

TOWN BOARD  
SEPTEMBER 10, 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  
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Welcome back to a new school year students. I am sure you are very excited to be back in school. We appreciate your coming here and spending some time with us. Our meeting tonight is 2 public hearings and hopefully, we won't have you held in this room too long. Okay. I will ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

Public Hearing consider Local Law No. 11 1997 amendment to Local Law 5 1991 as amended Local Law No.7 1994 extension of time requirement Zoning for premises located South of McCormack Rd

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem will hold a public hearing on September 10, 1997 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to 10th day of May, 1997 at 7:30 p.m. to consider Local Law No. 11 of 1997, concerning an amendment to Local Law No. 5 of 1991, as amended by Local Law No. 7 of 1994 for an extension of time requirement to retain current zoning for rpemises located south of McCormack Road and east of Cherry Avenue Extension. All parties in interest and citizens will have an opportunity to be heard at the said hearing. The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

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 27 day of August 1997.

/s/ Mary A. Ahlstrom

Sworn to before me this 28th day of August 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 August 27, 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  
10th day of September 1997.  
/s/ Catherine T. Picarazzi  
Notary Public

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The motion was made by Mr. Lenhardt and seconded by Mr. Johnson 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.  
Noes: None.

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SUPERVISOR FULLER: Jeff or Mr. Mancini, if you would give us a quick overview.

MR. LIPNICKY: Yes, I will try to keep this real brief because this has a little bit of a history to it but basically back in 1991, we had in the area of McCormack Road extending down really into the North Street area a large Planned Residence district and at that point in time, because of the topography of the area and other reasons and really it came out of the fact that we had a development site at that point in time which was this parcel where half of it was zoned PRD and the other half was zoned Residence A district that there were some zoning complications in getting a project done. So, the former owner of this parcel asked for a rezoning at that point in time in order to have some consistency of the zoning. So what happened is the Planning Board took a look at both this particular parcel and an adjoining parcel which was zoned PRD and made a recommendation that the whole site be rezoned essentially to Residence AAA district. Okay. What happened from that point was that it came to the... actually what happened was there was a split at the Planning Board level, half saying it should be rezoned Residence AA and the other half saying it should be rezoned AAA. And, when it came back to the Town Board, the issue of rezoning was resolved by zoning it basically to AA standards. At that point in time, what the developer had or the owner of the parcel had some what of an objection to was the lot width requirements in an AA zone. And, basically, a compromise was struck where the parcel would be zoned Residence AA and have the lot width requirement of a Residence AA district with the provision that if the project wasn't commenced and wasn't starting under development within I believe it was a 2 year time period at that point in time, it would go to AAA standards. Well, in the intermittent time, the parcel changed hands, Charlew became the owners and in any event what had happened is that 2 year time period was about to expire, the project was... rather the law was extended saying that basically the AA zone would remain in additional 2 years and Charlew at this point in time is asking that it be extended 2 years again.

At this point in time, Charlew is before the Planning Board, they have had a public hearing on the proposal. The proposal is now called Cherryvale. Basically, the issues that were raised at the time of rezoning have essentially been addressed by the subdivision layout. So, as I said, they have been before the Planning Board, they have had their public hearing and right now they are at the stage where they are about to receive preliminary plat approval for this. The law expires, I believe it is in about a month and a half and that is why they are asking for the extension. They have invested a lot in this project and again, it is under review and we don't see really any unsurmountable problems with the development itself. Our recommendation is basically that the request be granted.

SUPERVISOR FULLER: Thank you, Jeff. Are there any questions from the Board?

COUNCILMAN LENHARDT: Just out of curiosity, does this comply... does this layout comply pretty much with the Land Use Management Plan?

MR. LIPNICKY: Well, the layout itself, to my recollection, probably not. In terms of overall density, probably so. Basically, there is a variation in lot sizes here and I can't remember off the top of my head what the recommendation was for this area. I know the ravine areas were recommended for 3 acre lots for example. But, I believe the overall density is consistent with what would... was recommended on the plan. Basically what they have done is they have concentrated development here on the developable, quote unquote, portions of the site.

COUNCILMAN LENHARDT: That is within the guidelines of that.

MR. LIPNICKY: Exactly.

COUNCILMAN LENHARDT: Okay.

MR. LIPNICKY: Plus, they have left the corridor for the potential for a future roadway if needed and you know, the development is generally consistent with the recommendations of the plan.

