

TOWN BOARD
AUGUST 24, 2005

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, NY. The meeting was called to order by the Supervisor at 5:30 p.m.

PRESENT: Theresa Egan, Supervisor
Daniel Plummer, Councilman
George Lenhardt, Councilman
Thomas Marcelle, Councilman
Tim Gordon, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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Supervisor Egan welcomed everyone and invited them to join in the pledge of allegiance. She noted a couple things before starting indicating the comprehensive plan and related items have been moved to the bottom of the agenda. She said with regard to the public comment period, the 3 items at the end are ones that have had a lot of information shared including meetings, public hearings and public meetings and indicated tonight was for the Town Board to comment, discuss and ultimately a vote on the items. She said if anyone feels a need to make further comment on those items, she asked that they keep them concise and to the point and preferably something not previously mentioned.

Mrs. Marie Capone asked who was Assistant Administrator at the Park office. Supervisor Egan said it is Karen Hoogkamp.

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Mr. Edward Kleinke of 96 Mahar Road, Slingerlands said he had a question as much a comment. He said it had to do with the comprehensive plan, zoning and things that are on the agenda later this evening. He said throughout the last several months in Board meetings and public hearings, the staff and Board has expressed the intent of having a 6 month revisit on issues that have remained out there that everyone felt necessitated further discussion. He said his question is how the Board intends to do that in terms of staff or in-house staff or a Board discussion or asking opinions of people or itemizing the issues. He asked the Board sooner rather than later to clarify how that 6 month revisit may be approached. He thanked the Board.

Supervisor Egan addressed it by saying it is not anything that the Board has discussed in detail but something that has been discussed in principal over the last several months. She said she would envision it is something that will be an ongoing process internally. She said there is already a list started based on some of the meetings and hearings that have been held in the last couple of months. She said similar procedure as has been done in the last couple months – staff identifying things and depending on the priority and substance of the items or the immediacy of it, there would be periodic updates to the Town Board and she would guess once there are enough things, try to put them together rather than do public hearings for single items. She said it will require public hearings with the changes noted and the Town Board would be advised and hold the hearing and move it to a vote.

Mr. Leveille said he would think there would be a plan developed, maybe a map out schedule of what would be involved, lay out a game plan with the Board's consent that was a reasonable approach but in fact, they are already working on a lot of it as items have been identified. He said his door is open and if there are issues, as issues come up and applications go forward, they will be documented and put in the hopper for ongoing review.

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Mr. Jared King said he solicited a petition and gave a copy to Jay Jakovic and then Ms. Jasinski was given a copy to collect signatures. He said he collected 72 signatures, Ms. Jasinski about 20. He said on his petition were 14 Democrats, 9

Republicans, 3 conservatives and 46 people who would not claim any party affiliation. He said he wanted to show that basically that this is a petition that was carefully worded and the signatures were in favor of a Town comprehensive plan based on, as much as possible, Town-wide consensus and in opposition to the present plan that is before the Board. He said he carefully circulated his petition among in-Town residents not present at Town Board meetings. He said these results belie the self-serving presumptuous misrepresentation of certain members of Bethlehem Tomorrow who claim that the vast majority of in-Town residents favor this comprehensive plan and that those who oppose the plan are merely a bunch of obstructionist, property rights freaks.

Mr. King said the momentous question tonight was where do we go from here. He said the Town Board can approve this plan in which case this year's elections will be very relevant and very interesting or the Town Board can defeat the plan in its current form and create a new plan crafted by residents taking the results of the public hearings held last year as a guide. He said there could be sub-committees with any situations or matters that Town residents cannot agree the Town Board can decide up or down. He said this is a consensus building process which he believes is more conducive to government than the hiring of a development consultant, which Saratoga Associates is, to provide the vision for the plan that coincidentally is consistent with the type of developments they design.

Mr. King said all Members of the Town Board have graciously and usually politely listened to Town residents' opinions for over a year. He said he looked forward to listening to their opinions tonight. He thanked the Board for the final opportunity to be heard.

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Mr. Jim Booker a resident of Delmar said he wanted to thank the Board for this long process that has been gone through. He said in the spirit of what was said in the beginning, bringing up something new but very brief. He said he wanted to as the Board goes through this process continuing with the Town plan to think about one thing that is not there and that is how the schools interface with the Town, in particular with open space with the schools and things that allow Town residents to do. He said he is very optimistic about the plan but he did not think it was strong as it might be. He said in going forward he would like to see it protect the things that he likes to do right here in Delmar. He said the things that he does with his children.

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Supervisor Egan asked if there were any other comments on agenda items. Mr. Michael VanVranken said he said this was about signage and the plan. He said he got a copy of the final draft or wording on the signage. He asked for clarification on temporary signs – for sale signs, for lease signs, for rent signs and so on. He said it talks about exceptions to all of the requirements for signage and under that it has such signs as for sale or for rent signs for residential zoning districts. He said it seemed that his does not have to be 15 feet from the property line but it does say if it is a commercial zone then the 15 feet must be observed, asking if this was correct. Supervisor Egan said she thought that has to be addressed specifically with staff. She said this is comment period, not question and answer period. She said it is something to be discussed with staff.

