



January 31, 2022

Mr. Bradley Glass  
Director of Planning  
City of Albany  
Department of Planning and Development  
200 Henry Johnson Boulevard  
Albany, NY 12210

Re: Marmen-Welcon Development - 700 Smith Boulevard Site Plan Application  
Albany Port District Commission  
Marmen-Welcon Tower Manufacturing Plant  
Tax ID 87.10-4-1 / 87.10-4-2

Dear Mr. Glass:

On behalf of the Port of Albany and the joint venture between Marmen, Inc. & Welcon, we are pleased to provide the following responses to the comments received from your office within the December 16, 2021 letter. The responses to the comments are also based on a virtual meeting between all parties that took place on December 22, 2021.

The following information is respectfully submitted in response to each comment.

Master Application

- *The proposed receiving and pre-assembly building spans three parcels. Revise the site plan so that the proposed building is located on one parcel and meets the applicable development standards of Article IV of the USDO. If the current placement of the proposed receiving and pre-assembly building is proposed to be retained, a lot modification application will need to be submitted to modify the parcel boundaries of 106 Smith Boulevard, 201 Raft Street, and 700 Smith Boulevard. Please note that lot modification applications require the submission of a plat map that are prepared and stamped by a NYS licensed engineer or surveyor.*  
**Response: The existing lot lines represent lease parcel lines that were established by the City related to assessments on the Tax roll. All the property including the Roadway are within the Albany Port District Commission's (APDC) property. The APDC's general council is coordinating with the City on the most appropriate means to combine the parcels if necessary.**
- *Update the Master Application form to:*
  - *Under Part 1, check the box for lot modification if a lot modification application is submitted;*

- Under Part 3, additional addresses may need to be included if a lot modification application is submitted;
- Under Part 7, list the license number for Darla Matlin, and
- Under Property Owner Consent, check one of the two boxes to either confirm if the Port of Albany is handling the application or if Mr. Boisvert is handling the application.

**Response: The Master Application form has been updated to address the above comment and is included in the response package.**

Development Plan Review Form

- Under Part 3, revise the proposed use of the site to be Contractor Shop or Yard, which is classified as a Heavy Commercial Service.

**Response: This has been updated on the revised form.**

- Under Part 4.A., state the total square footage of the buildings proposed to be demolished.

**Response: This has been updated on the revised form.**

- Under Part 4.C.2., the stated height of the proposed building is 45 feet, when the height of the building on the elevations is stated as 43 feet. Reconcile the application documents so the height of the building is consistent between the development plan review form and the elevations.

**Response: This has been updated on the revised form.**

- Under Part 4.C.3., the application states that 29 surface parking spaces are proposed, when §375-405(2)(a) of the USDO states that the maximum permitted number of parking spaces for the proposed use is 23 (See calculations below).

- Heavy Commercial Services Minimum Parking Requirement =1 space per 1,000 square feet of GFA
- Size of Proposed Building =19,600 square feet of GFA
- Minimum Parking Requirement for Proposed Project =20 spaces
- Maximum Permitted Amount of Surface Parking = 115% of parking minimum = 20 \* 115% = 23 spaces
- Proposed Number of Surface Parking Spaces =29 spaces
- Proposed Number of Spaces that Exceed the Maximum Permitted = 6 spaces

Update the site plan and Development Plan Review form to provide between 20 to 23 parking spaces on-site. Please note that the potential lot modification for this application may include additional uses that change the minimum and maximum parking requirements.

**Response: A waiver of a major development plan review standard application for this item is included in the submitted materials to proposed 29 parking spaces within the development site.**

Site Plan

- *§375-403(2)(b) of the USDO states that except in the LC District, and unless otherwise provided in this USDO, a sidewalk of at least five feet in width shall be installed along each street frontage. Update the site plan to include a sidewalk along the property's street frontage that meets the standards of §375-403(2)(b) of the USDO.*

**Response: A waiver of a major development plan review standard application for this item is included in the submitted materials as there are no sidewalks along the Port of Albany roadway for safety reasons.**

- *The driveway to the proposed parking lot east of the receiving and pre-assembly building is 24 feet wide. The maximum permitted driveway width allowed under §375-403(5)(c)(ii) and §375-405(5)(e) of the USDO is 20 feet. Revise the driveway widths to meet the requirements of §375-403(5)(c)(ii) and §375-405(5)(e) of the USDO.*

