

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

**CONDITIONAL APPROVAL OF FINAL PLAT  
SUBDIVISION APPLICATION - 17-00300004**

**RESIDENCES AT VAN DYKE THREE (3) LOT MINOR SUBDIVISION  
193, 197 & 247 VAN DYKE ROAD, DELMAR**

**CERTIFICATE NO. 285 CF**

**DATE: APRIL 20, 2021**

THIS CERTIFIES THAT:

1. The PLANNING BOARD of the TOWN OF BETHLEHEM, Albany County, New York, at a Board meeting held April 20, 2021 CONDITIONALLY APPROVED a FINAL PLAT titled:
  - A. "Subdivision Plan, Sheet 2 of 12, The Residences at Van Dyke Minor Subdivision, Van Dyke Road, Town of Bethlehem, Albany County, New York", dated May 7, 2017, last revised October 7, 2020.

Additional plans include: "The Residences at Van Dyke Minor Subdivision, Van Dyke Road, Town of Bethlehem, Albany County, New York", dated May 7, 2017, last revised October 7, 2020:

- B. "Cover Sheet", Sheet 1 of 12
- C. "Overall Plan", Sheet 3 of 12
- D. "Layout, Materials & Grading Plan (South)", Sheet 4 of 12
- E. "Layout Material & Grading Plan (North)", Sheet 5 of 12
- F. "Lot Cross Sections (South)", Sheet 6 of 12
- G. "Lot Cross Sections (North)", Sheet 7 of 12
- H. "Erosion & Sediment Control Plan (South), Sheet 8 of 12
- I. "Erosion & Sediment Control Plan (North), Sheet 9 of 12
- J. "Erosion & Sediment Control Details, Sheet 10 of 12
- K. "Sanitary Sewer System Details", Sheet 11 of 12
- L. "Miscellaneous Site Details", Sheet 12 of 12

All drawings made by Lansing Engineering, 7 Hemphill Place, Suite 230, Malta, NY 12020.

2. This Approval was requested by the Owner, Van Dyke Spinney LLC, on July 25, 2017 said request being delivered to the Board by Brewer Engineering Associates P.C. representing the Owners at the time. The current representative for the owner is Lansing Engineering.
3. Approval was granted following a PUBLIC HEARING held April 6, 2021 via a Zoom Meeting at which the Plat was displayed, and the plan of subdivision described by staff and Lansing Engineering, 7 Hemphill Place, Suite 230, Malta, NY 12020.
4. Basic details of the proposed plan of subdivision follow:
  - A. LOCATION: #193, 197, & 247 Van Dyke Road, Delmar.
  - B. ACCESS: Van Dyke Road, existing town road.
  - C. DISTRICTS IN WHICH LOCATED: Residential A (RA) District, Bethlehem Central School District, Delmar Fire District.

- D. AREA OF PARCEL (ACRES): 9.32 acres
  - E. NUMBER OF LOTS PROPOSED: Three (3) residential building lots.
5. Prior to granting this Approval, the Planning Board--
- A. Determined that there are no designated wetlands on the site.
  - B. In compliance with the State Environmental Quality Review Act (SEQRA).
    - 1. On March 16, 2021 determined that the proposed subdivision was an Unlisted action.
    - 2. On March 16, 2021 made a Negative Declaration.
  - C. The Albany County Planning Board Meeting Minutes from October 19, 2017 record that the Board took no action on the referral and returned the referral with no comment.
6. The Planning Board decided to consider the Plat submitted a FINAL PLAT due to the following facts--
- A. The proposed subdivision consists of three lots and constitutes a minor subdivision as defined at §103-08 and §103-13(C) of the Town of Bethlehem Subdivision Regulations.
  - B. The subdivision involves the extension of the Town sewer and water districts, sewer and water infrastructure are already in place along Van Dyke Road as part of the prior approval of Van Dyke Spinney PDD Phase 2 site plan approval in March 2014 (SPA 205), and the subdivision is served by a town road.
  - C. The plat contains the level of detail required of a final plat as per §103-34 of the Town of Bethlehem Subdivision Regulations.
  - D. There are no significant environmental issues associated with the subdivision.
7. This Approval has been granted for a total of no more than three (3) lots within the Approved Area.
8. This Approval has been granted with the following MODIFICATIONS which shall be shown on the plat of the subdivision prior to stamping of the plans:
- A. Sheet 2 of 12 Subdivision Plan shall be modified to include updated ownership information for 229 Van Dyke Road.
  - B. Sheet 4 of 12 Layout, Materials & Grading (South) should depict the vegetation within the right of way in front of 237 Van Dyke Road that was marked in the field for removal as part of the sight distance analysis for lot #1. An image inset can be used.
  - C. The Town HTE number should be included in the Planning Board approval stamp box on all sheets.
  - D. On all plan sheets showing or noting Ruysch Place as part of Van Dyke Spinney Phase 3 & 4 the new name of Bosch Lane should be used.
  - E. A Table for the Intersection Sight Distance guidelines from AASHTO should be added to Sheet 1 of 12 including field measured distances for lot #1.

