

TOWN BOARD
MAY 29, 2007

A Special 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 9:00 a.m.

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

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Supervisor Cunningham called the meeting to order and asked for a motion to consider adoption of the Findings Statement for the Vista Technology Office Park. The following resolution was presented for adoption:

Resolution No. 16

**TOWN OF BETHLEHEM – TOWN BOARD
APPLICATION OF VISTA DEVELOPMENT GROUP, LLC,
A SUBSIDIARY OF BBL DEVELOPMENT GROUP
VISTA TECHNOLOGY CAMPUS
SEQRA RESOLUTION AND FINDINGS STATEMENT
MAY 29, 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 SEQRA;

NOW, THEREFORE, BE IT RESOLVED, The Town of Bethlehem Town Board, acting as SEQRA Lead Agency for the above referenced action, makes the

following findings and determinations and imposes the following conditions as outlined in the hereto attached Findings Statement, based on the record before it, including the Draft EIS, Final EIS, the analysis and recommendations of various agencies, including the Planning Board, the comments of the Town consultant, various Town Departments and the Applicant's consultants and members of the public, and the knowledge of the Town Board of the site and the community:

1. The requirements of the regulations promulgated under SEQRA at 6 NYCRR 617.12 (b) have been met;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the construction and operation of the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable, including those impacts identified in the Draft EIS and Final EIS (and addendum); and,
3. Adverse environmental impacts will be avoided or minimized to the maximum extent practicable through compliance with conditions and mitigation measures identified herein as practicable.

On a motion by Sam Messina, seconded by Kyle Kotary, and a vote of 4 for, 0 against, 0 abstention and 1 absent, this RESOLUTION was adopted on May 29, 2007.

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Deputy Director of Economic Development and Planning, Michael Morelli, noted there was one correction, a typographical error on Page 39 of the Findings Statement. He said it will change from 128-70 which is incorrect and put 128-52. Supervisor Cunningham thanked Mr. Morelli.

Supervisor Cunningham welcomed Ava Kotary, daughter of Councilman Kyle Kotary, indicating she was attending her first Town Board meeting.

The Supervisor asked if there were any other comments. Mrs. Marie Capone said they did not have time to think about this adoption, noting there is always Wednesday night's meeting. The Supervisor said he would look forward to that.

The motion was made by Mrs. Dawson and seconded by Mr. Messina to adjourn the regular Town Board meeting at 9:05 a.m. The motion was carried by the following vote:

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

Town Clerk