**Response: A request is made to utilize the recently adopted zoning code and updated USDO code to allow the City's review of wider driveway width when vehicle turning and movement templates are provided.**

- *The driveway width that provides access to the storage area is 40 feet. The maximum permitted driveway width allowed under §375-403(5)(c)(ii) of the USDO is 20 feet. Revise the driveway width to meet the standards of §375-403(5)(c)(ii) of the USDO*

**Response: A request is made to utilize the recently adopted zoning code and updated USDO code to allow the City's review of wider driveway width when vehicle turning and movement templates are provided.**

- *Update the site plan set to include a Land Analysis Map that meets the standards of §375-404(3)(a) of the USDO.*

**Response: A Land Analysis Map has been developed and included in the revised site plan final design package submitted.**

- *§375-405(5)(i)(i) of the USDO states except as provided for in Subsection (5)(i)(ii) below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, all-weather, and bonded surface material approved by the City. Use of surfacing that includes recycled materials such as glass, rubber, used asphalt, brick, block, and concrete is encouraged.*

*The proposed project includes loading areas without labeling the proposed surfacing materials and areas of the materials storage area used for loading that does not comply with §375-405(5)(i)(i) of the USDO. Revise the site plan to include surfacing materials that meet the standards of §375-405(5)(i)(i) of the USDO.*

**Response: A waiver of a major development plan review standard application for this item is included in the submitted materials to provide a dense graded aggregate storage area and loading area surface to be compliant with current industry standards for off-shore wind manufacturing facilities.**

- *§375-405(5)(l) of the USDO states that all surface parking lots shall provide a snow storage area sized to accommodate expected snowfall and located to ensure that fencing, landscaping, and other screening devices are protected from damage.*

*Update the site plan to show the proposed snow storage area for the parking lots.*

**Response: Snow storage area for the parking lot has been identified adjacent to the proposed parking spaces in the updated final design site plans.**

- *§375-406(4) of the USDO requires the planting of at least one shade tree per 35 linear feet of street frontage in the streetscape. Update the site plan to include a landscaping sheet that provides at least one shade tree per 35 feet of street frontage for the property.*  
**Response: A waiver of a major development plan review standard application for this item is included in the submitted materials to eliminate the requirements for any trees within the proposed site to be consistent with the Port District.**

- *§375-406(6)(a)(i) of the USDO states that an area equal to at least 7% of the surface area occupied by vehicle parking spaces, inclusive of driving aisles and driveways necessary for access to and circulation among those spaces, shall be landscaped. Landscaping shall include a minimum of one tree island containing at least 80 square feet of land area, which shall include at least one medium shade tree or larger for every 20 parking spaces*

*Submit a landscaping sheet as part of the site plan demonstrating how the proposed parking lot meets the standards of §375-406(6)(a)(i) of the USDO.*

**Response: A waiver of a major development plan review standard application for this item is included in the submitted materials to eliminate the requirements for any trees within the proposed site to be consistent with the Port District and due to the required cap over the contaminated soils within the site.**

- *§375-406(8)(b)(ii)(A) of the USDO states that on any lot with any occupied principal structure in the I-1 and I-2 Districts, walls and fences may be located in any front yard or exterior side yard facing a street, provided that they are no more than six feet in height.*

*The proposed 8-foot security fencing exceeds the maximum permitted height for fencing in front yards of 6 feet.*

*Revise the site plan to meet the requirements of §375-406(8)(b)(ii)(A) of the USDO.*

**Response: The proposed fence will be shortened to 6' high to meet the code requirements. This item has been updated in the updated final design plans submitted.**

- *If there is proposed roof-mounted mechanical equipment, submit a roof plan showing the location of all proposed roof-mounted mechanical equipment and how the proposed elevations will meet the standards of §375-406(9)(b) of the USDO.*

**Response: There is no proposed rooftop mechanical equipment currently proposed.**

- *Identify where trash storage will be located on the site.*  
**Response: The location for trash storage has not been identified at this time by the tenant, but it will be located on the back side of the building away from Raft Street, likely next to the loading dock.**
  
- *Submit a lighting plan sheet for the site, including photometrics for all proposed exterior lighting.*  
**Response: An additional lighting plan was added to the final design plans, see drawing LT-01.**
  
- *Submit a sign package for the site. All proposed signage will be required to comply with the sign regulations of §375-409 of the USDO.*  
**Response: Approval of the signage is not being requested at this time. A separate submission for signage approval will be submitted separately at a later date.**
  