COUNCILMAN LENHARDT: Okay.

COUNCILMAN DAVIS: Jeff, I attended the public hearing on this. Do you feel that the questions that were raised and some of them were fairly personal issues of neighbors, have they been fairly well resolved?

MR. LIPNICKY: Well, I believe the plan is now in terms... the biggest issue is the drainage issue. And, the plan at this point in time is to basically retain a storm water on site and release it downstream to the current grates. So, those issues should be resolved. I don't want to sit here and speak for the engineering department that it has been resolved totally but I know at least conceptually we've accepted that concept.

COUNCILMAN JOHNSON: Jeff, you did say you recommended this.

MR. LIPNICKY: That is correct.

SUPERVISOR FULLER: Those wishing to speak in favor?

MR. MANCINI: Just a few comments. Just so that everyone can understand this that may not have seen it. This is 110 acres and there is 65 homes. There is a restriction contained in the conditional zoning that we do not exceed 65 homes and we have stayed within that restriction. There are lots on here that run from roughly 1/2 acre up to 10 acres.

Incidentally, it is Ralph Mancini of Mancini and Hayko, attorneys. I represent Charlew. This is Robert Walsh who is in charge of their development wing of Charlew Construction.

As many of you know, there is a pond here and that the homes along the pond will each own a portion of it. There are some very large lots in this area here and terrain is extremely important and retention of this area is important. These will be up-scale homes. Bob can tell you all what is planned. It is the kind of development that probably will develop because of the nature of the home, the nature of... it will probably develop in phases and quite... and slowly. Not just because of the current economic conditions but because of the type of houses that go on here is generally their highest level house, their custom type house and the kind of contracts that you just don't get every day. And, there is really quite a lot of variety in here so there will be some very beautiful homes but there will also be some reasonably affordable homes within the custom range. So, it should be a very attractive development taking into consideration the terrain.

COUNCILMAN PUTNEY: What sort of price range?

MR. MANCINI: Bob.

MR. WALSH: Right now we are figuring the minimum would be around \$250,000-\$260,000. That is really the minimum. As we move along and as conditions change it will probably be pushed up a little bit but right now we are talking \$250,000-\$260,000.

MR. MANCINI: And, that would be on the smaller lots.

MR. WALSH: Yes.

MR. MANCINI: This pond, of course, will be retained. We have had a complete wetlands delineation. Done a terrific amount of engineering. Smith and Mahoney has been doing the work. We are very, very far along with the Planning Board but you know, there are still a few more hoops. And, we do have a meeting... we are scheduled for the meeting... the 7th, the first meeting next month. This would... if we didn't have this opportunity to get the extension on the 2nd which is 5 days before the meeting, this would be the end of our zoning and one of the reasons the zoning is important, because in the AAA zone there is some very restrictive side line, corner lot, and other provisions that would make it very hard to develop in trying to maintain the terrain and the beauty, the trees on this site. This area up here is reserved for the Town for a future road and of course, the Town would receive that at no cost and it is available for them. And, as we understand that, that is the property that they had desired. We would accept any questions and Mr. Walsh will be very happy to comment on anything else that Charlew is proposing here. There is no homeowners association, the land will be generally owned by the individuals. So, there will be a good deal of privacy here.

MR. WALSH: The only thing I would like to add to what Ralph said is, I would like to assure the Town Board and Jeff can back me up that we have worked very diligently and very continually on this project since the day we bought it so it's... we are not in here, as you probably run into before where I am only trying to protect my zoning, we have been active trying to get this project approved since the beginning.

SUPERVISOR FULLER: I have been here since you started this project, I might add.

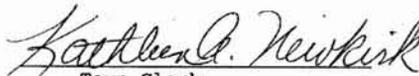
MR. WALSH: I just wanted to nail a couple of quick things. As Ralph said, there is the land for the highway that has taken us some time to resolve, complete wetlands, cultural study, complete soil boring study. Because of a small water system over here, and this being a dead line on McCormack, we had to do a complete water study to make sure that we were going to strengthen the water system over here while providing water for ourselves. With the Terramere project across the street, we got into that little loop with DOT and with the Town to get the driveways aligned. So, we have been actively working on this since we started and we are not just looking to preserve something.