9. No construction work, clearing or land disturbance shall be started on the proposed subdivision prior to the approval of the plat in final form (FINAL PLAT) by the Board, unless specific permission for the start of such work has been granted by the Planning Board AND ALSO by any concerned Town departments. Such specific permission may not be granted by the Board prior to the submission of the Final Plat to the Board for approval.
10. Prior to granting Final Plat Approval in respect to a Final Plat (see item 8 above), the Planning Board must have satisfactory evidence that the CONDITIONS specified below have been satisfied:
  - A. MODIFICATIONS to the submitted plat required by this Approval, as listed in Item 8 above, have been completed.
  - B. Arrangements have been completed with the pertinent public utility companies which serve the area in which the proposed subdivision is located for the delivery of electric power and other required utilities to the subdivision, and for the distribution of such power and other services within the subdivision. The arrangements shall include, among other things, provision of the necessary easements by the Owner(s).
11. Conditional Approval of this subdivision plat has been granted subject to the following additional conditions:
  - A. **Prior to signing of the Final Plat**, all review fees owed the Town shall be paid in full.
  - B. **Prior to signing of the Final Plat**, the Town will have all documentation required for the water and sewer district extensions submitted, reviewed and approved.
  - C. **Prior to the issuance of a Building Permit for the proposed buildings on lots #1, 2 and 3** all plot plans prepared shall be shown in accordance with the location of the proposed house and driveways as shown on the Layout, Materials & Grading (South) & (North) Sheets 4 & 5, as it relates to the placement of the house and driveway on the lot. This requirement is pursuant to previous review and approval of the steep slope setback lines, the drainage plan and sight distance analysis by Town Engineering Division. Requirement is pursuant also by Zoning law §128-27 E.(9) for the Residential A zoning district where new or in-fill buildings should be located in line with existing buildings to maintain the integrity of the existing building setback line from the street.
  - D. **Prior to the issuance of a Building Permit for the proposed buildings on lots #1, 2 and 3** all plot plans prepared shall include Note #41 from sheet #1 of 12 regarding the steep slope analysis.
  - E. **Prior to the issuance of a Building Permit for the proposed buildings on lots #1, 2 and 3** all plot plans prepared shall show location of the slope setback line identified by the geotechnical engineer and location of survey pin markers to be installed on the rear and/or side property lines as well as information on the setback line from the proposed house as described by the Town Engineer in the email dated March 9, 2021.
  - F. **Prior to the issuance of a Building Permit for the proposed buildings on lots #1, 2 and 3** if a building foundation is proposed the owner shall be made aware that building plans prepared may be required to provide information on the blue clay soils once the lots have been excavated. Any foundations may need review by a certified engineer or geotechnical engineer due to the soil conditions.
  - G. **Prior to the issuance of a Building Permit for the proposed building on lot #1**, the driveway location will be shown on the plans as shown in accordance with the location on the Layout,

Materials & Grading (South) Sheet 4 due to the fact that a traffic sight distance analysis was done and determined that the location shown meets AASHTO guidelines for stopping sight distance in both the northbound and southbound directions.

