

TOWN OF BETHLEHEM

David VanLuven
Town Supervisor

Planning Board Minutes

Brian Gyory
Chair

Tuesday, March 15, 2022
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
Gianna Aiezza	Board Member	Present	
Radworth Anderson	Board Member	Present	
Brian Gyory	Chair	Present	
Scott Lewendon	Board Member	Present	
Kate Powers	Board Member	Excused	
Mark Sweeney	Planning/Zoning Board Counsel	Present	
Deborah Kitchen	Assistant to the Planning Board	Present	
Robert Leslie	Director of Planning	Present	
Leslie Lombardo	Deputy Town Planner	Present	
Nate Owens	Senior Planner	Present	
Matt Hoffman	Assistant Engineer	Excused	

II. Announcements

Due to the Novel Coronavirus (COVID-19) and subsequent variants, the Town of Bethlehem Planning Board will be holding its meetings remotely via Zoom webinar and a transcript of the meeting will be provided at a later date.

The Board's decision to hold their meetings remotely is due to Governor Hochul's January 2022 extension of the authority for public bodies to meet and take action without permitting in-person access to meetings and authorizing such meetings to be held remotely until the expiration of the state disaster emergency declared in Executive Order 11 of 2021 because of the Novel Coronavirus (COVID-19).

The public may actively participate in the webinar to provide comments during the public comment period at the start of the meeting by pre-registering to attend the webinar. A registration link is provided in the meeting agenda. Visit the Town's website www.townofbethlehem.org; click on the "Meetings" tab; select the meeting date to open the agenda; click on the registration link; complete the registration form; click on "Register". A confirmation email will be sent to the registrant.

The public can also view and listen to the live meetings by visiting the Town Website / Meeting Portal <http://bethlehemtownny.iqm2.com/Citizens/Default.aspx>; selecting the meeting date to access the meeting agenda; and clicking on the video. Videos of live meetings are not accessible until after the meeting starts.

Written comments must be received by the Planning Board no later than 3:00 p.m. on the day of the meeting so they can be distributed to the Board, incorporated into the application file, and uploaded to the meeting agenda. Written comments can be submitted to the Planning Board, via the Planning Office at 445 Delaware Ave, Delmar, NY 12054 or via email at planningboard@townofbethlehem.org

III. Public Participation / Comments on Regular Agenda Items - 10 Minutes

Peter Iwanowicz, Delmar

- comments related to format of Planning Board meetings
- recommendation to modify format of meetings to allow public comments after the Board's discussion with the applicants
- noted that the Planning Board has access to documents long before they are released to the public

Peter Iwanowicz, Delmar

- comments related to Stewart's
- believes the applicant is pursuing ill advised plans to construct more gas stations in Town
- noted that until a new Comprehensive Plan is adopted and ordinances and Zoning map are amended the Planning Board has limited ability to tell the applicant what they can and cannot do
- hope the Town can find a pathways forward to get the project in a better spot
- personally hopes that they drop their opposition to State's policy that support vehicle electrification
- disappointed to see the applicant battling efforts at the Sate level to encourage, support and mandate electrical vehicles
- need to stop digging the hole deeper to tackle the climate crisis

- rather have Stewart's be part of the process without digging the hole deeper
- noted that Stewart's is proposing nine (9) Tesla Superchargers which are only good for Tesla owners who are making road trips
- Tesla owners who live in the area will not utilize them
- Tesla charging stations at Crossgates or Colonie Center are used by people who are traveling
- recommends that Stewart's provide charging stations for other EVs owned by residents in Town
- co-location of other fast chargers are found at other locations in NYS
- could have ability to charge other types of vehicles besides Tesla
- Stewart's has admitted to the press that people do not use the charges unless they are on road trips
- the traffic analysis does not include data related to the increased flow from vehicles needing superchargers
- recommends the traffic data be updated

A. Planning Board Email Address - See Agenda Attachment III (A) (a)

B. Registration Link for Public Participation - See Agenda Attachment III (B) (a)

C. Zoom Meeting Instruction Guide - See Agenda Attachment III (C) (a)

IV. Minutes Approval

A. Monday, February 07, 2022

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Scott Lewendon, Board Member
SECONDER:	Radworth Anderson, Board Member
AYES:	Gianna Aiezza, Radworth Anderson, Brian Gyory, Scott Lewendon
EXCUSED:	Kate Powers

B. Tuesday, February 15, 2022

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Gianna Aiezza, Board Member
SECONDER:	Radworth Anderson, Board Member
AYES:	Gianna Aiezza, Radworth Anderson, Brian Gyory, Scott Lewendon
EXCUSED:	Kate Powers

V. Action Items

A. Albany Port District Commission / Expansion / Industrial Park, Port Road South, Glenmont – Possible Action to Adopt the SEQR Findings Statement (Marmen / Welcon Offshore Wind Tower Manufacturing Plant) - Site Plan Application 21-00100006

The project was before the Board for possible action to Accept the Supplemental Final Environmental Impact Statement (SFEIS). Staff comments were provided by Robert Leslie and Town Designated Engineer, Jackie Hakes of MJ Engineering. Board discussion commenced at 6:08 p.m.

Recused Board Member:

-Kate Powers was not present for the project discussion. She recused herself to avoid potential conflict, or the appearance of a conflict, due to her former position with the NY Attorney General's office.

To date, the project was discussed at the following meetings:

-Planning Board: 06/15/2021, 07/06/2021, 08/17/2021, 11/16/2021, 12/07/2022, 01/18/2022, 02/01/2022, 03/01/2022, 03/15/2022

Project Representative(s):

-Port of Albany (Patrick Jordan)
-McFarland Johnson (Adam Frosino)

Public Comments:

-there were no public comments during the public comment period at the start of the meeting

Discussion / Information Items:

-the applicant is seeking approval to construct the USA's first, off-shore, wind-tower, manufacturing plant on a 81.7 acre parcel of land known as Beacon Island, located in the Port of Albany

-the project consists of 4 warehouse buildings in the Town of Bethlehem and an office / warehouse building at 700 Smith Blvd, along with employee parking, lay-down areas, distribution center, trailer parking, ingress / egress from River Rd, bridge over the Normans Kill, utility extensions, rail spur, a ding a wharf / bulkhead for maritime use via the Hudson River

-the facility will be owned by the Port of Albany

-it will be the first off-shore, wind-tower, manufacturing plant in the USA

-two companies (Marmen & Welcon) will collaborate with the Port to build and operate the facility

-Marmen, from Canada, specializes in on-shore wind towers

-Welcon, from Denmark, specializes in off-shore wind towers

-ZBA variances were obtained for setbacks, landscaping, building height

-Mr. Leslie noted that Planning Board would be taking action on the SEQR Findings Statement Final Supplemental Environmental Impact Statement (SEIS) and Resolution to Adopt the Final SEIS

-MJ Engineering served as the Town Designated Engineer

-The EIS was prepared by the Port's Consultant, McFarland Johnson

- it was noted that Ms. Hakes of MJ Engineering helped to review the SEIS
- Ms. Hakes noted that the Planning Board accepted the Supplemental DEIS as complete on 03/01/2022
- SEQR requires that the Board wait 10 days to take action on the Findings Statement
- an image of the Findings Statement was displayed
- Ms. Hakes noted highlight sections of the Findings Statement
- topics: soils, geography, topography
- best management practices identified to minimize impacts
- mitigation measures identified (wharf, vegetation, wildlife, dredging)
- coordination with applicant, Town and various agencies (NYS DEC, ACOE, NYS DOS)
- in-lieu fee for Hudson River Restoration (impacts on Sturgeons and freshwater muscles)
- Port will fund share of restoration project at Schodack State Park
- offset impacts on sturgeon, Sub Aquatic Vegetation (SAVs), muscles
- an implementation agreement will be prepared by NYS DEC as part of the joint permitting process
- applicant will provide documentation to the Town to confirm that the agreement was executed
- trees will only be removed between 11/01 - 03/31
- joint permit submitted for wetlands, surface waters, wetland mitigation and are under review
- 700 Smith Blvd (Bldg 3) subject to review under the SEQR process
- finished elevation will be above the flood plain
- a flood plain development permit application will be submitted for parcel owned by National Grid in accordance with Town Code, Chapter 69 Flood Damage Prevention
- a SWPPP was prepared in accordance with NYS DEC regulations
- any fuel storage would comply with the SPEDES permit
- project will institute state of art control of paint booth
- NYS DEC permit will require monitoring
- will be encouragement to reduce GHg greenhouse gas emissions
- construction will be monitored with dust suppression and air monitoring
- air pollution mitigated for Ezra Prentice will be done by use of a designed truck route thru the Port roadways
- agreement between Port & Marmen / Welcon will require adherence to truck route
- enforcement measures include video surveillance
- impact analysis approved from NYS DOT
- prior to the certificate of occupancy (CO) a traffic signal will be installed at Route 144 (River Road) & site entrance