Mr. VanVranken said the Board might be interested in regarding signage and is something reasonably new and that was the Federal court in the Town of Essex and the zoning law restrictions in terms of political signs. He said he had copies of that for the Board. He said there might be more questions rather than something new but something that is going to be a big part of our lives coming up in the future. He said the same questions that he has about for sale signs are the same signs that he would have about political signs. He said not from a political point of view but from a point of view of how this Board is going to mandate these issues.

Mr. VanVranken said something else that might be new is if in the comprehensive plan if there is anything which is going to prevent the situation that apparently is happening in today's paper that the Town Board in Guilderland has

decided to give a village some kind of power to review their zoning decisions. He asked if there is anything in the plan to prevent that from happening in this Town. Supervisor Egan said -- and subject to comment by our Town Attorney -- it is a very different situation. She said Altamont is a recognized village and noted there are no incorporated villages within Bethlehem and there is no intention to let the individual hamlets as anyone may define it, create their own zoning. She said that is why this is a town-wide comprehensive plan and a town-wide amendment to the Zoning will be applied from boundary to boundary in the Town. Mr. VanVranken said the residents are then protected from that. He distributed copies to the Town Board Members.

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The first item on the agenda was to approve the Town Board minutes of July 27 and August 10, 2005.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Town Board minutes of July 27, 2005 as submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

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The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the Town Board minutes of August 10, 2005 as submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for acceptance of resignation of Assistant Administrator, effective August 26, 2005. Supervisor Egan noted this was Karen Hoogkamp and said Mrs. Hoogkamp has received an offer of another job.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to accept with regret the resignation of Mrs. Karen Hoogkamp from the position of Assistant Administrator, Parks and Recreation Department, effective August 26, 2005. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

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Supervisor Egan requested Mrs. Lanahan extend the Board's best wishes to Mrs. Hoogkamp.

The following item was a request from Town Engineer, Erik Deyoe, for approval of modification to NYS DEC Order pertaining to South Albany Sewer District and authorize Supervisor to execute modified order. Supervisor Egan said there was a memorandum and noted this item has been the subject at meetings over the last year or so

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the modification to the NYSDEC Order regarding the South Albany Sewer District and authorized the Supervisor to execute the modified order as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

Noes: None.
Absent: None.

The next item was a request from Commissioner of Public Works, Oliver Holmes, to apply to NYSDEC for modification of existing water supply permit.

Supervisor Egan said these are required permits. She said Commissioner Holmes provided a detailed memorandum. She said the first order of business was to authorize her to apply for the modification of the existing water permit.

Councilman Plummer asked Commissioner Holmes if the 3 million gallons that have been received from the Hudson River will no longer be available. Commissioner Holmes said the permit was issued 3 years ago and was meant to be a 30-day emergency permit during the 2002 drought. He said they have been continuing to extend that permit with some resistance. He said the last extension that was just granted allows the Town until December 1 with a stipulation that there has to be an action plan submitted on how the Town will be getting out of the river by that date.

Councilman Plummer noted he has always supported purchasing more water from the City of Albany because he thinks it is the best source around here, price wise and quality wise as well. He said one of the things he understood was that the 3 million gallons was being used specifically for industry. Mr. Holmes said that was correct. Mr. Plummer asked if this will replace that. Mr. Holmes indicated it would. Councilman Plummer next asked if it will replace it after December 1. Mr. Holmes said that was the plan.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize the Supervisor to apply to NYSDEC for modification of an existing water supply permit as requested by Commissioner of Public Works, Oliver Holmes. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Commissioner of Public Works, Oliver Holmes, to approve a resolution declaring water supply modification as a SEQR an unlisted action.

The following resolution was presented for adoption:

Resolution No. 26

WHEREAS, The Town of Bethlehem is applying for a revised Water Supply Permit from the New York State Department of Environmental Conservation, and

RESOLVED that the Town Board authorizes the Town Supervisor to apply for and submit a water supply Application to the New York State Department of Environmental Conservation.

WHEREAS, The Town of Bethlehem is applying for a Water Supply Permit from the New York State Department of Environmental Conservation and a requirement of this application is a State Environmental Quality Review, and

WHEREAS, this water supply application proposes to substitute water from the City of Albany for that water previously supplied by the Clapper Road Filtration Plant, and

WHEREAS, the infrastructure is presently in place to support this activity and that the City of Albany has sufficient surplus capacity, and

RESOLVED that the Town Board declares that this water supply permit application to be an unlisted action under the State Environmental Quality Review.

