

TOWN BOARD
APRIL 10, 1996

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. The first item on tonight's agenda is a public hearing to consider Local Law amending the Town Code for vehicle and traffic stop signs, Brockley Drive at Grantwood, Summit Road and Frederick Place. Ask the Clerk to read the call of the hearing.

Public Hearing
Town Code
Stop signs
Brockley at
Grantwood,
Summit Road
and Frederick

DEPUTY TOWN CLERK PICARAZZI:
NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, on the 10th day of April, 1996 at 7:30 p.m. to consider Local Law No. 6 of 1996, Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-32, Schedule VI, Through Streets as follows:

ADD: Brockley Drive as a through street with stop signs placed on Grantwood Road, Summit Road and Frederick Place at their respective intersections with Brockley Drive.

All interested persons 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 27th day of March 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this 28th day of March 1996.
/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 March 13, 1996, 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
13th day of March 1996.
/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.
Noes: None.

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SUPERVISOR FULLER: Is there anyone here who wishes to speak in favor? This is stop signs being placed on Grantwood Road, Summit Road and Frederick Place at Brockley Drive. Please identify yourself.

MR. AUSTIN: Dave Austin, 82 Brockley. I live on the corner of Summit and Brockley. For the past, since I have lived there, I have noticed some problems with vehicles exiting Summit onto Brockley which is a busy through street and there have been some near misses at that intersection. I think it is a good idea.

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

The motion was made by Mrs. Davis and seconded by Mr. Johnson to close the public hearing at 7:34 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. Supervisor Fuller asked if the Board wished to vote on the adoption of the Local Law. She noted it is a recommendation from the Traffic Safety Committee.

Adopt Local
Law No. 6
adding
Brockley Drive
Stop Sign
Grantwood Road
Summit Road
Frederick Rd.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to adopt Local Law No. 6 of 1996 amending the Code of the Town of Bethlehem, Vehicle and Traffic Article VI, Section 119-32, Schedule VI, Through Streets adding Brockley Drive as a through street with stop signs placed on Grantwood Road, Summit Road and Frederick Place. The motion was passed by the following vote:

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

Set Public
Hearing
Stop Sign
at Normanskill
Boulevard and
Bethlehem Ct.

The next item was a recommendation from the Traffic Safety Committee for a proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic for proposed stop sign at Normanskill Boulevard and Bethlehem Court. Supervisor Fuller noted this is to set a public hearing with advertisement on April 24, 1996 and hearing date of May 8, 1996 at 7:30 p.m.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve setting a public hearing on May 8, 1996 at 7:30 p.m. to consider a proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic for proposed stop sign at Normanskill Boulevard and Bethlehem Court. The motion was passed by the following vote:

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

Set Public
Hearing for
amending
code for
angle park-
ing Normanskill

The following item was a recommendation from the Traffic Safety Committee for proposed Local Law amending the Code of the Town of Bethlehem to add a section pertaining to angle parking zones. This could be advertised April 24, 1996 and hearing be held May 8, 1996 at 7:45 p.m. Supervisor Fuller said the angle parking zones would be down on Normanskill Boulevard.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve setting a public hearing on May 8, 1996 at 7:45 p.m. to consider proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, to add Section 119-20 pertaining to angle parking zones and addition of Schedule XVI, Section 119-42 to permit angle parking on Normanskill Boulevard, Elsmere. The motion was passed by the following vote:

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

Set Public
Hearing
Local Law
amending 3
ton limit
Beaver Dam Rd

The next item was a recommendation from the Traffic Safety Committee for proposed Local Law amending the Code of the Town of Bethlehem regarding 3 ton weight limit on Beaver Dam Road, Selkirk. Supervisor Fuller noted the advertisement could be done on April 24, 1996 and set a public hearing for May 8, 1996 at 8:00 p.m.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve setting a public hearing for May 8, 1996 at 8:00 p.m. to consider proposed local law amending the Code of the Town of Bethlehem, Vehicle and Traffic, regarding 3 ton weight limit on Beaver Dam Road, Selkirk. 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 David Austin, Administrator, Parks & Recreation Department, for appointment of seasonal personnel.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the appointment of seasonal personnel as listed in the Memorandum from David Austin, Administrator, Parks & Recreation Department, dated April 10, 1996 at the titles and rates indicated. The motion was passed by the following vote:

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

Noes: None.

