres of a 58.64 acre parcel to be rezoned to Planned Development District (PDD) from Residential A District.
2. Under the PDD regulations the maximum permitted density for four-family units is eight units per acre of unconstrained land. For the Reserve at Feura Bush site this translates into a maximum density of 71 dwelling units, although when accounting for the configuration of necessary infrastructure improvements (stormwater, roadway, etc.), and area and yard requirements this density would not be achievable. Based on the Reserve at Feura Bush district plan, the site is able to accommodate 48 townhome units or 5.40 dwelling units/acre. Based on a proposed conventional single family home layout that meets the requirements of the Residential A zoning district 17 lots may be achieved on the site.
3. The application satisfies the criteria for a rezone to Planned Development District found in Zoning Law §128-40 C(11) as follows:
  - 1) Zoning Law §128-40 C(11)(a, b) In accordance with the goals of the Town's Comprehensive Plan, this project provides an alternative to the standard detached single family home development that is permitted by the site's current Residential A zoning district. The project meets the needs of the increasingly diverse population by allowing greater housing diversity available to Town residents. In the last 15 years, the only condominium development approved and constructed in this area of the Town was Nathaniel Crossing, which consisted of 32 condominium units. A review of the condominium owners at Nathaniel Crossing consist of the demographics reflected by "young professionals" and "empty nesters"

The approx. 8 acre project site is isolated from immediate residential homes, in that the lands to the east and south contain existing cemetery property, and the lands to the west contain a 200-ft wide National Grid utility corridor. The project site is located approx. 1100-ft from the commercial hamlet area of the Route 9W/Feura Bush Road intersection. This commercial hamlet area is connected to the project site and other neighborhoods by way of a sidewalk that was installed in 2015. The proposed condominium units will serve as a good

transition area between the Glen Manor single-family home neighborhood and other neighborhoods to the west and the commercial and multi-family area adjacent to the Glenmont Plaza.

- 2) Zoning Law §128-40 C(11)(c) Approximately 2.75 acres of the site would remain as undeveloped open space in private ownership by a homeowners association (HOA). This undeveloped acreage serves as the 50-foot setback/buffer (treed area) along the perimeter of the PDD and the retention of this area will serve to screen the development from adjacent properties.
- 3) Zoning Law §128-40 C(11)(d,e) The proposed project is located in the existing municipal water district and adequate capacity exists to serve the project. The project will provide a new waterline along the private roadway (Bergen Place) and connect to the town owned 12-inch main along Feura Bush Road. A hot box will be required to house the water meter and backflow prevention device, and sufficient landscaping will be provided to screen the box.
- 4) Zoning Law §128-40 C(11)(d,e) This section requires that existing sewer facilities shall be adequate to accommodate the additional demand placed on them by the proposed development. The project will connect to the existing sanitary sewer system located along Feura Bush Road and discharge to the town owned Bender Lane pump station. The proposed project is located in the existing municipal sewer district and there is adequate capacity to handle the additional demand.
- 5) Zoning Law §128-40 C(11)(f) The soils on the site consist of Colonie loamy fine sand and Elnora loamy fine sand, which consist of Hydrologic Soil Group A, and therefore are well-drained soils that allow for infiltration stormwater practices on the site. A Stormwater Narrative, dated September 22, 2017, has been prepared by Brett Steenburgh, P.E. PLLC. The proposed project includes stormwater management facilities designed to meet the NYSDEC GP-0-15-002 requirements for treating stormwater quality and quantity. The project will include use of dry wells and pretreatment swales to address water quality. According to the Stormwater Narrative, due to the high permeability of the on-site soils, the drywells will adequately infiltrate the 100-year storm event without a discharge of the parcel. An erosion and sediment control plan (E&SCP), which prescribes construction-phase erosion and sediment controls, will be required as part of any subdivision approval or site plan approval issued for the project. The applicant is required to file a notice of intent (NOI) for project coverage under NYSDEC GP-0-15-002 following any subdivision approval or site plan approval issued for the project. All stormwater management practices will be privately owned. A Full Stormwater Pollution Prevention Plan will be prepared during the subdivision and site plan review.
- 6) Zoning Law §128-40 C(11)(g) The proposed site is located in an area suitable for residential purposes. The proposed 8.89 acre site can be characterized as an isolated area located between lands of the Holy Spirit Cemetery to the east, National Grid electric utility corridor to the west, and remaining portion of the Calvary Cemetery to the south. Adjacent land uses on the opposite side of Feura Bush Road consist of single family homes and a National