The foregoing resolution was presented for adoption by Mr. Plummer, seconded by Mr. Lenhardt and passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval of award of bid for biodegradable paper bags. Supervisor Egan noted there were 5 vendors who bid on this item. She said 2 bids were received and after review, the low bid is recommended for award.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the award of bid for biodegradable paper bags to the low bidder Dano Enterprises, Inc., Stamford, CT as recommended by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

The following item was a request from Gregg Sagendorph, Highway Superintendent, for approval of disposal of vehicles at auction. Supervisor Egan said there are 2 dump trucks, a pickup truck, Explorer and Crown Victoria.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve the disposal of vehicles at auction as requested by Gregg Sagendorph, Highway Superintendent as listed in the Memorandum dated March 18, 2005. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

Supervisor Egan noted they had reached the 3 last items. She said after having some off the record discussion with the Board Members to see how best they would like to address this she said the Members will make comments regarding the 3 items.

COUNCILMAN LENHARDT: I've been preparing these comments for quite a while. This is rather a momentous occasion for me.

First of all our community is fortunate to have residents with the depth of knowledge and expertise who are willing to volunteer their time and talents. I thank all the members of BPAC, especially our Director of Economic Development and Planning, George Leveille. I would like to give each member a hug or a handshake, whichever is preferred. I also commend and thank all of the individuals and community groups who invested their time and got involved in this lengthy process. Everyone's efforts result ultimately in a better product.

The comprehensive plan is a vision as to how we want to see our community develop in the future. It is a guide, not a mandatory static document. The plans pages offer words such as can, may or could and not will, shall or would. There are many instances where the plan expresses the obvious. One such example is the Town's authority to appoint committees.

This power has always been vested in this Board. For the record, I envision the CACC, CAC, PAC, ABC, whatever it is called as an ad hoc committee of volunteers with diverse backgrounds to serve for specific purposes at the direction of the Town Board. I am not in favor of adding additional layers of government and I hope other Board Members feel likewise.

This committee should not rise to the level authorized by New York State General Municipal Law 239-x or even more burdensome 239-y which essentially moves the designation of a Council to board status. During the public hearings I remember one speaker stating that a CAC is not reachable by the residents. I, however, am reachable. I always have been and as long I remain a Town Board Member, I always will be. If the actions of any Town department or appointed committee ever come into question, I expect to be made aware of the situation and I will address it in an appropriate manner.

The revised zoning code and subdivision regulations are not perfect. What documents of this magnitude ever are, however, we must move forward by adopting the proposed zoning code and subdivision regulations. We will subsequently modify deficiencies as they are identified. This is a dynamic document subject to revision by the Town Board.

Approximately 10 years ago the LUMAC document was adopted as a planning reference resource. It was my desire and expectation that the zoning recommendations in this document would be implemented incrementally with the ultimate result of modernizing our codes and regulations. For whatever reason this did not happen. In the interest of moving the current process forward, I am prepared to try again to modernize our codes and provide direction for the future of our Town by endorsing the comprehensive plan, revised zoning code and subdivision recommendations that are before me this evening.

During this 14-month process I have been very sensitive to the fairness of what we were reviewing. I believe the revised codes and regulations are not only fair and respect property rights but they provide for much more. They provide greater flexibility and opportunity for landowners. Landowners who have been stewards of their property for generations will continue to be able to maintain their land in the manner in which they are the most comfortable. Property values and growth in our community are strongly influenced by the economy more than anything else and this notion is expressed indirectly on page 1.2 of the comprehensive plan which reads – land suitability, market demand, the regional and national economies and the availability of public water and sewer infrastructure have limited the actual pace of development.

A statement in section 8 page 8.1 of the GEIS reads in part – adoption of the comprehensive plan and zoning and subdivision amendments will not result in the approval of any development activity either private or public. The recent Town department reorganization coupled with the adoption of the revised codes and regulations will make the entire development process more streamlined and efficient for everyone. The ultimate result will not be thwart growth but promote growth that will enhance the quality of life for everyone in Bethlehem.

The adoption of these documents will go a long way to keep the Town of Bethlehem the number 1 best place in New York State to live. Thank you.

COUNCILMAN MARCELLE: Just have a couple of comments. I guess I too would first like to thank everyone who worked on developing this document. You know when we talk about public service, it's kind of a term we throw around without really understanding the cost in most people's minds. But, I will say that the public servants who undertook to develop this plan did it with a spirit that best exemplifies our community and the dedication to serve the people. Whether you are for the plan or against it, I think we all owe them a debt of gratitude.

I also at the outset like to thank the Town Supervisor and Director Leveille. The thing that I was amazed about through this process and it comports with my vision how government functions best is really an effort to craft the document to build a broad consensus. Now, when you pass a plan you can never please all the people all the time. And, not that I agree with every aspect of this plan but I do think even though we are on opposite sides of the aisle, it should be recognized by the community the dedication on which this administration took to meet the needs of the people and I appreciate that.

