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# TOWN OF NEW SCOTLAND

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February 1, 2007

Theresa Egan, Town Supervisor  
Bethlehem Town Hall  
445 Delaware Avenue  
Delmar, New York 12054

**Re: Proposed VISTA Technology Campus  
Town of Bethlehem / Town of New Scotland  
Response comments to Draft EIS**

Dear Supervisor Egan:

The Town of New Scotland is in receipt of the Draft Environmental Impact Statement (DEIS) for the above-referenced project as prepared by Saratoga Associates, and dated December 22, 2006. It is our understanding that the DEIS was accepted as complete by the Bethlehem Town Board on December 27, 2006, and that the document is currently in the public comment review phase. As an interested and involved agency, the Town of New Scotland has reviewed the DEIS and has prepared comments for consideration.

### Overall Review Strategy

A significant portion of the proposed project is located within the Town of New Scotland. New Scotland recognizes that the Town of Bethlehem is conducting a coordinated review of the project. It is New Scotland's desire to have enough information included in the Final Environmental Impact Statement to facilitate the rezone and other approvals that will be required in New Scotland. New Scotland hopes that time, energy and effort will be reduced by developing an EIS that resolves the concerns of both towns. New Scotland has identified several aspects to the DEIS that should be elaborated upon to represent a cohesive and complete document for both municipalities.

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### Zoning Changes

The Project Sponsor has requested a change of the current zoning of the project site in both the Town of New Scotland and the Town of Bethlehem. New Scotland recognizes the need of unified zoning designation in order for the project to be internally consistent. It is the intent of New Scotland to adopt zoning language that is nearly identical to the proposed zoning in Bethlehem.

The Town of New Scotland takes no exception to the proposed zoning language, understanding that several aspects, such as setbacks, are yet to be determined.

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### Municipal Boundary

For several years, there have been discussions between Bethlehem and New Scotland as to municipal jurisdiction and taxing authority over several parcels straddling the municipal boundary as created by Chapter 253 of the Laws of 1832.

In the area of the Vista Project, the Town of New Scotland concurs that the municipal line as shown on DEIS Figure 2.c as it applies to existing taxing policies. New Scotland requests that the boundary be more clearly defined within the project limits.

As drawn, the municipal boundary clearly identifies the buildings that will be located within the New Scotland jurisdiction. Also, as drawn, no proposed buildings are bisected by the boundary. The Applicant should clearly show the Taxing Limit line on a separate map to be included in the FEIS. The map shall show the Metes and Bounds description of each municipality's taxing authority line. The FEIS should also determine the acreage located within each Town.

New Scotland is agreeable to establishing this line as the town boundary, authority and taxing limit line for the lands referenced in this project. Establishment of the line will also assist in such aspects as DEC approvals of water and sewer district extensions.

### Economic & Fiscal Impact Analysis

The DEIS narrative (page 7.1) states that the Economic and Fiscal Impact Analysis was conducted for the Bethlehem portion of the Project only. The Fiscal Impact Analysis, as

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presented in DEIS Appendix C, does not detail the fiscal impact to the Town of New Scotland. As proposed, approximately 24% of the building square footage will be located within the New Scotland municipal boundary. New Scotland requests that the financial analysis be amended to project the fiscal impact to the Town of New Scotland.

To assist the Rezone request, the DEIS should also distinguish the anticipated build-out timeframe within each municipality.

The Applicant shows no financial impact to the Slingerlands Fire District. It is our understanding that the Applicant has reached out to the Fire District for comment. Prior to FEIS adoption, any currently unmet needs of the District should be identified and mitigation methods provided.

### Growth Inducing Aspects

It is the opinion of the Town of New Scotland that the need for supporting residential housing in close proximity to the project site will increase development pressure in New Scotland. This likely desire for residential and business development and the availability of vacant land in the New Scotland portion of Route 85 corridor will require supporting infrastructure.

Currently, New Scotland purchases water and sanitary service from Bethlehem in the Route 85 corridor. The two municipalities are currently working together to develop an intermunicipal water purchase agreement. The planned agreement will assist New Scotland in providing for secondary growth that may result from the proposed Vista project.

### Municipal Water Service

As represented on the Project Concept Plan (DEIS Figure 2.a), proposed buildings "O", "P", "R" and "S" will be located within the Town of New Scotland municipal taxing limit. The DEIS references that a water district extension will be created within the Town of New Scotland, as serviced by the Bethlehem Water District. As previously mentioned, New Scotland and Bethlehem are working toward developing an intermunicipal water purchase agreement, of which, the Vista extension would be included.

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The source of supply for this extension will be the Bethlehem Water District. In this respect, New Scotland will look to Bethlehem to determine during the EIS process if adequate supply is available for the portion within New Scotland. It is the intent of the New Scotland Planning Board to refer to the adopted FEIS when conducting site plan review for buildings within the New Scotland portion of the project. Site plan review would confirm that the specific proposal is within the water demand limits established by the FEIS.

