

TOWN BOARD
AUGUST 28, 1991

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: Kenneth J. Ringler, Supervisor
Frederick C. Webster, Councilman
M. Sheila Galvin, Councilwoman
Charles Gunner, Councilman
Sheila Fuller, Councilwoman
Bernard Kaplowitz, Esq., Town Attorney
Gordon Morris
Bruce H. Secor, Commissioner of Public Works
Jeffrey Lipnicky, Town Planner
David Austin, Administrator, Parks & Recreation Dept.
Nancy Alexander, C.T.Male Associates
Don Stevens
John Thomas
P. Carazza
Doris J. Pence
Marie Privler
John Hayko, Esq.
Susan Wheeler, The Spotlight Representative
Kathy Keenan, News Herald Representative
Carolyn M. Lyons, Town Clerk

Supervisor Ringler called the meeting to order, a regular meeting of the Bethlehem Town Board. The first item on the agenda this evening is a public hearing regarding an amendment to the Zoning Ordinance and Zoning Map for the proposed zone change from McCormack Road from Residential A to Residential AA, 65 acres, the proposed zone change from Planned Residential District to Residential AA, 87 acres and the proposed zone change on the northerly margin of Hudson Avenue from Planned Residential District to Residential AAA, 35 acres. He asked the Town Clerk to read the call of the hearing, but before the call of the hearing he asked for a motion to dispense with the actual reading of the legal descriptions that goes along with this, as the map will be explained.

Public
Hearing
Zone
Change
McCormack
Road and
Hudson
Avenue

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the reading of the legal description of the three parcels to be rezoned as indicated above be dispensed with. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT
TO THE ZONING ORDINANCE
AND ZONING MAP
OF THE TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, NY, at the Town Hall, 445 Delaware Avenue, Delmar, NY on the 28th day of August, 1991 at 7:30 p.m. to consider amending the Zoning Ordinance and Zoning Map of the Town of Bethlehem by the following changes:

1. Proposed Zone Change McCormack Road Residential A to Residential AA, containing 65 plus or minus acres of land. See Description following.
2. Proposed Zone Change from Planned Residential District to Residential AA, containing 86 plus or minus acres of land. See Description following.

3. Proposed Zone Change on the northerly margin of Hudson Avenue from Planned Residential District to Residential AAA, containing 35 plus or minus acres. See Description following page 2.

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

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM

CAROLYN M. LYONS
TOWN CLERK

STATE OF NEW YORK
COUNTY OF ALBANY

Kathryn Olsen of the Town of Bethlehem, being duly sworn, says that she is the secretary 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 for one week consecutively, commencing on the 14th day of August, 1991.

/s/ Kathryn Olsen

Sworn to before me this 16th
day of August, 1991
/s/ Bruce A. Neyerlin
Notary Public, Albany County

STATE OF NEW YORK
COUNTY OF ALBANY

CAROLYN M. LYONS, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, NY and that I posted on August 14, 1991, 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/ Carolyn M. Lyons

Sworn to before me this 23rd
day of August, 1991
/s/ Kathleen A. Newkirk
Notary Public, Albany County

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The motion was made by Ms. Galvin and seconded by Mr. Webster that the Notice of Hearing, Affidavit of Publication and Affidavit of Posting Notice be indented on the minutes of the public hearing. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

Supervisor Ringler indicated that the format of the hearing this evening will be a brief presentation by our Staff Member, Mr. Jeffrey Lipnicky, to tell us exactly what is being proposed here, then we will open it up to any questions from the public and the board and then anyone who would like to speak in favor may speak in favor of the proposal and anyone who would like to speak in opposition will then be called to speak in opposition. You don't have to come up to the microphone, these are very sensitive microphone, but he did ask that they stand and state their name when they wished to speak for the record.

Mr. Jeffrey Lipnicky, Town Planner, stated that the subject of tonight's hearing is a tract of land that is approximately one hundred and eighty-six acres in total area and it is located in the vicinity of Kenwood Avenue, Cherry Avenue, McCormack, up in this area, outlining it on the map on display, these parcels as they are currently zoned, this

parcel here is Residence A, the parcel down in this area extending down here and extending down to the Hudson Avenue area is all zoned Planned Residence District, and is part of what is currently Planned Residence District No. 6 of the Town.

