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TOWN BOARD
OCTOBER 22, 1997

A public hearing 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 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor
Freeman T. Putney, Councilman
George Lenhardt, Councilman
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Catherine T. Picarazzi, Deputy Town Clerk

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. I will ask Councilman Putney to lead the pledge of allegiance. Thank you.

The first item on the agenda is a public hearing regarding the 1998 Town of Bethlehem Preliminary Budget. I will ask the Deputy Town Clerk to read the call of the hearing.

Public Hearing
1998 Bethlehem
Preliminary Budget

DEPUTY TOWN CLERK PICARAZZI:

NOTICE OF PUBLIC HEARING
UPON PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN that the Preliminary Budget for the fiscal year beginning January 1, 1998 has been completed and filed in the Office of the Town Clerk at the Town Hall, 445 Delaware Avenue, Delmar, NY where it is available for inspection by any interested person during office hours.

NOTICE IS FURTHER GIVEN that the Town Board of the Town of Bethlehem will meet and review said Preliminary Budget and hold a public hearing thereon, at the Town Hall, Delmar, NY at 7:30 p.m. on the 22nd day of October 1997 and that at such hearing any person may be heard in favor of or against any item or items therein contained.

Disabled individuals who are in need of assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested, and

BE IT FURTHER RESOLVED, that pursuant to Section 108 of the Town Law, the proposed salaries of the following officers are hereby specified as follows:

Supervisor	\$69,360.
Councilmen (each)	9,684.
Town Clerk	47,936.
Superintendent of Highways	67,280.
Receiver of Taxes & Assessments	38,963.

and

BE IT FURTHER RESOLVED, that such Notice shall be published once in the following newspapers: THE SPOTLIGHT, the official newspaper of the Town on October 15, 1997 and the TIMES UNION, an Albany newspaper, on October 15, 1997.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, CMC
TOWN CLERK

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State of New York)
County of Albany)

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 15 day of Oct 1997.

/s/ Mary A. Ahlstrom

Sworn to before me this 17th day of Oct 1997.
/s/ Kathryn Olsen
Notary Public, Albany County

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STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on October 8, 1997, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
21st day of May 1997.
/s/ Catherine T. Picarazzi
Notary Public

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The motion was made by Mr. Lenhardt and seconded by Mr. Putney to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Nces: None.

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Is there anyone wishing to ask any questions in regard to the 1998 Preliminary Budget for the Town of Bethlehem.

MR. DAVIES: Questions on the Water and Sewer budget. Is it appropriate to ask them now?

SUPERVISOR FULLER: Sure.

MR. DAVIES: And, I have some comments, probably later on.

Where in the budget is the money budgeted for Albany water purchases and how much is budgeted?

COMPTROLLER KEHOE: It is under code F8320.421 and \$131,000 is budgeted.

MR. DAVIES: \$130,000.

COMPTROLLER KEHOE: \$130,000.

MR. DAVIES: In '98?

COMPTROLLER KEHOE: In '98, correct.

MR. DAVIES: All right. Will Albany water purchases be needed after October?

COMPTROLLER KEHOE: I will defer to Bruce on that one.

MR. SECOR: No, we are not expecting to buy any after October 1.

MR. DAVIES: Not expecting to buy any. Does the Clapper Road plant serve Selkirk Cogen and GE?

MR. SECOR: Yes.

MR. DAVIES: Does GE receive any Vly Creek water?

MR. SECOR: At certain peak flow periods, yes.

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MR. DAVIES: And, is that figure available?

MR. SECOR: There is no separate metering, the system works the same way that the system works from Albany. Each of the interconnections, the ... from Albany and the interconnection from Vly Creek into the industrial area have pressure regulating valves. If there is a peak demand... if the pressure in the industrial area starts to fall, one of the valves will open and supply that so there is a constant pressure but they are not individually metered. If the Albany interconnection is needed, so we can tell that but the other one would not be.

MR. DAVIES: Okay. Approximately how much water did Cogen buy in million gallons a day averaged over the last year, approximately?

MR. SECOR: I have given you all those numbers so I don't have them.

MR. DAVIES: I don't have those numbers for the recent year.

COUNCILMAN PUTNEY: Does that have anything to do with the 1998 budget?

MR. DAVIES: Pardon.

COUNCILMAN PUTNEY: Does that have anything to do with the 1998 budget which is under discussion tonight?

MR. DAVIES: It will if you project it, I believe. Is it something you would prefer not to discuss? It is all right if you prefer not to.

SUPERVISOR FULLER: Well, it is not a case of discussion, Sherwood, it's questions on the 1998 Preliminary Budget is what we are doing tonight.

MR. DAVIES: But, you see, this will tie into the 1998 budget if you have to purchase more Albany water.

SUPERVISOR FULLER: We have a contract with Albany to purchase water through May and October.

MR. DAVIES: I would like to get to that but I was...

SUPERVISOR FULLER: I believe I gave you a copy of the contract though too. So, you know what the figures are for each year of our budget.

