

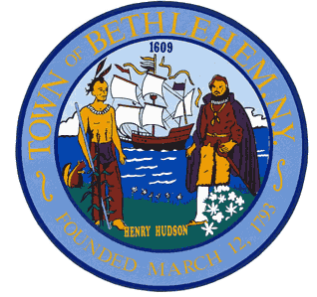
TOWN OF BETHLEHEM

David VanLuven
Town Supervisor

John Smolinsky
Board Member/Chairman

Planning Board Minutes

Tuesday, December 19, 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	Excused	
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

None

III. Minutes Approval

A. Tuesday, December 05, 2017

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

IV. Action Items

A. Keystone Builders - Storage Building at 645 Elm Ave., Selkirk - Possible action on 1st 90 Day Time Extension to Site Plan Approval (SPA 244) to meet conditions prior to construction (17-00100007)

The project was before the Board for an update and possible action to approve a 90 day time extension. Steve Bolduc and Robert Bolduc of Keystone Builders, the owner / 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 Planning Board Agendas: 06/20/2017, 07/06/2017 and 12/19/2017.

The Board approved the applicant's request for a 90 day time extension #1 to provide additional time needed to meet the conditions of approval.

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

B. Feura Bush Road, 365 - Glenmont Center Square - Possible Action on 1st 90 Day Time Extension to Site Plan Amendment Approval (SPA 30 A1) for Patio at Romo's Pizza (17-01500007)

The project was before the Board for an update and possible action to approve a 90 day time extension. Anthony Berghela, the owner / applicant, was present to provide information and answer questions. Staff comments were provided by Kenneth Kovalchik on behalf of Robert Leslie. To date, the project was placed on the following Planning Board Agendas: 07/06/2017 and 12/19/2017.

The Board approved the applicant's request for a 90 day time extension #1 to provide additional time needed to meet the conditions of approval.

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

C. Cumberland Farms Store #1662 - 68 Route 9W, Glenmont - Site Plan Amendment Application - Consideration of SEQR Classification of Action and Negative Declaration (17-00100013)

The project was before the Board for an update and possible action on the SEQR Resolution and Site Plan Approval. Scott Shearing of Bohler Engineering was present on behalf of the applicant, Cumberland Farms, to provide information and answer questions. Staff comments were provided by Kenneth Kovalchik. To date, the project was placed on the following agendas: 10/17/2017 and 12/19/2017.

PLANNING BOARD

TOWN OF BETHLEHEM

ALBANY COUNTY, NEW YORK

SEQR RESOLUTION

DETERMINATION OF SIGNIFICANCE / NEGATIVE DECLARATION

SITE PLAN AMENDMENT APPLICATION (SPA 121 A1)

CUMBERLAND FARMS, INC. - STORE #1662

68 NYS ROUTE 9W, GLENMONT

WHEREAS, the Planning Board of the Town of Bethlehem has received an application for site plan amendment approval from Cumberland Farms for the following site improvements: (1) remove the Dunkin Donuts drive-through; (2) construct a 10' x 73' building addition at the rear of the building; (3) modify existing monument signs; (4) lighting upgrades; (5) repair asphalt paving; (6) seal coat and restripe parking spaces; (7) replace dumpster enclosure; (8) replace "Welcome" and "Thank You" signs; (9) add stone veneer to the base of the building; (10) replace existing fuel dispensers with new dispensers; (11) change paint colors on canopy; and (12) upgrade landscaping; and,

WHEREAS, the development parcel consists of two tax lots measuring 2.9 +/- acres in area located at the northeast corner of the intersection of NYS Route 9W and Corning Hill Road (NYS Route 32), and said parcel is currently zoned General Commercial (C); 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 (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,

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

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

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

NOW, THEREFORE, BE IT RESOLVED,

that the Town of Bethlehem Planning Board hereby determines that: (1) the proposed action constitutes an Unlisted action that is subject to SEQR; (2) the action does not involve a federal agency; (3) does involve the Albany County Planning Board; (4) the proposed action is appropriately classified as an unlisted action; (5) the proposed action is not located within an Agricultural District; and (6) a short EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

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

BE IT FURTHER RESOLVED,

that based upon its review of the project, the EAF, review of the proposal by Town Engineering and Planning staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Planning Board hereby finds that approval of the building expansion and site improvements at the existing convenience store constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement, and;