Grid utility substation. The Glen Manor subdivision containing single family homes is located on the opposite side of the electric utility corridor. Approximately 720 feet (0.15 miles) to the east of the site is the Glenmont Shopping Plaza and other commercial uses. The property is generally flat and there are no land characteristics on the parcel that meets the definition of unconstrained lands (slopes, wetlands, floodplains, etc.)

- 7) Zoning Law §128-40 C(11)(h) The project site is located about 0.31 miles from the existing CDTA bus stop along Route 9W at Town Squire Plaza in the vicinity of Feura Bush Road (CDTA Route 7). In 2015, the Town installed a sidewalk along Feura Bush Road that provides for safe pedestrian connection to the commercial destinations to the east and other destinations to the west at Wemple Road and Elsmere Avenue. The expected low vehicle volumes on the development's private road (Bergen Place) will not necessitate the need for a sidewalk internal to the site.
  
- 8) Zoning Law §128-40 C(11)(i) Access to the Reserve at Feura Bush site will be provided from Feura Bush Road (NYS Route 910A). NYSDOT, in correspondence dated August 30, 2017, stated (1) they have no objection to the location of the access on Feura Bush Road as proposed; (2) Please be advised that the design (layout) of the proposed driveway must meet all NYSDOT standards for access onto State highways; (3) We understand that this project is part of the traffic study being completed to evaluate cumulative impacts on the Route 9 corridor; and (5) We will provide further detailed comments once a set of construction level plans have been submitted for our review [at the time of Highway Work Permit review].

A traffic evaluation, dated August 10, 2017, prepared by VHB Engineering, included sight distance evaluations, which concluded that the available stopping and intersection sight distances at the proposed site access road on Feura Bush Road meet the AASHTO recommended guidelines for the applicable 40 and 45-mph operating speeds. The evaluation recommends the project frontage should be clear of vegetation a minimum of 15-feet back from the travel way to maintain the clear sight lines. A review of the available sight distance at the intersection of Bergen Place and Feura Bush Road identified +/-576 feet to the west and +/-1,480 to the east. The available sight distance values for the proposed private road meet the recommended AASHTO values for this section of roadway.

The proposed 48 condominium units is expected to generate 29 vehicle trips (5 entering, 24 exiting) during the AM peak hour and 33 vehicle trips (22 entering, 11 exiting) during the PM peak hour. Conversely, a 17 single-family detached home development would generate 13 vehicle trips (3 entering, 10 exiting) during the AM peak hour and 17 vehicle trips (11 entering, 6 exiting) during the PM peak hour.

Currently, Feura Bush Road carries approximately 10,120 vehicles per day on a typical weekday, with 5.6% (570 vehicles) of the daily traffic occurring during the weekday AM peak hour, and 9.4% (955 vehicles) occurring during the weekday PM peak hour. Amedore Homes is participating with the Town in an assessment of the cumulative traffic impacts associated with the proposed development and several other development projects, and

projected growth within the Route 9W Corridor area. Amedore has contributed \$7,500 towards the cost of the study, which includes a scope developed by the Town and CHA, dated July 24, 2017. An escrow agreement, dated July 25, 2017, executed by Amedore Homes references the traffic study scope, which includes public/private cost shares associated with traffic impacts. In correspondence, dated September 26, 2017, Amedore has expressed its willingness to participate in funding its proportionate share of the cost of road improvements associated with this development as determined by the town's cumulative impact study performed by CHA.