SUPERVISOR FULLER: Is there anyone wishing to speak in favor? There were none. Anyone wishing to speak in opposition? There were none.

The motion was made by Mr. Putney and seconded by Mrs. Davis to close the public hearing at 7:41 p.m. The motion was passed by the following vote:

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

Noes: None.

  
Town Clerk

The Supervisor convened the regular meeting following the close of the public hearing. She asked for a motion to approve the 2 year extension and to adopt the SEQR resolution for a negative declaration which was before the Board.

The following resolution was presented for adoption:

TOWN BOARD  
TOWN OF BETHLEHEM  
LOCAL LAW NO. 11 OF 1997  
AMENDING SECTION 5.A. OF LOCAL LAW NO. 5 OF 1991  
AS AMENDED BY SECTION 3 OF LOCAL LAW NO.7 OF 1994

SEQR  
Resolution  
Interim  
Density

SEQR RESOLUTION  
DETERMINATION OF SIGNIFICANCE

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of Local Law No. 11 of 1997 to amend current time provisions in Section 5.A. of Local Law No. 5 of 1991, as amended by Local Law No. 7 of 1994; and,  
WHEREAS, the current provisions of Section 5.A., as amended, require that the zoning designation of a certain 151+/- acre parcel of land located in the vicinity of McCormack Road will automatically revert from Residence "AA" District to Residence "AAA" District on October 2, 1997; and,  
WHEREAS, the proposed Local Law would extend the applicability of current Residence "AA" District zoning for a period of two (2) additional years; and,  
WHEREAS, all other applicable provisions of Local Law No. 5 of 1991 will remain in full force and effect, including a provision which limits overall density on the parcel to no more than 65 residential dwelling units; and,  
WHEREAS, the State Environmental Quality Review Act 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 as early as possible in an agency's formulation of an action it proposes to undertake it shall determine: (1) whether the action is subject to SEQR; (2) whether a federal agency is involved; (3) whether other agencies are involved; (4) the appropriate classification of the action; (5) whether the action is located in an Agricultural District; and (6) whether a short or long environmental assessment form (EAF) is necessary to determine the significance of the action; and,  
WHEREAS, 6 NYCRR 617.6(b)(1) indicates that when a single agency is involved that agency shall be the lead agency and determine the significance of the action; and,  
WHEREAS, 6 NYCRR 617.7(a) requires that a lead agency must determine the significance of an unlisted action in writing and in accordance with 6 NYCRR 617.7; and,  
WHEREAS, the Town Board has received a short environmental assessment form and staff report prepared by the Town Planning Department, which addresses the proposed action, and said documents indicate that: (1) the proposed action is unlisted and subject to SEQR; (2) there are no other involved agencies; and (3) the proposed action is unlikely to have a significant impact on the environment; and,  
WHEREAS, the Town Board has also considered an environmental assessment which was prepared by the Town Planning Department at the time of adoption of Local Law No. 5 of 1991, and circumstances have not substantially changed since that time; and,  
WHEREAS, the Town Board has held a public hearing on the proposed amendment to Local Law No. 5 of 1991, as amended, and has considered comments received at said hearing; and,  
WHEREAS, the Town Board has independently considered the potential environmental impacts of the proposed Local Law amendment applying the criteria of effect found at 6 NYCRR 617.7(c);  
NOW, THEREFORE, BE IT RESOLVED,  
that the Town Board of the Town of Bethlehem hereby determines that adoption of Local Law No. 11 of 1997 is an unlisted action subject to SEQR and that there are no federal or other involved agencies with respect to this action; and,

- BE IT FURTHER RESOLVED,  
that the Town Board hereby determines that the parcel of land subject to this action is not located in a certified Agricultural District pursuant to the Agriculture and Markets Law; and,
- BE IT FURTHER RESOLVED,  
that the Town Board hereby determines that it is lead agency with respect to this action and that a short environmental assessment form is sufficient for determining whether the proposed action will have a significant impact on the environment; and,
- BE IT FURTHER RESOLVED,  
that based upon its review of the proposed Local Law, public comment concerning the proposal, the environmental assessment form prepared in support of the proposal, and comparison of the action with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Town Board of the Town of Bethlehem hereby determines that adoption of Local Law No. 11 of 1997 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 shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,
- BE IT FURTHER RESOLVED,  
that a copy of this determination shall be filed in the Office of the Town Clerk and appropriate notice shall be given as required by law.