Now, I have 2 visions of why I actually ran for the Town Board four years ago. One, I think it was a recognition of... well, let me say this. I think there's always two interests in any type of legislation or anything. There is the specific interest, in this case there is a group, Bethlehem Tomorrow, had a specific agenda that they had a vision for the Town and there were the Rural Landowners who were specifically caring about what their property interests were. And, that's fine and we saw it and we heard that. But, more importantly in my mind, I always view myself or try to view myself not to worry so much about the specific interest but the general interest. I think there are thousands upon thousands of people in this Town which are busy working, coaching, watching their kids play little league, going to the grocery store who don't have the time to invest to understand the details and how this will impact their lives. They can only devote the time to understand it only in the most global ways. But, I guess personally, I view that I will try to be a voice for them because they haven't had that time to invest.

And, I think there are two concerns for the general population out there in Bethlehem. One, taxes are too high. Let's leave aside the moment of why that is. That is a concern. We've seen property taxes, school taxes, county taxes, our water bill really increase in this Town and that causes people to forgo opportunities for themselves and for their children. To me it was important to make sure that any plan had the potential to address those issues. Specifically I'm talking about the development of our commercial tax base. It is through the development of our commercial tax base that we can share the burden to lower our property taxes to provide the quality of education that the people of this community expect, demand and have a right to. I was very pleased at the outset of this process talking with the administration about my concerns that the plan provide enough economic development tax base and moreover that the regulations and in the zoning and in the planning and in the plan itself that be so burdensome as to raise the cost for business and drive them away from Bethlehem. We can't afford to do business like that in the Town.

Now, I'm looking down the Board, I know most of us are long time residents. I grew up here in South Bethlehem and as I often said, when I was a kid in the 70s driving to school, there was a big sign on 9W saying Southgate Mall coming soon. When our Town was 12,000 or 15,000 people, we could afford for it to come soon but now where we are, we need it and I think this plan accomplishes the objection of protecting and developing our commercial tax base. The other issue that I think – soccer moms and baseball dads and the people I see on the street and talk to or cared about – was the preservation of the character of our community. And, by that I mean as again someone who grew up here, the open space, the parks, not just the stamped out flavor that so many recent communities have come to exemplify. Bethlehem is unique in that regard.

One of the aspects of the plan that's a second tier recommendation and I hope soon will be a first tier recommendation is land preservation. And, I actually think and I think it is mentioned at least in concept in the plan is eventually having a bond issue whereby willing landowners at market value can either sell their land rights or their land. In this way, the Town can control, develop housing stock in residential growth which would be a benefit to the community, a benefit to the schools and meet the needs and objection that the people have in this community.

So, those are just... I think the plan in large measure through everyone's hard work accomplishes that.

Having said that, there are a... two aspects of the zoning and the comprehensive plan that I do have an issue with. And, there's maybe a third one, I will talk about very briefly. But the first one was alluded to by Councilman Lenhardt, is the CAC – Citizens Advisory Committee on Conservation. I circulated to the Board a resolution dealing with what I think is the proper role of the CACC which we'll deal with, my understanding, will be brought up after we act upon the plan itself.

One of the indictments against King George in the Declaration of Independence was he sent swarms of officials to eat out substance. I think when you start with these committees and this board and that board, you are ascending swarms of

officials to eat out our substance. One of the things as we talk about in this plan that makes Bethlehem unique is the accessibility and the responsibility that our local elected officials take. I do not think we should seek power to unelected body. We'll discuss the resolution in detail when it comes to it but I think this, the resolution, which I think will flush out and define the limits of the CACC that actually or probably implied in some senses even explicit in the plan will meet my objections to that group.

The other issue that was important to me and I've raised before and I had another resolution but after having talked to the Supervisor and to Director Leveille it could... much of my concerns have been addressed and I speak about some of the housing diversity and the opportunity to create more diverse types of housing in the Town. I had originally had thought I would like something brought back where there'd be other places as we tweaked the zoning law in the future that we could do this. I am confident having raised this concern with the administration, they are dealing with it in a very effective manner and I will be looking forward to working with the completion. And, I do thank them again for their efforts on that.

That really concludes my comments and I'm going to for those reasons support the plan because I do think it's good for all the people out there who live in this community who have entrusted us to review in detail and to create a balance between that specific interest of those motivated for their passion and for the general interests. Thank you, Madam Supervisor.

SUPERVISOR EGAN: Thank you.

COUNCILMAN GORDON: Certainly like to echo the appreciation for the Members of BPAC, Director Leveille and his staff and the Supervisor as well and the entire public's participation. I mean, you've really done the heavy lifting here and I am real proud of the community as a whole. There are towns that are 3 times our population and they've conducted similar meetings and they'll have about 20 people show up. We packed this room, Delmar Reformed Church was packed on many occasions, other locations, the whole community came together here and that makes me feel good about the plan.

We need the plan. The plan is supported. Is it perfect? No, no and I think as we will review that after 6 months, it will be a good practice to review the plan periodically. Although this is the conclusion of 14 months of work, in a way, this is just the very beginning, the inception of the plan and we have to see how it is going to work. I'm optimistic that it is going to work well but we don't know how developers are going to respond to the incentives. They don't have to take advantage of the incentives and we will see how they react but I am feeling positive that they will respond. I don't like to see government intrude into people's lives and I do think though it is up to our Town government to see that the people's will is done here and I think this is clearly the people's will that we get control of development and combat sprawl in this Town.