- restricted to passenger vehicles
- truck traffic will be directed to church road and church street
- deliveries will be made to 700 Smith Blvd.
- vehicles exiting on Route 144 will be limited to right turn only
- recommendation that River Road be widened to accommodate a left turn lane
- advance guidance signage, intersection lighting and driveway advisory sign be proposed as part of the work permit to increase visibility
- vegetation will be removed along both sides of the driveway to increase site distance
- pre/post development study will be conducted within 1 year after a CO is issued
- site ingress / egress during construction & emergency response will be by the southern access drive
- \$72,100 dollars will be set aside for proportional share of future improvements at Glenmont Rd & River Road intersection
- a quarterly audit will be done to ensure truck routes are being followed
- a completed design phase will reflect the upgrades to Smith Blvd from Boat to Raft
- new north access road at Normans Kill / Port Road South is designed to be improved
- SWPPP has been prepared and all measures will meet NYS DEC requirements
- SPEDES permit required
- water main, constructed by the Port, will connect with River Road to provide potable water service
- applicant met with Town staff and Selkirk Fire Department to address comments regarding to fire protection
- two vertical turbine pumps will be installed over a wet well to allow water to be drawn from the Hudson River; only one is required
- all domestic fire protection water lines will be privately constructed, owned and maintained
- water will be supplied by the contractor during construction
- sanitary sewer primarily for 700 Smith Blvd will connect to an existing main and discharge to Albany County water purification plant
- with regard to historic, cultural and archeological resources a vegetative buffer along Hudson River will be retained
- Mr. Lewendon requested that an edit be made on Page 21 .. to include the words "new plantings of native species" to make sure the vegetation remains in its natural state
- NYS OPRHP issued a letter of no affect on 03/02/2022
- ZBA area variance required for building height
- architectural design will be in keeping with esthetic nature of surrounding buildings
- receptors identified location #5 (Hudson River looking west toward the site) includes vegetative buffer and storage of transition pieces behind vegetation, building colors to blend in with surroundings, lighting will be dark sky compliance

- land use and zoning compatibility
- ZBA area variances are needed
- project not visible from Ezra Prentice or Papscanee Island Nature Preserve
- project compatible with City of Albany and Town of Bethlehem Comprehensive Plan
- Building E, 700 Smith Blvd, will be constructed in accordance with standards of NYS Uniform Code for Fire Prevention, it will be fully sprinkled
- internal site circulation will meet or exceed fire code requirements to accommodate emergency vehicles
- APDC will provide payment for services to the Selkirk Fire Dept
- mitigation to the Bethlehem EMS service will be provided thru an annual contribution of funds
- no adverse impacts were identified for the Bethlehem Central School District
- from fiscal and economic impacts there will be minima costs for 700 Smith Blvd but that will be offset with PILOT agreement with the City of Albany
- there are no adverse impacts for recreation and open space; or waste disposal
- a public participation plan was developed in accordance with NYS DEC CP-29 policy / public participation plan
- manufacturing process will be conducted indoors with start of the art technology
- truck traffic will be routed thru roads within the Port District to avoid the Ezra Prentice community
- mitigation measures for traffic, climate, air, established truck route
- permits required by NYS DEC including an environmental justice review in accordance with the CP 29 Policy
- all mitigation measures identified in the GEIS, still apply, if appropriate
- Mr. Anderson noted that a correction was needed on page 30 related to provide units of measure in feet as well as meters so readers will have a better understanding
- text will be modified as follows: 32 feet next to 10 meters; 164 feet next to 50 meters; and 230 feet next to 70 meters
- under impacts to sub aquatic vegetation text will be modified as follows: 500 linear feet by 93 feet wide
- the Board discussed the SEQR Resolution - Adopting a Findings Statement for the Supplemental Environmental Impact Statement to identify the actions that have occurred
- Ms. Hakes summarized the actions that were taken by the Town to date
- she noted that the Planing Board will continue to serve as Lead Agency
- a Positive Declaration was identified in July 2021
- a Scope identified for Supplemental EIS in July 2021
- a Supplemental draft provided in October 2021
- a review was completed and the Supplemental draft was accepted in November 2021

- a public hearing was held in December 2021
- draft final supplemental reviewed by Town Designated Engineer (MJ Engineering) and Town staff
- Planning Board adopted a Resolution declaring the Draft EIS complete and in compliance with SEQR in March 2022
- 10 day time period between declaring completeness and accepting the findings statement
- the findings statement will include additional amendments on Pages 21 & 30
- Following a vote the Resolution Adopting the Findings Statement was approved, as amended
- Mr. Boisvert thanked the Board for their hard work and diligence throughout the process
- he believes it will be an exciting project that everyone will be proud of
- the facility will be up and running by 2023
- everyone will be able to watch the first tower section being shipped down the Hudson
- Mr. Hendrick also expressed his thanks and appreciation

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

SEQR RESOLUTION

ADOPTING A FINDINGS STATEMENT FOR THE SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

ALBANY PORT DISTRICT COMMISSION INDUSTRIAL PARK PROJECT (PORT OF ALBANY EXPANSION)

MARMEN / WELCON OFFSHORE WIND TOWER MANUFACTURING PLANT

SITE PLAN APPLICATION 21-00100006

WHEREAS, the Planning Board of the Town of Bethlehem has received a site plan application from the Albany Port District Commission, for the development of the Marmen / Welcon offshore wind tower manufacturing plant, comprising approximately 589,500 sq. ft. of building space in total (Building A -D), located on 81.57 +/- acres located on the east side of Route 144 (River Road) between the Normans Kill and PSEG with the Hudson River located to the east. A Generic Environmental Impact Statement (GEIS) was previously prepared for the development of this land; and,

- WHEREAS, the Planning Board on May 5, 2020 adopted a resolution declaring the Final Generic Environmental Impact Statement for the Albany Port District Industrial Park Project (Port of Albany Expansion) complete, and on June 2, 2020 issued a Findings Statement; and,
- WHEREAS, now that a specific development project (off-shore wind tower manufacturing) and tenant have been identified, additional land area will be needed for project development, which was not included in the GEIS. This includes 14 acres of land located at 700 Smith Boulevard in the City of Albany for Building E (13,500sqft for material receiving), 2.5 acres of land owned by National Grid for employee parking, a building height of 100-feet, and impacts to subaquatic vegetation; and,
- WHEREAS, on July 6, 2021 the Planning Board declared that it will continue as Lead Agency for SEQR review and recognized that a project component (Building E) is located in the City of Albany, for which the Bethlehem Planning Board has no jurisdiction. The City of Albany Planning Board will conduct a site-specific SEQR analysis once the Bethlehem Planning Board has issued its Findings Statement; and,
- WHEREAS, also on July 6, 2021 the Planning Board issued a SEQR Positive Declaration due to the additional proposed project components which have the potential to create one or more significant adverse environmental impacts related to environmental justice, climate and air quality, traffic and transportation, water service (potable and fire protection), sanitary sewer, historical, cultural and archeological resources, aesthetic and visual resources, land use and zoning, community character and compatibility with comprehensive plan, emergency services, school district, fiscal and economic impact, recreation and open space and preparation of a Supplemental Draft Environmental Impact Statement (Supplemental DEIS), for which the applicant has consented, will enable the Planning Board to consider the potential effects; and,
- WHEREAS, the scope of the Supplemental DEIS shall be as set forth in the Scoping Document, dated July 1, 2021; and,
- WHEREAS, the Albany Port District Commission prepared a Supplemental DEIS dated October 2021 with supporting appendices;
- WHEREAS, based upon its review of the Supplemental DEIS and supporting appendices and by using the final written scope and the standards contained in 6 NYCRR 617.9, the Planning Board accepted the Supplemental DEIS as adequate with respect to its scope and content for the purpose of commencing public review on November 16, 2021 and scheduled a public hearing; and,
- WHEREAS, a public hearing was held on December 7, 2021 and written public comments were received through December 17, 2021; and,

WHEREAS, a draft Final SEIS on the project was prepared by the applicant and submitted to the Planning Board, and said draft Final SEIS contained the comments that were received during the public hearing, public meeting, and public comment periods on the Supplemental DEIS, as well as responses to those comments, and all additional studies that were undertaken to respond to those comments; and,

WHEREAS, prior to its final submission to the Planning Board, the draft Final SEIS has been reviewed by the Town's designated engineer for the project, MJ Engineering and Land Surveying, P.C. ("MJ Engineering"), and the Town Staff; and,

WHEREAS, the Town's designated engineer, MJ Engineering, having reviewed the Final SEIS advised the Planning Board by letter, February 24, 2022, that the Final SEIS was complete and complied with all the requirements of SEQRA, and,

WHEREAS, the Planning Board members both individually and collectively have carefully reviewed and thoroughly considered the Final Supplemental Environmental Impact Statement including, its summary of comments, responses to comments and additional studies.