On a motion by Mr. Putney, seconded by Mr. Lenhardt, and by a vote of 5 for, and 0 against, this RESOLUTION was adopted on September 10, 1997.

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The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve adoption of Local Law No. 11 of 1997 concerning amendment of Local Law No. 5 of 1991, as amended by Local Law No. 7 of 1994 for an extension of time requirement to current zoning for premises located south of McCormack Road and east of Cherry Avenue Extension. 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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Supervisor Fuller thanked Mr. Mancini and Mr. Walsh. Mr. Mancini and Mr. Walsh thanked the Board.

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Hearing began: 7:45 p.m.

SUPERVISOR FULLER: Okay. It is time for the next public hearing. I will ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM, ALBANY COUNTY

Public Hearing  
to consider  
Local Law  
No. 12  
Russell Road  
VanDyke Road  
Blessing Road

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on September 10, 1997 at 7:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 12 of 1997, concerning an amendment to the Code of the Town of Bethlehem pertaining to:

- RUSSELL ROAD - Amend Schedule 119-28 repeal 40 mile per hour speed limit and apply Town-wide 30 mile per hour speed limit;
- VAN DYKE ROAD - Amend Schedule 119-28 to repeal 35 mile per hour speed limit and apply Town-wide 30 mile per hour speed limit; and
- BLESSING ROAD - Amend Schedule 119-28 to repeal 40 mile per hour speed limit and apply Town-wide 30 mile per hour speed limit.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

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 27 day of August 1997.

/s/ Mary A. Ahlstrom

Sworn to before me this 28th day of August 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 August 27, 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

10th day of September 1997.  
/s/ Catherine T. Piccarazzi  
Notary Public

- - -

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson 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.  
Noes: None.

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SUPERVISOR FULLER: The issue is to reduce the speed limit on Russell Road from 40 to 30 miles per hour; for VanDyke Road 35 miles per hour to 30 miles per hour; and Blessing Road from 40 to 30 miles per hour. Is there anyone who would wish to speak in favor? There were none. Anyone wishing to speak in opposition?

MR. PRESKA: Charles Preska, a resident of VanDyke Road. I think dropping 35 miles per hour speed limit on VanDyke would be kind of setting a limit which is not going to be adhered to anyway. You have got a road there which is essentially a connector road between two 45 miles per hour speed limits. It has 5 driveways and 3 entrances to 2 parking lots to the school and bus garage which enter onto the road. There is ample sight distance in all areas of vision in which 95... probably 99 percent of the traffic travels from Delaware to the Bypass Extension. There is plenty of sight distance of seeing any vehicles entering the traffic. The only problem arises during school days when you do have vehicles parked along the road. With the bike path there now, you should have no pedestrian traffic, no bike traffic on the road. It should all be confined to the bike path and I think basically what it is going to amount to is the road is designed for higher speed limits than 30 miles per hour. You have a straight stretch with a shallow bend and then another straight stretch to get to the Bypass Extension and people... it is smooth road. People are going to be doing 35-40 before they even realize it and you are just going to legislate a speed limit that's going to... people are just... going to be an unreasonable speed limit for people to adhere to given the conditions of the road and it is just going to cause a bottleneck, you know, and any speed you put on it, there is going to be people that are going to exceed it anyway and you know, it goes back to the old rule of enforcement is the key to the whole thing. You know, I would be in favor of probably a 30 miles per hour speed during school days but it is my understanding from Lt. Vanderbilt that that is not allowed in a high school or not provided for in high school zones. I don't...

SUPERVISOR FULLER: You can't make it just for the school zone. You can at elementary level but not at middle or high school. My understanding was the request came because of speeding vehicles on VanDyke.

MR. PRESKA: My understanding is the request came from someone who is not even a resident of the area.

COUNCILMAN DAVIS: Chuck, I have spoken with residents at the opposite end of VanDyke, not your end of VanDyke, and some of the problems that they cited were that that has become -- and frankly I am one of the residents who does this -- it has become 'a real bike path. Not where you have the new bike path but at the Meads Lane end, regularly for bikers. It is almost a regular route for certain bikers who belong apparently to a club. They park at the high school. They use it week nights, they use it weekends, Saturdays, Sunday mornings. Runners use it regularly, early in the mornings. The students at the high school, the various cross country and track teams use it as a practice route and they said that they had seen some very, very close accidents and most of them attributed to speeding where drivers are speeding. And, also, to some extent carelessness on the part of the pedestrians. The bikers that I think will need to keep that in mind and maybe, Sheila, one of the things that we need to do is make sure that there is some enforcement there to make certain that...