- *In the FSEIS, it is stated that four buildings are proposed to be demolished at the site, when only two are shown on the site plan. Update the site plan set to show all four buildings that are proposed to be demolished.*  
**Response: Two buildings have already been demolished as part of the site remediation efforts that took place in 2020-2021.**
  
- *The site plan set must be stamped by a New York State licensed engineer. Final approvals from City departments will require the removal of any notes related to the plan set being preliminary.*  
**Response: The final design site plans submitted are for Town & City review and not for construction at this time. Upon final site plan approval, the construction/bid plans will be stamped by our office.**

### Elevations

- *Excluding the labeled loading area, there are six proposed overhead garage doors proposed. Provide a narrative description of the proposed use of these doors. If the proposed doors will be used for loading, they will need to meet the requirements of §375-405(7) (Off-Street Loading Standards) of the USDO.*  
**Response: Below is a description for the anticipated usage of the proposed overhead doors:**
  - **The smaller overhead doors (OHD 10 & 12) will be used for forklift truck access to the interior of the building.**
  - **The larger overhead doors on the north and south sides (OHD 11 & 15) will be used for forklift and general vehicular access into the building.**
  - **The larger overhead doors on the west side (OHD 13 & 14) will provide drive in trailer access into the buildings for unloading the trailer internally via the overhead crane as well as general building access for all vehicles.**

Additional Information

- *Submit a draft or final copy of the Public Participation Plan referenced on Page 3-66 of the FSEIS that up to the date of application resubmission, details progress updates of implementing the Plan, concerns raised at any or all meetings, resolved and outstanding issues, components of the Plan yet to be completed, and an expected timeline for completion of the Plan.*

*The submitted Public Participation Plan, dated 11-9-2021, does not clarify or confirm any concerns raised during the stated meetings or any resolved or outstanding issues as part of the Plan.*

**Response: A public hearing for the overall project was completed by the Town of Bethlehem at their December 7, 2021 meeting and a Public Meeting for the environmental justice community Ezra Prentice was completed on December 21, 2021. Attached is the invitation to the public meeting. Responses to all comments received at the public hearing and public meeting are provided in the SFEIS that was submitted to the Town and is available at the SharePoint link provided below:**

**[https://mjinc-my.sharepoint.com/:f:/p/afrosino/Et2D\\_tOkHolJjeulZXF3ungBIT3-wl4fWTBZ0YAXIDpDnA?e=s6cXWS](https://mjinc-my.sharepoint.com/:f:/p/afrosino/Et2D_tOkHolJjeulZXF3ungBIT3-wl4fWTBZ0YAXIDpDnA?e=s6cXWS)**

Please place this application on the Planning Board March 15<sup>th</sup> agenda for consideration. In the meantime, should you require additional information or have any questions please contact myself or Adam Frosino ([afrosino@mjinc.com](mailto:afrosino@mjinc.com), phone ext. 3460)

Sincerely yours,  
McFARLAND-JOHNSON, INC.

For: 

Steve Boisvert, PE  
Director of Civil-Facilities Division

CC: Richard Hendrick – APDC via-email  
Megan Daly – APDC via-email  
Patrick Jordan – APDC via-email  
Guillaume Pelletier - Marmen via email  
Maxime Gagnier – Marmen via email

**WAIVER OF A MAJOR DEVELOPMENT PLAN REVIEW STANDARD APPLICATION**

**Part 1. Application Notes**

An application for a waiver is a request for relief from the development standards as part of a Major Development Plan Review application.

1. The Planning Board reviews the application at a public workshop and public meeting and makes its decision based on the standards in Section 375-5(E)(14)(b) of the USDO.
2. A waiver application asks the Planning Board to change the standard code requirements because of a unique situation. The burden of proof lies with the Applicant and requested waivers will only be granted if an application and supporting materials meet the necessary criteria.
3. The Planning Board is required to grant only the minimum waiver that it deems necessary and adequate to address the hardship while preserving and protecting the character of the neighborhood and health, safety and welfare of the community.
4. Use one form per requested waiver.

Note: A pre-application meeting is available upon request prior to submitting this application.