I think it is a good plan. The Town needs it and the Town wants it and I'm going to support it. Thanks.

SUPERVISOR EGAN: Thank you, Mr. Gordon.

COUNCILMAN PLUMMER: Yes, I am supportive of the plan and I understand, you know, there are people or some that feel that we have gone too far and some that believe we have not gone far enough. It is my position that the plan is well thought out and balanced.

The public process this Town has undertaken to get to the point where we are today, I believe, has been second to none. Anyone with any issue or concern at every step of the way has had an opportunity to participate. Much of the reason for this has been due to the leadership of our Town Supervisor. Terri has made the development and implementation of this plan a priority of her administration. It takes a lot of courage and hard work to get where we are today and, frankly,

without your perseverance, Terri, it's hard for me to believe we would be voting on this tonight.

George Leveille, you are a true talent. We have all witnessed your work over the past year and a half. The coordination of all the public meetings, the BPAC meetings, the hearings held by the Town Board and we are all aware of all the other meetings you have had during the work day, week nights and week ends. You're response to any question, concern, statement made by any interested party has always been respectful and well thought out. Where you, your staff and our consultant could make recommended changes, you did so professionally and always with the best interest of the Town in mind. Thank you for all your hard work.

The BPAC members, the Town owes all of you a great debt of gratitude. Thank you for all your time, patience and effort. We know all these meetings and work assignments took many hours away from your families and full time jobs. The service you have provided to this community is greatly appreciated.

And, to all the people who have participated by writing comments, calling with recommendations and concerns and testifying at all the public meetings and hearings, thank you very much for all your input and to go back to what I said earlier where, you know, some of you believe we did not go far enough and others believe we went too far. What I would say is we have established a great channel of communication and because of this public process that communication channel has been established and we are prepared to visit issues as they arise and as we begin to implement this plan. So, thank you very much.

SUPERVISOR EGAN: Last but not least. It was funny. Actually Mr. Lenhardt and I had this conversation about going last and unfortunately a lot of great thoughts are taken ahead of us. So, I'm going to beg, borrow and take from each of you and add a little bit of my own.

George, I agree with you, it is a momentous time. This process started long before my tenure here and even my thought of running for Town Supervisor. And, the results and the culmination of a lot of hard work by a lot of people will, hopefully, be realized in the next couple of minutes. But, before we move into that, I want to also again take time to thank those that have been involved. And, let's start with BPAC. I... Danny put it quite aptly, we took a lot of time – of your time, of your family time – but again this process could not have happened without each and every one of you. So, if you are here, please stand because I would like to again personally and on behalf of the Board recognize you and all the efforts that you have. Parker Mathusa, Howard Engle, Patty Salkin, Patty Wineski, John Mead, Mark Bryant, Catherine Daniels, John Smolinski and Anders Tompson. I want to thank you all.

I would also like to thank our consultants. We went around and around more than once in the last 14 months. I'm starting out with the very first day telling me, Terri you're being a little aggressive with this policy here in wanting to get this much done in this short period of time. We held their feet to the fire so I want to thank Saratoga Associates. I know Dan Sitler and Mike Welty couldn't be with us but I think Jackie is here. Jackie Haacks, thank you on behalf of the Board.

Also, Neil Wilson who's been through it all right here to the end with us. Neil, our zoning consultant along with our other legal eagles. Couldn't have done it without our Town Attorney, Jim Potter; Keith Silliman, our Planning Board Attorney who wasn't able to be with us tonight; and Mike Moore, our Zoning Board of Attorney. Their legal input and insight was absolutely imperative to get this process through.

Also want to thank our neighbors at DRC, Pastor Dave Corlitt, as well as, the Delmar Methodist Church who housed us many evenings, often times longer than our 2 hour limit but they were great and very cooperative and we couldn't have done it without them also.

John Flanigan, I know you're here John; we dragged him out of retirement. But, your institutional knowledge, insight and thought as we move forward was incredibly helpful. So, thank you and I know we took away from your golf game this year. So, hopefully you get a nice fall to get a couple more holes in.

Each of you, I mean, it's like we kind of joked a while ago where I said I thought I should be inviting you to Thanksgiving Dinner or at least exchanging Christmas cards. We've had our go-rounds certainly, differences of opinion, sometimes louder than others but, hopefully, you know that we did hear. We did listen. Didn't always agree and I am sure as we go forward we won't always agree but our door will always be open. We will maintain a very open and public policy in regard to all the programs as we move forward. And, I want to thank each and every one of you because I do know how much time it has taken... if I was there and you were there, it's a lot of time. So, all of you that were involved in the process, should be thanking and patting yourselves on the back because you are bits and pieces of all of this.