BE IT FURTHER RESOLVED,

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

1. The project site is located in a General Commercial (C) District, and is a permitted land use within this zoning district subject to site plan approval. Existing land uses adjacent to the site include developed parcels located to the east located in the Residential A District, undeveloped and developed parcels located to the south (South side of Corning Hill Road) located in the Rural Zoning District, developed parcels to the north located in the General Commercial Zoning District, and a developed parcel to the west (west side of NYS Route 9W) located in the General Commercial Zoning District.
2. The proposed renovations to the building façade will incorporate the Cumberland Farms corporate design and will not have a visual impact on the existing Route 9W corridor, which includes other gas stations and convenience stores. The proposed renovations and site improvements will not have a visual impact on the residences located to the east as there is an existing 6 feet tall wooden fence and mature trees located along the east property line to buffer the use.
3. The lighting plan indicates existing area, wall and canopy lights will be retrofitted with LED's. The photometric plans show the illumination along the property lines will not exceed 0.2 foot candles, which is the maximum allowed in Commercial Districts pursuant to §128-52.F of Town Zoning Law.
4. The project site is located in the municipal water and sanitary sewer districts and will be served by said districts. The proposed site improvements will not place any significant additional demands on these facilities
5. Access to the site is provided from two existing driveways on Corning Hill Road (NYS Route 32). No changes to the driveway design are proposed.
6. Pursuant to §239-m of General Municipal Law, the project was referred to the Albany County Planning Board (ACPB) to be reviewed at their October 17, 2017 meeting. In a letter dated October 20, 2017 from the ACPB it states there was no action taken during the

October 17, 2017 County Planning Board meeting. As a result, the Town may take action without the County's reply.

7. 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 Town Department of Economic Development and Planning is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Ms. Sherman, seconded by Mr. Gyory, and a vote of four (4) for, zero (0) against, zero (0) abstained, and one (1) absent, this RESOLUTION was adopted on December 19, 2017.

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

**D. Cumberland Farms Store #1662 - 68 Route 9W, Glenmont - Site Plan Amendment
Application - Consideration of Site Plan Amendment Approval (SPA 121 A1) (17-00100013)**

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

**SITE PLAN AMENDMENT APPROVAL
CUMBERLAND FARMS, INC. - STORE #1662
68 NYS ROUTE 9W, GLENMONT**

**CERTIFICATE #: SPA 121 A1
HTE# 17-00100013**

DATE: DECEMBER 19, 2017

1. TYPE OF APPROVAL: Site Plan Amendment

NAME OF PROPOSAL: Cumberland Farms - Building Expansion and Site Improvements

DESCRIPTION OF PROPOSAL: Site improvements consisting of the following: (1) remove the

Dunkin Donuts drive-through; (2) construct a 10' x 73' building addition at the rear of the building; (3) modify existing monument signs; (4) lighting upgrades; (5) repair asphalt paving; (6) seal coat and restripe parking spaces; (7) replace dumpster enclosure; (8) replace "Welcome" and "Thank You" signs; (9) add stone veneer to the base of the building; (10) replace existing fuel dispensers with new dispensers; (11) change paint colors on canopy; and (12) upgrade landscaping.

LOCATION OF SITE: 68 Route 9W, Glenmont, NY

TITLE OF DRAWINGS:

- A. Site Plan drawings titled: "Site Development Plans for Cumberland Farms, 68 Route 9W, Town of Bethlehem, Albany County, State of New York", prepared by Bohler Engineering, Albany, NY.

Sheet 1 of 9 - "Cover Sheet", dated 6/01/2017 and revised through 12/05/2017.

Sheet 2 of 9 - "Boundary and Topographic Survey", dated 2/28/2017.

Sheet 3 of 9 - "Site Plan", dated 6/01/2017 and revised through 12/05/2017.

Sheet 4 of 9 - "Site Construction Details", dated 6/01/2017 and revised through 12/05/2017.

Sheet 7 of 9 - "Proposed Canopy and Elevations", dated 9/18/2017.

Sheet 8 of 9 - "Proposed Sign Drawing", dated 9/18/2017.

Sheet 9 of 9 - "Directional Signage", dated 7/17/2017.

Lighting Plan drawings titled: "Cumberland Farms, Glenmont, NY", prepared by Red Leonard Associates, Cincinnati, OH.

Sheet 1 of 2 - "Revised Area Light Fixture Type" dated 7/05/2017.

Sheet 2 of 2 - "Lighting Details"

Elevation Plan drawings titled: "New Construction Cumberland Farms", 68 NYS Rt. 9W, Glenmont, NY 12077", prepared by Harrison French & Associates Architects and Engineers, Bentonville, AR.