**Part 2. General Information**

|                  |                           |
|------------------|---------------------------|
| Project Address: | Tax ID Number(s):         |
| Zoning District: | Current Principal Use(s): |

**Part 3. Project Description**

*(Describe the request and identify the standard of requirement of the USDO proposed to be waived)*

Select the type of standard or requirement being varied:

- |  |  |
|--|--|
| <input type="checkbox"/> Non-dimensional Form-Based Zoning Standards | <input type="checkbox"/> Access, Circulation, and Connectivity Standards                                 |
| <input type="checkbox"/> Subdivision of Land Standards               | <input type="checkbox"/> Parking and Loading   |
| <input type="checkbox"/> Building and Streetscape Design             | <input type="checkbox"/> Landscaping, Screening and Buffering  |
| <input type="checkbox"/> Exterior lighting standard                  | <input type="checkbox"/> Other ( <i>Specify; must reference a specific standard in the USDO</i> ): _____ |

Section number of USDO from which the waiver is being requested:

Current USDO requirement or standard:

- *At least one shade tree per 35 linear feet of street frontage*
- *An area equal to at least 7% of the surface area occupied by vehicle parking spaces, inclusive of driving aisles and driveways necessary for access to and circulation among those spaces, shall be landscaped.*

Proposed requirement or standard:

Lawn areas are proposed within the development outside of the contamination limits but no trees or shrubs are proposed within the development site.

#### Part 4. Character of the Neighborhood

Explain why the waiver being proposed will not result in a structure or a configuration that will be out of place in the neighborhood or zone district:

#### Part 5. Alternatives Considered

Describe the benefit to be achieved by the granting of the waiver and why such benefit cannot otherwise be reasonably achieved. As part of the description, list all alternatives that were considered and rejected, and include evidence where necessary to support your conclusions:



### Part 6. Substantiality

Indicate why the requested waiver is not a substantial or contextually significant deviation from the prevailing regulation:

### Part 7. Impact on Environment

Describe any potential impact on such factors as drainage, traffic circulation, dust, noise, odor, public services, among others (e.g., compliance with the USDO requirement to be waived would result in the removal of three mature trees and a natural berm):

### Part 8. Self-Created Difficulty

Explain why the need for the waiver is not self-created (e.g., the lot was created in 1954 and does not comply with the minimum lot area requirements of the USDO):

**WAIVER OF A MAJOR DEVELOPMENT PLAN REVIEW STANDARD APPLICATION**

**Part 1. Application Notes**

An application for a waiver is a request for relief from the development standards as part of a Major Development Plan Review application.

1. The Planning Board reviews the application at a public workshop and public meeting and makes its decision based on the standards in Section 375-5(E)(14)(b) of the USDO.
2. A waiver application asks the Planning Board to change the standard code requirements because of a unique situation. The burden of proof lies with the Applicant and requested waivers will only be granted if an application and supporting materials meet the necessary criteria.
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**Part 2. General Information**

|                  |                           |
|------------------|---------------------------|
| Project Address: | Tax ID Number(s):         |
| Zoning District: | Current Principal Use(s): |

**Part 3. Project Description**

*(Describe the request and identify the standard of requirement of the USDO proposed to be waived)*

Select the type of standard or requirement being varied:

- Non-dimensional Form-Based Zoning Standards       Access, Circulation, and Connectivity Standards  
 Subdivision of Land Standards       Parking and Loading       Landscaping, Screening and Buffering  
 Building and Streetscape Design       Exterior lighting standard       Other (*Specify; must reference a specific standard in the USDO*): \_\_\_\_\_

Section number of USDO from which the waiver is being requested:

Current USDO requirement or standard:

Proposed requirement or standard:

#### Part 4. Character of the Neighborhood

Explain why the waiver being proposed will not result in a structure or a configuration that will be out of place in the neighborhood or zone district:

#### Part 5. Alternatives Considered

Describe the benefit to be achieved by the granting of the waiver and why such benefit cannot otherwise be reasonably achieved. As part of the description, list all alternatives that were considered and rejected, and include evidence where necessary to support your conclusions:

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Indicate why the requested waiver is not a substantial or contextually significant deviation from the prevailing regulation:

### Part 7. Impact on Environment

Describe any potential impact on such factors as drainage, traffic circulation, dust, noise, odor, public services, among others (e.g., compliance with the USDO requirement to be waived would result in the removal of three mature trees and a natural berm):

### Part 8. Self-Created Difficulty

Explain why the need for the waiver is not self-created (e.g., the lot was created in 1954 and does not comply with the minimum lot area requirements of the USDO):

**WAIVER OF A MAJOR DEVELOPMENT PLAN REVIEW STANDARD APPLICATION**

**Part 1. Application Notes**

An application for a waiver is a request for relief from the development standards as part of a Major Development Plan Review application.