WHEREAS, on March 1, 2022, the Planning Board adopted a resolution declaring the Final SEIS complete and complied with the requirements of SEQRA; and,

WHEREAS, more than ten (10) days have passed since the acceptance and filing of the Final SEIS, as required by SEQR.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town of Bethlehem Planning Board:

1. That, acting as SEQRA Lead Agency for the above referenced action, based on the record before it, including the Draft GEIS, Supplemental Draft GEIS, Final GEIS, as well as the Draft SEIS and Final SEIS, the analysis and recommendations of various interested and involved agencies, including the Planning Board, the comments of the Town consultant, various Town Departments, the Applicant's consultants and members of the public, and the knowledge of the Planning Board of the site and the community hereby makes the findings and determinations and imposes the mitigation measures as outlined in the SEQRA Findings Statement attached hereto as Exhibit A, and,
2. That, the Planning Board certifies the requirements of the regulations promulgated pursuant to ECL Article 8 at 6 NYCRR Part 617 have been met, and,
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as

conditions to the decision those mitigation measures that were identified as practicable; and,

4. That the Department of Economic Development and Planning shall file and distribute the attached SEQRA Findings Statement as required by 6 NYCRR Section 617.12; and
5. This Resolution shall take effect immediately.

On a motion by Scott Lewendon, seconded by Radworth Anderson, and a vote of four (4) for, zero (0) against, zero (0) abstained, and one (1) absent, this Resolution was adopted on March 15, 2022.

RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Scott Lewendon, Board Member
SECONDER: Radworth Anderson, Board Member
AYES: Gianna Aiezza, Radworth Anderson, Brian Gyory, Scott Lewendon
EXCUSED: Kate Powers

B. Glenmont Plaza on Feura Bush Road, Glenmont - Possible Action on SEQR Determination of Significance / Negative Declaration Resolution for a Proposed Retail / Restaurant Building with Drive-Through and Drive-Up Bank ATM Kiosk - Special Use Permit / Site Plan Application 20-01500001

The project was before the Board for an update and possible action on SEQR and SUP-SP Applications. Staff comments were provided by Robert Leslie . Board discussion commenced at 6:37 p.m.

To date, the project was discussed at the following meetings:

Zoning Board: 03/04/2020, 03/18/2020, 04/15/2020, 05/06/2020, 04/07/2021, 04/21/2021

Planning Board: 05/19/2020, 07/21/2020, 10/06/2020, 03/02/2021, 06/01/2021, 06/15/2021, 03/15/2022

Project Representative(s):

-Matthew Oates - Benderson Development, Owner / Applicant

Discussion / Information Items:

-there were no public comments during the public comment period at the start of the meeting

Project Information:

-applicant is seeking approval to construct a freestanding ATM Kiosk and freestanding, two tenant, 5,400 sf, retail / restaurant building with drive thru

- the proposed improvements also include a small patio on the existing freestanding building closest to Feura Bush Road
- a restaurant with drive thru is subject to special use permit review and as such requires a public hearing
- Mr. Leslie noted that the tenants for the new building are Starbucks and Spectrum
- the Board reviewed the site layout and drive thru
- the drive thru will be located at the rear and side of the building
- the front of the building will front on Route 9W
- the SEQR document considered the environmental impacts
- it is a previously disturbed site
- building will be located in an existing parking field
- a stormwater management plan was prepared for the site
- two bio-retention areas will be added to accommodate stormwater management
- the site complies with commercial design guidelines with regard to orientation
- the applicant provided a trip generation and distribution estimate
- trip generation and internal capture and pass-by trips were reviewed by the Town Designated Engineer (CHA) who concluded that the traffic study was prepared appropriately
- for projects on Route 9W, the Board has the experience of the 2018 Route 9W Traffic Assessment which provides a public / private cost share formula
- based on the formula the applicant has agreed to contribute \$67,964 toward future improvements toward specific intersections along the Route 9W corridor & Feura Bush Road
- it was concluded that the project would not have an environmental impact

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

**SEQR RESOLUTION
DETERMINATION OF SIGNIFICANCE / NEGATIVE DECLARATION
SITE PLAN AMENDMENT (SPA 60 A18) & SPECIAL USE PERMIT (SUP 64) APPLICATION 20-01500001**

**5,562 SF FREESTANDING BUILDING / STANDALONE DRIVE UP ATM / 375 SF PATIO
PARKING LOT AND ROUTE 9W DRIVEWAY ACCESS MODIFICATIONS
GLENMONT SHOPPING PLAZA, 378, 390, 380 FEURA BUSH ROAD, GLENMONT**

WHEREAS, the Planning Board of the Town of Bethlehem has received a site plan/special use permit

application from Benderson Development Company, LLC for approval of a 5,562 square foot retail/restaurant building with drive-through (378 Feura Bush Road) and a standalone drive-up bank ATM (390 Feura Bush Road) within the main parking field at Glenmont Plaza. Two commercial tenant spaces are to occupy the new building, which is to be located facing Route 9W. The project includes a full SWPPP to address additional 375 square feet of patio space at 380 Feura Bush Road and modifications to the main drive aisles within the parking lot, modification to parking spaces, and changes to the driveways to Route 9W (previously approved in SPA 60 A16), and;

WHEREAS, The site is located in a Commercial Hamlet Zoning District, where commercial and retail uses are permitted subject to site plan review and a restaurant with drive-through is permitted subject special use permit review by the Planning Board, 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 Planning Board by Resolution dated May 19, 2020 determined it would serve as Lead Agency after coordinated review was conducted; 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 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 does not involve the US Army Corps of Engineers (USACOE), or the New York State Department of Environmental Conservation (NYSDEC), but does involve the New

York State Department of Transportation (NYSDOT), and Albany County Planning Board,

3. the proposed action is not located in an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law,
4. a short Environmental Assessment Form is adequate for determining the significance the proposed action, and;

BE IT FURTHER RESOLVED,

that based upon its review of the project and the short 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 proposed construction of a 5,562 sq. ft. retail/restaurant with drive-through building and parking lot modifications at Glenmont Plaza 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 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 Economic Development and Planning Department is hereby authorized and directed to file any and all appropriate notices of this determination so that the intent of this Resolution is carried out; 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 zoning district, which allows the proposed uses subject to Site Plan and Special Use Permit approval by the Planning Board.
2. In April 2021, the applicant received an area variance (AV-2110) from the Zoning Board of Appeals for a variance of 100 parking spaces from the required 566 spaces in the shopping plaza, an increase of 38 spaces from a previous 2012 Area Variance.
3. No new curb cuts are proposed on either Feura Bush Road (NYS Rt. 910A) or NYS Rt. 9W; however, there are modifications to the existing curb cuts on Route 9W.

4. Pursuant to §239-n of General Municipal Law, Albany County Planning Board (ACPB) has issued its recommendations concerning the project, dated June 17, 2021. These recommendations include review by NYSDOT for design of highway access, and permit fillings with NYSDEC related to stormwater management.