Sheet A3.1 - "Exterior Elevations" dated 7/28/2017 and revised through 11/15/2017.

Sheet A3.2 - "Exterior Elevations" dated 7/28/2017 and revised through 11/15/2017.

2. THIS WILL CERTIFY that the Planning Board, at a meeting held December 19, 2017, AMENDED a previous Site Plan Approval by APPROVING an amendment to the approved Site Plan for Cumberland Farms, 68 NYS ROUTE 9W. The AMENDMENT authorizes the renovation of the existing building and canopy, installation of additional landscaping and seal coating and restriping of parking lot.

3. This Amendment modifies the original Site Plan Approval granted by the Planning Board on June 6, 2006 and documented in Certificate of Site Plan Approval No. S.P.A. 121. Prior to the granting of this Site Plan Amendment Approval the Board considered:
 - A. A letter dated October 20, 2017 from the Albany County Planning Board:
 1. There was no action taken during the October 17, 2017 County Planning Board meeting. As a result, the Town may take action without the County's reply.

 4. Approval of this Amendment was granted with the following MODIFICATIONS to be shown on the revised plan set endorsed with the Planning Board's stamp of approval:
 - A. Satisfy all Engineering Division comments in the letter dated November 21, 2017 from T. Ritz to K. Kovalchik.

 - B. Sheet numbering shall be revised as follows:
 1. There are a total of 11 sheets in the plan set and numbering should be revised from 9 to 11.
 2. Exterior Elevation Plan Sheet A3.1 should be revised to read as Sheet 5 of 11.
 3. Exterior Elevation Plan Sheet A3.2 should be revised to read as Sheet 6 of 11.
 4. Lighting Plan Sheet 1 of 2 should be revised to read as Sheet 10 of 11.
 5. Lighting Plan Sheet 2 of 2 should be revised to read as Sheet 11 of 11.

5. This Approval is granted subject to the following CONDITIONS:
 - A. On June 6, 2006 the Planning Board issued a Special Use Permit (SUP 02) for a restaurant with drive-through (Dunkin Donuts). This current plan amendment includes removing the drive-through window and interior layout for the restaurant. Pursuant to §128-69.R.2 of Town Zoning Law, a special use permit shall be deemed to authorize only the particular special use or uses applied for and shall expire if the special use or uses shall have ceased for

more than 12 consecutive months for any reason. As a result of the removal of the drive-through window and restaurant with drive-through use (conversion to convenience store use) the previously approved special use permit will expire within 12 months of the issuance of a Building Permit related to the new improvements. Future conversion back to a restaurant with drive-through use will require special use permit application to the Planning Board.

- B. Prior to the stamping of the plans the Applicant will provide CAD files on a CD for all plan sheets.

- 6. All provisions, requirements, and conditions stated in Certificate of Site Plan Approval No. S.P.A. 121 shall remain in full force and effect except as modified by this Amendment.

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:	Brian Gyory, Board Member
SECONDER:	Scott Lewendon, Board Member
AYES:	John Smolinsky, Brian Gyory, Margaret Sherman, Scott Lewendon
EXCUSED:	Kate Powers

E. 1273 River Road - Finke Enterprises, LLC - Possible Action on SEQR Determination of Significance / Negative Declaration Resolution on Site Plan Application for occupancy by TerraSmart LLC (17-00100009)

The project was before the Board for an update and possible action on the SEQR Resolution and Site Plan Approval. The applicant and property owner, Finke Enterprises, along with David Ingalls of Ingalls & Associates, and Randy Smith of TerraSmart 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: 12/05/2017 and 12/19/2017.