- 9) Zoning Law §128-40 C(11)(j) The architectural style of the proposed development including exterior materials, finishes, color and the scale of the buildings, submitted as part of the PDD application are consistent with the existing community and neighborhood character, which is reflective of a mix of typical two-story and single-story residential building designs.
  
- 10) Zoning Law §128-40 C(11)(k) The development of the site is not expected to produce undue adverse effects on the surrounding neighborhood. The proposed 8.89 acre site can be characterized as an isolated area located between lands of the Holy Spirit Cemetery to the east, National Grid utility corridor to the west (200-foot wide), and remaining portion of the Calvary Cemetery to the south. Adjacent land uses on the opposite side of Feura Bush Road consist of single family homes and a National Grid utility substation. The Glen Manor neighborhood containing single family homes is located on the opposite side of the electric utility corridor. Two homes within the neighborhood are located on flag lots adjacent to the site's western property boundary. Approximately 720 feet (0.15 miles) to the east of the site is the Glenmont Shopping Plaza and other commercial uses. The property is generally flat and there are no land characteristics on the parcel that meets the definition of unconstrained lands (slopes, wetlands, floodplains, etc.) In general, this area of Feura Bush Road can be characterized as a typical suburban area that contains a mix of single-family homes and commercial uses. A 50-foot PDD buffer area located along the perimeter of the site will be maintained for no future disturbance (maintaining existing vegetation and planting of new vegetation where needed), and will serve as a buffer to screen the development from the adjacent Glen Manor neighborhood.
  
- 11) Zoning Law §128-40 C(11)(l) The district plan does not propose affordable housing.
  
4. Town Zoning Law §128-40.C.2.h requires that a fiscal impact analysis be provided as part of the PDD application for a comparison of fiscal impacts from the proposed PDD project versus impacts that might occur from development of the site under existing zoning (Residential A).

The applicant has prepared a school age children analysis, dated June 26, 2017 and revised August 21, 2017, utilizing a February 2017 National Association of Home Builders (NAHB) study (based on the US Census Bureau's 2015 American Community Survey), which indicates the 48 condominium units will generate approximately 11 school age children based on 0.219 school age children per unit for new multi-family construction. The analysis also identified that based on a 17 single family detached home development 11 school age

children would be generated (0.615 school age children per single family detached home).

In 2006 Rutgers University established residential demographic multipliers for school age children based on the 2000 US Census. The demographic multipliers have not been updated since that time period due to a change in the data collection process by the US Census Bureau (long form no longer utilized in the 2010 Census). The report identifies that a 2 to 4 unit building consisting of 2 bedroom units could generate 0.43 students per unit. Based on the proposed 48 condominiums, this would result in the generation of 20 students. Comparatively, single-family homes consisting of 4 bedrooms could generate 1 student per unit. Based on the site's ability to create 17 lots, this would result in 17 students.

Overall, the number of students generated from either a condominium development or a single-family detached home development could range from 11 to 20 for a condominium development or 11 to 17 for a single-family detached home development. A 2012-2013 review of student generation from existing owner-occupied townhomes in the Bethlehem Central School District resulted in a generation of 0.05 students per unit. Demographics of townhome units (younger and older populations reflecting the "young professional" and "empty nester") are typically similar to the demographics residing in condominium units. A recent review of the number of students found in the nearby Nathaniel Crossing condominiums and Walden Fields townhomes identified one school age student in both developments. Regardless of the student multiplier utilized the number of students generated by the condominium development is expected to be low, and is therefore not expected to have an impact on the Bethlehem Central School District.

Regarding the fiscal impact assessment associated with proposed condominium development on Town resources, the new roadway and utility (sanitary sewer, water, and storm sewer) improvements will all be owned and maintained by a condominium association. This results in zero cost to the Town. Under a conventional single-family detached home development these improvements would be owned and maintained by the Town. Based on 2017 assessment rates, the analysis concludes that the 48 condominium development has the potential to generate \$34,000 more in tax revenue per year than a 17 lot single family detached home development.

