

TOWN BOARD  
JULY 11, 2007

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor  
Daniel Plummer, Councilman  
Samuel Messina, Councilman  
Kyle Kotary, Councilman  
Joann V. Dawson, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham welcomed everyone to a regular meeting of the Town Board and invited them to join in the pledge of allegiance led by Star Boy Scout, Robby Tateo. The Supervisor noted the storm on Monday was pretty devastating to the Town. He said a lot of residents were without electricity for up to 24 hours and he wanted to commend people in Town that helped out. He said the Highway Department did an excellent job of making sure that all the roads that could have been cleared except for those with trees on wires by Tuesday morning. He said the Police Department went door-to-door Monday night to touch base with individuals who had special needs to be sure they were safe.

The Supervisor also said the Senior Services Department did an excellent job of supporting the seniors and a cooling station was established here at Town Hall. He said Town employees also made phone calls all day to seniors to make sure contact was maintained. He also thanked all of the volunteer fire departments that were out Monday night and all day Tuesday making sure residents were safe.

The Supervisor noted the Town does have an successive heat response and procedure program that is available to residents if they would like it. He said it will be available on the website for people to access.

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Supervisor Cunningham asked if there was any public comment on agenda items. Mrs. Capone noted there was an item about the CACC and putting David Eric VanLeuven commenting she has never heard of... asking if there could be some background given. Supervisor Cunningham said Mr. VanLeuven is in attendance and noted he would have some comments when the appointment is done. Mrs. Capone said you must have asked him about his background. The Supervisor noted it is a volunteer position and there is information.

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Supervisor Cunningham asked if there were any other comments. Ms. Gina Cocchiara said earlier today she sent out copies of a letter indicating her concerns about an item on the agenda from the Chief of Police to authorize appointments for the position of Patrol Sergeant. She noted she sent it to the Supervisor and all Members of the Town Board, the Comptroller and the Human Resource person. She asked for confirmation that the interested parties have received their copy and if they had any questions. She noted she would be in attendance to answer any questions. Supervisor Cunningham thanked Ms. Cocchiara.

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Mrs. Capone said when the Library wants to borrow money or they have a budget of the school, they come to the public for a vote but this Vista, it's \$100 million and nobody has got an opinion here. She asked if that was legal. Town Attorney Potter said all legal procedures have been followed. He said they have had public hearings on it and there has been every opportunity for comment. Mrs. Capone said but why are they not asked about it. Town Attorney Potter said there is no provision in the Town Law for a referendum so the Board could not even do that if the Board wanted to, they could not put it to a vote of the citizens. He said it

is a representative form of government. Mrs. Capone thanked Town Attorney Potter.

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Supervisor Cunningham asked if there were any other comments. There were none.

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The Supervisor noted the first item was an update on the Dinmore Road Project. Town Engineer Erik Deyoe said since the last Town Board meeting, the project has made significant progress. He said to date they have hauled in, put in place and compacted the majority of the gravel bedding materials for the pipe. He said it constitutes about 10,000 cubic yards or for reference maybe 900 standard truckloads of gravel material. He said the majority of the fill operations should be done by the beginning of next week. He said the existing topsoil has been stripped away and is partially constructed on the side of the embanked berms. He said 2 manholes have been installed and are in place to receive pipe. He said ... control measures are installed and functioning well even despite the heavy rainstorm on Monday. He said everything is working as it should and all the fill material remained in tact.

Engineer Deyoe said the storm drainage pipes have been installed and the existing pipeline is being monitored on a daily basis and there has been no movement or leakage from the pipe. He said they are still in good shape even with the storm.

Mr. Deyoe said, as far as, the schedule is concerned, they are, at this point, about 3 weeks ahead of schedule. He said they are expecting delivery of the most downstream manhole on Friday and the most upstream manhole early next week. He said the first load of the 36 inch pvc pipe will be delivered on site Friday and they should begin setting manholes and pipe from the downstream end upstream at the end of this week or early next.

Mr. Deyoe said the general contractor is targeting switching over from the old main to the new main during the week of July 23<sup>rd</sup> so that puts this project about 3 weeks ahead of schedule from what was originally proposed. Final completion is still targeted by the middle of September so there is some time to do topsoil, seeding and get the site all restored and in good shape and take the old pipeline down. He said this was the update and asked if there were any questions form the Board.

Supervisor Cunningham thanked Mr. Deyoe. Councilman Messina asked if Mr. Deyoe has seen any failure, stress cracks, separations in the old pipe. Mr. Deyoe said they monitor the existing pipeline and there has been no shift in the pipe, it is not leaking. He said it remains in tact and serviceable.