MR. PRESKA: That's one of the key things right there. You can sit up there any day and I have done it many times working in the field across from the Bypass Extension, and you got traffic coming off that Bypass Extension where... with the way it is set up it is not a sharp

turn, it is a very shallow turn and I would imagine on days I have counted maybe 2 to 3 out of 10 cars that will come to a complete stop at the stop sign which is going to increase their speeds because they come around that corner 20... 15-20 miles per hour, some of them even faster and they don't even slow down for the stop sign and they are going to be gone down the road. And, again, that is an enforcement problem, that is not a problem with the design of the road or the area of the road. It all comes under... you can put a 20 miles per hour speed limit on it and they are still going to fly down the road. It's...

COUNCILMAN DAVIS: Right.

COUNCILMAN PUTNEY: Question. Is the 35 miles per hour speed limit for the entire length of VanDyke Road or just between the Bypass...

MR. PRESKA: The entire length.

COUNCILMAN DAVIS: The entire length.

COUNCILMAN LENHARDT: And, this is a request to make the entire length 30.

COUNCILMAN DAVIS: Yes.

MR. PRESKA: I know they have done a couple of speed checks there with the counters on the road at different times in the past year. I don't know what the results were. But, and again, that upper end I don't think anybody travels that road more than I do, especially in the summertime, and you know, school days, there is going to be more traffic. The rest of the year there is minimal traffic and on the weekends and so on and a lot of that problem is not only the people driving, it is also people that are using the road but there are a lot of people that do use the road up through there and the number of vehicles that travel that other section from the Bypass Extension and Meads Lane, there is minimal. The bulk of the traffic comes over to the Bypass Extension.

COUNCILMAN DAVIS: Except, we can't slow down the runners and the bikers and the walkers but we can slow down the cars. I mean, if there is enforcement and if we make people aware of the inherent danger there. It has become, I think, more regularly used for biking, walking, running.

MR. PRESKA: Oh, definitely since the bike path. It really brought a lot of people into that area.

COUNCILMAN DAVIS: It really has.

COUNCILMAN PUTNEY: In your observation of speeding cars, are these cars going 40 or a lot higher?

MR. PRESKA: I...

COUNCILMAN PUTNEY: In other words, I am wondering if the difference between 30 and 35 really makes a difference for speeding cars.

MR. PRESKA: My personal feeling, the number of cars that I would say are really do excessive speed is minimal. You know, less than 5 percent. I am sure there are cars that are doing 40-45 down there but for the design of the road, they don't look like they are going fast and they are not really, you know... it doesn't seem to be an unreasonable speed. They are not reckless, they are not... you know it is a straight stretch of road, it is smooth. The only problem, which I am hoping Mr. Sagendorph will get rectified is the corner which we found because of the design is very sloped at the corner. When it gets slippery, either my mail boxes are now mounted on the front of a car or the Sheridans find their shrubs are now the resting place for a vehicle. And, that is just a matter of physics because you can't go around a slippery corner when its pitched to the outside and Mr. Sagendorph said he is going to repave that corner like he did on Fisher Boulevard where they had the same problem.

COUNCILMAN DAVIS: I think when you get down toward the opposite end tough, again Chuck, you have the woods, you have the shade, you know it is a little bit tougher in there.

MR. PRESKA: It is a little tougher to keep people in that section there. You know, that is the only section... the amount of traffic that travels down there is minimal other than during the school days. And, even then, I don't think there is an appreciable increase in the traffic. Most of... again, since the Bypass Extension is opened... before the Bypass Extension, that was a real good thoroughfare through there for people that wanted to go to Elm Estates and like that.

SUPERVISOR FULLER: How about with the cars parking along the road there by the bus garage?

MR. PRESKA: Well, the bike path...

SUPERVISOR FULLER: All along the football field and then the buses coming out of there, out of the bus garage.

MR. PRESKA: Line of sight from the bus garage. Well, it did take care of a big portion of it with the bike path and that is another thing you will probably have to address is no parking on that one section south of the bus garage.