MR. DAVIES: But, I want to relate it to what we are buying and will be buying. So, we can skip it if you would like.

MR. SECOR: No, but I mean you have asked for copies... I think you have been asking for copies of each Albany water bill.

MR. DAVIES: A year... two years ago.

MR. SECOR: Oh well, you are welcome to get any thing... I don't have it in my hand but you are welcome to get copies of any bills we are given. All you have to do is ask for it.

MR. DAVIES: The Town Board has an agreement with Selkirk Cogen to provide up to 3.4 million gallons per day. It was projected that they would be using 2.4 million gallons per day. If you add the GE contribution of 1 million gallons a day, my question is this... If these higher use figures were to come about, would Bethlehem have to purchase the additional water from Albany?

SUPERVISOR FULLER: I would anticipate it.

MR. SECOR: Well, no, because we have been doing and have been doing... 2 years ago we bought \$17,000 worth of water from Albany, last year we bought about \$17,000, this year we will spend about \$120... whatever our contractual amount is. We budgeted \$130. We spent each year the money we had budgeted for the City. But, we have a minimum take or pay and we are buying the minimum.

MR. DAVIES: Well, that doesn't answer the question. I understand the minimum that you are going to buy. My question here is if Selkirk Cogen and GE combined use up to the maximum that they are entitled to of maybe 4 million gallons a day, where will the water come from and how much will it cost? That is the question. Well, we can let that go then.

The new Clapper Road plant cost 13.9 million with a debt service of about 1 million per year and operating cost of about 1/2 million dollars per year. In September, the Clapper Road plant produced less than 2 million... on average 2 million gallons a day. This calculates to be over \$2 per thousand gallons of water to produce from the Clapper Road plant. Selkirk Cogen pays \$1.69 per thousand gallons, who makes up the difference?

MR. SECOR: Well, again, before you said you didn't have this year's numbers and no you just quoted September's numbers. So, do you have this year's numbers or don't you?

MR. DAVIES: I am speaking of the amount of water produced from the wells.

MR. SECOR: But, you just said in September we produced about 2 million gallons a day. Do you have those numbers for September?

MR. DAVIES: I got them... yes.

MR. SECOR: A minute ago you said you didn't get this year's numbers.

MR. DAVIES: I don't have it based upon Selkirk Cogen's use. That was my question.

MR. SECOR: I didn't understand that.

MR. DAVIES: Well, that's the question.

MR. SECOR: I have given you budget numbers. We have lived every year within our budget. I have given you the projections of how those ... are. You dispute those numbers, I am not going to debate you, Sherwood. I have given them to you...

MR. DAVIES: No, I don't want to debate either.

MR. SECOR: And, the Board has copies and you have copies.

MR. DAVIES: I am asking a question and to come back to the basic question. How much water on average does Selkirk Cogen use, if you misunderstood my question before.

MR. SECOR: I... you had the copy... I had the copy on the Selkirk bills. We bill them every 2 months, quarterly we check it against the minimum. They are all available for your inspection.

MR. DAVIES: Well, I'll.... I'll get them then.

The water budget states that the Vly Creek reservoir provides water for residential areas and its supply is supplemented during months of peak use with water from the City of Albany. Do we purchase Albany water to supplement the Clapper Road supply and if so, about how much?

MR. SECOR: The majority of the water that has been purchased this month... Kenwood Avenue to supplement the residential area. The only time we purchase road at Creble Road is peak periods when the automatic valves work or when we... it is like owning a fire truck or having a spare tire, we have to exercise valves. We exercise all the interconnections on a regular basis to make sure that they are functional and pumping. There are some purchases down there but they are minimal. But, if you look at... and again, these are on the daily... there are daily operating reports which are summarized monthly which you have been given copies of. You have those numbers.

MR. DAVIES: Well, it took a little... It took... it was quite...

MR. SECOR: They are right at the Town Clerk's office.

MR. DAVIES: The figures I got from you originally were not correct, Bruce, but be that as it may.

The water budget states that the Hudson River well is adequate for existing needs but cannot produce at the designed requirement. How much is the existing need and have you considered peak use by Selkirk Cogen? We will let that pass.

I have some questions on the sewer budget. The sewer budget states that the department has an ongoing program of preventive maintenance to reduce the number of sewer main problems. Could we clarify what these problems are and where do they exist?

MR. SECOR: The majority of the problems are in the older section of Town with the clay sewers and the program is a combination of cleaning, preventive maintenance where we have a pipe pressure sewer jet and we jet the areas that we know to be trouble areas. We have a routine maintenance program. We brought in an expert from the Syracuse area because root control work so we don't have as much root infiltration to plug up the sewers. We have an ongoing tv inspection program. We just completed grouting all the sewers off of Delaware Avenue, Salisbury, Euclid, Capital, Berhans, we did that whole area because the grouting was done there. We completed the new lining between Kenwood Avenue and Delaware which was part of the Capital budget and again, that was mentioned in the letter. So, it is a system we spend very little time. All of the new areas of Town, the new subdivisions are all plastic pipe with very good tight joints. All of the problems are here in the older section of Town and that is where our maintenance crews spend 99 percent of their time.