Supervisor Cunningham asked what if anything could delay this at this point. Town Engineer Deyoe said bad weather. The Supervisor asked if the storm this week had any impact. Mr. Deyoe said it did not. He said individual storms do not set it back but if there were long periods of rain that could affect it. He said they are in solid shape and about 3 weeks ahead of schedule. The Supervisor asked if the neighbors were happy. Mr. Deyoe said the neighbors are happy.

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The following item was a request for approval of the SEQR Determination on the amended Vista Development Master Plan.

The following resolution was presented for adoption:

**RESOLUTION NO. 19**

**TOWN OF BETHLEHEM – TOWN BOARD  
RESOLUTION REAFFIRMING PREVIOUSLY ADOPTED FINDINGS  
STATEMENT  
APPLICATION OF VISTA DEVELOPMENT GROUP, LLC,  
A SUBSIDIARY OF BBL DEVELOPMENT GROUP**

VISTA TECHNOLOGY CAMPUS

**JULY 11, 2007**

- WHEREAS, An application was submitted December 21, 2005 pursuant to Chapter 128, Article V of the Town of Bethlehem Municipal Code for review of a project located in a Mixed Economic Development District under the State Environmental Quality Review Act; and,
- WHEREAS, a Final Environmental Impact Statement (FEIS) has been prepared on an application for Development Master Plan Approval in a Mixed Economic Development District; and,
- WHEREAS, the Town Board has received an application for Development Master Plan Approval from the Vista Development Group for development of the proposed Vista Technology Campus a mixed use commercial development of approximately 1.4 million square feet of building space (the "Project") on a parcel that consists of approximately 330 acres of land within the Town of Bethlehem currently zoned MEDD, and approximately 128 acres of land within the Town of New Scotland currently zoned Residential-2 (R-2), for a total project acreage of roughly 458 acres ; and,
- WHEREAS, Approximately 82+/- acres will be retained by Dr. William Jones and the remaining 369+/- acres will comprise the Vista Technology Campus; and,
- WHEREAS, the Town Board acting as SEQRA lead agency accepted a Draft Environmental Impact Statement (DEIS) on the project as its meeting of December 27, 2006 and determined that the DEIS was complete and adequate with respect to its scope and content for the purpose of commencing public review; and,
- WHEREAS, a Public Hearing was held on the DEIS by the Town Board at its meeting of January 24, 2007, at which time public comment on the DEIS was accepted by the Town Board; and,
- WHEREAS, a public comment period was also provided by the Town Board during which written comments on the DEIS were accepted, and said comment period ran between December 27, 2006, and February 5, 2007; and,
- WHEREAS, a draft FEIS on the project has been prepared by the applicant and submitted to the Town Board and said draft FEIS contains the comments that were received during both the public hearing and public comment period on the DEIS, as well as responses to those comments; and,
- WHEREAS, prior to its final submission to the Town Board, the draft FEIS has been reviewed by the Town's consultants for the project, Barton and Loguidice, P.C., the Town Department of Economic Development and Planning and other Town Departments; and,
- WHEREAS, on May 9, 2007, the Final EIS was declared complete by the Town Board, including responses to all comments received at the public hearing and during the public comment period; and,
- WHEREAS, more than ten days have passed since the acceptance and filing of the FEIS, as required by SEQR;
- WHEREAS, on May 29, 2007, the Town of Bethlehem Town Board adopted the SEQRA Findings Statement for the action;
- WHEREAS, on June 13, 2007, the Town of Bethlehem Town Board held a duly noticed public hearing on the proposed Master Plan;
- WHEREAS, a minor modification was set forth by the Applicant at that hearing;
- WHEREAS, the minor modification consisted of a change in the location of the roundabout, secondary right in / right out curb cut and minor additional alignment changes to the access roads, and hotel within the Vista site as set forth on a plan prepared by Saratoga Associates dated June 13, 2007 and displayed at the public hearing;
- WHEREAS, the Town of Bethlehem Town Board decided, in light of the changes to the Master Plan, to continue the public hearing at its next regularly scheduled Town Board meeting on June 27, 2007 and to refer the revisions to the Plan to the Town of Bethlehem Town Planning Board for its recommendation pursuant to § 128-37 of the Town of Bethlehem Zoning Law.
- WHEREAS, the Town Planning Board at its regularly scheduled meeting of June 19, 2007 reviewed the revisions to the Master Plan and made a positive recommendation to the Town Board, reaffirming its previous positive recommendation to the Town Board;
- WHEREAS, the Applicant has submitted the following documentation to the Town in support of the modification;
- Sheet 1 of 12 - Project Master Plan  
Vista Technology Campus - Dated: June 2007
- Sheet 2 of 12 - Jones Subdivision  
Vista Technology Campus - Dated: June 2007
- Sheet 3 of 12 - Phasing Plan  
Vista Technology Campus - Dated: June 2007