Abstain: Mr. Lenhardt.

Parks and
Recreation
appointment
of seasonal
personnel

The next item was a request from Building Inspector, John Flanigan, for approval of location of two (2) construction trailers in the parking lot of the Smith property adjacent to Delaware Plaza for the reconstruction and widening of Delaware Avenue by the NYS Department of Transportation.

Building inspect
approval locatio
two construction
trailers Delawar
Plaza

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the location of two (2) construction trailers in the parking lot of the Smith property adjacent to Delaware Plaza for the reconstruction and widening of Delaware Avenue by the NYS Department of Transportation. 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 recommendation from Michael Cirillo, Engineering Services Administrator, for acceptance of deed for drainage easement on Martin Drive.

Engineering
Services for
acceptance of
deed drainage
easement Martin D

The motion was made by Mrs. Davis and seconded by Mr. Johnson to accept the deed for drainage easement on Martin Drive, Delmar, from Joan Staats, Stafford, New York. 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 Engineering Services Administrator, Michael Cirillo, for acceptance of deed for right-of-way for Glenmont Court, Glenmont.

Engineering
deed for right-
of-way Glenmont
court

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to accept a deed for right-of-way for Glenmont Court, Glenmont, New York from Carmela Martinese, Colonie, New York by quitclaim deed. 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 Terrence W. Ritz, Engineering Division, Department of Public Works, for award of bid for corrugated aluminum pipe, plastic pipe and corrugated metal pipe

Engineering divi-
sion award of bid
for corrugated pi
plastic and metal
pipe to Chaung
Supply and Vellan
Bros.

and pipe-arch to Chemung Supply Corp., Elmira, NY and Vellano Bros, Latham, NY as indicated.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the award of bid for Corrugated Aluminum Pipe, Type J, to Chemung supply Corp., Elmira, NY; Plastic Pipe Type X, Items 1-4 and 6, 1A-4A and 6A and Type Z, Items 1-6 to Chemung Supply Corp., Elmira, NY; Plastic Pipe Type X, Items 5 and 5A to Vellano Bros, Inc., Latham, NY; and Corrugated Metal Pipe and Pipe-arch Type A Items 1-8, 1A-8A, Type B Items 1-14, 1A-14A, Type D Items 1-7 and 1A-7A and Type G Items 1-18, 1A-18A to Chemung Supply Corp., Elmira, NY at the prices indicated in the bid documents. 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 February 28 and March 13, 1996.

Minutes approved
February 28 and
March 13, 1996

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the Town Board minutes of February 28, 1996 and March 13, 1996 as submitted. The motion was passed by the following vote:

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

Noes: None.

Hearing Began: 7:45 p.m.

SUPERVISOR FULLER: The next public hearing is for proposed Sewer District Extension for proposed Wildwood Subdivision on Elm Avenue in Selkirk. Ask the Clerk to read the call of the hearing.

Public Hearing for Sewer District Extension Wildwood Subdivision

EXTRACT FROM MINUTES OF TOWN BOARD TOWN OF BETHLEHEM MARCH 13, 1996

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, New York. The meeting was called to order at 7:30 p.m.

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

ABSENT: None.