5. The applicant submitted an assessment of the project's trip generation (VHB Trip Generation and Assignment Memorandum, dated July 13, 2021) through the intersections identified in the 2018 US Route 9W Corridor Cumulative Traffic Assessment. Utilizing the Cumulative 2018 Traffic Assessment, these vehicles would contribute to the additional cumulative travel delay and intersection level-of-service operations at these intersections during the PM peak hour. As such, the 9W Traffic Assessment recommended intersection improvements, identified costs, and provided a public/private cost share methodology. Based on the public/private cost share formula provided in the 2018 US Route 9W Corridor Cumulative Traffic Assessment, contributions towards future transportation improvements are as follows:
 - US Route 9W, Feura Bush Road & Glenmont Road - \$14,964
 - Feura Bush Road & Elsmere Avenue - \$12,308
 - US Route 9W & Jericho Road - \$568
 - US Route 9W & Wemple Road - \$8,549
 - US Route 9W & Bender Lane - \$40,576
 - Feura Bush Road & Wemple Road - \$0
 - US Route 9W & Clapper Road - \$0

This total contribution amount of \$76,964 is equivalent to approximately \$1,180 per vehicle generated to these intersections by the project. The applicant, Benderson Development, has agreed to provide this contribution by way of correspondence dated February 15, 2022.

6. Pedestrian access to the project will be provided via a sidewalk connection from the commercial building to the existing sidewalk along Route 9W.
7. The proposed project is located in the Glenmont Plaza, which has road frontage on both Feura Bush Road and Route 9W. As such, the proposal was reviewed for compliance with the Route 9W Corridor Design Guidelines (Zoning Law 128-67 D) and determined to be in compliance. The location of the drive-through lane at the rear and side of the building is also in compliance with the Commercial Hamlet Design Guidelines (Zoning Law 128-34 E).
8. Carmina Wood Morris prepared a Stormwater Pollution Prevention Plan (SWPPP), dated April 2021, revised 9/28/21, identifying the site's stormwater management system that will comply with NYSDEC GP-0-20-001 requirements for treating stormwater quality and quantity. Stormwater treatment practices will consist of bioretention areas.
9. Building elevations for the proposed commercial building shows the design is compatible and consistent with the existing shopping plaza building and outparcel building.
10. The project is consistent with a stated goal of the Comprehensive Plan to encourage infill development and redevelopment of existing sites as an alternative to greenfield

development.

11. The site is served by existing public water service. Water services to the proposed buildings will be installed in accordance with Town specifications and standards and a backflow prevention device may be included in the building, if necessary.
12. The site is served by public sanitary sewer facilities and will connect to the system.
13. The site's existing layout, including the parking area, building, and landscaping do not contain Federal or State wetlands.
14. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristics of the parcel or other areas requiring further study.

On a motion by Gianna Aiezza, seconded by Radworth Anderson, and a vote of four (4) for, zero (0) against, zero (0) abstained, and one (1) absent, this Resolution was adopted on March 15, 2022.

RESULT: APPROVED [UNANIMOUS]
MOVER: Gianna Aiezza, Board Member
SECONDER: Radworth Anderson, Board Member
AYES: Gianna Aiezza, Radworth Anderson, Brian Gyory, Scott Lewendon
EXCUSED: Kate Powers

C. Glenmont Plaza on Feura Bush Road, Glenmont - Possible Action on Special Use Permit (SUP 64) for a Proposed Retail / Restaurant Building with Drive-Through and Drive-Up Bank ATM Kiosk - Special Use Permit / Site Plan Application 20-01500001

Mr. Leslie noted that the Board will be taking action on the SUP Application.

- the approval document reflects that the Route 9W Corridor guidelines are being followed
- the Performance Standards for the SUP are being followed
- the Commercial Hamlet design guidelines are being followed which requires that the primary entrance should be located to the lot frontage and drive thru facilities should be located at the side or rear of buildings
- the design reflects the preferred layout
- Special Use Permit confirms that the project is in compliance with performance standards and design guidelines

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

**SPECIAL USE PERMIT APPROVAL
RESOLUTION**

SITE PLAN AMENDMENT (SPA 60 A18) & SPECIAL USE PERMIT (SUP 64) APPLICATION 20-01500001

**5,562 SF FREESTANDING BUILDING / STANDALONE DRIVE UP ATM / 375 SF PATIO
PARKING LOT AND ROUTE 9W DRIVEWAY ACCESS MODIFICATIONS
GLENMONT SHOPPING PLAZA, 378, 390, 380 FEURA BUSH ROAD, GLENMONT**

**CERTIFICATE #: SUP 64
MARCH 15, 2021**

DATE:

WHEREAS, the Planning Board of the Town of Bethlehem has received a site plan/special use permit application from Benderson Development Company, LLC for approval of a 5,562 square foot retail/restaurant building with drive-through (378 Feura Bush Road) and a standalone drive-up bank ATM (390 Feura Bush Road) within the main parking field at Glenmont Plaza. Two commercial tenant spaces are to occupy the new building, which is to be located facing Route 9W. The project includes a full SWPPP to address additional 375 square feet of patio space at 380 Feura Bush Road and modifications to the main drive aisles within the parking lot, modification to parking spaces, and changes to the driveways to Route 9W (previously approved in SPA 60 A16). A restaurant located in a Commercial Hamlet zoning district (CH) that includes a drive-through component requires a Special Use Permit.

WHEREAS, the Planning Board, acting on said application, duly advertised in the Spotlight, held a public hearing on said application at the Town Hall, 445 Delaware Avenue, Delmar, New York on June 15, 2021 at 6:00 PM; and,

WHEREAS, Members of the Board are familiar with the area of the proposed project and the specific site of same; and,

WHEREAS, all those who desired to be heard had the opportunity to be heard at the above hearing; now therefore,

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

Benderson Development Company, LLC, are Owners of property located at the southwest corner of NYS Rt. 9W and Feura Bush Road (NYS Route 910A) in the Town of Bethlehem and seek a Special Use Permit under Town of Bethlehem Code Chapter 128, Article VII.

1. The site of the proposed action is located in a Commercial Hamlet Zoning District where

restaurants with a drive-thru component are allowed, subject to a special use permit. A Starbucks drive-through restaurant is proposed.

2. The building elevations, as referenced in the site plan approval document, are consistent with the design guidelines found in the Town of Bethlehem's Zoning Law for projects within the Commercial Hamlets. The building is compatible with the existing buildings in the shopping plaza. In addition, the drive-through lane will be located to the rear of the building. The front of the building will face Route 9W.
3. The building elevations include architectural features that help to screen the roof top mechanical equipment.
4. The project is located within the Route 9W corridor and is consistent with the applicable Route 9W Corridor design guidelines found in Bethlehem Zoning Law §128-67.D:
 - a. (1) (5) (6) (7) (13) The two site access locations to Route 9W will remain and the existing landscape strip will also remain.
 - b. (2) A roundabout at the Feura Bush Road and Route 9W intersection is in the final phase of construction and the project will not have a physical impact to the roundabout.
 - c. (3) (4) The project consists of a new commercial building within an existing shopping plaza, which contains connections to other outparcel buildings within the plaza for ease of traffic circulation.
 - d. (9) (10) (11) Site improvements will include internal sidewalk connecting to the existing Route 9W sidewalks. On site bike racks will be provided as well.
5. Zoning Law 128-34 E. contains Commercial Hamlet Design Guidelines. The project is consistent with the guidelines, specifically: (15)- The primary entrances to any building should be oriented to the lot frontage. Secondary entrances should be oriented to parking, plazas or parks. (18)-Drive-through facilities should be located at the side or rear of buildings and landscaping should be used to reduce the visibility of such facilities.
6. Zoning Law §128-69 outlines performance standards to be considered by the Planning Board. Relevant performance standards are outlined below:
 - a. (1 - 9) The proposed uses at the project site, specifically related to restaurant with drive-through are consistent with the thresholds established in the performance standards ranging from fire hazards to odors.