Sheet 4 of 12 - Existing Conditions  
Vista Technology Campus - Dated: June 2007  
Sheet 5 of 12 - Conceptual Grading Plan  
Vista Technology Campus - Dated: June 2007  
Sheet 6 of 12 - Existing Wetlands  
Vista Technology Campus - Dated: June 2007  
Sheet 7 of 12 - Wetland Impact and Mitigation  
Vista Technology Campus - Dated: June 2007  
Sheet 8 of 12 - Water Distribution  
Vista Technology Campus - Dated: June 2007  
Sheet 9 of 12 - Sanitary Sewer  
Vista Technology Campus - Dated: June 2007  
Sheet 10 of 12 - Conceptual Planting Plan  
Vista Technology Campus - Dated: June 2007  
Sheet 11 of 12 - Planting Plan Enlargement  
Vista Technology Campus - Dated: June 2007  
Sheet 12 of 12 - Archeological Survey  
Vista Technology Campus – Dated: June 2007  
Full Environmental Assessment Form – Parts 1 and 2, Dated: June 20, 2007

Prepared By: Saratoga Associates

443 Broadway  
Saratoga Springs, New York, 12866

Access Modification Sensitivity Analysis, Vista Tech Campus, Dated: June 27, 2007

Prepared By: Creighton Manning Engineering, LLP

17 Computer Drive West  
Albany, NY 12205

WHEREAS, the Town Board reconvened the public hearing on June 27, 2007 and accepted further public comment on the Master Plan as revised and then closed the public hearing;

NOW, THEREFORE, BE IT RESOLVED,

The Town Board has reviewed the EAF and the criteria set forth in the SEQRA regulations at 6 NYCRR § 617.9(a)(7) and has determined that a Supplemental Environmental Impact Statement will not be required for the minor modifications to the Master Plan because the minor modifications do not raise any “specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS.” Rather the minor modifications will have no different impact on the operation of the Slingerlands bypass, intersections studied in the EIS, or the internal circulation of the Vista project than that roundabout and access locations evaluated in the EIS. Moreover, the revised location of the roundabout will have fewer environmental impacts, e.g., impacts to federally regulated wetlands. The Town Board reaffirms the previously adopted SEQRA Findings Statement and supports the Town Supervisor’s letter of June 1, 2007 to NYSDOT regarding the impact of Vista on the transportation system and levels of service.

On a motion by Mr. Plummer, seconded by Mr. Kotary, and a vote of 5 for, 0 against, 0 absent, this RESOLUTION was adopted on July 11, 2007.

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The next item was a request to approve the Vista Development Master Plan. Supervisor Cunningham said Deputy Director of Economic Development and Planning, Michael Morelli, would now present information on the Vista Master Plan. Mr. Morelli said they believe tonight would be a culmination of over 18 months of review for the Vista Technology Campus. He said in August 24, 2005, the Town Board adopted its first ever comprehensive plan. One of the Tier I priorities of that plan, according to Mr. Morelli, was to see the Vista Technology Campus come to fruition. Another one of the Tier I priorities was to try to achieve a balanced tax base, he said. He said hopefully this project will assist in that goal.

Mr. Morelli said this project has been the subject of environmental impact statements, public hearings on both the environmental impact statements and the master plans, opportunity for the public to comment, to submit written comments, recommendations from the Planning Board to approve this master plan and what is before the Board is a culmination of 18 months of review. He said they feel that the recommendations/guidelines in this recommended approval document will help move this project forward in a way that the Town can be very proud of. He said just keep in mind that once the Town Board accepts the master plan, it then goes

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forward to the Planning Board for specific site plan review where more detailed information will be received from the applicant and, as you know, the Route 85 extension is moving full bore ahead. He said they think this project will dovetail very nicely with some of the goals and objectives out in the New Scotland Avenue part of Town and recommends support and approval of the project.

Mr. Morelli said he would be happy to answer any questions. Supervisor Cunningham thanked Mr. Morelli. The following resolution was presented for adoption:

**RESOLUTION NO. 20**

**TOWN BOARD OF THE TOWN OF BETHLEHEM  
APPROVAL OF MIXED ECONOMIC DEVELOPMENT DISTRICT (MED) #1  
VISTA Technology Campus**

**LeGrange Road and Route 85**

**MEDD Application – MED No 1** Pursuant to §128-37.F.4.b of the Zoning Law of the Town of Bethlehem, the Planning Board of the Town of Bethlehem has reviewed the VISTA Development Master Plan and forwarded comments and recommendations to the Town Board of the Town of Bethlehem;

**Description of Project**

The proposed action involves an application for a Development Master Plan Approval in the development parcel consisting of approximately 330 acres of land within the Town of Bethlehem currently zoned MEDD, and approximately 128 acres of land within the Town of New Scotland currently zoned Residential-2 (R-2), for a total project acreage of roughly 451 acres of which 82+/- acres will be retained by Dr. William Jones. The remaining 369.25+/- acres will comprise the Vista Technology Campus. Development will occur on approximately 150 acres of the site. The Project proposes the development of approximately 1.4 million square feet of building space. The bulk of the building space will consist of research, technology and office space. Secondary uses will include a hotel, a shopping center, a bank and a mix of retail uses and restaurants.