Mr. Putney offered the following order and moved that it be adopted:

WHEREAS, a written petition dated August 21, 1995 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Bethlehem for the extension of the Bethlehem Sewer District, to be known as Extension #24, said extension being bounded and described as set forth in exhibit A hereto annexed and made a part hereof; and

WHEREAS, the improvements proposed consist of the construction and maintenance of a sewer system within the extension including outlets, the terminus and course of each proposed main sewer and collection sewers and including manholes and appurtenances necessary for the operation of the sewer system, in accordance with a map, plan and report dated August 1995 made a part of such petition, and

WHEREAS, the maximum amount proposed to be expended for the said improvements, as stated in the petition, is the sum of \$44,000. which is to be paid for entirely by the developer, it is hereby

ORDERED that a public hearing shall be held at the Town Hall, 445 Delaware Avenue, Delmar, New York on the 10th day of April, 1996 at 7:45 o'clock P.M. to consider the petition and to hear all persons interested in the subject hereof concerning the same and for such other action on the part of the Town Board with relation to the said petition as may be required by law or proper in the premises, and it is further

ORDERED that the Town Clerk shall cause a copy of this order certified by the Town Clerk to be published in the Spotlight, the official newspaper of the Town and shall also cause a copy of the order to be posted on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law, the said publication and posting to be not less than ten nor more than twenty days before the day designated for the said hearing.

A motion made by Mr. Putney and seconded by Mrs. Davis that such order be adopted was passed by the following vote:

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

NO: None.

ABSENT: None.

KATHLEEN A. NEWKIRK Town Clerk, Town of Bethlehem

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 27th day of March 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this 28th day of March 1996. /s/ Kathryn Olsen Notary Public, Albany County

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 March 13, 1996, 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
13th day of March 1996.
/s/ Catherine T. Picarazzi
Notary Public

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The motion was made by Mr. Putney and seconded by Mr. Lenhardt 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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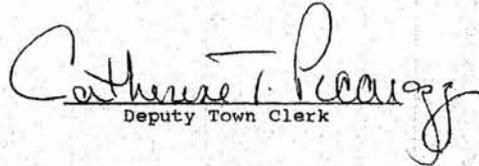
SUPERVISOR FULLER: Mr. Donald Zee is here to represent the Crisafulli's to discuss this.

MR. ZEE: Good evening. The applicant here seeks an extension of the Sewer District to service 6 subdivided lots which are currently fronting on Wildwood Avenue. The subdivision is actually a 14 lot subdivision for those lots already with frontage on Elm Avenue are already in the Sewer District. As indicated in the notice, all of the cost for the extension would be borne by my clients.

SUPERVISOR FULLER: Thank you. The plans for this subdivision have been reviewed and approved by the Planning Board and the Albany County Health Department. Is there anyone here wishing to speak in favor? Is there anyone wishing to speak in opposition? May I have a motion to close the public hearing.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to close the public hearing at 7:49 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 asked if the Board wished to vote to approve the Sewer District Extension for proposed Wildwood Subdivision, Elm Avenue, Selkirk.

Board approved
Sewer District
Extension Wildwood
Subdivision

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the Sewer District Extension for the Wildwood Subdivision located on Elm Avenue and Wildwood Lane, Selkirk. The motion was passed by the following vote:

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

Supervisor Fuller thanked Mr. Zee.

Supervisor Fuller said the last item was to acknowledge and accept the Final Generic Environmental Impact Statement for the Master Plan for the Town of Bethlehem. She said she asked Mr. Lipnicky, Town Planner, to be in attendance to address some of the changes that have been made in the Final Generic Impact Statement.

Acknowledge and
accept Final
Generic Environ-
mental Impact
Statement

Mr. Lipnicky, Town Planner, said to start out he would give some background on the process. He said in August 1994, the Land Use Management Advisory Committee presented the Town Board with a draft Master Plan for the Town. The Master Plan primarily focused on 2 components and that the first was land use in the Town and the other was the Town's transportation systems. He said the plan basically made recommendations for future land use in the Town and recommendations for transportation improvements that would be necessary to support future growth in the community. He said the Board held a special meeting in August of 1994 where a presentation of the plan was made to the public and at that point in time required that a draft generic environmental impact statement be prepared on the Master Plan. Subsequently, Mr. Lipnicky continued, a DGEIS was prepared by the Town Planning Department and presented to the Board. On September 28, 1994 the Town Board adopted a resolution to accept the draft generic environmental impact statement as complete. At that point in time, according to Mr. Lipnicky, the Town Board also set a public hearing date. The public hearing was held on the DGEIS and also on the Master Plan on October 19, 1994 at which time public comments on the draft plan were received. In addition, he said a 2 month public comment period was provided which ran through November 28, 1994 to accept written public comments on both the DGEIS and the Master Plan itself.