1. The Planning Board reviews the application at a public workshop and public meeting and makes its decision based on the standards in Section 375-5(E)(14)(b) of the USDO.
2. A waiver application asks the Planning Board to change the standard code requirements because of a unique situation. The burden of proof lies with the Applicant and requested waivers will only be granted if an application and supporting materials meet the necessary criteria.
3. The Planning Board is required to grant only the minimum waiver that it deems necessary and adequate to address the hardship while preserving and protecting the character of the neighborhood and health, safety and welfare of the community.
4. Use one form per requested waiver.

Note: A pre-application meeting is available upon request prior to submitting this application.

**Part 2. General Information**

|                  |                           |
|------------------|---------------------------|
| Project Address: | Tax ID Number(s):         |
| Zoning District: | Current Principal Use(s): |

**Part 3. Project Description**

*(Describe the request and identify the standard of requirement of the USDO proposed to be waived)*

Select the type of standard or requirement being varied:

- Non-dimensional Form-Based Zoning Standards       Access, Circulation, and Connectivity Standards  
 Subdivision of Land Standards       Parking and Loading       Landscaping, Screening and Buffering  
 Building and Streetscape Design       Exterior lighting standard       Other (*Specify; must reference a specific standard in the USDO*): \_\_\_\_\_

Section number of USDO from which the waiver is being requested:

Current USDO requirement or standard:

Proposed requirement or standard:

#### Part 4. Character of the Neighborhood

Explain why the waiver being proposed will not result in a structure or a configuration that will be out of place in the neighborhood or zone district:

#### Part 5. Alternatives Considered

Describe the benefit to be achieved by the granting of the waiver and why such benefit cannot otherwise be reasonably achieved. As part of the description, list all alternatives that were considered and rejected, and include evidence where necessary to support your conclusions:

### Part 6. Substantiality

Indicate why the requested waiver is not a substantial or contextually significant deviation from the prevailing regulation:

### Part 7. Impact on Environment

Describe any potential impact on such factors as drainage, traffic circulation, dust, noise, odor, public services, among others (e.g., compliance with the USDO requirement to be waived would result in the removal of three mature trees and a natural berm):

### Part 8. Self-Created Difficulty

Explain why the need for the waiver is not self-created (e.g., the lot was created in 1954 and does not comply with the minimum lot area requirements of the USDO):

**WAIVER OF A MAJOR DEVELOPMENT PLAN REVIEW STANDARD APPLICATION**

**Part 1. Application Notes**

An application for a waiver is a request for relief from the development standards as part of a Major Development Plan Review application.

1. The Planning Board reviews the application at a public workshop and public meeting and makes its decision based on the standards in Section 375-5(E)(14)(b) of the USDO.
2. A waiver application asks the Planning Board to change the standard code requirements because of a unique situation. The burden of proof lies with the Applicant and requested waivers will only be granted if an application and supporting materials meet the necessary criteria.
3. The Planning Board is required to grant only the minimum waiver that it deems necessary and adequate to address the hardship while preserving and protecting the character of the neighborhood and health, safety and welfare of the community.
4. Use one form per requested waiver.

Note: A pre-application meeting is available upon request prior to submitting this application.

**Part 2. General Information**

|                  |                           |
|------------------|---------------------------|
| Project Address: | Tax ID Number(s):         |
| Zoning District: | Current Principal Use(s): |

**Part 3. Project Description**

*(Describe the request and identify the standard of requirement of the USDO proposed to be waived)*

Select the type of standard or requirement being varied:

- |  |   |
|--|---|
| <input type="checkbox"/> Non-dimensional Form-Based Zoning Standards | <input type="checkbox"/> Access, Circulation, and Connectivity Standards                        |
| <input type="checkbox"/> Subdivision of Land Standards               | <input type="checkbox"/> Parking and Loading  |
| <input type="checkbox"/> Building and Streetscape Design             | <input type="checkbox"/> Landscaping, Screening and Buffering                                   |
| <input type="checkbox"/> Exterior lighting standard                  | <input type="checkbox"/> Other <i>(Specify; must reference a specific standard in the USDO)</i> |

\_\_\_\_\_

Section number of USDO from which the waiver is being requested:

Current USDO requirement or standard:

All off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, all-weather, and bonded surface material approved by the City

Proposed requirement or standard:

Utilizing Dense Graded Aggregate (DGA) as the surface treatment for the storage yard area and areas within the proposed site.