MR. DAVIES: Well, reference is made to trenchless technology. What is the cost per mile of main repair approximately?

MR. SECOR: It.. the cost per foot averages between \$50 to \$175 a foot for trenchless technology and it's 3 to 5 times that much for open ...

MR. DAVIES: And, can it be provided for repair of lateral sewers of about 8 inches in diameter?

MR. SECOR: Yes.

MR. DAVIES: What is the overall... is there an overall estimate for repair in the 50 year old system.

MR. SECOR: We are working on that. As we finish our inventory we will be able to do that.

MR. DAVIES: And, where in the budget have we made an appropriation for these repairs that we are speaking of?

MR. SECOR: They are in under the contractual lines. There are 2 or 3 right under there. One for contractual service and the other is for rental of ... equipment.

MR. DAVIES: But, there hasn't been too much as an increase in the budget.

MR. SECOR: The budget has remained about the same. What we are doing is... this is like in the computer business, you keep buying more and higher speed equipment for a single amount of money. We are buying more of better technology and better techniques we are buying more footage of repair for the same dollar. We have been able to hold the cost that way.

MR. DAVIES: The sewer budget shows only revenue from sewer district property taxes and no revenue from sewer rents which are based on water use. The sewer rents, incidentally, are 60 percent more than what is charged for water rents. Why has the Town broken down the water revenue income from property tax and water rents but does not provide for a similar break down for sewer tax and sewer rents.

COUNCILMAN PUTNEY: I believe that G2122 sewer charges, answers your question.

SUPERVISOR FULLER: Sewer charges.

MR. DAVIES: The what?

SUPERVISOR FULLER: Sewer charges.

MR. DAVIES: And, what is the amount of money there?

COUNCILMAN PUTNEY: \$105,000.

MR. DAVIES: If only that were true. It is closer to over 1.5 million dollars. If only that were true.

MR. SECOR: No, the sewer charges is for the connection fees. The \$2,385,000 includes both the ad valorem tax and the water resurcharge which is collected on the tax bills as Inequities were brought up because it is calculated separately. On the computer... on your bill when you get your tax bill, it is a separate item and it is just a matter of getting that the computer program.

MR. DAVIES: Well, it still didn't answer the question. Why no separate break down. Is there the possibility of Federal and State tax consequences by including sewer rent charges as a property tax? That is for Mr. Kaplowitz, I believe. And secondly, is there a need in the Town Law to provide for the sewer rent fund?

SUPERVISOR FULLER: Is this the issue that Mr. Tobin...

MR. DAVIES: Pardon?

SUPERVISOR FULLER: I think Mr. Tobin responded to this last year, Todd Tobin, sewer... or 2 years ago.

MR. DAVIES: I got some replies some time ago but...

ATTORNEY KAPLOWITZ: I would say there is no need to, Sherwood. None that I am aware of.

MR. DAVIES: What about the tax consequence problem?

ATTORNEY KAPLOWITZ: I don't see why there would be any. What are you talking about... what kind of a tax concerned about?

MR. DAVIES: Well, Federal income tax. State income tax. When you charge a sewer rent it is not a property tax and it puts the tax payers in jeopardy I am afraid.

ATTORNEY KAPLOWITZ: You are afraid that it would be subject to income tax?

MR. DAVIES: Absolutely. I don't declare it.

ATTORNEY KAPLOWITZ: I don't know. I don't either.

COMPTROLLER KEHOE: It may or may not be deductible depending on the tax situation. If it was a business it would be deductible not as property tax per se but as an operating expense. So, that is up to each individual tax payer to be able to identify that line item, work with their account.

MR. DAVIES: I am afraid most of them wouldn't recognize it.

COMPTROLLER KEHOE: Well, I just figure it is a possibility.

MR. SECOR: It is itemized on your tax bill.

COMPTROLLER KEHOE: It is itemized and it is up to the tax payers to take the proper deduction. Like, we can't police the entire filing population.

MR. DAVIES: I know.

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SUPERVISOR FULLER: Any other questions on the budget? Those wishing to speak in favor. Those wishing to speak in opposition of the preliminary budget for 1998.

MR. DAVIES: Let me just make some comments, if I might. The Town in the budget message stated that tax rates for all funds have declined since 1994. I believe this is a correct statement. But, it must be reviewed in the light of overcharges the Town introduced in 1993 when we had property reevaluation. When the property was reassessed, we had a multi-million dollar windfall in the water and sewer fund which was created because of an actual 15-20 percent increase in the water and sewer property taxes. I think the records will show that to be true.