SUPERVISOR FULLER: Well, the idea of reducing the speed limit is considering all of those issues such as the buses pulling out around the cars that are parked on VanDyke Road.

MR. PRESKA: Well, there is not a problem pulling out because cars don't park within 100 feet of the driveway. There is no sight problem with the buses. There are no pulling out problems because you can see up and down the road full distance that you need to, there is plenty of room to pull out.

SUPERVISOR FULLER: When you are coming out and coming toward Delaware Avenue, you are coming all along where the cars are parked by the football field.

MR. PRESKA: Right. The cars coming out...

SUPERVISOR FULLER: Yes, coming in from Delaware toward you.

MR. PRESKA: Coming out of the bus garage is not a problem, especially with a bus. The bus you are going to see over the top of the cars anyway.

SUPERVISOR FULLER: The cars speeding down the road could be a problem.

MR. PRESKA: Like I said, the number of cars that... again, that is not a speed limit problem even if you put the 30 miles per hour speed limit and you are still going to have those same cars coming down there doing the same speed limit that they are doing now at 35. You know, you are just legislating a speed that is still not going to be adhered to by these same people that you are complaining about right now.

COUNCILMAN DAVIS: Well, Lt. Vanderbilt is in the back of the room. Possibly he can help address some of the questions that have come up regarding enforcement and some of these things.

SUPERVISOR FULLER: On VanDyke Road.

LT. VANDERBILT: My apologies for being late. When we looked at the issue of VanDyke Road, we had a request from a resident on the far end of VanDyke Road where the road dips down into the dip for a look at the speed limit there and a concern about safety. We initially started looking at that area and it was brought to our attention that the roadway is somewhat narrow there and it was kind of a rolly road and a blind hill crest. We talked about reducing the speed limit in that area. As we got to discussing VanDyke Road, we considered several other things for the entire length of VanDyke Road -- one was

the addition of the Bypass Extension and increased traffic. Recently we had the occasion on a seatbelt blanket patrol day to do a traffic check on VanDyke Road between 7 and 9 in the morning. And, we found out how much traffic did use that for a cut through. And, that was before school opened. We thought about the kids that park between that new bike path and the roadway and the fact that they are exiting their car doors into the lane of traffic into VanDyke Road. We considered the 3 parking lots along VanDyke Road from the school, plus the bus garage where we had traffic entering the roadway. We don't have the option because it is a secondary school of installing a school zone with various times of school hours to reduce the speed limit to say 20 miles per hour such as the middle school. We felt the inconvenience to any driver by lowering the speed limit 5 miles per hour was very minimal but the benefits outweighed that due to the things that I previously mentioned. So, we felt the best thing to do is just lower the whole speed limit, actually not lower the speed limit but to exempt... to withdraw the exemption of VanDyke from the Town wide 30 miles per hour speed limit which is in force except on exempted roads within the Town. Have we discussed yet Russell Road and the other 2?

SUPERVISOR FULLER: No, the only issue was VanDyke Road. We have already gone through the others.

LT. VANDERBILT: Okay. Can I answer any questions for any Members of the Board?

COUNCILMAN PUTNEY: You said you considered the bike path, the new bike path as a factor in this recommendation.

LT. VANDERBILT: It seems to be causing or we have seen now that it does cause but we anticipated that it would cause the cars that park there, the students, to possibly park a little closer to the driving lane where as previously they didn't have anything on the football side of their vehicles other than grass to keep them from getting a little further off the roadway when they park even if they got their right wheels on the grass a little bit. But, now they have, you know, a limited amount of space to put their vehicle in.

COUNCILMAN DAVIS: Related to that, Dick, I know it is sort of a secondary issue here but it is all tied in to safety. How will cars be prevented from actually parking on the bike path?

LT. VANDERBILT: Same way as we prevent them from parking in a certain areas that approach the parking lot edges, with parking enforcement.

COUNCILMAN DAVIS: Okay.

LT. VANDERBILT: I would have to research what kind of laws we have to back us up to enforce that. I am not really familiar with... we might have to legislate something to keep them from parking on that bike path. I don't know if Mr. Kaplowitz is aware of anything.

ATTORNEY KAPLOWITZ: We will have to put something in our Vehicle and Traffic law.

LT. VANDERBILT: Do we consider that a sidewalk? I don't know is that's... under the rule of the law if that is considered a sidewalk. If so, the Vehicle and Traffic law prohibits parking on a sidewalk.