The proposed entrance roundabout has been relocated from the north entrance drive of the Vista Campus to the south entrance drive. The previously approved entrance road and roundabout required a joint agreement between Vista and an adjoining property owner. That joint agreement could not be reached and will no longer be necessary based on the revised master plan.

A secondary ingress/egress has been relocated south along the future Slingerlands Bypass by upgrading parking circulation shown on the original master plan to a dedicated road and extending that access a few hundred feet to create a new intersection.

**Project Location**

The project is located on LeGrange Road, at the intersection of LeGrange Road and NY Route 85, in the Town of Bethlehem, Albany County, New York.

**Title of Drawings**

**Development Master Plan**

Sheet 1 of 12 - Project Master Plan  
Vista Technology Campus - Dated: June 2007  
Sheet 2 of 12 - Jones Subdivision  
Vista Technology Campus - Dated: June 2007  
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Prepared By: Saratoga Associates  
443 Broadway  
Saratoga Springs, New York, 12866

### Development Master Plan Contents

This Development Master Plan Approval consists of approval of the drawings cited above under “Title of Drawings”, the required SEQR mitigation as outlined in the Findings Statement for the Vista Technology Campus as adopted by the Town Board, and this Development Master Plan Approval Document.

#### **Conditions**

This Approval is conditioned by the following:

#### **A. Consistency with the Town Comprehensive Plan.**

The project is generally consistent with the Comprehensive Plan for the Town of Bethlehem, as adopted August 24, 2005. The establishment of Mixed Economic Development Districts such as the one created by the project is a Plan Priority recommended for Immediate Action. Furthermore, the Comprehensive Plan specifically recommends the development of the VISTA project as a Tier 1 Priority Action.

The stated goal of the Plan to ‘Achieve a Balanced Tax Base’ and the resulting plan recommendations to create a mixed economic development area on the project site will be accomplished through the proposed project.

The project will be developed on 369.25+/- acres of land, of which 150+/- acres will be developed. The remaining lands (219+/- acres) shall remain undeveloped achieving the comprehensive plan goal of conserving significant open space. In addition, this open space shall be made accessible with a system of trails to be constructed by the project applicant as described in the FEIS for public use and providing a potential link for larger scale recreational trail systems.

The project shall include shared use travel lanes on the main access roads consistent with the goal of the Comprehensive Plan to provide adequate bicycle facilities throughout the Town.

The project will achieve the specific economic development goal to support the development of the Vista Technology Campus and remaining lands in the vicinity.

#### **B. Recommendations Related to the Town of Bethlehem Comprehensive Plan**

The Comprehensive Plan recognizes that MED districts could include secondary uses such as those proposed by the developer at VISTA. A consistent percentage of primary to secondary uses, as proposed, should be adopted as a minimum standard for the VISTA MED as discussed below. In addition, the Comprehensive Plan recommended design guidelines should be developed for each MED. Design guidelines as detailed below should be adopted as a standard specific to the VISTA MED.

The project site is discussed in the Comprehensive Plan as a potential site where property owners expressed interest in allowing public trail access on their property. As a result, there is an opportunity to create trail connections in the Slingerlands area. The Vista Master Plan could provide a segment of an overall trail network that could connect New Scotland Road to the Five Rivers Education Center. The approval of this project includes the condition that such a public trail connection through the site be facilitated.

A desire to use LEED standards for the VISTA Campus was stated by the developers. The project will provide an opportunity for campus occupants to obtain LEED certification if completed, as intended and the campus occupants should be encouraged by the Town to obtain the certification.

The approval of this Master Plan acknowledges that future development of the site will maintain the potential for a road connection to the Town of New Scotland.

The project is situated at one of the critical gateways to the Town as identified in Comprehensive Plan. The future development should be consistent with the goals stated for gateways including specific enhancements that will improve the sense of arrival as detailed below. At the time of subsequent site plan application to the Planning Board consideration should be given to relocating some of the parking shown on the Revised Vista Master Plan away from view of the new (relocated) roundabout on the Slingerlands Bypass or appropriately screening said parking from view of the roundabout.

The layouts, as shown in the Master Plan, are designed to permit the installation of electric, water, sewer, gas and other utilities.

#### **C. Consistency with Town of Bethlehem Zoning Law**

*General.* Town of Bethlehem Chapter 128 Zoning Law, effective September 1, 2006, contains specific requirements for the MED District the project resides in, contained in §128-37. In accordance with the requirements of this law, the applicant has submitted a Development Master Plan for the review of the Planning Board.