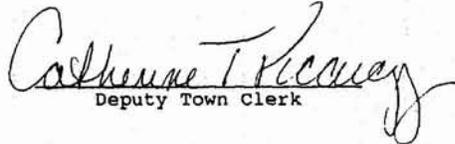
The 1998 budget message puts the best then possible on some serious problems facing our community. We have an inadequate water supply that cannot meet industrial peak demands. Albany water is purchased to supplement both the Clapper Road and Vly Creek supplies. The Clapper Road plant produces water of such a poor quality that the Town doesn't even bother to make odor tests on samples in the distribution system. The 50 year old sewer lines in Delmar Elsmere Sewer District need constant maintenance. Pot-holes can be found throughout the district where sand has entered the joints in the sewer pipe.

The Board should require that there be an evaluation of the needed repairs in this 50 year old sewer system where the property owners have probably paid for that sewer system 2 or 3 times over. I would urge that the Board provide more oversight over the Water and Sewer Departments and would urge that they create a Board of Water and Sewer Commissioners. Thank you.

SUPERVISOR FULLER: Thank you, Sherwood. Anyone else wishing to speak in opposition? May I have a motion to close the public hearing?

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to close the public hearing at 7:50 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.


Deputy Town Clerk

The Supervisor convened the regular meeting following the close of the public hearing.

The next item on the agenda was a request from Karen Pellettier, Director, Senior Citizens Services, for appointment of part time clerk at a rate of \$7.54 per hour effective November 1, 1997. Supervisor Fuller asked Mrs. Pellettier if this was a replacement for Mrs. Farrell. Mrs. Pellettier indicated this was a replacement for one of the part time people employed. She noted 3 different people share this position. She also mentioned Mrs. Farrell has moved to Florida. Supervisor Fuller asked if this was one day a week. Mrs. Pellettier said it was for Wednesday.

Senior Services
appoint part
time clerk

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the appointment of Bella McCarroll, Glenmont, New York as part time clerk at a rate of \$7.54 per hour for the Senior Services Department, effective November 1, 1997. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The next item was a request from Richard Vanderbilt, Traffic Safety Committee Chairman, for installation of stop sign on Albin Road, south at McGuffey Lane/Parkwyn Drive. Could set public hearing for November 12, 1997 at 7:30 p.m. and advertise on October 29, 1997.

Mr. Vanderbilt
Traffic Safety
Committee
installation
stop sign on
Albin Road

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to set a public hearing pertaining to an amendment to the Code of the Town of Bethlehem regarding installation of a stop sign on Albin Road, south at McGuffey Lane/Parkwyn Drive for November 12, 1997 at 7:30 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The following item was a request from Richard LaChappelle, Chief of Police, for appointment of School Crossing Guard, effective October 23, 1997 to replace one Guard who has retired.

Chief LaChappelle
appoint School
Crossing Guard

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the appointment of Patricia Erno, Glenmont, New York to the position of School Crossing Guard, effective October 23, 1997. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The next item was a recommendation from the Planning Board for adoption of SEQR resolution and authorization of the Supervisor to sign an Amendment to Building Project Approval for Beverwyck Phase 3.

SEQR Resolution
to sign
Amendment to
Building approval
for Beverwyck
Phase 3.

Supervisor Fuller asked Town Planner Lipnicky to give a brief overview of this item. Mr. Lipnicky said this concerns an amendment to the Building Project Approval which approved the Beverwyck senior housing campus. He said the application concerns a vacant portion of the overall parcel which consists of about 8.23 acres. The proposal is for a 41 unit assistive living facility which would include some community activity space, as well as, a campus service building for the overall campus. He said also in the plans are a parking lot or parking facility for 62 vehicles. The structure will resemble and reflect the existing architecture at Beverwyck. This was referred to the Planning Board in March 1996 and has gone through a number of revisions and since that time a public hearing has been held on September 2 and the Planning Board has recommended both approval of

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the Building Project Approval of the Building Project Amendment, as well as, a negative declaration with regard to SEQR. He said the Planning Department concurs with the recommendations.

Mr. Lipnicky noted that the Board has a copy of the environmental assessment in the packet and the building project plans, as well as, a draft SEQR resolution and a Building Project Approval Amendment document. He needed to note for the record 2 amendments, one to the resolution and one to the Building Project Approval document. The first amendment is in the SEQR resolution in the third whereas, the size of the facilities should be a 37,519 square foot assistive living residence and a tax structure housing 2,113 square feet of community activity space and lastly a 2,623 square foot campus service building. He said those same figures should be inserted into the Building Project Approval Amendment document under paragraph 3. He said basically the BPA document would approve the project conditioned on final approval from Albany County Health Department and a couple of minor revisions to the map.

Supervisor Fuller thanked Mr. Lipnicky.