What the Board has in front of it now, according to Mr. Lipnicky, is essentially a final generic environmental impact statement and this is by and large a compilation of those comments that were received. He said the comments were looked at, analyzed and put in written form with responses to those comments. The draft final generic environmental impact statement is basically a compilation of comments, responses to the comments, as well as, a listing of persons who spoke or submitted comments keyed to the various comments and responses and also a section dealing with recommended changes in the draft Master Plan.

Mr. Lipnicky noted that most of the comments that were received during the process really did not relate to the draft environmental impact statement itself but related more to the Master Plan document. He also noted that most of the comments that were received really did not relate to environmental issues per se. He said they related more towards, for the most part, issues such as the land use recommendations that were contained in the plan particularly as they regard conservation recommendations and recommendations for agricultural residence areas in the plan. He said there were also a number of comments that were received on the various transportation/roadway improvement type of proposals; general comments regarding the plan itself for or against; comments regarding the planning process itself; and a number of comments regarding adoption of the plan along with how the plan should be adopted.

Mr. Lipnicky said before he gets into it, the document is quite extensive. The total there was, at least in terms of how the comments were compiled, a total of about 150 comments and they were kind of all over the place in terms of subject areas. He said to try and go through these one by one would essentially be impossible tonight.

Mr. Lipnicky noted one thing, if the Board recalled when the draft Master Plan was first presented and when the public hearing was held, at that point in time there was a draft local law and the draft local law was to adopt the plan as a guide to future development of the community. He said one thing he needs to note here is that since that time, Section 272A of Town Law has changed. He said at that time there was a lot of discussion if the Board was going to adopt it, should it be adopted as a local law or should it be adopted as a resolution -- since that time the Section 272A has changed and 272A now provides that a Board may adopt a comprehensive plan by resolution. At that point in time, Mr. Lipnicky said if he recalled correctly, the actual wording said by local law. In any event, he said it now reads by resolution. He said the point he is trying to make is that if the Board does, in fact, proceed through this process and does at some point in time decide it is going to adopt the plan, at that point the appropriate way to do it is by resolution and not by local law.

Mr. Lipnicky said with regard to the comments that were received, a great many of them related really to the land use recommendations. The comments were rather specific and dealt to a large extent with recommendations as they affected individual parcels. He said in looking at the comments, they basically reanalyzed every comment that was received with regard to the land use recommendation. Going back to the original data sources that were used, as well as, some additional data sources to look at the validity of the recommendations for particular parcels, and commented that that information is contained in the FGEIS. He noted that again this is a generic environmental impact statement, it is not a site specific environmental impact statement trying to deal with every parcel in the Town of Bethlehem which would be an impossible task and is not something that is done at this level of analysis or is done in the process of looking at a Master Plan for a community.

Mr. Lipnicky said they also did a good deal of research in terms of the literature that was out there in the relationship between zoning and property values. He said a comment that was received and that really got quite a deal of comment, was if these lead to zoning changes, would property values be significantly impacted. He said there was a search of the literature on the relationship between property values and zoning and basically most of these studies if not 95 percent of them dealt with actual and clerical studies where statistical analysis was done looking at actual sales data on parcels and relating that to zoning, as well as, other variables such as parcel characteristics; proximity to the central city; and the list of variables goes on and on. He said basically this research and the results of the research is kind of all over the map also in terms of the relationship that has been shown between zoning and property values. He said in some areas there is a relationship and in others there is no relationship. He said when you come down to it and boil it all down as to when does zoning affect property values, really the literature points to is, it depends. It depends upon what the characteristics of the parcel are; is the parcel easily developed; does the parcel have access to infrastructure; is the parcel in the path of urban development; is there demand for land and demand for that type of land; how much land is zoned for a particular use; or if there is too much land zoned for a particular use that would effect a depression in property values. Basically, Mr. Lipnicky was saying that there are literally dozens and dozens and dozens of variables that can effect property values and we cannot say that because there is a zoning change that the property values are going to decrease. In any event, he said there is an appendix in the DEIS that summarizes the literature on that.