- b. (10) Consistent with traffic assessment and the SEQR Negative Declaration issued by the Planning Board, the Applicant has agreed to make a fair share monetary contribution to an escrow account to be established by the Town for mitigation of traffic impacts at the following intersections with US Rt. 9W: (Bender Lane - \$40,576); (Feura Bush/Glenmont Road - \$14,964); (Wemple Road - \$8,549); (Jericho Road - \$568); as well as the intersection of Feura Bush Road and Elsmere Ave. - \$12,308. The total contribution amount is \$76,964. This escrow account would be established for the sole purpose of funding intersection improvements that contribute to reducing vehicle delay at the intersections.
 - c. (11) The applicant received an area variance (AV-2110) from the Zoning Board of Appeals for a variance of 100 parking spaces from the required 566 spaces in the shopping plaza, an increase of 38 spaces from a previous 2012 Area Variance.
 - d. (12) The interior circulation system has been designed to provide safe accessibility to all required off-street parking and convenience and safety of vehicular, pedestrian, and bicycle movement within the site and in relation to adjacent roads.
 - e. (14) (20) The character and appearance of the new building is in general harmony with the character and appearance of the existing shopping plaza and surrounding neighborhood. The project is located along the Route 9W corridor, which includes several adjacent commercial plazas and businesses.
 - f. (16) The site will connect to existing public water and sanitary sewer services. The development of the site will not place any significant additional demands on these facilities.
 - g. (17) The site has been designed to accommodate emergency vehicle circulation, including a fire truck movement.
 - h. (21) Carmina Wood Morris prepared a Stormwater Pollution Prevention Plan (SWPPP), dated April 2021, revised 9/28/21, identifying the site's stormwater management system that will comply with NYSDEC GP-0-20-001 requirements for treating stormwater quality and quantity. Stormwater treatment practices will consist of bioretention areas.
5. Ingress and egress to the site are from both Feura Bush Road (NYS Route 910A) and NYS Rt. 9W. A prior site plan approval (SPA 60 A16) for modifications to the Route 9W driveways included approval by NYSDOT, who also authorized the construction of a two-way center left turn lane on Route 9W in association with the driveway modifications.
6. The in-fill development of the site, as an alternative to development of a "greenfield" site, is a stated goal of the Town of Bethlehem's Comprehensive Plan.

7. Pursuant to the State Environmental Quality Review Act, the Planning Board at its meeting of March 15, 2022 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 above described improvements proposed by Benderson Development, LLC will be in compliance with the standards as set forth in Section 128-69 of the Zoning Law.

Accordingly, the Planning Board hereby grants the Applicant's request for a Special Use Permit.

On a motion by Scott Lewendon, seconded by Gianna Aiezza, and a vote of four (4) for, zero (0) against, zero (0) abstained, and one (1) absent, this Resolution was adopted on March 15, 2022.

BOARD

BY ORDER OF THE PLANNING

Brian Gyory, Chair

The foregoing Resolution was filed with the Clerk of the Town of Bethlehem, Albany County, New York, on March 16, 2022.

RESULT:	APPROVE [UNANIMOUS]
MOVER:	Scott Lewendon, Board Member
SECONDER:	Gianna Aiezza, Board Member
AYES:	Gianna Aiezza, Radworth Anderson, Brian Gyory, Scott Lewendon
EXCUSED:	Kate Powers

D. Glenmont Plaza on Feura Bush Road, Glenmont - Possible Action on Site Plan Amendment (SPA 60 A18) for a Proposed Retail / Restaurant Building with Drive-Through and Drive-Up Bank ATM Kiosk - Special Use Permit / Site Plan Application 20-01500001

Mr. Leslie noted that the Board will be taking action on the SP Application.

-the approval document identifies minor modifications that include updated addresses, project ID number and handicap ramps details

-funds will be contributed for traffic improvements prior to the issuance of a building permit

-Mr. Oates thanked everyone for their efforts on behalf of the project

Next Steps

-applicant to meet conditions of approval

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

SITE PLAN AMENDMENT APPROVAL

SITE PLAN AMENDMENT (SPA 60 A18) & SPECIAL USE PERMIT (SUP 64) APPLICATION 20-01500001

**5,562 SF FREESTANDING BUILDING / STANDALONE DRIVE UP ATM / 375 SF PATIO
PARKING LOT AND ROUTE 9W DRIVEWAY ACCESS MODIFICATIONS
GLENMONT SHOPPING PLAZA, 378, 390, 380 FEURA BUSH ROAD, GLENMONT**

**CERTIFICATE NO. SPA 60 A18
2022**

DATE: MARCH 15,

1. TYPE OF APPROVAL: Amendment to Glenmont Plaza Site Plan Approval (SPA No. 60 A18)
NAME OF PROPOSAL: Glenmont Plaza - 5,562 sq. ft. Freestanding Building

DESCRIPTION

DESCRIPTION OF PROPOSAL:

Development of a 5,562 square foot retail/restaurant building with drive-through (378 Feura Bush Road) and a standalone drive-up bank ATM (390 Feura Bush Road) within the main parking field at Glenmont Plaza. Two commercial tenant spaces are to occupy the new building, which is to be located facing Route 9W. The project includes a full SWPPP to address additional 375 square feet of patio space at 380 Feura Bush Road and modifications to the main drive aisles within the parking lot, modification to parking spaces, and changes to the driveways to Route 9W (previously approved in SPA 60 A16).

LOCATION OF SITE:

Glenmont Shopping Plaza. Southwest corner of the intersection of

U.S. Route 9W and Feura Bush Road (NYS Route 910A) Glenmont, New York.

- A. SITE PLAN DRAWINGS TITLED: Site Modification for Glenmont Shopping Plaza , 376 - 400 Feura Bush Road ,Bethlehem, New York, 12077 BDC Property #4005, 2021 Site Drawings for Combined Plaza Work, Prepared by Carmina Wood Morris DPC, 487 Main Street, Buffalo NY 14203

Drawing No. C-1 Cover Sheet, dated April 2021, last revised 8/24/2021

Drawing No. C-3.0 Demo and Erosion Control Plan East, dated April 2021, last revised 8/24/21

Drawing No. C-3.1 Demo and Erosion Control Plan West, dated April 2021, last revised 8/24/21

Drawing No. C-3.2 Demo and Erosion Control Details, dated April 2014

Drawing No. C-4.0 Site Plan East, dated April 2021, last revised 8/24/21

Drawing No. C-4.1 Site Plan West, dated April 2021, last revised 8/24/21

Drawing No. C-4.2 Overall Site Plan, dated April 2021, last revised 8/24/21

Drawing No. C-4.3 Site Details, dated April 2021, last revised 8/24/21

Drawing No. C-5.0 Grading Plan East, dated April 2021, last revised 8/24/21

Drawing No. C-5.1 Grading Plan West, dated April 2021, last revised 8/24/21

Drawing No. C-6.0 Storm Drainage Plan East, dated April 2021, last revised 8/24/21

Drawing No. C-6.1 Storm Drainage Plan West, dated April 2021, last revised 8/24/21

Drawing No. C-6.2 Utility Plan East, dated April 2021, last revised 8/24/21

Drawing No. C-6.3 Storm & Utility Details, dated April 2021, last revised 8/24/21

Drawing No. C-6.4 Storm & Utility Details, dated April 2021, last revised 8/24/21

Drawing No. C-6.5 Storm & Utility Details, dated April 2021, last revised 8/24/21

Drawing No. L-100 Landscape Plan East, dated April 2021, last revised 8/24/21

Drawing No. L-101 Landscape Plan West, dated April 2021, last revised 8/24/21

Drawing No. LP-100 Overall Site Lighting Plan, dated April 2021

BUILDING ELEVATION drawings titled: "Glenmont Plaza", Feura Bush Road, Glenmont New York prepared by Benderson Development

2. THIS WILL CERTIFY that the PLANNING BOARD of the Town of Bethlehem, Albany County, New York, at a regular meeting held March 15, 2022 AMENDED a previous Site Plan Approval by APPROVING the development of a 5,562sqft. commercial building at Glenmont Plaza and REAPPROVING the parking lot/internal pedestrian and motor vehicle circulation and Route 9W driveway modifications, which are included as part of the Full SWPPP, such approval being contingent upon compliance with the MODIFICATIONS (ITEM 5) that follows.
3. Prior to the granting of this Site Plan Approval, the Board considered:
 - A. The potential environmental impact of the plans indicated in Item 1 above and declared the proposal an Unlisted action and issued a Negative Declaration for compliance with SEQRA on March 15, 2022.
 - B. The project was referred to the Albany County Planning Board (ACPB) pursuant to Section

239-m of the General Municipal Law. The ACPB Recommendation, dated June 17, 2021, states: Modify local approval to include:

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. A Construction Activity Permit GP-0-15-002 will be required.
3. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway is required.
4. The Town should ensure that there are adequate parking spaces for the proposed use(s) since it is significantly lesser than required by the Town Code.
4. This Amendment modifies the original Site Plan Approval granted by the Planning Board on November 6, 1989 and documented in Certificate of Site Plan Approval No. S.P.A. 60 (dated November 30, 1989) as amended.
5. 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. On the cover page change project ID HTE# to 20-01500001.
 - B. On the cover page title block in bottom right had corner add "378 and 390 Feura Bush Road"
 - C. On the Sheet C4.0 label the building with street address 378 Suite 100 for Starbucks, and Suite 200 for Spectrum.
 - D. All those modifications identified in the Engineering Division memo, dated November 8, 2021 from M. Hoffman, Assistant Engineer to R. Leslie, Director DEDP.
6. 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 with a corresponding date for each such change.
7. This Approval is granted subject to the following CONDITIONS:
 - A. Prior to the signing of the approved plans by the Planning Board Chair, 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 5 above. The modifications made shall be satisfactory to the Department Economic Development and Planning, and the Engineering Division.
 - b. Provide a completed NYSDEC MS4 SWPPP Acceptance Form, Operations and Maintenance

Agreement, and a copy of the executed Notice of Intent (NOI) that will be submitted to NYSDEC for SPDES coverage under GP-0-20-001.