- H. **Prior to the issuance of a Building Permit for the proposed building on lot #1** the mitigation warning sign shall be placed on Van Dyke Road as shown on sheet 4 of 12 and sheet 12 of 12.
  - I. **Prior to the issuance of a certificate of occupancy for the proposed building on lot #1**, the sight distance shall be re-evaluated in the field by a traffic engineer based on the final grade of the driveway to confirm the proposed vegetation removal as shown on Sheet 4 is consistent with the sight distance evaluation for intersection guidelines done by VHB Engineering and shown on the table on Sheet 1. An estimated improvement in sight distance of 30 feet with vegetation removal of two small trees and a shrub marked in the field was given by VHB as indicated in an Email dated 2021-04-01 from Lansing Engineering.
  - J. **Prior to the issuance of a certificate of occupancy for the proposed building on lot #1 and Prior to removal of the vegetation in the right of way in front of 237 Van Dyke Road** the owner of lot #1 shall contact the Town Highway Superintendent to confirm removal of vegetation includes removal of stumps and whether or not a highway work permit is needed.
12. Conditional Approval of this subdivision plat has been granted with the understanding that, in addition to other things, the Owner(s) will--
- A. Provide the Town with easements, as required, for (a) drainage purposes, (b) for sanitary sewerage, (c) for water supply and (d) for such other activities for which the Town may need easements--in the locations shown on the Final Plat, and at such other locations as may be required by the Town. Such easements shall be provided to and accepted by the Town prior to the issuance of Building Permits for the subdivision.
13. The Owner is hereby reminded that in the final design of the subdivision--
- A. Off-street parking shall be provided in accordance with the provisions of the Zoning Ordinance (see §128-56 "Off-street Parking and Loading").
14. The Owner(s) is/are hereby advised that one or more of the following requirements will be included in any Certificate of FINAL PLAT APPROVAL that may be prepared for the subject subdivision--
- A. The development of the proposed subdivision shall be performed in a manner such that soil loss due to wind and water erosion is held to a minimum. Unnecessary removal of healthy trees shall be avoided. The Town shall reserve the right to require additional measures of erosion control during construction of the project should it determine that such measures are necessary for the protection of surface waters or for the abatement of any nuisance caused by soil erosion from the project site.
15. Appropriate insurance coverage as deemed necessary by the Town of Bethlehem or the State of New York shall be obtained prior to the start of any work contemplated by this approval and proof of such coverage in the form of "Certificate of Insurance" shall be filed with the office of the Building Inspector and/or appropriate office of the State of New York. The Town of Bethlehem shall be named an additional assured.
16. Drainage facilities, sanitary sewers and/or water mains needed for this subdivision shall be constructed and/or installed by the Owner(s). Foundation drains, house sewer laterals, and house water services which are required for this subdivision shall be constructed and/or installed either by the Owner(s) or by the Purchaser(s) of a particular lot. All such construction or installations shall be made to the

satisfaction of the Town and in accordance with specifications and/or regulations of the pertinent Town Departments--and of the Albany County Department of Health, where applicable.

17. Any plats of this subdivision submitted to the Board subsequent to the receipt of this approval by the Owner(s) shall list the changes made in the plat since the last submittal--with a corresponding date for each such change.
18. This approval of the stated Plat does NOT authorize:
  - A. The filing of the Plat in the Office of the Albany County Clerk, or
  - B. The issuance of Building Permits in respect to the proposed lots shown on such Plat.
19. In the preparation of the plat in final form all parcels to be conveyed to the Town and all easements to be granted to the Town shall be shown. The areas relating to such conveyances and/or easements shall be clearly delineated and labeled, and it shall be clearly noted on such plat; (a) that the parcels are to be conveyed to the Town, and/or (b) that the easements are to be granted to the Town, and (c) that the intent of each easement is for drainage, for sewer, for water, for a combination thereof, or for other purposes.
20. This approval shall expire 180 days from approval unless the requirements stated in Items 10 and 11 (associated with the stamping of the Final Plat) above, have been completed to the satisfaction of the Board.
21. Upon satisfactory completion of the related requirements stated in Items 10 and 11 above, the Chairman of the Planning Board is empowered to endorse the Final Plat with his signature, thus signifying final approval of the plat.
22. Not later than sixty-two days after the Chairman of the Planning Board has endorsed the Final Plat with his signature pursuant to Item 21, above, the Owner shall file a copy of the approved Final Plat in the Office of the Albany County Clerk or final approval shall expire. The Owner shall submit a copy of the filing receipt to the Planning Board.

BY ORDER OF THE PLANNING BOARD

A handwritten signature in black ink, appearing to read "Brian Gyory", written in a cursive style.

Brian Gyory, Chair