*Floor Area Ratio.* Under §128-37.B.1, the applicant is permitted to develop the site with up to one hundred percent (100%) Gross Floor Area of Primary Uses, which includes office, light industrial, manufacturing, and technology-based businesses and other uses identified in the Schedule of Uses in §128-71. Under §128-37.B.2 development proposals within the MEDD’s are permitted to develop the site with up to thirty percent (30%) of the Gross Floor Area devoted to Secondary Uses which include service businesses, restaurants, entertainment uses, small-scale retail uses, fitness clubs and other

uses identified in the Schedule of Uses in §128-71. Residential uses other than Multi-family are prohibited under §128-37.B.4. Under §128-37.B.5 projects for which the Town Board has approved a scoping document prior to the effective date of the current Zoning Law, up to fifty percent (50%) of the Total Gross Floor Area may be devoted to Secondary Uses. Since the Town Board's acceptance of the Scoping Document for the Vista project predates the effective date of Chapter 128, the latter rule is in effect for this project in determining permitted percentages of Secondary Uses. However, the applicant has voluntarily agreed to comply with Sec. 128-37(B)(2) effective September 1, 2006.

*Required Gross Floor Area Ratio.* The project applicant is proposing to develop the site with eighty percent (80+/-%) Primary Uses and twenty percent (20+/-%) Secondary Uses. This is an acceptable ratio of Primary to Secondary Uses based on the scope of the project. In development of this MEDD, the total amount of floor area devoted to secondary uses (district-wide) shall not exceed 20% of the total gross floor area approved for the District

*Timing and Sequencing of Secondary Uses.* Prior to granting any site plan approval within this MEDD, the Planning Board shall ensure that the floor area devoted to secondary uses does not exceed 50% of the total gross floor area (of primary and secondary uses) proposed in the site plan application. In addition, the Planning Board shall ensure that no site plan application will be approved where said application contains more than 75% of the total gross floor area of secondary uses approved in the Development Master Plan.

**Recommended Zoning Modification:** Under §128-37.B.5, in reviewing site plans and subdivisions for this MED zone only, maintenance of an overall ratio of 80+/-% to 20+/-%, Primary to Secondary Uses respectively should be adopted as a standard.

*Distribution of Gross Floor Area.* The geographic distribution of the Gross Floor Area is to be established at the time of approval of the Development Master Plan under §128-37.C.2.

*Proposed Geographic Distribution of Gross Floor Area.* The applicant has submitted a plan illustrating a proposed geographic distribution of Gross Floor Area to the Planning Board. The Board discussed this distribution with the applicant and agreed that the illustrated distribution concept concentrating Secondary Retail Uses along the Route 85 Extension frontage of the site is appropriate and consistent with the intent of the Zoning Code that secondary uses are intended to provide support services to primary uses in the MEDD and the surrounding neighborhood.

**Recommended Zoning Modification:** Under §128-37.C.2 the applicant's conceptual plan for the geographic distribution of secondary uses should be adopted as a guide for future development of the site and is hereby adopted as such. Future site plan and subdivision reviews should be reviewed for consistency with the submitted VISTA Development Master Plan.

*Maximum Impervious Surface.* The allowable impervious surface ratio is sixty percent (60%) of the land area within the geographic area under §128-37.C.4.

*Proposed Impervious Surface Ratio.* The applicant proposes an impervious surface ratio of 17+/-%, which is in compliance with the requirements of this chapter.

*Area, Yard and Bulk Requirements.* Under §128-37.C.2 the area, yard and bulk requirement are to be established at the time of approval of the Development Master Plan. The chapter further recommends that the Town Board be guided by standards and requirements found elsewhere in this chapter for development projects of a similar nature.

*Proposed Area, Yard and Bulk.* The VISTA Development Master Plan illustrates area, yard and bulk standards that would meet or exceed those of the Commercial Hamlet zoning district. This includes front yards of not less than 40', side yards of 40' and rear yards of over 100'.

**Recommended Zoning Modification:** Under §128-37.C.5, the area, yard and bulk requirements for Commercial Hamlets as defined in Section 128-100 are recommended, except for the hotel building which is proposed at four (4) stories as permitted under 128-37.C.6 as noted below.

*Height and Lot Sizes.* The chapter, under §128-37.C.6 allows a building height of 4 stories or sixty feet (60') for project sites west of the New York State Thruway. Minimum lot sizes under §128-37.C.7-8 are one acre, two acres if the lot is for a mixed use.

*Proposed Building Height and Lot Sizes.* The applicant is proposing building heights of 1 to 3 stories for most of the buildings. A hotel is proposed that will be 4 stories. The VISTA Development Master Plan does not illustrate potential lot lines. Based on the building sizes, the lots will generally be sized in compliance with the required minimums; however, the actual lot sizes will be reviewed during site plan and subdivision approvals for the project.