Our staff, we kidded once about bring sleeping bags to work. You know, the new kids on the block that kind of came in on the end, we held their feet to the fire also. But, again, without the staff, you know, continually working on this and wanting to see it through couldn't have done it without you.

And, George, I don't know if I could say it any better than Danny just did. It was many nights, making me patient often times but thank you very much.

Board Members, don't count yourselves out of this. Thank you for your kind comments but bottom line is I couldn't have done it without each and every one of you. And, each time during the process in the last 14 months I've turned to each of you on different aspects and received benefit of your knowledge, your insight, your expertise and often times encouragement to keep going. And, it's through your courage and your insight and tenacity to get this done that we are here this evening. So, I want to thank each and everyone of you for your support over the last 14 months.

With respect to the plan itself, I know I've taken grief by saying you know, everybody coming to the table isn't going to get everything that they want. But, I believed it when I said it in the beginning, I believe it as we sit here today that a good balanced plan means that everybody leaves this room tonight grumbling a little bit. I do believe that it is a good and balanced plan. I do believe it is the consensus of this community. 33,000 people, chances are you're going to have 33,000 different viewpoints and it's not an easy task to try to balance all of that and put it together in a single document. With the help of everybody we've mentioned so far, I think it is a good document. And, you know that I'm going to support this.

It's the balance of these competing interests and demands that does create the quality of life that we've all grown accustomed to in this community. We've... like I said, we've had a lot of fun the last few weeks with being the 22nd best community to live in in the United States and as George aptly put, first in the State. And, it's because we've been able to now, you know, identify what it is that we like about the community, identify what it is that we'd like to see continue and that which we'd like to see changed. And, I think it is all encompassed and envisioned in the comprehensive plan that we are going to put forward for a vote very shortly.

The resolution before us to adopt this... Town's first ever comprehensive plan and to amend the very antiquated zoning law and subdivision regs are absolutely necessary to preserve that quality of life that we have grown so accustomed to. The issue facing our Town is not new and the ground work was laid by many people, as we referenced earlier... the LUMAC project... but also, I think, the information gathered by Bethlehem Tomorrow and all of the workshops that they did in the last 2 years in providing that information to us. The work done by the Bethlehem IDA and their focus groups provided a tremendous amount of background information that we could use as we moved into the beginning process of this plan. And, the original plan submitted by the Rural Landowners. Again, identified some very key issues that we needed to work with. First of all, I acknowledged that in fact they

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were issues and then moved forward to try to identify the best way to incorporate them in the entire Town-wide plan.

Again, it is a document of compromise and I don't mean that negatively. I know some people think when they hear the word compromise they... some sort of negative inflection with that. It is not meant like that at all. I think it is result of recognizing the diversity that this community has – rural, suburban and in some places some people would say too crowded and almost city like. It has been a consensus building process. I know some people don't believe that. I wholeheartedly encompass that if somebody had an opinion we heard it, and, sometimes more than once but that's good. People have to advocate for themselves. Unfortunately it becomes our job as a Town Board to sift through all of that and make the difficult decisions.

I think we are ready to make those decisions. Board Members, yes.

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Supervisor Egan said the first item is a request from Director of Economic Development and Planning, George Leveille, to adopt the SEQRA resolution and findings statement.

Resolution No. 27

**TOWN OF BETHLEHEM – TOWN BOARD
THE TOWN OF BETHLEHEM COMPREHENSIVE PLAN AND GENERIC
ENVIRONMENTAL IMPACT STATEMENT AND ZONING AND
SUBDIVISION AMENDMENTS
SEQRA RESOLUTION AND FINDINGS STATEMENT**

WHEREAS, the Town of Bethlehem Town Board (Town Board) adopted a resolution dated February 9, 2005 (i) declaring itself as Lead Agency for the purposes of reviewing the proposed Town of Bethlehem Comprehensive Plan and GEIS and related amendments to the Town's Zoning Law and Subdivision Regulations, (ii) issued a Positive Declaration with respect to the action, and (iii) initiated the process of preparing a Draft Generic Environmental Impact Statement (DGEIS) with respect to the action; and,

WHEREAS, the Comprehensive Plan/DGEIS was accepted by the Town Board (Lead Agency) as complete on May 25, 2005 and was published and distributed for public review; and,

WHEREAS, the acceptance of the Comprehensive Plan/DGEIS and related amendments to the Town's Zoning Law and Subdivision Regulations by the Town Board (Lead Agency) was followed by two Public Hearings held on June 22, 2005 and July 20, 2005 at the Bethlehem Town Hall; and,

WHEREAS, comments on the Comprehensive Plan/DGEIS and related amendments to the Town's Zoning Law and Subdivision Regulations were received at the Public Hearings and written comments were received through August 1, 2005, the close of the public comment period; and,

WHEREAS, a Final Comprehensive Plan/FGEIS was prepared in accordance with SEQRA to address all substantive comments made on the Comprehensive Plan/DGEIS and related amendments to the Town's Zoning Law and Subdivision Regulations; and,