Mr. Lipnicky continued the proposal for the rezonings include sixty-five acres of land, the top area as shown up here in the slash, and again outlining it on the map on display, from Residence A to Residence AA. This area located within here, which is eighty-seven acres he believed, eighty-six acres approximately, Planned Residence District to Residence AA and the bottom portion which is approximately thirty-five acres from Planned Resident District to Residence AAA. In addition, the way the Local Law that you have before you is drafted this in a sense would be a conditional rezoning, with essentially two conditions attached to the rezoning. The first condition being that if the parcel does not receive Final Plat Approval from the Planning Board, in other words this parcel here, again outlining it on the map on display, which is proposed from Single A to Double AA and this parcel here which is proposed from Planned Residence District to Double AA, if those and this is the site where Hunter's Ridge is currently proposed for sixty-five units, if that project does not receive Final Plat Approval from the Planning Board within three years - or two years rather, what would happen is that that parcel would be deemed to be Triple AAA. In addition, you received an amendment that speaks to that that was handed out just previously that speaks to an amendment to the Local Law as it was drafted. Bernie and he had a brief discussion before the meeting and we also believe that the conditions in there should be amended to include a condition of either Final Plat Approval within two years or three years from the effective date of the Local Law on that parcel. If construction doesn't begin on those two parcels within that time period it would change from Double AA to Triple AAA.

Mr. Lipnicky asked Town Attorney, Bernard Kaplowitz, if he would like to expand on that? Attorney Kaplowitz indicated not really, we talked about two years being a reasonable time from the effective date of the Planning Board approval, but then we realized if for some reason the applicant did not apply for a year or two we might be leaving the door wide open, so we put in the three years from the effective date of the Ordinance or two years from the Final Plat Approval, whichever is sooner so that we can close the door, and it should give them plenty of time, he thought that it was a very reasonable amount of time and should not be a problem, and yet it protects the Town and puts some limits on when they will have to do it.

Attorney Kaplowitz continued that there was one other minor change and he thought that it was on the first page, we talked about sixty-four lots and that should sixty-five, the only reason for the difference, they asked that if for some reason the Planning Board decided they did not want to require the reservation of the right-of-way, and he could not imagine that happening, but if that was the case, they could squeeze in another lot without effecting the density, so we agreed that sixty-five would be reasonable instead of sixty-four, but only in the event that the Planning Board did not require the right-of-way.

Mr. Lipnicky asked in other words that would be the second condition on the rezoning essentially that the maximum permitted density on those two particular parcels which would be rezoned to Double AA would be sixty-five total dwelling units? Attorney Kaplowitz indicated that the plans that they submitted could all be altered, amended, there is a lot of room for the Planning Board to maneuver and for the applicant, but the basic number of lots is going to have to remain the same, we are tying their hands, which is what he thought they wanted to do, that that is the maximum number of lots regardless of how they may divide them up or lay them out with the Planning Board when they get to that point.

Mr. Lipnicky continued basically just briefly how we got to this proposal. The applicants had come in with a proposal again and this is on the northern half of the parcel which is north of the stream that runs through it for a single family residential development currently as the parcel is zoned, half of their tract is zoned Residence A and the other half is zoned PRD, and there was a practical problem in going through the subdivision, one problem being that they would have to go

through two separate procedures of subdivision review before the Planning Board and the Building Project Review before the Town Board and the second problem in terms of the layout of the site was that the PRD Ordinance requires a fifty foot building restricted area around the perimeter of the PRD and this building restricted area would have interfered severely with the design of their subdivision, so they applied to the Town Board here for a rezoning to Residence A and it was referred to the Planning Board and the Planning Board was asked to look at not only Green Shades Consortium's parcel but also the parcel which lies south of Green Shades parcel and which is also part of the current PRD No. 6. The Planning Board looked at this whole tract of land, half of the Planning Board Members recommended rezoning to AA and the other half recommended a rezoning to Triple AAA on the parcel. Some of the considerations by the Planning Board invoked by the Planning Department in reviewing the proposal had to do with the environmental constraints largely with the site. The original proposal for this site that originally had come into the Planning Board back in 1969 or so showed over a thousand dwelling units on that particular parcel. At the time the recommendation from the Planning Board was essentially to reject the proposed zoning change for reasons of essentially traffic generation on to Hudson Avenue, for reasons of environmental restraints of the site such as slope stability, wetness of the soils and other factors.

Mr. Lipnicky continued subsequent to that in about 1972 there was a second proposal that came in on the project, not a second but about the third or fourth, at the time it was called Lake Shore at Delmar, and essentially this proposed a change to PRD and was eventually approved by the Town Board and that proposal had somewhere in the order of three hundred and eighty town homes but the factors which the Planning Board saw as positive of it, is that most of the development would have been clustered on the northern portion of the site, this area here, again outlining it on the map on display, which is severely constrained for example by topography again, soils and other type of constraints, would have essentially been left in a forever wild condition so having substantially changed the original plan from somewhere over a thousand to three hundred and eighty units and also reserving the more environmentally sensitive areas of site, the Planning Board at that time recommended approval of the PRD and the PRD was subsequently approved so it has been quite some time, it has been twenty years since approval of that PRD. In the meantime this parcel was originally under one ownership as far as we could determine in reviewing the original proposal and since that time the parcel has been split into different ownerships so that the original concept really of the PRD is no longer valid, it really can no longer be attained.