5. Town Zoning Law §128-40 H requires a 50 foot yard setback at the perimeter of a PDD and applies to parking areas, buildings, and other similar structures. Where the PDD abuts a Residence A District "... the minimum yard setback shall be planted with a mixture of evergreen and deciduous plantings at a height so as to provide, as much as practicable, a visual screen of the buildings and parking areas. This setback shall not apply to ... streets, utility rights-of-way ... that the Planning Board determines necessary in providing access to the PDD." Bergen Place, which provides access to the site is therefore permitted in the setback. There are no parking areas, buildings, or other similar structures within the 50-foot PDD setback area.
6. Town Zoning Law requires (except as otherwise determined by the Town Board) at Sec. 128-40.H.(3)(a) that "... all buildings shall have a minimum required front yard which shall

be 60 feet from the centerline of pavement ... of the street ... on which the building fronts or 35 feet from the street on which the building fronts, whichever develops the greater front yard". Streets are defined as public or private. The majority of buildings along Bergen Place are setback 35-feet from the street, with the exception of the two buildings located near Feura Bush Road, which are setback 60-feet from the centerline of the roadway. The reduced front yard setback of 30 to 35-feet is appropriate for the project so as to maintain the 50-foot PDD perimeter buffer area.

7. Bergen Place will be designed to the standards of a local street and privately owned and maintained by the condominium association. The two-way roadway width is proposed at 24-feet, while the one-way roadway width is proposed at 20-feet. A second access road for emergency services will be located at the rear of the site and connect to the roads within the Calvary Cemetery. It is expected that police and EMS vehicles would utilize the cemetery access, if necessary. Elsmere Fire District has reviewed the entrance road geometry, road layout, and available fire flows, location of on-site private fire hydrant as referenced in their correspondence to R. Leslie, dated September 12, 2017.
8. The proposed condominium units will have lot (tax parcel) dimensions based on the size of the buildings. The identification of typical lot size, yard setback and area dimension requirements will not apply for this proposed condominium development. There shall be no accessory structures (including decks and patios) permitted in the 50-foot PDD setback area.
9. The project application was submitted on August 24, 2017 to the Albany County Planning Board for review at their September 21, 2017 meeting. Pursuant to General Municipal Law 239-m, Albany County shall have thirty days to report a recommendation to the Town. Albany County Planning Board has not provided a recommendation within the thirty day time period, and therefore, the Town may proceed with final action without a recommendation report from the County.
10. On June 1, 2016 North Country Ecological Services conducted an ecological assessment of the project site to locate potential wetland areas subject to US Army Corps of Engineers and NYS DEC regulations. Correspondence from North Country Ecological Services (NCES), dated June 6, 2016, states during the assessment NCES determined that no area met the three criteria to be classified as a wetland. No wetlands were found within the boundaries of the property.
11. In correspondence dated June 6, 2016, North Country Ecological Services (NCES), Inc. completed an ecological assessment of the project site, which included a search for endangered, threatened or rare (ETR) flora and fauna. The assessment concludes the search for endangered, threatened or rare flora and fauna was unsuccessful. Correspondence from NCES, dated September 27, 2017, indicates a review of the NYSDEC website was conducted and the US Fish and Wildlife Service (USFWS) was consulted regarding endangered, threatened, and rare species at the subject property. According to NYSDEC's website, the subject property is outside of any recorded ETR species of flora or fauna. No further consultation and review regarding ETR species is required by NYSDEC.

According to the USFWS, the only ETR species potentially known to exist near the subject property is the Northern Long-eared bat. This species is listed based on its occupation of the geographic area and not any known occurrence on or near the site. The bat will roost in trees during the day. NCES recommends that no tree clearing occur from April 1 through September 30 of any calendar year to ensure that no adverse impacts occur to the Northern Long-eared bats. During this time of year, bats are outside of their hibernacula avoiding tree clearing will prevent potential impacts to bat species.