Mr. Lipnicky said there were comments on economic development; on housing; and on infrastructure that were responded to also. In terms of the basic changes that were recommended in the plan, the 2

primary changes have to do with the conservation areas and the agricultural residence areas. As he said, the great volume of comments that were received related to both of these areas and in response to these comments, essentially, the FGEIS recommends that for the conservation areas instead of having a minimum or maximum density of one unit per 5 acres that that be reduced to 1 unit per 3 acres and in terms of the agricultural residence and rural residence areas, the plan itself had recommended 1 unit per 3 acres and the FGEIS suggests that that be changed to 1 unit per 2 acres. In addition, he said in addition to those changes, the plan also identifies a number of additional parcels particularly in the vicinity of the Selkirk yards where they were previously identified in the land use plan for agricultural residence use that a number of those parcels be changed to light industry use, light industry park and also office/light industry park uses.

Those were the major changes, Mr. Lipnicky said, and there were also some minor areas where some adjustments were recommended in terms of where the conservation boundary, if you will, should be. He said those adjustments were made because they looked at some more detailed topographic mapping in going through the comments. He said there are a couple of parcels where some adjustments were made.

Mr. Lipnicky said one point that he should make with the conservation areas and, again, it shows up in the response to one of the comments in the plan, is that a more general comment is that you have to remember here that this plan is not a zoning code. He said it is not intended to be a zoning code. He said it is a recommendation on land use. Having said this, Mr. Lipnicky said, nevertheless, if the plan is adopted and there is a move toward implementation of the plan, the land use plan will serve or would serve as the basis for future zoning changes. He said by the same token it does not mean that as we go towards doing zoning or if we go towards doing zoning implementation, that there might not be minor adjustments to what is in the plan in terms of the land use recommendations. He said specifically with regard to the conservation area, the land use plan in the Master Plan shows a boundary for a conservation area on a map. He said that boundary was never intended to be a specific boundary where here is where conservation area stops and here is where some other land use category begins because in a lot of respects, where that conservation area should be and where that boundary should be really requires site level analysis to determine. Mr. Lipnicky said in some instances it would require detailed soil studies and things of that nature. The point Mr. Lipnicky was making was, at the time, if a zoning map is drawn, there is probably not going to be a zoning district called conservation per se shown on a map. He said what more likely to occur is that the zoning code itself would contain a category called conservation and it would have criteria as to what type of land would fall in the conservation zone. He said when a parcel is being reviewed or a parcel is being looked at, any land area that fell within or met that criteria would be conservation. He said you can think of it almost as an overlay district. He said it would be similar to what is in the land use plan and the final adjustment of how the boundary falls out and what land area is actually within it, the land that meets the criteria that is outlined in the zoning code.

Mr. Lipnicky said he felt it was important to talk about that for a minute because that was something that was raised continuously in a lot of the comments. He said those are the major changes that are recommended in the plan. In addition to that, the plan itself would be amended to include an introductory section which really outlines the fact that the plan itself is not intended to be a zoning map, that the plan is intended to be a guide, that the plan again, if adopted, can be amended. That the intent is that the plan be a living, evolving document and not be a static document that exists for all time. He said the plan should be amended from time to time and that the Board, itself, will often be faced with proposals that are not necessarily consistent with the plan and will have to make a determination as to whether or not it makes sense to change the plan at that time. He said there will be an introductory statement put in there to that effect.