- c. All fees owed the Town shall be paid in full.
 - d. All CAD drawings associated with the site plan shall be provided to the Town Engineering Division.
- B. Prior to any land disturbance occurring on the site:
- a. A preconstruction meeting shall be scheduled and held with the Town Engineering Division.
 - b. The Owner(s) shall obtain all necessary permit coverage required by NYS Department of Environmental Conservation under GP-0-20-001 and other relevant department required permits. A copy of the acknowledgement of NOI for SPDES coverage shall also be provided to the Town prior to the preconstruction meeting.
 - c. The existing trees located along the site's Route 9W frontage shall be protected with orange construction fencing located 2-feet from the base of the tree.
- C. Prior to the issuance of a Building Permit, the following items shall be provided to the Town by the applicant/owner:
- a. A backflow prevention device may be required for the project. If determined by the Department of Public Works to be required, 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. The applicant shall apply for and receive all necessary water/sewer permits.
 - c. A NYSDOT Commercial Access Highway Work Permit for non-utility work within the NYSDOT right-of-way (Perm 33-COM) shall be obtained and a copy submitted to the Town.
 - d. Consistent with traffic assessment and the SEQR Negative Declaration issued by the Planning Board, the Applicant has agreed to make a fair share monetary contribution to an escrow account to be established by the Town for mitigation of traffic impacts at the following intersections with US Rt. 9W: (Bender Lane - \$40,576); (Feura Bush/Glenmont Road - \$14,964); (Wemple Road - \$8,549); (Jericho Road - \$568); as well as the intersection of Feura Bush Road and Elsmere Ave. - \$12,308. The total contribution amount is \$76,964. This escrow account would be established for the sole purpose of funding intersection improvements that contribute to reducing vehicle delay at the intersections.
- Prior to the issuance of a Building Permit, the owner shall provide a check payable to the Town of Bethlehem in the amount of \$76,964.
- D. Disruption of water service to the existing fire hydrant during relocation on site shall require the contractor and/or owner to notify the Elsmere Fire District. Prior to any site work, the owner shall provide proof to the Town that the Elsmere Fire District is aware of the construction schedule as it relates to the fire hydrant relocation and temporary disruption to the water service.

- E. Any sidewalk along Route 9W that was damaged during construction of the Route 9W two-way center left turn lane shall be replaced.

- 8. 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:
 - a. 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;
 - b. 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;
 - c. Grading of the site shall be as shown on the Approved Plan;
 - d. The installation of utility services shall be made in accordance with the requirements of such governmental authorities, as may have jurisdiction thereof;
 - e. The development of the proposed site shall be performed in a manner such that (1) soil loss due to wind and water erosion is held to a minimum, and (2) healthy trees of desirable species are protected from damage;

- 11. In rendering its decision to approve this site plan application, the Planning Board has considered the standards of §128-71(E) of the Town Zoning Law, the applicable design standards of §128-34(E) of the Town Zoning Law and the decision criteria contained in Section §128-71(K) of said law.

- 12. Upon submission of revised Site Plan drawings reflecting those MODIFICATIONS specified in ITEM 5, and upon satisfying those CONDITIONS specified in ITEM 7.A, herein, the Chairman of the Planning Board is empowered to endorse the Site Plan with his signature, such Site Plan shall be known henceforth as the FINAL APPROVED SITE PLAN AMENDMENT.

- 13. This Amendment is granted subject to all provisions, requirements, and conditions of the original Site Plan Approval and its subsequent amendments, which shall remain in full force and effect except as modified by this Amendment.

BOARD

BY ORDER OF THE PLANNING

Brian Gyory, Chair

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.

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:	APPROVE [UNANIMOUS]
MOVER:	Scott Lewendon, Board Member
SECONDER:	Radworth Anderson, Board Member
AYES:	Gianna Aiezza, Radworth Anderson, Brian Gyory, Scott Lewendon
EXCUSED:	Kate Powers

E. Stewart's Shops 176 Redevelopment, 21 & 33 Frontage Rd, Glenmont – Project Update and Possible Recommendation of Site Layout to Zoning Board of Appeals for Proposed Consolidation of Two (2) Parcels and Construction of a 3,975 sf Convenience Store with Gasoline / Fuel Sales - Site Plan Application 21-00100004

The project was before the Board for an update. Staff comments were provided by Nate Owens. Board discussion commenced at 6:47 p.m.

To date, the project was discussed at the following meetings:

- Development Planning Committee 03/18/2021
- Zoning Board of Appeals 07/21/2022
- Planning Board: 05/18/2021, 03/15/2022

Recused Planning Board Member:

-Gianna Aiezza was recused from all discussions related to Stewart's to avoid the appearance of a potential conflict based on the applicant's prior association with her company

Project Representative(s):

-James Gillespie, Stewart's

Public Comments:

-public comments were heard during the public comment period at the start of the meeting

Discussion / Information Items:

-Mr. Gyory announced that Ms. Aiezza had recused herself as would not be present for the presentation or Board discussion

-Mr. Gyory acknowledged that the Board has received public comment

-he noted that the Board is bound by the Town Law and Zoning Code and there is nothing that prohibits the applicant from submitting a site plan application

-Mr. Owens stated that the project was initially presented to the Planning Board on 05/18/2022

-applicant made changes in response to Town comments related to reduction in curb cuts, variances, landscaping, pedestrian access and solar

-project was presented to the Zoning Board appeals

-the ZBA did not want to take action on the Variance application until it received confirmation that the developer had addressed Planning Board comments

-the application consists of redevelopment an existing Stewart's at 33 Frontage Road

-the project area consists of two parcels (21 & 33 Frontage Rd, Glenmont), totaling 1.6 acres

-Quality Inn is adjacent to the diner

-YRC is located behind both parcels

-applicant plans to demolish the existing Stewart's building at 33 Frontage Rd, remove / relocate the existing Johnny B's diner at 21 Frontage Rd and construct a new 3,975 sf retail store with two canopies for fuel sales

-Mr. Gillespie displayed a survey map and site plan drawing

-the orientation of the building was rotated to eliminate the need for variances for the building

-variances are needed for the canopy

-pedestrian access was provided to the hotel next door

-a traffic study be prepared

-one of the fueling positions was moved and size of the canopy was reduced

-photo simulations were displayed to show street view of the existing conditions & proposed improvements

-photo simulations were displayed to show aerial view of the existing conditions & proposed improvements

-Mr. Gillespie noted that there will be a 16% reduction in impervious surface

- the project includes a landscape buffer
- the access drive was defined
- a pedestrian access to the adjacent parcel was added
- a drainage and stormwater management plan was developed
- applicant will continue to address Engineering comments
- would like to proceed with the Zoning Board
- Mr. Sweeney noted that the plan is markedly different than the one that was previously presented to the Planning Board
- the Zoning Board wants the Planning Board to review and comment on the current proposal
- Mr. Gyory asked if there would be potential traffic impacts due to the charging stations
- has the ITE manual been updated to address EV charging
- Mr. Gillespie noted that VHB took the EV charging stations into consideration
- there will be a transition from gas to charging stations
- Stewart's will not be the only charging stations in the area
- the industry is growing
- Stewart's is partnering with Tesla, NEPA, Tesla, Charge Point on different locations
- we need the partnerships to make this happen
- as things evolve, Stewart's will make changes to provide the services that are needed
- at present, there is no issue with traffic associated with EV charging stations
- Mr. Lewendon stated that he is in favor of the changes
- he noted that the parking lot widens out in the northeast corner of the site and he wondered if additional green space could be added
- the landscape plan needs to be beefed up in certain areas
- Mr. Hoffman noted that the applicant should avoid the existing sewer easement
- Mr. Anderson supports the current layout
- he noted that the Town is concerned about the preservation of the diner
- letter from Mr. Behiri indicates that there is a potential buyer
- the letter does not guarantee that the diner will be preserved
- he recommends that the owner of the diner provide a letter of commitment from the buyer
- noted that the Town cannot prohibit gas stations under the current code
- he recommended that a decommissioning plan be put in place for the gas station
- Mr. Gillespie noted that Stewart's is familiar with requirements for redevelopment of existing gas stations
- work is done in compliance with NYS DEC regulations
- he recognizes that changes are in the works