PLANNING BOARD

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

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

**SITE PLAN APPLICATION
FINKE ENTERPRISES, LLC, 1273 RIVER ROAD, SELKIRK**

WHEREAS, the Town of Bethlehem Planning Board ("the Planning Board") has received an application from Finke Enterprises, LLC for Site Plan Approval for the occupancy of the existing site (29.9 acres with an 8,100 square foot building) at 1273 River Road by TerraSmart, LLC (leasee). TerraSmart is a solar racking provider and installer and will use the leasing area as an office space, training facility, warehousing facility and storage location for solar racking system materials, trucks and trailer equipment. TerraSmart LLC will occupy the site as it currently exists, and will not make any changes to the current access, site layout or building facade. A ground mounted sign and building mounted sign are proposed; 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 SEQRA; (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 of the occupancy at 1273 River Road by TerraSmart LLC for use of office space, training facility, warehousing facility and storage location for solar racking system materials, trucks and trailer equipment 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 Mixed Economic Development District zoning district, which allows the permitted light industrial use as a primary use, subject to site plan review by the Planning Board. A development master plan on the site is not required since 1273 River Road is an existing improved site (building, parking, outdoor storage areas). There is no additional development of the site needed for TerraSmart LLC to occupy the site.
2. The 29.9+/- acre site currently contains an 8,100 square foot vacant building, which was previously occupied by the NYS Thruway Authority for office space and vehicle maintenance. NYS Thruway also occupied the yard area for fleet vehicle parking. The yard area consists of both asphalt paved surface and a gravel surface. The site has been vacant for the past several years.
3. Minor interior improvements will be made to the building, and all improvements will comply with the NYS Building Code.

4. There will be limited site disturbance as a result of the project. A 40-ft by 300-ft area is identified on the site plan for solar racking and module installation display. This area will occur within an existing gravel area along the south side of the building. Site disturbance will be limited to the installation of posts in the ground for the solar racking system display. The display area is setback over 600-feet from the roadway and located adjacent to existing vegetation to the south and east, which will provide screening from the road and adjacent residences.
5. Approximately 12 full time employees will be stationed at the site. Some employees will arrive at the site to dispatch with a company vehicle for the day. Twenty three company vehicles will be stored at the facility consisting of eighteen one ton dully pick up tricks and five $\frac{3}{4}$ ton pickup trucks. As shown on the site plan, 22 parking spaces on the East side of the building and three spaces, including a handicap space, on the South side of the building are provided to accommodate company and employee vehicles.
6. Three to four tractor trailer deliveries are anticipated for an operational week, however some weeks no deliveries may be made. Hours of operation at the facility are Monday through Friday 7:00am to 7:00pm, and Saturday hours of 7:00am to 4:00pm however, occasional Sunday drop off or pickups are anticipated. Daily traffic levels are expected to be less than the traffic levels experienced when the New York State Thruway Authority leased the property.
7. A freestanding sign is proposed at the location of the previous freestanding sign, which will not impact sight distance for vehicles exiting the site. The freestanding sign is setback 30 feet from the right-of-way/property line. The Albany County Planning Board recommendation, dated July 27, 2017, stated modify local approval to include NYSDOT review for visual impact of sign. Correspondence from NYSDOT Region 1 Lorinda Tennyson, dated December 13, 2017, states "Based on the information provided it appears that the proposed sign is outside of the State ROW and will not impact sight distance at the existing driveway. We have no issues with the new sign as proposed."
8. An existing municipal waterline is located along River Road. A backflow prevention device is required on the existing water lateral.
9. The site is not serviced by a municipal sanitary sewer line. The onsite septic system received a SPDES permit (NY 021 2423), dated March 2009. The applicant will be required to comply with all Albany County Health Department requirements for septic systems prior to the issuance of a Certificate of Occupancy.
10. The proposed project is located adjacent to the NYS Thruway Exit 22 to the south, NYS Thruway to the west, and existing residential properties to the north and east. The property has been vacant for some time, prior to which it was occupied by the NYS Thruway Authority for vehicle fleet parking and maintenance garage. The proposed use is consistent with the previous use and will not have a significant impact on adjacent residential properties. While the site has been vacant for some time, noise levels from re-occupancy are expected to be consistent or below noise levels produced when the site was occupied by the NYS Thruway Authority.

11. Existing outdoor building and freestanding lighting will be utilized. Lighting along the driveway entrance reflects overhead cobra style street lights, while the site's interior freestanding lighting fixtures are located 380-feet from the nearest residence and screened by existing vegetation.
12. 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.
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 Mr. Lewendon, seconded by Mr. Gyory, and by a vote of four (4) for, zero (0) against, zero (0) abstained, and one (1) absent, this RESOLUTION was adopted on December 19, 2017.

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

F. 1273 River Road - Finke Enterprises, LLC - Possible Action on Site Plan Approval for occupancy by TerraSmart LLC (17-00100009)

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

SITE PLAN APPROVAL

FINKE ENTERPRISES, LLC, 1273 RIVER ROAD, SELKIRK

CERTIFICATE NO.: SPA 253

DATE: December 19, 2017

HTE# 17-00100009

1. TYPE OF APPROVAL: Site Plan Approval

NAME OF PROPOSAL: FINKE ENTERPRISES LLC / TERRASMART LLC

DESCRIPTION OF PROPOSAL: Occupancy of the existing facilities (buildings and yard) located at 1273 River Road by TerraSmart LLC for office space, training facility, warehousing facility and storage location for solar racking system materials, trucks and trailer equipment.

