

Recommendation to the Town Board

For

Approval of a Development Master Plan

For the

**VISTA Technology Campus
Captain Timothy J. Moshier Memorial Highway (NY Route 140) 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 makes the following comments and recommendations:

Description of Project

The proposed action involves an application for Mixed Economic Development District 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 and technology office/development space. Secondary uses will include a hotel, medical office building, general office buildings, a bank and a mix of retail uses and restaurants.

Project Location

The project is located on LaGrange Road, at the intersection of the Captain Timothy J. Moshier Memorial Highway (NY Route 140) 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: May 2007

Sheet 2 of 12 - Jones Subdivision
Vista Technology Campus - Dated: May 2007

Sheet 3 of 12 - Phasing Plan
Vista Technology Campus - Dated: May 2007

Sheet 4 of 12 - Existing Conditions
Vista Technology Campus - Dated: May 2007

Sheet 5 of 12 - Conceptual Grading Plan
Vista Technology Campus - Dated: May 2007

Sheet 6 of 12 - Existing Wetlands
Vista Technology Campus - Dated: May 2007

Sheet 7 of 12 - Wetland Impact and Mitigation
Vista Technology Campus - Dated: May 2007

Sheet 8 of 12 - Water Distribution
Vista Technology Campus - Dated: May 2007

Sheet 9 of 12 - Sanitary Sewer
Vista Technology Campus - Dated: May 2007

Sheet 10 of 12 - Conceptual Planting Plan
Vista Technology Campus - Dated: May 2007

Sheet 11 of 12 - Planting Plan Enlargement
Vista Technology Campus - Dated: May 2007

Sheet 12 of 12 - Archeological Survey
Vista Technology Campus – Dated: May 2007

Prepared By: Saratoga Associates
443 Broadway
Saratoga Springs, New York, 12866

Recommendations

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) will remain undeveloped achieving the comprehensive plan goal of conserving significant open space. In addition, this open space will be made accessible with a system of trails to be constructed by the project applicant providing a significant trail network for public use and providing a potential link for larger scale recreational trail systems.

The project will include bike 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 should include conditions 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 to obtain LEED certification if completed, as intended and the developer should be encouraged by the Town to obtain the certification.

The approval of this Master Plan should acknowledge 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.

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 is proposing primary to secondary uses substantially below this provision as shown on the Vista Master Plan.

Proposed 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.

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. 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.

On a motion by John Smolinsky, seconded by Howard Engel, and by a vote of 7 for, 0 against, this RESOLUTION was adopted on May 15, 2007.