- Stewart's will transition as the industry changes
- when and how quickly it will happen is unknown
- when the day comes and fuel is no longer needed Stewart's will still be in the game providing services inside their shops
- Mr. Leslie asked if NYS DEC requirements involves decommissioning related to gas tanks
- Mr. Gillespie noted that the NYS DEC regulations include piping, tanks and dispensers
- in-house Geologists are on site to take soil samples and monitor construction activities 24/7

The letter of recommendation from the Planning Board to the Zoning Board reads as follows:

March 15, 2022

Town Zoning Board of Appeals
Attn: David Devaprasad, Chair
445 Delaware Ave, Room 203
Delmar, NY 12054

RE: Stewart's Development Corp. - Stewarts Shops 176 Redevelopment 21-33 Frontage Rd, Glenmont Planning Board Recommendation to Zoning Board of Appeals in Support of Proposed Layout

Dear Chair Devaprasad & Zoning Board Members:

At our March 15, 2022 meeting, the Planning Board received a project update from Stewart's Development Corp. regarding a revised site layout for the proposed redevelopment. The Board discussed the different aspects of the revised layout of the site and agreed that the applicant has responded to major concerns discussed at the May 18, 2021 Planning Board meeting.

On a motion by Radworth Anderson, seconded by Scott Lewendon, and a vote of three (3) for, zero (0) against, one (1) abstained, and one (1) absent, the Board voted to recommend the proposed layout to the Zoning Board of Appeals for continued review.

Note this endorsement is not an approval by this board and the Planning Board discussed comments at the meeting and will have to further review once final design has been completed.

Sincerely,
Brian Gyory, Chair
Town of Bethlehem Planning Board

cc: Planning Board Members
Planning Board Counsel
Deborah Kitchen

RESULT: APPROVE [UNANIMOUS]
MOVER: Radworth Anderson, Board Member
SECONDER: Scott Lewendon, Board Member
AYES: Gianna Aiezza, Radworth Anderson, Brian Gyory, Scott Lewendon
EXCUSED: Kate Powers

VI. Discussion / Information Items

A. Selkirk Reserve, LLC, 939 Route 9W, Selkirk - Lands of Jericho Acres, LLC – Project Update for Proposed Multi-Family Development Consisting of Nine (9) Buildings with 72 Units and a Clubhouse - Site Plan Application 20-00100005 - Subdivision Application 20-00400002

The project was before the Board for an update on the Subdivision and Site Plan Application. Staff comments were provided by Nate Owens. Board discussion commenced at 7:14 p.m.

To date, the project was discussed at the following meetings:

- DPC 06/20/2019, owner / applicant, Jericho Acres
- Planning Board: 02/02/2021, 05/04/2021, 12/21/2021, 03/15/2022
- Town Board: 04/28/2021, 05/12/2021, 05/26/2021, 12/08/2021

Project Representative(s):

- Hershberg & Hershberg (Dan Hershberg, Nick Daniels)
- NRP Group (Christopher Dirr, Libby Coreno)

Public Comments:

- there were no public comments during the public comment period at the start of the meeting

Project Information / Discussion:

- the applicant, Selkirk Reserve LLC, is seeking approval to subdivide the property into two lots and construct 9 buildings (72 multi-family units) and a clubhouse on one lot at 939 Route 9W, Selkirk
- the site is located .4 miles south of the intersection of Jericho Road and Route 9W, in a Rural Zoning District

- the Town Designated Engineer (TDE) is MJ Engineering
- Mr. Owens noted that the Town will be serving as Lead Agency
- comments were received from involved and interested agencies
- comments were also provided by the TDE in a letter dated 03/02/2022
- an information request was sent to NYS OPRHP to gather information about historic significance of the property as a whole
- the applicant hired Columbia Heritage Architectural firm
- a number of structures around the site are eligible for the State or National Register
- NYS OPRHP sent a letter to Heritage on 02/2022 indicating that the project may have impacts to the cemetery across the road and recommended that screening be provided
- NY Homes & Community Renewal (NYS HCR) asked if the project should be considered a Type I Action under SEQR
- the applicant would need to submit a final impact determination letter from NYS OPRHP
- the applicant must complete an agricultural data statement if the project is within 500' of a property in the agricultural district
- the TDE and Planning staff have considered thresholds for Type I Actions and both believe that the property is properly classified as an unlisted action
- the Town is taking a conservative approach and will continue to conduct a coordinated review
- the applicant has submitted an agricultural data statement and notices will be mailed appropriately
- NYS DOT has acknowledged that the Town will serve as Lead Agency
- the development appears to be consistent with the 2005 Comprehensive Plan and the current update which both call for diversified housing options
- pedestrian & bicycle improvements should be constructed on the same side as the club house
- a letter was submitted by a resident
- permits will be required for work in NYS right-of-way
- NYS DEC had no objection to the Town serving as Lead Agency
- permits will be required for water quality, SPEDES, sewer extension
- Mr. Owens noted that the TDE comment letter identified key items for the Board and Town to weigh in on including incentive zoning
- the Board is familiar with conservation subdivision which also require that the a determination be made regarding maximum density
- the applicant will need to provide additional information related to a density bonus
- Mr. Owens calculated the density bonus based on information provided to date which resulted in 12 units

- Mr. Gyory noted that it is his understanding that up to 20% bonus is allowed if more than 50% of the units are affordable
- Mr. Owens stated that the applicant has indicated that 100% of the units will be considered affordable
- the Town will need to receive confirmation that the units meet the Town's definition of affordable housing
- Ms. Aiezza noted that the project will be consistent with the proposed Comp Plan update which is more stringent
- Mr. Dirr stated that 100% of the development will be affordable housing
- the project is funded by NYS HCR and it will be subject to a long term (30 year) regulatory agreement to ensure compliance
- Mr. Leslie noted that the Board will need to confirm what is required of the Planning Board with regard to compliance
- the Planning Board will need to make several Findings prior to granting a density bonus per Zoning Law Section 128-51 F
- the applicant will need to provide a narrative analysis for the Board's review which describes potential impacts resulting from a density bonus
- topics to be included: architecture, scale & massing, parking, drainage & erosion control, traffic and noise, etc.
- units designated as affordable will require annual certification to the Board
(possibility of waivers of the provision, not to exceed one year each)
- Town will look for confirmation that the applicant will be able to meet the provision
- NRP group will need to propose and instrument to be filed with the Albany County Clerk to be reviewed by PB Counsel
- surety or performance guarantees are required
- proposed adjustments would not adversely affect the public health, safety or welfare of the residents of the project or neighboring lands
- Mr. Dirr stated that he appreciates the analysis that was performed by MJ Engineering
- the information was shared with consultants and partners
- written responses will be provided to address each item
- Mr. Owens noted that several comments relate to the Route 9W Corridor Study Guidelines which requires shared access and vehicular connections to adjoining properties
- supports a roadway connection thru lot 1 to Jericho Road
- supports design for public transportation services
- Mr. Gyory indicated that the project appears to be designed as a parking lot and would not accommodate a connector road to Jericho Road
- Mr. Radworth asked if a bus stop could be installed on the southbound lane of Route 9W
- the applicant would need to include provisions so residents can get on / off the bus without having to cross Route 9W