The following resolution was presented for adoption:

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
DETERMINATION OF SIGNIFICANCE / NEGATIVE DECLARATION
APPLICATION TO AMEND BUILDING PROJECT APPROVAL NO. 26
PLANNED RESIDENCE DISTRICT NO. 12
BEVERWYCK PHASE 3

- WHEREAS, the Town Board of the Town of Bethlehem has received an application and Environmental Assessment Form (EAF) from Beverwyck, Inc. to amend Building Project Approval No. 26 in order to allow the construction of an assistive living facility and community center on the existing Beverwyck campus located along Krum Kill Road; and,
- WHEREAS, the proposed Building Project, known as Beverwyck Phase 3, would occupy approximately 8.23 acres of currently vacant land within an established Planned Residence District (PRD No. 12); and,
- WHEREAS, the Building Project plans submitted as part of the application indicate that Beverwyck Phase 3 would consist of: (1) a 37,519 square foot (41 unit) assistive living residence for senior citizens; (2) an attached structure housing 2,113 square feet of community/activity space; (3) a 2,623 square foot campus service building; and (4) off-street parking facilities for 62 vehicles; and,
- WHEREAS, Chapter 128, Article 5 of the Code of the Town of Bethlehem contains procedures for establishment of a Building Project within a Planned Residence District, and said procedures authorize the Town Board to approve such projects upon referral to, and recommendation of, the Town Planning Board; and,
- WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,
- WHEREAS, 6 NYCRR Part 617.6(a) requires that upon receipt of an application for approval of an action the reviewing agency must determine: (1) whether the action is subject to SEQR; (2) whether a federal agency is involved; (3) whether there are any other involved agencies; (4) the preliminary classification of the action; (5) whether a full or short Environmental Assessment Form (EAF) will be used in determining the significance of the action; and (6) whether the action is located in an Agricultural District established pursuant to the Agriculture and Markets Law; and,
- WHEREAS, 6 NYCRR Part 617.6.(b) indicates that for unlisted actions an agency is not required to conduct a coordinated review with other involved agencies (provided that it determines the action will not have a significant impact on the

environment) and may proceed in its SEQR review as if it were the only involved agency; and,

WHEREAS, the "Memorandum of Understanding between the Town of Bethlehem Town Board and Planning Board for Planned Development Districts" (MOU), adopted by the Town Board on February 27, 1991, sets forth procedures for incorporating the requirements of SEQR with the requirements of Chapter 128, Article 5, of the Code of the Town of Bethlehem for the establishment of Building Projects within a Planned Residence District; and,

WHEREAS, pursuant to the MOU the Town Board at its regular meeting of March 27, 1996, referred the Building Project application to the Town Planning Board for a recommendation on both the application and SEQR compliance; and,

WHEREAS, the Town Planning Board after careful review of the application, and by Resolution dated September 2, 1997, made its recommendation to the the Town Board concerning SEQR compliance and said Resolution recommends that: (1) the proposed action is subject to SEQR; (2) the proposal constitutes an unlisted action; (3) the Town Board is the most appropriate agency for determining the significance of the action; and (4) the proposed action would not have a significant impact on the environment; and,

WHEREAS, the Town Board has reviewed and considered the Building Project application, the full EAF (Part 1) and supplemental materials submitted by the applicant; and,

WHEREAS, the application and supporting materials include a traffic study, wetland report and Building Project plans addressing site layout, utilities, storm water management, grading, landscaping, architectural design and other site development factors; and,

WHEREAS, the Town Board has reviewed and considered various staff comments and an Environmental Assessment Form (Part 2) prepared by the Town Planning Department, and said comments and EAF indicate that upon review of its environmental inventory files the Planning Department did not identify any potential significant environmental impacts associated with the proposed project; and,

WHEREAS, the Town Board has conducted its own independent analysis of the application and its potential environmental effects;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that the application from Beverwyck Inc. to amend Building Project Approval No. 26 constitutes an unlisted action that is subject to the provisions of SEQR; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that there is no federal agency involvement with respect to this application and that SEQR involved agencies include only the Town of Bethlehem Planning Board and the Albany County Health Department; and,

BE IT FURTHER RESOLVED,

that pursuant to 6 NYCRR 617.6.(b)(4) the Town Board hereby determines that, since other involved agencies have already been made aware of the application and are conducting or have concluded their reviews pursuant to other legal authority, the Town Board will not coordinate review of this action and will proceed in its SEQR review as if it were the only involved agency; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the project site is not located within an Agricultural District established pursuant to the Agriculture and Markets Law; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the full EAF Parts 1 and 2, prepared respectively by the applicant and the Town Planning Department, present a fair and accurate representation of the potential environmental impacts associated with the proposed action and are sufficient for determining the significance of said action; and,

BE IT FURTHER RESOLVED,

that based upon its review of the Building Project application, full EAF Part 1 and other materials submitted by the applicant, comments on the application and EAF Part 2 prepared by the Town Planning Department, recommendations of the Town Planning Board, its own independent analysis of the application, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, (c), the Town Board hereby concludes that approval of the Beverwyck, Inc. application to amend Building Project Approval No. 26, for the purpose of constructing an assistive living residence and associated facilities, constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Town Planning Department is hereby authorized and directed to file any and all appropriate notices so that the intent of this Resolution is carried out; and,