Mr. Lipnicky continued that the southern portion of the site that he referred to as the area where there were great amount of environmental constraints on, is a separate parcel now, so the chance of that becoming forever wild as in the original concept plan of the PRD really is no longer in existence. If you look at the soil conditions on this particular site and review them, even in the original application, a soils report was done and spoke in terms of severe constraints on the site because of the soils there were slippage problems and the like, if you look at the U.S. Soil Conservation Service reports the soil survey reports, you will see that the great majority of soils on the site have constraints either for reasons of topography, slopes up to forty percent which are slippage prone, hydric soils, in other words wet soils that potentially under the Corps of Engineers new definition potentially wetland areas, there are also traffic constraints you have Hudson Avenue which is to the south of the parcel and you have two really exits out of Hudson one out onto Delaware Avenue where it intersects there which is an absolutely horrendous intersection and he would hate to see any more traffic or substantial amount of traffic generate into that intersection. For these types of reasons when we looked at it and when the Planning Board looked at it we were all pretty much of the opinion that PRD is really no longer appropriate to this particular area of Town and to this particular site. As he said the Planning Board had recommended Double AA or Triple AAA rezoning to that and we would certainly endorse that and agree with that.

Supervisor Ringler thanked Mr. Lipnicky and asked if any of the Board had questions at this point in time.

Attorney Kaplowitz indicated that he would like to add a side note maybe, it has been some years since the Town adopted the Triple AAA classification which is the highest or lowest, depending upon your prospective classification in Town, or allows the least density, the least number of homes and the larger set back requirements, rear yards, front yards and all of that, but it has never been applied to anyplace in Town. If this is adopted it will be the first time or the first land in the Town that has a Triple AAA classification for what it is worth.

Supervisor Ringler asked again if anyone had questions? No questions were asked and The Supervisor asked if anyone from the public had questions at this point in time. Again no questions were asked.

Supervisor Ringler asked if anyone present wished to speak in favor of this proposal.

Mr. Jerry Pittz indicated that he lived at the end of the North Street Extension and stated that lord knows we need tax base in the Town, but his question is what are we going to do with the deer, it is all going to come on to his property? Supervisor Ringler responded well as you know no matter when you build it the deer are going to be confined into smaller areas, it is happening all over the area. Me. Pittz stated that they had a meeting about a year ago, about it and he wondered what had come about since then. Supervisor Ringler responded the DEC has not done anything other than state that there is not much that they can do. We have suggested to them that they look at some special hunts or things like that over there and they said they are still looking at that but he did not see where anything was going to happen.

Attorney Kaplowitz stated that a few years ago there was a proposal to allow the area geography to be expanded and he thought it was from where it was presently to extend it up to more of Delmar and the citizens and residents who appeared at the hearing when it was discussed were violently opposed. Supervisor Ringler asked you are talking about the gun shooting and Attorney Kaplowitz indicated that he was talking about the gun shooting of deer, and they were violently opposed, for some good reasons, it is a difficult question. Supervisor Ringler indicated that it was a questions that most suburban communities are facing these days as they expand into these area and the mild winters that we have had over the last several years have increased the deer population substantially.

Marie Privler at the end of North Street too, asked what the zoning was on the land adjacent to that on North Street going a little further in North Street in toward the old Ryan property and the old Wright property. Supervisor Ringler asked Jeff if he could see that Zoning Map. Mr. Lipnicky stated that he was not sure where the Ryan and the Wright property were located and Bruce H. Secor, Commissioner of Public Works, came to the front of the room. Mr. Secor indicated as you go in on North Street to the fork where you turn to go toward your house, they are in a Single A Residence zone. The property to the east of you is a Double AA Residence zone and basically everything from your house all of the way over to McCormack Road is all Single A Residence. Indicating on the zoning map that this was the blue color and this parcel that was zoned PRD he believed was previously Single A, so it was zoned from Single A to Planned Residence District. Marie Privler asked so in other words what you are doing is going from A to AA which is a higher zoning category, and Mr. Secor indicated less density, and Mrs. Privler stated less density and also that brings up the point of less travel, now the travel going under this is going towards McCormack Road and goes out that road there, there is no access out onto Hudson Avenue is that correct at the moment? Mr. Lipnicky responded that the way the subdivision we have before us is designed its access would be to McCormack Road, however there is a parcel of thirty-five acres south of this parcel which would also be included in the rezoning and realistically its access would have to be to Hudson Avenue because of the large ravine that lies between those two parcels. Mrs. Privler indicated but on the thirty-five acres in an AAA zone your density is going to be reduced and Mr. Lipnicky responded drastically reduced. Mrs. Privler stated and the traffic problem would not be near as great. Supervisor Ringler indicated you are talking approximately twelve units that it all that would be allowed in there, correct? Mr. Lipnicky indicated on the thirty-five acres and the requirement is

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thirty-five thousand square feet so you are talking somewhere around forty units. Councilman Webster stated but the topography would not lend itself to probably not that many units, would it? Mr. Lipnicky indicated that well with acre zoning without trying to lay something out he could not make that assumption.