*Minimum Setbacks.* §128-37.C.9-10 establishes a minimum building setback of 50' to non-residential districts and 100' to residential districts for MED; a minimum building setback of 30' from a highway right-of-way or 80' from a highway centerline is also required.

*Proposed Setbacks.* The setbacks illustrated on the VISTA Development Master Plan are generally in compliance with the required minimums; however, the actual setbacks will be reviewed during site plan and subdivision approvals for the project.

*Signage.* Under §128-37.C.11 signage requirements are to be established at the time of approval of the Development Master Plan. The chapter further recommends that the Town Board be guided by standards and requirements found in §128-59 of Town Zoning Law for development projects of a similar nature.

*Proposed Signage.* The applicant has not proposed signage standards. In the absence of a proposal from the applicant, existing standards found in §128-59 and specific requirements for Commercial Hamlet (CH) appear appropriate for use on the VISTA project. Signage regulations for the CH district include, one freestanding sign 32 square feet or less, no more than 10' feet in height for each building site; and wall signage with a maximum total area of one square foot per linear foot of building façade and a maximum width of 2/3 the width of the face of the building on which the sign is displayed. Signage is required to be set back 10' from the highway boundary or 35' from the highway centerline, whichever is greater. Signage may be lit externally only.

**Recommended Zoning Modification:** Under §128-37.C.11, signage standards for the VISTA MED should comply with the requirements of §128-59 for Commercial Hamlet (CH) districts. In addition, signage for the primary entrances to the site along Route 85 should identify the site as the Vista Technology Campus only, with tenant identification specific for each building site.

*Parking and Loading.* Parking for the MED district is required to conform to §128-56 of the Zoning Law. This section permits joint parking lots for one or more uses and requires landscaping of at least 10% of the gross parking lot area provided by landscaped end islands and center islands within the parking area. Loading facilities are required to be confined to the side and rear yards and screening is to be provided to minimize the view of loading areas from any street or residential area.

*Proposed Parking and Loading.* The VISTA Development Master Plan illustrates parking and loading that is generally in compliance with §128-56. The Plan proposes locating the bulk of the required parking behind buildings and proposes several shared parking lots. Loading areas are illustrated in rear or side yards with planted screening which would be in general compliance with §128-56.L.

*Accessory Buildings.* Under §128-37.E accessory buildings are required to be located in the side or rear yard a minimum of 5' from any lot line, shall not exceed 25' in height, and the total coverage of accessory buildings shall not exceed 5% of the total lot coverage.

*Proposed Accessory Buildings.* The VISTA Development Master Plan does not illustrate accessory buildings, however, this will be reviewed during site plan and subdivision approvals for the project.

*Future Project Approvals.* The VISTA Development Master Plan should be adopted as the guide for the future development of the project site. Site plan and Subdivision approvals should be reviewed and approved based on their general consistency with the VISTA Development Master Plan and the Planning Board shall determine if any site plan or subdivision is in substantial compliance with the Plan.

#### **Consistency with Surrounding Land Uses**

While the project site is primarily vacant, the immediate vicinity is primarily commercial retail and office. Just beyond the nearby commercial areas are single family and multifamily housing. The proposed development will be compatible with the existing commercial and retail uses currently in the vicinity. Project development directly adjacent the highway will be in character with other nearby commercial sites and may improve upon some of the existing character of the area if the developer implements their stated goals to create an attractive gateway along the new bypass.

#### Conditions

This approval is contingent on the applicant satisfying any and all SEQRA requirements pursuant to 6 NYCRR Part 617 as determined by the lead agency – the Bethlehem Town Board.

NOW, THEREFORE, BE IT RESOLVED,

The Town Board has reviewed the Master Plan and the recommendation of the Planning Board; and has determined that the Master Plan is consistent with the Town's Comprehensive Plan and meets all the criteria set forth for the Mixed Economic Development District (MED) in § 128-37 of the Town of Bethlehem Zoning Law.

On a motion by Mr. Kotary, seconded by Mr. Plummer, and by a vote of 5 for and 0 against, this RESOLUTION was adopted on July 11, 2007.

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Councilman Kotary said due to his being ill at the last meeting and not having an opportunity to once again express his support, he would be voting in favor of the Master Plan. He said he thinks it not only a project consistent with the comprehensive plan but it is, in fact, a Tier I priority, as well as, being our first

major MEDD project. He said he thinks it is an exciting opportunity to explore the very useful tool but also rarely does one have an opportunity to support a project that not only makes sense in terms of economic development not only to achieve a better balances tax base but in reading materials for this meeting, he was reminded of the fact that this project also, as proposed, will keep 219 acres undeveloped and conserved as open space, as well as, part of the plan there will be pedestrian and bicycle trails which will not only connect to 5 Rivers but to some of the other proposed trails. He said this is an opportunity that makes sense in terms of economic development for the Town and conserves land. He said it also increases our recreational resources for residents.