The Town of New Scotland requests additional details regarding the provision for intermunicipal water service be determined prior to the adoption of the FEIS. The NYSDEC has specific areas of interest in the Engineer's Map, Plan and Report in ~~previous cases where the source of supply was from Bethlehem and the extension was~~ inside the Town of New Scotland. To assist in obtaining the regulatory approvals for the New Scotland water district extension for Vista, please provide additional information regarding the following points:

- The DEIS states on Page 1.10 in the Executive Summary that portions of the watermain system will be dedicated to the Town. It is presumed that the portion within New Scotland will be dedicated to the Town of New Scotland. Please clarify.
- The Engineering Report; Water Supply and Sewage Treatment (Appendix "K") makes reference to several exhibits including distribution plans and calculations. The exhibits supporting the DEIS finding have not been included in the submission. In order to make appropriate evaluation, these calculations should be included, with opportunity for review and comment.
- The DEIS states on Page 1.10 in the Executive Summary that the minimum required fire flow is 1,500 gpm. Typical Needed Fire Flow (NFF) rates for buildings as proposed require more flow than presented. Please provide additional supporting calculations in accordance with NFPA and AWWA standards. Understanding that the exact facilities have not been determined, justification for sprinkler flow requirements, hose stream allowances and hazard group classifications should be documented at this time.
- It is also disclosed in the report narrative that the water supply analysis will be reevaluated at the conclusion of a water system study being conducted by the Town of Bethlehem. The Town of New Scotland is interested in reviewing and providing comment to the Bethlehem study.

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- A master water meter is typically installed at the point of intermunicipal water connection. It is not specified if a master meter will be required for the connection associated with the project. It is New Scotland's desire to have only individual meters for the four proposed buildings in New Scotland. If Bethlehem requires a master meter arrangement, the meter shall be paid for by the Project Sponsor.

### Municipal Sewer Service

As represented on the Project Concept Plan (DEIS Figure 2.a), proposed buildings "O", "P", "R" and "S" will be located within the Town of New Scotland municipal taxing limit. The DEIS references that a sewer district extension will be created within the Town of New Scotland.

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Details and concerns for sanitary sewer are similar to the comments regarding the delivery of public water to the New Scotland portion of the site and should be addressed at this time.

### Stormwater Management

The DEIS identifies several stormwater management practices that will be located in the Town of New Scotland. Similar to the Town of Bethlehem, New Scotland is in the process of revising our Stormwater Management regulations to comply with the directives of the NYSDEC.

At this conceptual stage, it is understood that the final details regarding the proposed practices can not be designed in detail. Adherence with the NYSDEC Stormwater Management Design Manual has been proposed by the Applicant and will be sufficient to satisfy New Scotland.

### Transportation

The DEIS narrative offers that the project will consist of 1.4 million square feet of development. The Traffic Impact Study references 1.4 million square feet. However, the TIS summary of Trip Generation Table 3.2 refers to numerous times that the project evaluates 1,187,780 square foot of development.

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	<u>Phase 1</u>	<u>Phase 2</u>	<u>Total</u>
Project Narrative	240,000 sf	1,160,000 sf	1,400,000 sf
Traffic Study	520,000 sf	557,780 sf	1,187,780 sf

While some mention to multi-use trips (internal trips) has been identified, it would appear that there is a discrepancy between the trip generation and the DEIS narrative. This discrepancy should be resolved prior to the FEIS acceptance.

The portion of the development located within the Town of New Scotland is identified as occurring in Phase 2 of the project build-out. The Traffic Analysis recommends that the intersection of Kenwood and Cherry Avenues be monitored throughout the build-out for a drop in the Level of Service (LOS). Should the LOS deteriorate to an unacceptable level, the DEIS indicates that a mitigation may be necessary. The DEIS does not indicate who would be financially responsible for the mitigation. The concern raised by New Scotland is that if the LOS at this or other intersections requires mitigation, the burden may fall on the "last-in" tenants (presumably the developments located within the New Scotland portion of the project). New Scotland would like to see some mechanism, perhaps an escrow, by which the all tenants within the project share in any potential mitigation expenses. Another thought may be to require the Applicant to evaluate the field conditions at the completion of Phase 1, comparing the projected traffic volumes with the actual conditions. Should an underestimation of the trip generation be determined, Phase 2 could collectively contribute to any necessary mitigation.

#### Misc. Comments

In Appendix A of the DEIS, correspondence from involved or interested agencies was included for consideration. The Town of Bethlehem requests including the SEQR Scoping Document comments from the Town of New Scotland in the FEIS. A copy of the correspondence is included.

As previously mentioned, New Scotland's approach to this coordinated Vista review is to obtain an Environmental Impact Statement that will satisfy both Bethlehem and New Scotland's review and approval processes for zone change and site plan review. The Town of New Scotland looks forward to receiving additional information that will facilitate the approvals and advance this project in a timely manner.

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February 1, 2007  
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We trust you will find this information to be helpful in the coordinated review process. Should there be additional questions, please contact my office as soon as possible. Thank you in advance for careful consideration to these comments.

Very truly yours,

  
Edward F. Clark  
Town Supervisor

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Enclosure ToNS DEIS Scoping Document Comment Letter

cc: New Scotland Town Board  
Mr. L. Michael Mackey, New Scotland Town Attorney  
Mr. Peter Barber, New Scotland Special Counsel  
Mr. Robert Stapf, New Scotland Planning Board Chair  
Mr. William Hennessey, New Scotland Zoning Board Chair  
Mr. Paul Cantlin, New Scotland Building Inspector  
Mr. R. Mark Dempf, New Scotland Town Engineer

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