WHEREAS, the Final Comprehensive Plan/FGEIS was accepted as complete and a Notice of Completion was issued on August 10, 2005, and said Final Comprehensive Plan/FGEIS and the Notice of Completion were filed and distributed in accordance with the requirements set forth under SEQRA; and,

WHEREAS, more than 10 days have passed since the acceptance of the FGEIS and issuance of the Notice of Completion;

NOW, THEREFORE, BE IT RESOLVED,

the Town of Bethlehem Town Board, acting as SEQRA Lead Agency for the above referenced action, whereby makes the following findings

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and determinations and imposes the following conditions based on the record before it, including the Draft GEIS, Final GEIS, the analysis and recommendations of various agencies, the comments of the Town consultants, various Town Departments and the members of the public, and the Town Board's knowledge of the community:

1. All those findings and determinations as stated in the attached "Statement of Findings for the Town of Bethlehem Comprehensive Plan and generic Environmental Impact Statement and Zoning and Subdivision Amendments" dated August 24, 2005;
2. The requirements of the SEQRA Act and the regulations promulgated under SEQRA at 6 NYCRR 617.12 (b) have been met;
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the adoption of the Comprehensive Plan/GEIS and the related amendments to the Town Zoning Law and Subdivision Regulations avoids or minimizes adverse environmental impacts to the maximum extent practicable, including those impacts identified in the Draft GEIS and Final GEIS; and,
4. Adverse environmental impacts will be avoided or minimized to the maximum extent practicable through compliance with conditions and mitigation measures identified herein as practicable.

On a motion by Mr. Plummer, seconded by Mr. Marcelle, and a vote of 5 for, 0 against, 0 abstention and 0 absent, this RESOLUTION was adopted on August 24, 2005.

The following item was a request from George Leveille, Director of Economic and Development and Planning, to adopt the Comprehensive Plan.

The motion was made by Mr. Gordon and seconded by Mr. Plummer to adopt the Comprehensive Plan of the Town of Bethlehem. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

Councilman Marcelle said he had a resolution that was circulated to the Town Board titled Defining the Limits of Power on Any Citizens Advisory Committee on Conservation established by the Town Board.

The motion was made by Mr. Marcelle to adopt the Resolution titled Defining the Limits of Power on Any Citizens Advisory Committee on Conservation established by the Town Board.

Councilman Gordon said he is in full agreement with the resolution, however, he had one slight amendment. He said in the second Further Resolved that any CACC shall represent a cross-section of the community. Councilman Marcelle agreed to the amendment.

The following resolution was presented:

Resolution No. 28

**TOWN OF BETHLEHEM
RESOLUTION**

**DEFINING THE LIMITS OF POWER ON ANY CITIZENS ADVISORY COMMITTEE ON
CONSERVATION ESTABLISHED BY THE TOWN BOARD.**

WHEREAS, the Town of Bethlehem Comprehensive Plan (“the Plan”) suggests that the Town Board establish a Citizens Advisory Committee on Conservation (“CACC”); and

WHEREAS, the Plan suggests that any CACC provide advisory information to the Town Board as requested; and

WHEREAS, the Plan suggests that any CACC work only with willing land owners; and

WHEREAS, the Plan suggests that any CACC should not have independent regulatory powers; and

NOW, THEREFORE, BE IT RESOLVED, that any CACC be appointed for a finite time period established by the Town Board; and be it

FURTHER RESOLVED, that any CACC have a defined mission as adopted by the Town Board; and be it

FURTHER RESOLVED, that any CACC shall represent a cross-section of the community; and be it

FURTHER RESOLVED, that any CACC shall give public notice of its meetings; and be it

FURTHER RESOLVED, that any CACC shall keep minutes of its meetings and file the same with the Town Clerk in a timely fashion; and be it

FURTHER RESOLVED, that any CACC, upon expiration of its existence or completion of its mission or part thereof, shall issue a written report to the Town Board of the activities it undertook; and be it

FURTHER RESOLVED, that any CACC shall not have independent regulatory powers; and be it

FURTHER RESOLVED, that the Town Clerk shall provide a copy of this resolution to all members appointed to any CACC.

The foregoing resolution was presented for adoption by Mr. Marcelle, seconded by Mr. Gordon and adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

The next item was a request from Director of Economic Development and Planning, George Leveille, to adopt the amended Town Zoning Law and Subdivision Regulations and related documents. Supervisor Egan said the last item had to do with the zoning law, however, Town Attorney Potter had information for the Board.

TOWN ATTORNEY POTTER: In the subdivision law there is an exemption section. We’ve had a moratorium in place for residential development but we have not for commercial development and a number of projects have been working their way through the planning approval process. The intention was that the zoning law would apply... new zoning law would apply to those that are not far along in the process.

We have to make one minor technical amendment. It is the feeling that if a project is so far along that it’s made its way through the environmental review, if it’s received a negative declaration or in the event that there’s been a draft environmental impact statement prepared and accepted by the Planning Board, the sense is that that project is so far along it should not be subject to the new zoning law because all that would be required is the developer would have to go in and get variances and that would be an added step that would be an impediment to a development that is well along in the process. So, with that, we’ve made some minor changes to the exemptions section for that purpose.