BE IT FURTHER RESOLVED,

that this determination of significance is based upon the following facts and conclusions:

A. Project Description

1. The parcel proposed for development is located along Krum Kill Road and consists of 8.23 acres of land which can be characterized as a relatively flat vacant field. The proposed development represents an extension to an existing senior citizen housing campus in an already established Planned Residence District (PRD No. 12).
2. Existing land use in the PRD consists of a 185 unit senior citizen housing complex containing both multifamily dwellings and cottage homes, dining facilities and other resident amenities, miscellaneous outbuildings, parking for 235 vehicles, and lawn and landscaped area.
3. The vacant parcel now proposed for development had been previously proposed for construction of a nursing home facility in the original concept plans presented to the Town in 1990, the year in which the zoning amendment to establish PRD No. 12 was adopted by the Town Board.
4. Building Project plans indicate that if the amendment to Building Project Approval No. 26 is granted the parcel would be developed to house a 2-story, 37,425 square foot (41 unit) assistive living residence for senior citizens, an attached 1-story, 2,095 square foot community center, a 1-story, 1,798 square foot community services building, parking for 62 vehicles, and associated site amenities such as landscaping and outdoor activity space. In addition, an existing barn, which is currently used for office space and a caretaker apartment, would be retained.
5. Building Project plans indicate that project construction would impact approximately 6.53 acres of currently undeveloped land. This land would be converted to parking, building and lawn area. Approximately, 2.4 acres of the overall site would be devoted to impervious surfaces and 6.21 acres would be retained as lawn area.
6. Building Project plans include provisions for storm water management, water supply, sanitary sewage disposal, other utility hook-ups, landscaping and site grading.
7. Existing land use in the vicinity of the parcel consists of single family housing in a development on the opposite side of Krum Kill Road. Single family housing is also located to the west of the project site. Two-family housing is located to the east. Multifamily housing at the existing Beverwyck campus is located to the south.
8. Zoning in the immediate vicinity of the parcel consists of Residence A District lands to the north, east and west, and Planned Residence District to the south. The Residence A District is a single family zoning district and the Planned Residence District permits multifamily structures upon approval

of the Town Board. The project site itself is currently zoned Planned Residence District.

9. The project site is located in both the Town water and sewer districts. Both services are available to the parcel.

10. Access to the parcel would be provided from Beverwyck Lane. Beverwyck Lane is a Town street which serves as the access road to the Beverwyck campus. Beverwyck Lane acts to funnel traffic to and from Krum Kill Road, a Town street which functions as a collector street in the North Bethlehem area.

B. Evaluation of Potential Environmental Impacts

1. The project is not expected to have any significant or long-term adverse effects on existing air quality. The nature of the land use is such that it will not produce industrial related air emissions, nor will it result in the generation of significant traffic that might contribute measurably to auto related emissions.

2. The project is not expected to have any significant or long-term adverse effect on ground or surface water quality. The project site is not located over a significant aquifer, nor is the site located adjacent to a protected stream (Class C(T) or higher). Stormwater runoff, however, will be collected on-site by stormwater sewers and conveyed to the Krum Kill, a Class C(T) stream, through an existing storm sewer system at Beverwyck. It does not appear that any regulatory permits will be necessary for this additional discharge.

3. The project is not expected to have any significant or long-term adverse effect on existing noise levels in the vicinity of the project site. The land use does not involve the operation of heavy machinery or other activity that would produce a noticeable increase in outdoor noise levels. Noise impacts would be confined to the construction period for the project and would be of short-term duration.

4. The project is not expected to result in a substantial increase in solid waste production. The project would entail the construction of 41 assistive living units. Residents are largely expected to come from communities within the region that generate municipal solid waste to the same regional solid waste facility that will be used by the project.

5. The project is not expected to result in a substantial increase in traffic volumes or create traffic congestion problems in the vicinity of the project site. During a.m. and p.m. peak hours it is estimated that the project would generate less than 20 additional vehicle trips on the adjacent street system.

6. The project is expected to have only minimal traffic volume impacts on local neighborhood residential streets. Secondary access to the parcel is provided via a residential street network to the west of the project site. Average daily traffic volume (weekday) on the connecting road (Beverwyck Lane) between the residential street network and the Beverwyck campus is currently 308 vehicle trips per day. The existing a.m. peak hour volume at this location is approximately 25 vehicles and the p.m. peak hour volume is approximately 28 vehicles. Even if all additional traffic generated by the project (20 vehicles during peak hour) were to utilize this connection, the resulting traffic volumes would be well within traffic conflict thresholds for residential streets established in the Town's "Land Use Planning Reference Resource". These thresholds are 1500 vehicles per day and 200 vehicles per hour, respectively.

7. The project is not expected to have any significant adverse effect on downstream flooding or drainage problems. Project development would result in the construction of approximately 2.4 acres of impervious surface area. The project includes provisions for an on-site storm water system. This system would release flows to an existing stream. There are no known flooding or drainage problems downstream of the project site.