#### Part 4. Character of the Neighborhood

Explain why the waiver being proposed will not result in a structure or a configuration that will be out of place in the neighborhood or zone district:

#### Part 5. Alternatives Considered

Describe the benefit to be achieved by the granting of the waiver and why such benefit cannot otherwise be reasonably achieved. As part of the description, list all alternatives that were considered and rejected, and include evidence where necessary to support your conclusions:

### Part 6. Substantiality

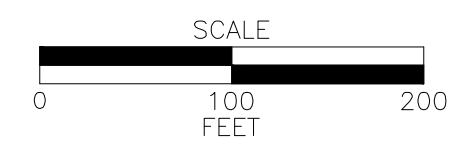
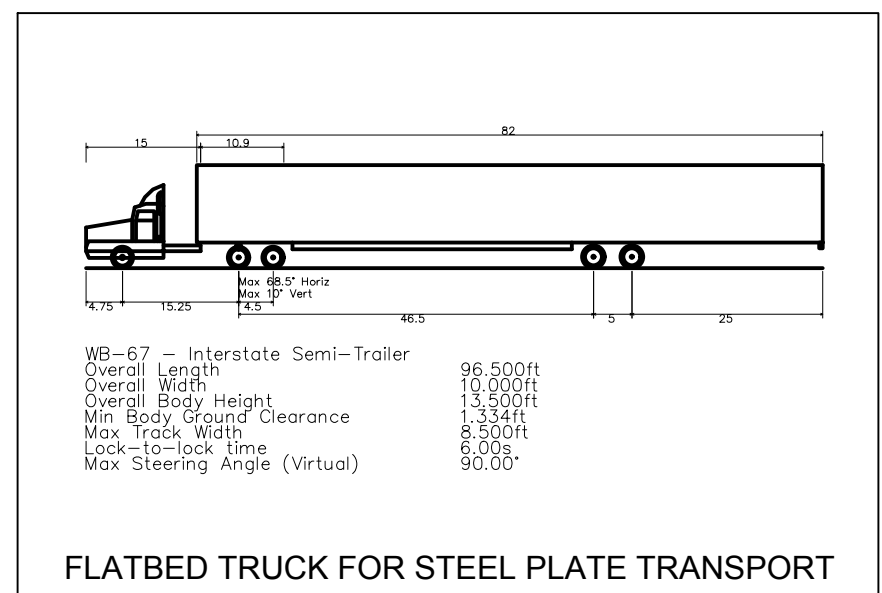
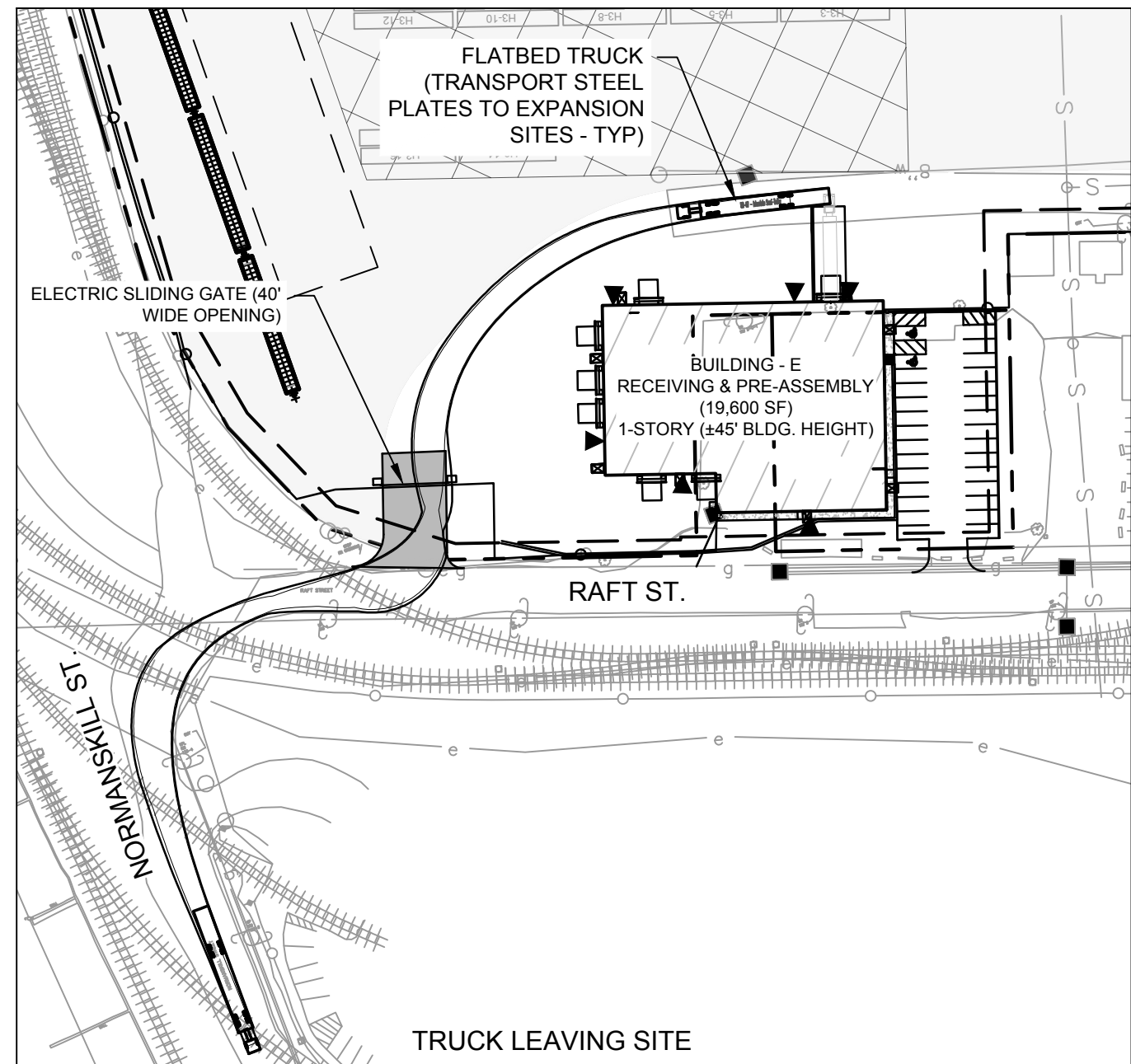
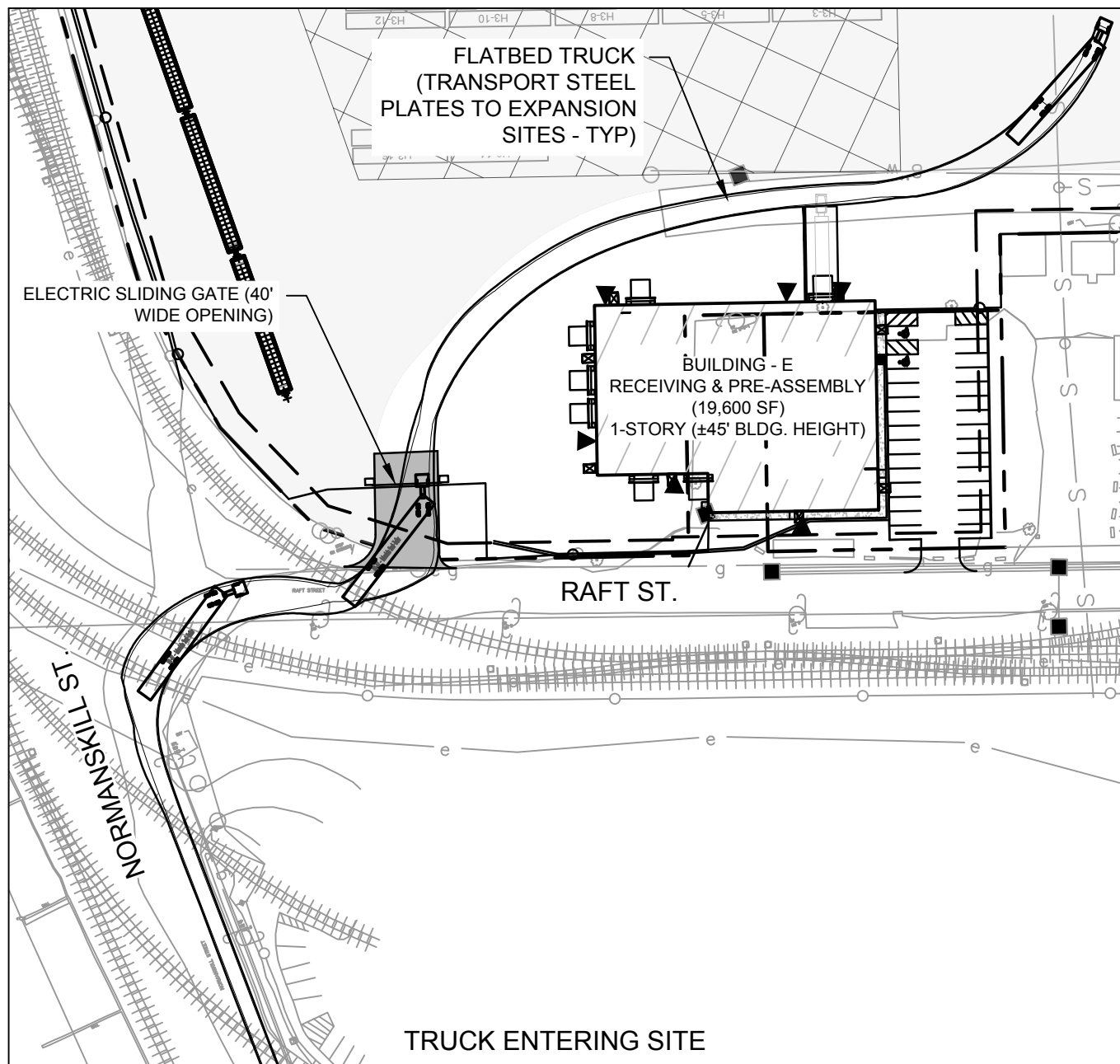
Indicate why the requested waiver is not a substantial or contextually significant deviation from the prevailing regulation:

### Part 7. Impact on Environment

Describe any potential impact on such factors as drainage, traffic circulation, dust, noise, odor, public services, among others (e.g., compliance with the USDO requirement to be waived would result in the removal of three mature trees and a natural berm):

### Part 8. Self-Created Difficulty

Explain why the need for the waiver is not self-created (e.g., the lot was created in 1954 and does not comply with the minimum lot area requirements of the USDO):



ALBANY PORT DISTRICT COMMISSION  
ALBANY, NEW YORK

**VEHICLE TURN MOVEMENT  
FIGURE**

SCALE: ##### DATE: JANUARY 2022 FIGURE: 01

# PUBLIC INFORMATION HEARING

## Port of Albany - Marmen-Welcon Project Site Plan & Supplemental DEIS

### Opportunity to provide input into the proposed Port of Albany Marmen-Welcon Project & Supplemental DEIS

Hosted by:  
THE PORT OF ALBANY

Hearing location: Salvation Army, Campus of Hope located at 20 South Ferry  
Street, Albany, NY 12202  
Date: TUESDAY, DECEMBER 21, 2021  
Time: 6:00 pm

#### THE PROJECT:

- 626,000 square foot Off-Shore Wind Tower Manufacturing Plant operated by Marmen-Welcon at the Port of Albany. Go to [portofalbany.us](https://www.portofalbany.us) for more details: <https://www.portofalbany.us/public-records/public-documents/>

#### What Happens at a Public Information Hearing?

- The Port and team will present an overview of the project.
- You can make oral comments to the Port on the project and ask questions. You can discuss the project informally with the Port representatives.
- You can present verbal and or written comments to the Port at the meeting, December 21, 2021. If you cannot attend the meeting, written comments can be submitted by January 3, 2022.

#### Information and Contacts:

Public Information Repositories, including the permit application are located at:

- Town of Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY 12054,
- The Albany Housing Authority, 200 South Pearl Street, Albany, NY 12202
- Or on-line at <https://www.portofalbany.us/public-records/public-documents/>

The Port of Albany  
contact is:

Megan Daly  
Albany Port District Commission  
106 Smith Boulevard  
Albany, NY 12202  
PH: (518) 463-8763  
[development@Portofalbany.us](mailto:development@Portofalbany.us)

The Town of Bethlehem  
contact is:

Robert F. Leslie, AICP  
Town of Bethlehem  
Department of Planning  
445 Delaware Avenue, 2<sup>nd</sup> Floor  
Delmar, NY 12054  
PH: (518) 439-4955; FAX: (518) 439-5808