In terms of process and where we are right now, Mr. Lipnicky said, the Board has before it a final generic environmental impact statement. Under the SEQR laws, the way that this would proceed is that if the Board is inclined to accept the FGEIS, what would happen is that the SEQR laws require that once an FGEIS is accepted, the lead agency must provide a minimum 10 day comment period for which or in which the public might consider the FGEIS. What would happen, according to Mr. Lipnicky, is depending, again, the comment period that the Board provides for... He said the SEQR regulations themselves do not speak of comment period per se. It speaks of a period in which the Board should... or the public should consider, nevertheless, if the Board does in fact receive comments on the FGEIS, those comments be looked at in his view and any new substantive issues that might be raised should be addressed with regard to any additional comments that may be received. He said after this period is over, the next step in the process -- again if the Board proceeds in that direction -- would be to prepare a findings statement on the FGEIS and the action itself, adoption of the plan. He said once the finding statement is prepared and adopted, at that point in time, the Board would be in a position to make a decision regarding the Master Plan itself. It can be accepted and adopted or the Board can elect not to adopt it at that time. He said what the Board has before it in addition to the FGEIS is a draft resolution. The draft resolution is a resolution that would essentially move this process to its next step. He said the resolution would accept the FGEIS as being complete and at that point in time the document itself would be available for public review and inspection. He said the resolution also directs the Planning Department to file appropriate SEQR notices with interested agencies, to place copies of the FGEIS in the Town Library with copies available in the Planning Department office and as was done with the Master Plan itself, make loan copies available. Mr. Lipnicky said the resolution would require filing of the appropriate notices and he suggested a couple of changes in the resolution as previously drafted, one being a 30 day comment period or a 30 day period in which the public can consider the FGEIS and a couple of other errors on the resolution itself that should be corrected. He asked if there were any questions.

Supervisor Fuller asked if the copies would be available on Thursday, April 11. Mr. Lipnicky said copies will be placed on Thursday. Mr. Lipnicky noted if copies are in demand, he will have to take a few days to reproduce additional copies. Supervisor Fuller said sections can be reproduced if someone is interested in only certain sections. She said the idea of the 10 day comment period was too short, as far as, the Board was concerned. She said even though this plan has been worked on for 6 years, the Board felt 30 days was more appropriate. She invited everyone in attendance to take a look at it. She noted there will be a copy in her office and the Town Clerk's office. She said comments are requested in writing. She noted there will not be a public hearing on this.

Councilman Lenhardt asked if the Board adopts those changes as recommended if there will be a public hearing on changing the plan. Supervisor Fuller said there is not a need for a further public hearing. Mr. Lipnicky said off the top of his head he did not know, he would have to look into that. He said he is not sure. He said the public hearing had to be held last time because adoption was being proposed by local law. He said whenever you adopt by local law you have to hold a public hearing. He said off the top of his head, he did not remember whether the new Section 272A requires a public hearing or not. The other point, according to Mr. Lipnicky, is to some extent you would have to determine whether the changes are significant enough to require another public hearing.

Councilwoman Davis asked what the process is following the 30 day comment period. Mr. Lipnicky said he would have to go back to the SEQR regulations. He said the regulations say that essentially a lead agency does not have to, if it chooses not to, consider any additional comments after this point. He said he would assume that the Town Board will wish to consider any comments received. Basically, Mr. Lipnicky said the comments that are received will be to do the same thing done for this part of it. He said they will review and respond to any substantive comments. He pointed out that

if it is the same letter sent, he will not respond to it but refer to the former response.