8. Topographically, the project site is relatively flat and does not possess characteristics which might raise substantial concerns regarding soil erosion and stream sedimentation.

9. The project is not expected to have any significant adverse impact on vegetation or wildlife resources. The project site currently consists of mowed lawn area and was previously disturbed during construction of the overall Beverwyck campus.

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Prior to that, the project site was utilized for agricultural fields. A review of the Town's environmental inventory files indicates that the project site does not contain any significant habitat area, any known occurrence of a threatened or endangered species, or any unique habitat characteristic that is associated with such species.

10. The project site does not contain any designated Critical Environmental Area.

11. The project is not expected to have any adverse impacts on agricultural resources. Although the site has been used for agricultural purposes in the past, and although the site does contain soils in Groups 1-4 of the NYS Land Classification System, the site is not located in a certified Agricultural District nor is it presently farmed.

12. The project is not expected to have any adverse impact on cultural resources. A cultural resources study was conducted for the Beverwyck campus at the time of the rezoning to Planned Residence District. The study concluded there would be no adverse impacts to such resources from site development.

13. The project is not expected to have any significant adverse impacts on aesthetic or architectural resources. The project would result in the expansion of an existing senior citizen housing campus. The proposed structures are designed at a scale, with materials, and in a style similar to the existing facility. Project development would not interfere with the enjoyment of any significant scenic resources in the vicinity of the site.

14. The nature of the proposed land use is such that it is not expected to result in a major change in the use of energy or create a hazard to human health.

15. The project is not expected to have a significant adverse impact on open space or recreational resources. Project development would convert approximately 2.4 acres of land to urban use. Approximately, 6.21 acres of landscaped area would be retained. In addition, project occupants will consist of persons who are in need of various levels of assistance in daily living, most of whom are frail elderly and many of whom are in various stages of declining health. These persons are not expected to routinely use or place demands on existing recreation facilities.

16. The project is not expected to have a significant adverse impact on existing community or neighborhood character. The project would entail the expansion of an existing senior housing campus at a scale that is both compatible with existing facilities at the site and consistent with the concept plan for the particular development parcel as presented at the time of the zoning change to Planned Residence District.

17. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristic of the parcel, or issue which has not been addressed, or area requiring further study.

On a motion by Mrs. Davis, seconded by Mr. Putney and a vote of 5 for and 0 against, 0 abstention and 0 absent, this RESOLUTION was adopted on October 22, 1997.

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The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the signing by the Supervisor of the Amendment to Building Project Approval for Beverwyck, Phase 3 with the inclusion of the Memorandum from Town Planner, Jeffrey Lipnicky in the minutes (see following minutes). The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.

Noes: None.

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Mr. David Wendth of Beverwyck requested permission of the Board to commence site work on the project as soon as possible, pending the building permit and the approval from Albany County. Supervisor Fuller said she would check with Mr. Flanigan. Mr. Flanigan said he

would concur on site work. He said he would not be able to go forward with building permits until the final approval has been received from the Albany County Health Department. He said he would agree to this site work because we are running into cold weather and winter construction gets quite costly. Therefore, Mr. Flanigan recommended the permission be given to do site work. He said now that the SEQR is complete that would be in order. Supervisor Fuller thanked Mr. Flanigan. Mr. Lipnicky said they did not have any objection to that either provided that work does not begin on utilities until the Albany County Health Department approval has been received.

The next item was a recommendation from Supervisor for change of the meeting date from November 26, 1997 to November 25, 1997, Tuesday and cancellation of the meeting scheduled for December 24, 1997. Supervisor Fuller noted the only meeting in December will be December 10, 1997. She said if there is a need for another meeting it will be announced and a special meeting would be scheduled.

Recommendation from Supervisor November 26, 1997 to November 25, 1997 and only on December 10, 1997

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the change in meeting date from November 26, 1997 to Tuesday, November 25, 1997 and cancellation of the meeting scheduled for Wednesday, December 24, 1997. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
Noes: None.

The next item was to approve the Town Board minutes of September 24 and October 8, 1997.

Approve Board minutes September 24, 1997 and October 8, 1997

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the Town Board minutes of September 24, 1997 and October 8, 1997 as submitted. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
Noes: None.

Supervisor Fuller asked if anyone wished to address the Board. There were none.

Supervisor Fuller asked for a motion to meet in Executive Session following the close of the regular meeting to discuss personnel matters.

Adjourn meeting to executive session

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to meet in Executive Session following the close of the regular meeting to discuss personnel matters. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
Noes: None.

No formal action was taken at executive session.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to adjourn the regular Town Board meeting at 8:00 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
Noes: None.

Catherine T. Kearney
Deputy Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.