LOCATION OF SITE: 1273 River Road

TITLE OF DRAWINGS:

- A. Sheet 1 of 2, "Site Plan", Finke Property/TerraSmart LLC, 1273 River Road (State Route 144), LLC, Town of Bethlehem, Albany County, State of New York", prepared by Ingalls & Associates, LLP, Schenectady NY dated November 29, 2017, revised 12/13/17.
- B. Sheet 2 of 2, "Site Plan", Finke Property/TerraSmart LLC, 1273 River Road (State Route 144), LLC, Town of Bethlehem, Albany County, State of New York", prepared by Ingalls & Associates, LLP, Schenectady NY dated November 29, 2017, revised 12/13/17

SIGN ELEVATION:

- C. Sheet 1 of 2, "Freestanding Sign Detail", Finke/TerraSmart Site Plan, 1273 River Road, Town of Bethlehem, Albany County, State of New York", prepared by Ingalls & Associates, LLP, Schenectady NY dated 12/13/17.
 - D. Sheet 2 of 2, "Building Mounted Sign Detail", Finke/TerraSmart Site Plan, 1273 River Road, Town of Bethlehem, Albany County, State of New York", prepared by Ingalls & Associates, LLP, Schenectady NY dated 12/13/17.
2. THIS WILL CERTIFY that the Planning Board, at a regular meeting held December 19, 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 River Road (NYS Rte. 144), an existing State highway.
4. The site is located in a Mixed Economic Development District (MED).

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 December 19, 2017.
 - B. The following recommendation from the Albany County Planning Board:

"Modify local approval to include:

 1. NYSDOT review for visual impact of sign.
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. All those modifications as contained in the hereto attached December 13, 2017 memo from K. Perazzelli to R. Leslie.
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 and Engineering Division.
 - b. All digital CAD files associated with the site plan set shall be provided to the Planning Department on a CD.
 - B. A building permit is required for all work in and to any structure and for any proposal for a change of use or occupancy and new signs. The applicant is to apply to the Building Department for a Building Permit associated with the change in tenant/occupancy. Prior to the issuance of a Certificate of Occupancy, the applicant shall comply with all NYS Building Codes.
 - C. Prior to the issuance of a Building Permit, a backflow prevention device application shall be

submitted to the Town Department of Public Works. Prior to the issuance of a 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. Prior to the issuance of a Certificate of Occupancy, the applicant shall comply with all Building Code requirements and Albany County Health Department requirements (as applicable) associated with the on-site septic system.
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 §128-37(I) 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.



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:	Margaret Sherman, Board Member
SECONDER:	Brian Gyory, Board Member
AYES:	John Smolinsky, Brian Gyory, Margaret Sherman, Scott Lewendon
EXCUSED:	Kate Powers

V. New Business

A. Delaware Avenue Streetscape Improvement Project - Mural, Crosswalks and Lighting

Chairman Smolinsky and Robert Leslie provided information about a mural that will be painted and installed on the northern & southern "wing-walls" of the Delaware Avenue underpass as part of the Delaware Avenue Streetscape Improvement Project. The 66' mural is in production now. It will be painted by Dahl Taylor, a local resident / artist / illustrator, and is comprised of 16 panels that measure 7' tall. The mural consists of historic images as well as the names of Hamlets in the Town of Bethlehem. A facsimile of the mural is currently on display in the Town Hall Auditorium.

Mr. Leslie noted that the streetscape project is nearing completion. The "punch list" items that remain include installation of decorative red brick stamped asphalt with white high visible crosswalks at various intersections (Adams Street, Four Corners, Post Office, Becker Terrace & Oakwood Place) and decorative overhead lighting on utility poles. The Town is currently working with National Grid and the installation of sidewalks and lighting is expected to occur in the Spring of 2018.

B. Planning Board Meeting Schedule - January 2018

The next Planning Board meeting is scheduled for Tuesday, January 16, 2018, at 6:00 p.m. There will be no meeting on Tuesday, January 2, 2018.

C. Town Board Organizational Meeting - 01/10/2018

The Town Board organizational meeting is scheduled to take place on Wednesday, January 10, 2018.

VI. Adjournment

Motion To: Adjourn - Next Meeting - Tuesday, January 16, 2018

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