Supervisor Egan asked Mr. Potter if he had talked to Mr. Wilson, the zoning consultant, regarding this. Mr. Potter said he had. Mr. Leveille clarified the fact that this was the zoning law. Supervisor Egan said she understands that it is the consensus of the legal opinion that this is not a significant change, it is a minor change. Town Attorney Potter said that was correct.

Supervisor Egan asked if there was a motion with the change to adopt the amended Town zoning law and subdivision regulations and related documents.

The motion was made by Mr. Lenhardt to approve the adoption, with correction, of the amended Zoning Law and Subdivision Rules and Regulations and related documents.

Councilman Marcelle asked if this vote was just for the just that or the entire thing. Supervisor Egan said it is the entire thing with the correction to the amendment.

COUNCILMAN MARCELLE: It may be addressed but I did address this at the outset although I didn't follow up, I will admit. But, I wanted to address this one provision of the sign law. I had my note here, oh, it's D-3 of the sign law which states no sign shall be erected which in the opinion of the Building Inspector may cause hazards or unsafe conditions. If such sign exists it shall be removed upon direction of the Building Inspector following notification. I may have my doubts as to constitutionality of vesting sole, without standards, what is hazardous. I won't hold this up but I just offered at the point we do review that I suspect that that may be too broad in its interpretation. So, I just wanted to raise that. I'm not going to amend it tonight but I know I talked about it earlier, then I... we kind of let it... my fault not to follow up.

Supervisor Egan said this was not a problem, it would be added to the list. She said with that comment, she asked for a second to the motion.

The motion was seconded Mr. Plummer and passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

Supervisor Egan thanked the Board. She said there was one quick revision to one of the items on the agenda. She said in regard to the resolution declaring the water supply modification as a SEQR Type I unlisted action, she thought was said. Town Attorney Potter has provided a copy of the form to the Supervisor and she said it is not a Type I unlisted, it is just an unlisted action.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the correction to the water supply modification to reflect an unlisted action. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

Supervisor Egan said as is usually done, she asked if there were any comments on anything else.

Councilman Lenhardt said since it will pertain to him and another Board Member, there is a section in the new zoning code regarding signs, political signs and it is a convoluted way of doing it but it is an exception except they cannot be placed on Town property. He said if any of his future signs happen to appear on Town property it is not his doing and they will be removed. Supervisor Egan said she appreciated that.

Mrs. Marie Capone asked if the right-of-way is Town property. Supervisor Egan said it was. She said they have all patted themselves on the back but nobody talk about the people who built this community, the senior citizens, they are being hit with taxes unbelievable. She said their income does not rise like everyone

else's. She said the Board needs to consider the senior citizens of the community.

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Mr. Jared King spoke in regard to the article in the Times Union regarding the city of Schenectady that is pulling up all the cobblestone and their bold outs because the cobblestone was ruined in some heavy rains and they are putting asphalt in those locations. He said the bold outs were a problem for the emergency vehicles. He said it is the same thing our emergency people discussed.

Mr. King said the second point is regarding the final draft of the zoning law and he could not find the dwelling density in the new law. He said he is not sure they can answer that question off the top of their head. He said there is the incentive zoning in there as an item. He said Saratoga Associates was proposing in Coxsackie to build 250 manufactured homes on 80 acres and they were going to do a set aside also. He did not know how many acres that was but more than 3 to 1. He said this was being done as slab construction, noting this is almost unconscionable. He said the Town Board said this plan was dead in the water because of their 2-acre zoning. He said it was interesting that in the meeting in which Saratoga Associates had with the Town Board, the Members expressed the deep concern that this would kill the residents on the school taxes and he said the response of the members of Saratoga Associates said that that was their problem, build more schools. He said the meeting degenerated from there but he thought the Board should be aware of that. He said when the zoning is done, the most interesting part of the comprehensive plan as proposed by Saratoga Associates was the misunderstanding people had of lot size and dwelling density. He said those things are not necessarily the same thing. But, he said the Board must be very careful about the dwelling density and to make sure the numbers are not so great that the fact in a world in which it costs \$12,000 to send a child to Bethlehem Central Schools, you aren't bankrupting the existing taxpayers by building a lot of multi-family housing or very dense construction.

Mr. George Waldenmaier asked when this was going to be effective. Supervisor Egan said effectiveness is upon filing with the Secretary of State. She said the final document has to be put together, correct the typos and grammar and make the change approved. She said it will probably be within the next couple of weeks. She said the Secretary of State's office will send a notice of filing. Mr. Waldenmaier asked if that would be within the next 30 days. Supervisor Egan said that was correct. She said the moratorium with the extension the way it was done, 30 days from the effective date it will expire or the date in October.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 6:37 p.m. The motion was carried by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

Town Clerk