ATTORNEY KAPLOWITZ: Or on the pavement.

LT. VANDERBILT: In response to Mr. Preska's question, about or comment about enforcement, as you know, we can't be every place to enforce all the time. You know, we spread ourselves throughout 52 square miles of the Town of Bethlehem to do traffic enforcement. It's a well known fact, I believe, by everyone in the room, by Members of the Board, that most drivers will push the speed limit by a certain amount. Well, if that speed limit is 35, maybe somebody feels they can drive 43 and be safe. If the speed limit is 30, they may only feel they can drive 36 or 37 and be "safe" from getting stopped by the Police. So even though you are probably still have

people that are not going to strictly adhere to the speed limit, they are going to still be driving at a slower rate in our opinion by having a speed limit 5 miles per hour slower. Any other questions?

SUPERVISOR FULLER: Any other questions from the Board?

COUNCILMAN LENHARDT: Just as a thought, are there that many exempted roads left on our books? I mean I am not looking for a specific number.

LT. VANDERBILT: Having looked in the Code book when we did this, I would say there are probably 20 or so roads in there that are exempted. Because County roads also count because County roads are controlled such as Russell Road which is in this same motion. For instance, Cherry Avenue and Old Quarry Road or Creble Road, they are all roads that are County roads within the Town so they fall into that exemption. Thank you.

SUPERVISOR FULLER: Yes, Mike.

MR. CIRILLO: I would like to bring out the parking which Dick had mentioned. There is a 10 foot parking area for the school, 10 foot wide. There is a 2 to 3 foot grassed area between that and the bike path which is ... doors opening and so forth.

SUPERVISOR FULLER: Anyone else wising to speak in opposition?

COUNCILMAN PUTNEY: We have a room full of people that are there every day, I am surprised you haven't heard from any of them.

SUPERVISOR FULLER: They are probably not paying attention.

COUNCILMAN LENHARDT: Come to the microphone.

MR. LAIOSA: Hi, my name is Dan Laiosa. Just kind of...

SUPERVISOR FULLER: Dan, tell us your last name again.

MR. LAIOSA: Laiosa.

SUPERVISOR FULLER: Thank you. Are you picking him up?

TOWN CLERK NEWKIRK: He is close enough to the mike, yes.

COUNCILMAN DAVIS: Public speaking, it's good practice. Your English teacher will love you.

MR. LAIOSA: Oh, that's fine. I think part of the thing is, someone can still get hit by a car at 30 miles an hour and I think a big part of the issue is the parking. And, I am probably going to get in trouble with this back at school but, you know, I see a lot like kids like they open the doors and they walk right into the road and, you know, it would be real easy for one of them just to get hit and I think one of the biggest points is I don't think we should wait until someone does get hit before we do change the law. That's it.

SUPERVISOR FULLER: Thank you. Someone else had their hand up.

MR. BOYLE: Oh, that's me. I am on the cross country team and...

COUNCILMAN LENHARDT: Your name.

MR. BOYLE: Yes, I do and I used to run track last year and every day...

SUPERVISOR FULLER: Would you give us your name, please.

MR. BOYLE: My name is Sean Boyle. And, we run down VanDyke and around the ... loop and there would be cars whizzing by some times, not too bad usually, but there was always that danger. And, so do you like take that into account.

SUPERVISOR FULLER: Thank you.

COUNCILMAN DAVIS: Sean, do you remember if you were running single file or were you running 3 and 4 and 5 abreast.

MR. BOYLE: Well, sometimes we would be scattered across, yes, abreast, scattered every where.

(Everyone talking at once)

COUNCILMAN DAVIS: And, that is what I said, that has to be considered too.

SUPERVISOR FULLER: Yes.

MR. BATTLE: My name is Sean Battle and I was just thinking, I don't know why the runners can't use like the bike route or if they are on the track team, why they can't use the track. I was wondering just what the difference between hitting by a car... what's the difference between being hit by a 30 miles per hour car and a 35 miles per hour car. It doesn't really matter that much. If you get hit, you are hit. I mean, that's it.

MR. LAIOSA: I have got a few broken bones that can attest to that.

LT. VANDERBILT: Just a comment about speed. You can still get hit by a 30 miles per hour car but you cannot be hit because that 30 miles per hour car is going to stop in a quicker time period than the 35 miles per hour car.