12. A Phase 1 Literature Review and Archaeological Sensitivity Assessment and Phase 1B Archaeological Field Investigation, dated May 2017, was prepared by Hudson Mohawk Archaeological Consultants, LLC. The results of the Phase 1B Field Investigation for the project encountered no significant prehistoric or historic archaeological sites, or deposits within the project area. The investigation concludes that based on the results of field investigation no further work is therefore recommended. Correspondence from the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), dated September 27, 2017, states OPRHP has reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. OPRHP concludes the project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.
  
13. The project site is not located within or adjacent to an Agricultural District. The closest agricultural district property is located approximately 1,150 feet west of the parcel boundary and adjacent to the Glen Manor neighborhood.
  
14. Amedore proposes that the 48-units will be sold as condominiums, which will require the establishment of a condominium association and approval by the NYS Attorney General. In order to assure Amedore will not rent the units, the PDD approval shall contain language as follows (or similar): "Amedore Land Developers and its related entities (i.e. heirs, successors and assigns) are prohibited from renting or leasing any condominiums within the Reserve at Feura Bush PDD." This restriction would prohibit Amedore from building out the 48-condominium units while retaining ownership and renting the units. This restriction would not prohibit future condo owners who purchases the unit from renting the unit. Similarly, a single-family home in the Town can be rented.
  
15. The project will not have a significant adverse impact on noise levels or quality of air in the vicinity of the project site. Noise and air quality impacts associated with construction will be temporary and of short-term duration.

BE IT FURTHER RESOLVED,

that this recommendation for establishment of a Planned Development District is conditioned on the following modifications and conditions being made to the plan set and

supporting reports during the subdivision and site plan review process:

- A. The plans and application materials to be submitted during the subdivision and site plan review process shall include and reflect the following information:
  - a) In order to assure the development will not convert to a multi-family rental development the approval document shall include a condition that states Amedore Land Developers and its related entities (i.e. heirs, successors and assigns) are prohibited from renting or leasing any condominiums within the Reserve at Feura Bush PDD. Further, an agreement shall be prepared and executed by Amedore Land Developers that prohibits the Amedore Companies, their officers, heirs and or assigns from offering any of the forty eight (48) condominium homes in the Reserve at Feura Bush Condominium as rental units.
  - b) A landscaping plan, to be completed by a Registered Landscape Architect, shall be provided with the subdivision and site plans, including but not limited to the addition of landscaping within and along the PDD 50-foot setback buffer to screen the units from adjacent residential homes. A street tree and foundation planting plan shall also be prepared.
  - c) Preparation of a full SWPPP that meets the NYSDEC GP-0-15-002 permit for construction activities shall be provided and approved by the Town Engineering Division.
  - d) The applicant shall comply with the mitigation measures established by the traffic assessment being prepared by CHA, which is expected to identify a fair share monetary contribution to Route 9W area intersection improvements.
  - e) No tree clearing shall occur from April 1 through September 30 of any calendar year to ensure that no adverse impacts occur to the Northern Long-eared bats.
  - f) The parking spaces provided on the site meet the requirements of the Zoning Law. Eighteen parking spaces shall be identified as banked spaces. If needed in the future, these spaces can be installed on the site.

On a motion by Mr. Lewendon, seconded by Ms. Sherman, and a vote of three (3) for, two (2) against, zero (0) abstained, and zero (0) absent, this RESOLUTION was adopted on October 3, 2017.



**RESULT:** APPROVED AS AMENDED [3 TO 2]  
**MOVER:** Scott Lewendon, Board Member  
**SECONDER:** Margaret Sherman, Board Member  
**AYES:** John Smolinsky, Margaret Sherman, Scott Lewendon  
**NAYS:** Brian Gyory, Kate Powers

**V. Discussion/Information Items**

**A. The Residences at Van Dyke, The Spinney Group, Van Dyke Road, Delmar - Minor Subdivision - Initial Presentation for 4 lot subdivision (17-00300004)**

The project was before the Board for an Initial Presentation. Joe Forte & Thomas Brewer of Brewer Engineering, and Morgan Ruthman & Edward Feinburg of the Spinney Group, the applicant, were present to provide information and answer questions. Staff comments were provided by Leslie Lombardo. To date, the project was placed on the following agendas: 10/03/2017