Councilman Kotary said he thinks it is a wonderful project and fully supports it. He thanked Mr. Morelli and Mr. Leveille along with all the Town staff and everybody else that contributed since this was an 18 month process plus in the works. Supervisor Cunningham thanked Councilman Kotary.

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The next item was a request from Town Engineer, Erik Deyoe, for acceptance of easement for 418 Maple Avenue, Selkirk. Supervisor Cunningham said the purpose of the easement is to continue the sidewalk down Maple Avenue in Selkirk.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to approve the acceptance of a deed document for easement purposes for 418 Maple Avenue, Selkirk, as requested by Town Engineer Erik Deyoe, for the Maple Avenue sidewalk project. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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Councilman Dawson asked how much property was involved with the easement. Town Engineer Deyoe said it is roughly 15 feet along the frontage of the parcel. He said he did not know how many square feet that was. Mrs. Dawson said it would be interesting to know in those types of descriptions. Town Engineer Deyoe said he will do that going forward. Supervisor Cunningham thanked Town Engineer Deyoe.

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The following item was a request from Erik Deyoe, Town Engineer, for approval to go to bid for Maple Avenue Sidewalk Construction, Phase II. Could advertise July 18, 2007 and open bids August 1, 2007 at 3pm.

The following resolution was offered by Mr. Mrs. Dawson and seconded by Mr. Kotary:

WHEREAS, the Town desires to advertise for bids for the Construction of Phase II Sidewalks along Route 396 (Maple Avenue), Albany County, New York-pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of July, 2007 and that bids be received up to 3:00 p.m. on the 1st day of August, 2007 at which time such bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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The following item was to accept a recommendation to appoint David Erik VanLuyen to the CACC.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the appointment of David Erik VanLuven to the CACC.

Councilman Kotary said he would be happy to state that David's qualifications include a Masters of Science in Biology and Urban and Environmental Policy from Tufts; Bachelor of Arts in Arctic and Alpine Ecology (Independent Scholar) & Religion from Middlebury College. He said he not only has excellent educational but professional background which would contribute greatly to this volunteer citizens committee. He noted he is currently the Director of the Hudson River Estuary Landscape Program, a community based conservation initiative focused on the Hudson River Estuary watershed. With our Town being on the Hudson River, Mr. Kotary said, he thinks that is an invaluable resource. He said he has also been the former director of the NY Natural Heritage Program, part of the Nature Conservancy and has experience in N.H., MA, as well as, New York as a Conservation Planner, Land Manager for various conservancy projects and coordinated multi-organizational actions and grass roots advocacy efforts all of which he feels lends to a tremendous background. He said Mr. VanLuven has been interested and participated in meetings even before being on the committee. He said he 100 percent supports his appointment.

Councilman Messina said he too strongly supports this candidate. He said his qualifications are what is needed on the CACC right now to move forward. He said he also knows there are other folks in Town who have expressed interest in participating in CACC and on other committees. He said those resumes are being looked at and being reached out to. He said as more opportunities come up in the future, he thinks there will be opportunities to look at people who live in different sections of Town that may represent different interests so that there is a good balance and compliment on all of the advisory committees. He said he will support the recommendation as well. Supervisor Cunningham thanked Councilman Kotary and Councilman Messina.

The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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Supervisor Cunningham introduced Mr. VanLuven to the audience and congratulations were extended to Mr. VanLuven.

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The following item was a request from Louis Corsi, Chief of Police, for acceptance of donation for DARE in the amount of \$34 from E. J. Abraham.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the donation of \$34 for DARE from E. J. Abraham as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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Supervisor Cunningham noted the next item will be added to the agenda. The item was to appoint Jeffrey Nunziato, South Bethlehem, New York to the position of Building Maintenance Mechanic, Grade 13, effective July 23, 2007.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to approve the appointment of Jeffrey Nunziato, South Bethlehem, New York to the position of Building Maintenance Mechanic, Grade 13, effective July 23, 2007. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.  
Noes: None.  
Absent: None.

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Councilman Messina asked if this was to fill a vacancy. Supervisor Cunningham said it was to fill the vacancy created by the death of Joe Baldwin.

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The Supervisor asked for a motion to adjourn to Executive Session to discuss a personnel matter at 6:22 p.m.

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve meeting in Executive Session to discuss a personnel matter. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.  
Noes: None.  
Absent: None.

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The motion was made by Mrs. Dawson and seconded by Mr. Kotary to reopen the Town Board meeting at 7:35 p.m. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.  
Noes: None.  
Absent: None.