- the speed limit along this section of Route 9W is 55 mph
- Ms. Aiezza asked if the roadway connection is for the benefit of the development?
- Mr. Leslie noted that the Kendall Square has a private road with parking thru
- a 2nd means of access would provide residents with access to Elm Avenue East and Jericho Road without traveling on Route 9W
- Mr. Dirr noted that the applicant does not have control of the adjoining parcel and the have not designed the proposed multi family project with a roadway connection
- Mr. Owens noted that the comment letter requested that the connection be shown thru lot 1 to Jericho Road
- some of the Planning Board comments have called this into question
- Mr. Hoffman asked if a secondary access was called into question by the Building Department
- Ms. Aiezza understands the two points of access as a benefit to the residents
- Mr. Gyory stated that it would be difficult for the applicant to show a connection on a parcel they do not control
- if there is further research needed related to ingress / egress
- Mr. Owens noted that the applicant is proposing a subdivision and there will be elements of the project that involve lot 1 such as a sewer connection
- Mr. Dirr noted that the applicant has contracted with the property owner to purchase lot 2 for the multi-family development
- Ms. Corena, counsel for the applicant, understands that the applicant needs to demonstrate that underground easements are a common shared infrastructure
- on surface improvements could restrict future development for neighboring owner
- Mr. Owens noted that projects should be designed for pedestrian connectivity
- a sidewalk will connect to Route 9W
- sidewalks should also connect to Jericho Road
- there should also be provisions for bicycle parking
- there are limited pedestrian facilities in proximity to the project
- the closest is on Elm Ave East
- depending on the outcome of the roadway connection the Town would be looking for a contribution toward future sidewalk or shared use path to destinations like Maple Ride Park, Jericho Ice Cream, Van Allen Farms as these would be in walking distance from the site
- a minimum the Town would want easement along road frontages to facilitate the future installation of sidewalk or shared use path
- foot candle values at entrance to site are low and may be too dim for site visibility
- Board may want to consider options to improve site visibility (such as increase lighting and vegetation)
- an alternative could be externally lit signage

- NYS OPRHP recommends that vegetation be installed along Route 9W to screen the project from the cemetery
- tree inventory plan should be provided
- Mr. Anderson asked the applicant to provide additional information about the is proposed transportation services (scheduling, destinations, etc)
- Mr. Dirr noted that the facility will have a van available to address transportation needs of the residents
- it is designed to facilitate transportation for convenience shopping, doctor appointments, work
- Ms. Aiezza noted that most residents will own a vehicle
- Mr. Dirr noted that affordable housing enables a residents to own a car
- Mr. Lewendon noted that he reviewed the landscaping plan and he will forward written comments to the applicant's Engineer
- applicant needs a master plan list / planting plan that includes a complete list
- the landscape plan appears to be a work in progress
- honey locust tree is over used
- parking islands are large enough to support a major shade tree which will reduce temperature of pavement and provide stormwater management
- trees and benches should be provided in the area of the playground
- tree plantings on the east side of the buildings along the road will help to reduce the impact from headlight glare
- it may also help to providing screening from the cemetery
- conservation seed mix could be used to create a meadow that requires less maintenance and attracts pollinators
- semi circle of ornamental trees near the entrance would emphasis the entrance and low level lighting could be incorporated into the entrance
- Mr. Dirr indicated that the applicant would be willing to incorporate the comments into the plan
- happy to beef up the plantings and lighting at the entrance

Next Steps

- applicant to respond to comments
- Town to provide further clarification related to vehicular and utility connections

Further discussion of the project was tabled.

RESULT: FURTHER DISCUSSION TABLED

B. Millious Trucking Company, 1194 Route 9W, Selkirk - Initial Presentation for Proposed Pole Barn with Office and Truck Repair Shop for Existing Business - Site Plan Application 22-01400001

The project was before the Board for an Initial Presentation. Staff comments were provided by Leslie Lombardo. Board discussion commenced at 8:09 p.m.

To date, the project was discussed at the following meetings:

-Planning Board: 03/15/2022

-Zoning Board: 12/01/2021

Project Representative(s):

-Nancy & Charles Millious

-Robert Blaisdell

The applicant is seeking approval to construct a pole barn addition and breeze way with offices to an existing pole barn at 1194 Route 9W, Selkirk

-parcel is located south of the Becker Elementary School, north of Maple Ave and Route 396 in a Rural Hamlet Zoning District

-operating under use variance granted in 1996

-a site plan drawing was displayed

-Ms. Lombardo noted that there is an existing trucking company & repair shop on the site as well as a residential dwelling is also located on the property

-applicant obtained variances from the ZBA 11/20/1996

-applicant obtained two area variances from the ZBA on 12/01/2021 for front yard and side yard setbacks

-Mr. Blaisdell stated that he is a member of the family

-he described the layout of the property owned by the Millious family and the reason for the proposed expansion

-Millious Trucking has expanded over the years

-they are looking to be able to be able to service their trucks on site

-the project will not have visual impacts

-owners live on property

-son lives on adjacent property

-the land where the pond is located is owned by the Millious family

-the land north of the site is owned by the Selkirk Fire Dept

-the building the Millious family is currently using is at its capacity

- having the ability to repair trucks on site will improve finances
 - Ms. Lombardo noted that the project is being reviewed by the Engineering Division
 - they will be looking at stormwater management and sewer and water connections which are not currently shown on the drawings
 - they will also be looking a fire protection
 - there appears to be two access points to the site
 - Mr. Blaisdell noted that the building at 11778 Route 9W was purchased by the Millious family and is currently used to store truck parts; used to be owned by Grummy's car dealership
 - he noted that the pavement on site previously existed
 - Mr. Gyory noted that site access to the south appears to be straightforward
 - the access to the north appears to be gained thru an adjacent parcel
 - the applicant will need to show proposed paving
 - the applicant will need to show garage doors
- Mr. Blaisdell noted that the Millious family purchased the building out front which used to house
- the new building will be sided and capped to blend in with the existing building
 - there is a hedge row along the side yard that abuts with shed property
 - applicant is planning to install additional trees in certain locations to buffer the site
 - Mr. Hoffman stated that the applicant will need to show existing conditions and proposed improvements
 - the applicant will need to provide limits of disturbance and stormwater
 - Ms. Lombardo noted that the proposed building appears to meet the Rural Hamlet Guidelines - Zoning Law Section 128-35
 - Planning and Engineering will be concentrating on the technical components of the Site Plan

Next Steps

- Engineering staff will review the application materials and generate comments
- Town will meet with applicants to review and discuss Town comments
- Applicant to respond to Town comments

RESULT: FURTHER DISCUSSION TABLED

VII. New Business

A. Open Meetings Law

- Mr. Gyory noted that the Board is monitoring the Open Meetings Law
- updates will be provided when posted

B. Comprehensive Plan Update Committee - Public Hearing - Monday, 03/28/2022 6:00 PM

The Town of Bethlehem Comprehensive Plan Update Committee will hold a public hearing on Monday, 03/28/2022 at 6:00 p.m. at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar to solicit comment on the Draft Comprehensive Plan Update. The public is invited to attend and be heard. Registration is not required.

A meeting notice on the Town's website indicates that written comments on the Draft Plan will be accepted via email at BethlehemForward@townofbethlehem.org through 03/29/2022.

Bethlehem Forward Webpage - DRAFT Comprehensive Plan Update Documents:

<https://www.bethlehemforward.com/?HTTPSRedirected=true#3>

CPUC Agendas:

<https://www.townofbethlehem.org/Archive.aspx?AMID=62>

CPUC Webpage:

<https://www.townofbethlehem.org/842/Comprehensive1PlanUpdateCommittee>

C. Comprehensive Plan Update Committee - Meeting - Monday, 04/04/2022 6:00 PM

The Town of Bethlehem Comprehensive Plan Update Committee will hold a meeting on Monday, 04/04/2022, 6:00 p.m. The public is invited to either attend in person at Delmar-Bethlehem EMS Building, 114 Adams Street, Delmar or participate via Zoom.

The CPUC will review and discuss the public comments from the 03/28/2022 Public Hearing prior to finalizing the Draft Comprehensive Plan Update and advancing it to the Town Board. Registration Link:

https://us02web.zoom.us/webinar/register/WN_n1bMZXoPRNueP9yg5JW2Og

Bethlehem Forward Webpage - DRAFT Comprehensive Plan Update Documents:

<https://www.bethlehemforward.com/?HTTPSRedirected=true#3>

CPUC Agendas:

<https://www.townofbethlehem.org/Archive.aspx?AMID=62>

CPUC Webpage:

<https://www.townofbethlehem.org/842/Comprehensive1PlanUpdateCommittee>

VIII. Adjournment

Motion To: Adjourn - Next Meeting - Tuesday, 04/05/2022, 6:00 p.m.

RESULT:

ADJOURN [UNANIMOUS]

MOVER:

Radworth Anderson, Board Member

SECONDER:

Gianna Aiezza, Board Member

AYES:

Gianna Aiezza, Radworth Anderson, Brian Gyory, Scott Lewendon

EXCUSED:

Kate Powers

The meeting was adjourned at 8:31 p.m.