Councilman Johnson asked in regard to the average resident, could he explain the difference between the local law and now you say 272A calls it a resolution. He wanted to know how that affects the whole process. Mr. Lipnicky said there was a long discussion about this, indicating he is not certain that it does. He said if he recalls correctly, it was proposed as a local law because that is what 272A used to say. He said the problem to some extent is that the State Planning Laws have been in flux for the last few years. He said 272A has been amended he believes 3 times in the last 2 and 1/2 years or so. He said the requirements of how this is done keep changing. He said before the changes 272A did not lay out any procedures for adopting a plan. He said that has been refined over the last couple years in terms of laying out procedures. He said now it says it should be adopted by resolution. He said really to some extent it makes it a little easier and a little more convenient to amend the plan when it comes time and that decision is made. He said in terms of its actual effect, in terms of what it means about the plan itself, and its status, he is not sure it means anything different. He believes the language to adopt the plan as a guide would be very similar to the local law if this is adopted as a resolution. Councilman Johnson thanked Mr. Lipnicky. Mr. Lipnicky said he did not know if Attorney Kaplowitz had any thoughts on that. Attorney Kaplowitz said the major reason for using the local law was the first instance, now we do not have to. He said forgetting whatever controversy will come up, down the road if you adopt this by local law you can only amend it by local law. He said that is much more difficult each time than a resolution. He said you would not have to go through that process each time, 5 or 10 years from now. He said it is much more facilitated if you adopt it by resolution.

Supervisor Fuller asked Mr. Lipnicky if the LUMAC members have received a copy of the revisions. Mr. Lipnicky said they have, indicating he distributed it to the LUMAC members at the same time it was sent to the Town Board members. He said he did call a number of the LUMAC members regarding their comments on this. Supervisor Fuller thanked Mr. Lipnicky, asking if there were any other questions.

Supervisor Fuller asked for a motion to adopt the SEQR resolution accepting the FGEIS and setting a 30 day comment period. The motion was made by Mr. Putney and seconded by Mr. Johnson to adopt the following resolution:

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
ACCEPTANCE OF FINAL GEIS AND SETTING 30 DAY COMMENT PERIOD
PROPOSED ADOPTION OF THE TOWN OF BETHLEHEM MASTER PLAN

SEQR Resolutor
Final GEIS and
30 day Comment
period proposed
adoption of
Bethlehem Maste
Plan

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of the Master Plan, Town of Bethlehem, Albany County, New York, dated August 1994, as the official guide to future development in the community; and,
WHEREAS, the Town Board on August 18, 1994 held a special meeting to present the Master Plan to the public, and at said meeting adopted a State Environmental Quality Review Act (SEQR) Resolution which: (1) classified the proposed action to adopt the Master Plan as a Type I action; (2) identified the Town Board as lead agency with respect to SEQR review; (3) identified no other involved agencies for the purpose of SEQR review and, (4) issued a Positive Declaration, requiring that a draft Generic Environmental Impact Statement (DGEIS) on the Master Plan be prepared; and,
WHEREAS, the Town Board subsequently received a DGEIS addressing the potential impacts of adoption of the Master Plan and said DGEIS was prepared with the assistance of the Town Planning Department; and,
WHEREAS, pursuant 6 NYCRR Part 617 the Town Board at its meeting of September 28, 1994, adopted a SEQR Resolution that: (1) accepted the DGEIS as satisfactory for the purpose of commencing public review; (2) set a SEQR Hearing date on the DGEIS; (3) established a public comment period on the DGEIS; (4) directed

that a copy of the DGEIS and a combined SEQOR Notice of Completion of DGEIS and Notice of SEQOR Hearing be filed with appropriate parties; and, (5) directed that said Notice be appropriately advertised; and,

WHEREAS, a copy of the DGEIS and combined SEQOR Notice of Completion of DGEIS and Notice of SEQOR Hearing was duly filed with all appropriate agencies pursuant to 6 NYCRR Part 617 on or about September 29, 1994; and,

WHEREAS, a copy of the combined SEQOR Notice of Completion of DGEIS and Notice of SEQOR Hearing was published in the Spotlight, a newspaper of general circulation within the Town, on October 5, 1994; and,

WHEREAS, a SEQOR Hearing on the DGEIS was held by the Town Board on October 19, 1994, at which time public comments on the DGEIS and Master Plan were taken; and,

WHEREAS, the public comment period on the DGEIS and Master Plan began on September 28, 1994, and ran through and expired on November 28, 1994, within which time written comments on the DGEIS and Master Plan were received; and,

WHEREAS, following the close of the public comment period, the Town Board caused a Final Generic Environmental Impact Statement (FGEIS) to be prepared containing a summary of the comments received, responses to the comments received, revisions to the DGEIS and revisions to the Master Plan; and,