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The next item was a request from Chief of Police, Louis Corsi, to authorize the appointments of Officers James Rexford and Christopher Shunk to the position of Patrol Sergeant effective July 15, 2007.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the appointment of Officers James Rexford and Christopher Shunk to the position of Patrol Sergeant effective July 15, 2007 as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.  
Noes: None.  
Absent: None.

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Supervisor Cunningham asked if there were any public comments on non-agenda items. Mr. Robert Jasinski said down on Curry Road some State money was used to redo the sewer system on Curry Road, short system. But, he said he notices that the big tanker truck is drawing septic out of the system every day. He understands, perhaps, there is a problem with the field, not accepting water or anything and asked if anyone could tell him what is taking place down there. Supervisor Cunningham said sure. Town Engineer Deyoe said there has been some difficulties with the septic bed, it has leaked through the top on a couple locations and they are trying to relieve the load on the bed by pumping the tanks down. He said they are evaluating alternatives to replacing the bed. He said it basically has served its useful life at this point, noting it is about 30 years old. He said they are looking at options about how they can replace the bed either in kind or with another technology to treat the septic there.

Supervisor Cunningham said the truck is a temporary measure until the evaluation is done. Mr. Jasinski said he knows because he sees it every day, once a day. Town Engineer Deyoe said they are trying to take the load off the bed to keep it working. Mr. Jasinski asked if it had like a trans-vap system in the back. Town Engineer Deyoe said they are evaluating options right now. He said they are not sure.

Mr. Jasinski also asked if there is anything on the sewer piping throughout the Town and if any agreements have been reached as to how the piping will be replaced in the areas where there are problems because of age. Town Engineer Deyoe said they just finished a sewer study of the Slingerlands area with Barton and LaGudice that set forth some priorities, as far as, upgrading some mains and diverting flow from existing pump stations that are basically at capacity right now. He said they need to look more globally at some other areas too, indicating they are not there at this point. Mr. Jasinski thanked Mr. Deyoe.

Mr. Jasinski said his other question was with regard to the storm and if it has caused a generator or some engine type failure down at the park. Supervisor Cunningham said they had 2 issues – a transformer was struck by lightning and has been replaced and the pump for the diving pool is broken and there is a temporary pump in place and being used. Mr. Jasinski said that is a bandaid. Supervisor Cunningham said everything is operational right now. Mr. Jasinski thanked the Supervisor.

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Mrs. Val Newell, living on Wemple Road, said the reason she was here was that she has heard a lot, for example Mr. Kotary's presentation about the open space and seen a lot about trail connectivity coming up, different developments talking about different trails and said she is very concerned as a citizen, that the Town is not engaging in how the Town is going to police these trails. She said there are a lot of issues in Town with vandalism. She said her church was just vandalized again and it sits right at the 4 corners. She said that's not an off the way sort of place at all.

Mrs. Newell said her understanding is that there was vandalism activity at the Town Park, the golf course and there have been some issues with those types of activities with the youth in Town. She said long before the current Supervisor came, one of the things she had brought up was that she really feels as a Town we should have a reasonable curfew for some of the young people in the Town. She said there was a lot of feedback about that in regard to whether we really need this. She said it was also questioned about what data would indicate that this was necessary for our Town to have.

Mrs. Newell said she thinks the Town has to somehow enable the Police Department and she had a lot of interaction between the cemetery and the property issues at her residence with the Police trying to be helpful but the bottom line is, we get kids on ATVs or kids on motor bikes or even people just walking and she calls the Police but how are they suppose to apprehend these people. She said they watch them drive by on the snowmobiles as they cause their destruction. She said with 4 patrol people per shift, we cannot expect them to cover all 53 square miles of the Town really adequately. She said as you start looking at open space and trails, it is going to increase their load. She said as part of the planning for these types of activities, she wanted to ask that the Town Board and the Chief think about how we are going to address that.

Mrs. Newell said she has a 15 year old daughter and she won't let her run the fitness trail because the Police are not there. She said there is no one there. She also noted as much as we don't like to admit we do have these issues in our Town and she thinks it needs to be readdressed and thought about. She said there are groups of kids hanging around. She said at least if there was a curfew, the police can address the issue.

Mrs. Newell said she would like to support the Police Department in getting additional personnel and equipment that will allow them to access some of the semi-remote type of areas. She said as it is now, it is kind of a joke. She said the kids run off through the trails and what are the patrol people supposed to do. She said as we move forward with these types of things, we are adding to their burden and she feels that has to be kept in mind. She thanked the Board.

Supervisor Cunningham thanked Mrs. Newell.

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The Supervisor asked if there were any other comments. There were none.

The motion was made by Mr. Plummer and seconded by Mr. Messina to adjourn the regular Town Board meeting at 7:43 p.m. The motion was carried by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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Town Clerk

#### EXECUTIVE SESSION

There was no formal action taken at the Executive Session.