**Discussion / Information Items:**

- 4 lot minor sub for 4 single family homes
- 9 acre parcel located in an RA zoning district on west side of Van Dyke Road across from the Senior Housing complex known as The Spinney at Van Dyke
- lots to be served by public water and sewer
- agricultural data statement provided
- letter related to grading provided by Dente Engineering
- slope stability evaluation provided by Dente Engineering

**Board Member / Staff Comments:**

- issues related to steep slopes
- applicant seeking waiver request for slope setbacks per section 128-49 of the zoning law
- fill to be relocated
- cross sections to be shown on drawing
- larger common plan of development requires application to update stormwater management plan
- need to show 100' setback from stream (Phillipin Kill) / waterway and flood zone
- site distance for driveways needs further review
- archeological review by NYS OPRHP
- SEQR unlisted / Planning Board to serve as Lead Agency
- ACPB review required because parcel is located within 500' of an agricultural district
- Town Engineer to review waiver request
- building site appear to be 4-8' below road level / applicant to show details related to road drainage

- applicant to provide information related to impacts on slope from removal of vegetation on Lot 1
- concerns related to flood plain
- stream meanders and the report provided by Dente indicates that there is evidence of slope failure where the stream turns behind lot 1

**Next Steps:**

- Engineering to review and provide comments
- applicant to respond to comments and provide additional detail

**VI. New Business**

**A. Meeting Schedule - November 2017 - Thursday 11/09/2017 & Monday 11/20/2017**

Mr. Leslie noted that the November 2017 Planning Board meetings will be held at Town Hall as follows:

- Thursday, November 9, 2017 at 6:00 p.m.
- Monday, November 20, 2017 at 6:00 p.m.

Mr. Gyory and Ms. Powers noted that they will not be present for the 11/09/2017 meeting. Ms. Powers also indicated that she may have a conflict on 11/20/2017.

**B. Bethlehem Open Space Conservation & Planning - Public Workshop #1 - 10/12/2017 at 6:00 PM at Five Rivers Environmental Education Center, 56 Game Farm Road, Delmar**

Mr. Leslie stated that the Town will be hosting a public meeting on Thursday, October 12, 2017 at 6:00 p.m. in the new building at Five Rivers Environmental Education Center at 56 Game Farm Road, Delmar. The purpose of the meeting is to review and discuss four Open Space Values Maps and a DRAFT Open Space Priority Areas Map along with other supporting conservation information.

Workshop Flyer:

<http://www.townofbethlehem.org/DocumentCenter/View/10953>

Town of Bethlehem Website / Open Space Planning webpage:

<http://www.townofbethlehem.org/783/Open-Space-Planning>

Questions or comments can be sent via email to: [OpenSpace@townofbethlehem.org](mailto:OpenSpace@townofbethlehem.org)

**C. Delaware Avenue Complete Streets Feasibility Study - Public Workshop #2 - Held on 09/26/2017 at 6:00 PM at Town Hall**

Mr. Leslie noted that a public meeting was held on 09/26/2017. Questions / comments related to the Delaware Ave Complete Streets Feasibility Study have been forwarded to the project team at [DelawareAveStudy@cmellp.com](mailto:DelawareAveStudy@cmellp.com), which includes the consultant (Creighton Manning), the Town of Bethlehem and the CDTC project manager. Questions and

comments will be addressed as soon as possible. If necessary, questions or comments may also be forwarded to a stakeholder representative for their input.

[<https://delawareavecompletestreets.com/contacts/>](https://delawareavecompletestreets.com/contacts/)

## **VII. Adjournment**

**Motion To:** Adjourn - Next Meeting 10/17/2017 at 6:00 p.m.

<b>RESULT:</b>	<b>ADJOURN [UNANIMOUS]</b>
<b>MOVER:</b>	Kate Powers, Board Member
<b>SECONDER:</b>	Brian Gyory, Board Member
<b>AYES:</b>	Smolinsky, Gyory, Sherman, Lewendon, Powers