WHEREAS, the Town Board has received a draft Final Generic Environmental Impact Statement (FGEIS) on the Master Plan prepared by the Town Planning Department; and,

WHEREAS, the Town Board has carefully reviewed and independently considered the DGEIS, the public comments on the DGEIS, and the draft FGEIS including, its summary of comments, responses to comments, and revisions; and,

WHEREAS, 6 NYCRR Part 617 requires that prior to a lead agency's decision on an action which has been the subject of a FGEIS, it shall afford the public not less than 10 calendar days in which to consider the FGEIS;

NOW, THEREFORE, BE IT RESOLVED

that having reviewed and considered the completeness of the draft Final Generic Environmental Impact Statement on the Master Plan, the Town Board hereby determines that the draft Final Generic Environmental Impact Statement on the Master Plan is complete and in full compliance with the requirements of the SEQOR regulations, 6 NYCRR Part 617; and,

BE IT FURTHER RESOLVED

that the Town Board hereby accepts the draft Final Generic Environmental Impact Statement on the Master Plan as the Final Generic Environmental Impact Statement on the Master Plan; and,

BE IT FURTHER RESOLVED

that pursuant to 6 NYCRR Part 617, the Town Board shall afford agencies and the public a reasonable time period in which to consider the FGEIS, and this time period shall run through May 10, 1996; and,

BE IT FURTHER RESOLVED,

that the Town Planning Department is hereby directed to file with all appropriate parties a Notice of Completion of FGEIS and a copy of the FGEIS as required by 6 NYCRR Part 617; and,

BE IT FURTHER RESOLVED,

that a copy of the FGEIS shall be placed on file at the Bethlehem Public Library and upon request copies made available to the general public at the normal copying fee for Town documents; and,

BE IT FURTHER RESOLVED,

that a copy of this determination shall be filed in the Office of the Town Clerk.

On a motion by Mr. Putney, seconded by Mr. Johnson, and by a vote of 5 for, and 0 against, this RESOLUTION was adopted on April 10, 1996.

Supervisor Fuller said by accepting the SEQOR resolution this makes the document available. She noted it was not available for the public until such time as the SEQOR resolution was adopted. She invited everyone to take the time and take a look at it and send your written comments. She asked if there were any questions. A

gentleman asked if the document would be in the library by 9 a.m. Mr. Lipnicky said he could not guarantee by 9 a.m., however, it will be done on April 11, 1996. Supervisor Fuller noted there will be one available in the Town Clerk's office or her office at 8:30 a.m.

Another question was asked with regard to the cost of a copy. Supervisor Fuller said if this were to be copied at 25 cents per page, it would be expensive, roughly \$40 or \$45. Mr. Lipnicky indicated probably somewhere around that. Supervisor Fuller said she thought it would be better to take a look at the document to start off with. She said there are a lot of pages from the public hearing, the letters written to the Town Board. Attorney Kaplowitz said certain pages can be copied if someone is interested in a certain section. Someone asked if this information was on disc at this time. The answer was that it was not.

Supervisor Fuller asked if there were any other questions. There were none.

Supervisor Fuller asked for a motion to adjourn to executive session to discuss litigation. The motion was made by Mr. Putney and seconded by Mr. Lenhardt to meet in executive session to discuss pending litigation at 8:25 p.m. The motion was passed by the following vote:

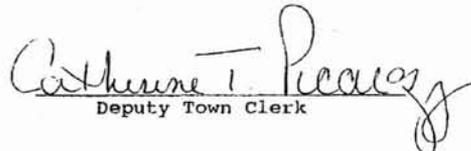
Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

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Supervisor Fuller reconvened the regular Town Board meeting to entertain a motion to adjourn the regular Town Board meeting. The motion was made by Mr. Putney and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 10:30 p.m. The motion was passed by the following vote:

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

Supervisor Fuller reconvened the regular town meeting to adjourn to executive session. No action taken


Deputy Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the executive session.