STUDENT: Do you know how far quickly?

LT. VANDERBILT: No, I don't.

STUDENT: What it be an insignificant amount of time?

LT. VANDERBILT: It could be.

SUPERVISOR FULLER: Okay.

MR. LAIOSA: Can I speak to just what he said. On New Scotland Road I know there is a lot of problems and I think in both cases, people were hit by cars that were doing the speed limit. So, that's...

SUPERVISOR FULLER: Thank you Dan.

MR. SANGHI: I am Amit Sanghi. And, I have seen a lot of kids going 50, maybe 45-50 on that road, and I don't think it is a thing of speed. I think it is enforcement. I rarely see a police officer down there radar gunning people going by and if there were more officers down there, the people would be more conscious and then you would have no problems. So, I don't think it is a speed issue.

SUPERVISOR FULLER: Thank you. Has anyone had tickets for parking on VanDyke Road? Or, had cars towed off of Brockley or any of those streets? I thought the police were out there quite a bit.

STUDENT: It is rare to see a police officer down there.

MR. SANGHI: Well, we have ghoul's, that makes up for it.

SUPERVISOR FULLER: Well, I bet the news in the school tomorrow will be what happened here tonight.

MR. SANGHI: There's never police officers down there checking.

SUPERVISOR FULLER: No, there isn't any?

MR. SANGHI: I see kids going 50, 55 down there.

LT. VANDERBILT: We will send a special request for them.

SUPERVISOR FULLER: Your request will be honored.

STUDENT: Everybody ride the bus tomorrow.

SUPERVISOR FULLER: Okay, may I have a motion to close the public hearing.

The motion was made by Mr. Putney and seconded by Mrs. Davis to close the public hearing at 8:08 p.m. The motion was passed by the following vote:

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

*Kathleen D. Newkirk*  
Town Clerk

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The Supervisor reconvened the regular Town Board meeting following the close of the public hearing.

Supervisor Fuller asked for a decision regarding the previous public hearing. She said she recommended Russell, VanDyke and Blessing all in one motion.

Local Law  
No. 12 of  
1997 amend  
Code

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adopt Local Law No. 12 of 1997 amend the Code of the Town of Bethlehem, Vehicle and Traffic, to amend the speed limit on Russell Road, VanDyke Road and Blessing Road. 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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Councilman Johnson said he wanted to make a statement, thanking Mr. Preska for his input and the students. He said Lt. Vanderbilt is our traffic expert and he feels very strongly with his professional recommendation but again thanked everyone for their input.

Supervisor Fuller thanked Mr. Preska. She said there has been a lot of requests to reduce the speed limits on some of these streets to the 30 miles per hour. She said there is a great concern out there for pedestrian safety. She said the high school students are even more aware of it than the Board has been. She said that is a part of trying to slow the cars down.

Councilman Davis said related to this, not this specifically, but there is a new grass roots pedestrian safety traffic committee in Town that was formed by a number of residents who were very interested in this issue. She said possibly some of the students might be interested in attending some of those meetings. She said they are posted and on Channel 31, announced in the Spotlight and she thinks they would be very pleased to have some of the younger members of the community. She said she felt the students would have very valuable input in that committee. She said they only meet probably once a month so it does not take a great deal of time and suggested the students talk to the Participation in Government instructors to see if they could get credit for attending the meetings. She suggested they think about this. She said the committee is working hard and they have some very good ideas.

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Parks and  
Recreation  
Department  
approve  
Seasonal  
Personal

The next item was a request from David Austin, Administrator, Parks & Recreation Department, for approval of seasonal personnel.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the following appointment:

Recreation Instructor III at a rate of \$8.75 per hour.

Teresa H. Quadrini,  
40 Whitestone Way  
Slingerlands, NY 12159.

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

Adjourn to  
Executive  
session

The Supervisor asked for a motion to meet in Executive Session to discuss litigation following the close of the regular Town Board meeting.

The motion was made by Mrs. Davis and seconded by Mr. Putney to meet in Executive Session following the close of the regular Town Board meeting to discuss litigation. 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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The motion was made by Mr. Lenhardt and seconded by Mr. Putney to adjourn the regular Town Board meeting at 8:11 p.m. The motion was passed by the following vote:

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

Noes: None.

No formal  
action taken  
at executive  
session

*Kathleen A. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.