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NEW

JEFFREY LIPNICKY, AICP
TOWN PLANNER

TOWN OF BETHLEHEM
ALBANY COUNTY - NEW YORK
PLANNING DEPARTMENT
445 DELAWARE AVENUE
DELMAR, NEW YORK 12054
(518) 439-4955



MEMORANDUM

TO: Sheila Fuller, Town Supervisor
& Town Board

FROM: Jeffrey Lipnicky, AICP
Town Planner *JL*

DATE: October 16, 1997

SUBJ: Beverwyck Phase 3
Amendment No. 3 to Building Project Approval No. 26
Planned Residence District No. 12

For the Town Board's consideration, please find enclosed a draft SEQR Resolution which would issue a Negative Declaration with respect to the above referenced project and a draft Amendment No. 3 to Building Project Approval No. 26 which would approve and authorize development of the project. Please note that approval would be conditioned on satisfactory completion of those items outlined in Paragraph VIII of the approval document. Based upon my review of the project in conjunction with both the Planning Board and Engineering Division, it is my recommendation that the Town Board act favorably to issue the Negative Declaration and approve the B.P.A. Amendment.

Proposed Project

As the Board knows, the proposed development would occur on the currently vacant portion of the Beverwyck campus adjacent to Krumkill Road. This site consists of approximately 8.23 acres of land, 6.53 acres of which would be impacted by development. The site was formerly proposed for development of a nursing home in concept plans presented at the time of the zoning change to PRD in 1990.

The current proposal is to develop the site for assistive living for senior citizens. The facility would include the following:

- (a) A 2 story, 37,425 square foot, 41 unit assistive living residence.
- (b) A 1 story, 2,095 square foot, attached structure housing community/activity space.
- (c) A freestanding 1 story, 1,798 square foot campus service building.

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(d) Off-street parking facilities for 62 vehicles.

(e) In addition, a section of the existing barn would be retained.

SEQR Review

The Planning Department has reviewed the project and its environmental inventory files with respect to SEQR compliance. The project is an "unlisted" action under SEQR and requires a Determination of Significance. In reviewing our environmental files, we did not identify any significant environmental issue associated with the project. In brief, development would occur on a portion of the Beverwyck campus that currently consists of an open, mowed field. Both water and sanitary sewer service are available to the development. A traffic study prepared for the project in December 1996 indicates that traffic generation would be insignificant. It is our opinion that the project would not have a significant adverse impact on the environment and that a SEQR Negative Declaration is appropriate. Copies of the Traffic Study and a Wetlands Report have been placed on file in the Town Clerk's Office.

Enclosed Materials

For the Board's review, please also find enclosed the following materials:

- (a) An EAF Part I prepared by the applicant, dated 6/16/97.
- (b) An EAF Part II prepared by the Planning Department, dated 8/19/97.
- (c) Public Hearing minutes from the Planning Board meeting of 9/2/97.
- (d) A copy of the plan set for the proposed project.
- (e) A copy of the Site Lighting brochure.
- (f) A copy of Engineering Division letter to D. Wendth, dated 10/16/97, outlining remaining revisions which will need to be made to the plan set. (Note: these revisions have been incorporated in the approval document as a condition of approval.)

It is my understanding that the Planning Board recommendation for both a SEQR Negative Declaration and approval of the Building Project Amendment were previously forwarded to the Board by D. Hasbrouck under separate cover.

Please contact me at 439-4955, ext. 159 with any comments or questions you might have.

cc: K. Newkirk, w/enclosures
J. Flanigan, w/enclosures
A. Cirillo, w/enclosures
B. Kaplowitz, w/draft approval documents only
D. Hasbrouck, w/draft approval documents only
M. Cirillo, w/draft approval documents only

JEFFREY LIPNICKY, AICP
TOWN PLANNER

TOWN OF BETHLEHEM
ALBANY COUNTY - NEW YORK
PLANNING DEPARTMENT

445 DELAWARE AVENUE
DELMAR, NEW YORK 12054

(518) 439-4955



M E M O R A N D U M

TO: Sheila Fuller, Town Supervisor
& Town Board

FROM: Jeffrey Lipnicky, AICP
Town Planner *JL*

DATE: October 17, 1997

SUBJ: Beverwyck Phase 3
Amendment No. 3 to Building Project Approval No. 26
Planned Residence District No. 12

Please accept this memo as noting a revision to materials sent yesterday regarding the Beverwyck Phase 3 project. In conversation today with D. Wendth of the Eddy, we discovered that building square footage data contained in both the draft SEQR Resolution and Building Project Amendment reflect figures given to the Town at the time of the original application. Since that time these figures have slightly changed.

Current square footage is as follows:

- (1) Assistive Living Residence - 37,519 s.f.
- (2) Community/Activity Space - 2,113 s.f.
- (3) Campus Service Building - 2,623 s.f.
(This is a 2-story building with a mezzanine level)

Please note these corrections in the third "WHEREAS" of the SEQR RESOLUTION and in Section III of the BUILDING PROJECT APPROVAL AMENDMENT.

cc: K. Newkirk ✓
J. Flanigan
A. Cirillo
D. Hasbroučk
B. Kaplowitz
M. Cirillo