Supervisor Ringler asked if there was anyone else who would like to speak in favor of this proposal. Nancy Alexander with C. T. Male Associates indicated they were representing Green Shade Consortium and she would just request for the developer and owner of the property that this project be approved for the two parcels which they are requesting to be rezoned to Double AA. They have gone through several years of work to get to this point, we have several years worth of work now ahead of us, but we feel that what we have for the Town is going to be a very good project and an enhancement for that area in producing a fine quality development and that was all that she had at this point.

Supervisor Ringler thanked Nancy Alexander.

Attorney John Hayko indicated to the Supervisor that he would like to add a few words to that, as they represented Attorneys for Green Shade Consortium, he thought that one conceptual problem they have had all along here is the condition as to construction, is the word construction that we are using or the condition within three years of the effective date of the ordinance or within two years of Final Plat approval that construction begins, is that the term that is in use. Attorney Kaplowitz indicated that it was a problem, it says the proposed development of the premises commence within, it doesn't say construction. Attorney Hayko stated, Ok. Attorney Kaplowitz stated but you have the same problem what constitutes commencement he supposed was something that they could argue about. Attorney Hayko stated that he thought that the question has to do with the three year limitation, he thought that it was more than likely given that the applicant will have to come back again probably for a pre preliminary and then make a presentation for preliminary and then Final in addition to that it will be very likely that the applicant will have to have an application for a water district extension that will then be under the purview of DEC and the Town Board again. The Department of Health will then have to come in after Final Plat Approval and he understands now that it takes two months for the Department of Health to sign off on the maps, and it seems more than likely that a twenty-five lot approval as the first phase of this development could take well more than two years and if you have had experience with their office, on the Pan Euclid project, and everybody know that that took somewhere near eight and one half years between the time the concept was presented on that and the time Final Approval was had, that it is very likely that in the unlikely event of litigation that if the applicant feels after a denial of some kind that he has a right to appear from that denial and somewhere in that appear period and an Article 78 is commenced, suddenly that three years has passed and while the applicant is diligently attempting to preserve his rights he has lost his interest in the project.

Supervisor Ringler asked Attorney Hayko what he was going to suggest. Mr. Hayko indicated that he thought that his suggestion, after all that was done, they would prefer and he thought that this had been discussed between Mr. Mancini of this firm to be able to put the limitation on two years from Final Plat Approval because the Final Plat Approval no matter how diligently pursued by the applicant could take upwards of four to five years. Attorney Kaplowitz asked what if the applicant sits back for two years and doesn't do anything. Attorney Hayko indicated that he understands that there has to be some action and Attorney Kaplowitz stated that this was their concern and they were trying to meet you half way - Attorney Hayko stated that he did understand and Attorney Kaplowitz asked Bruce Secor and Jeff Lipnicky is three years from the effective date of this ordinance a reasonable amount of time to give them for approval. Mr. Lipnicky stated that it was impossible to say. Attorney Kaplowitz stated that he realized this and Mr. Lipnicky continued that it was the Planning Board that makes the final approval. Attorney Hayko indicated that the Planning Board could in effect work a pocket veto on the project and that was - Nancy Alexander asked if there was some way that they could document for the past two years that we have been working with the Planning Board, with the Town Board, to get to this point and Attorney Hayko indicated

since March of 1989. Supervisor Ringler asked can we put some language in there that states that if construction isn't started by such and such a date that this should be reverred to the Town Board for reconsideration at that point in time so that it has to come on the agenda and then the Town Board can make a determination as to whether or not they want that condition to be implemented. If we are looking to see if they are proceeding with good faith. Attorney Kaplowitz stated that there was nothing to prevent them let's say at the end of two and a half years from coming back and saying to the Town Board we need an extension, we have been working diligently at this and it just hasn't happened, he thought that they could do that in any event. Supervisor Ringler indicated perhaps that is the best way. Attorney Hayko indicated that they would like some savings language at the very least, he thought that they would like - Attorney Kaplowitz indicated that they could put something to that effect in there and they would have that right in any event. Attorney Hayko stated if we could ask for a limitation of four years on top of that he thought that would be even better. Attorney Kaplowitz stated oh you are pushing it. Laughter. Supervisor Ringler indicated we are thankful Ralph isn't here. Laughter.

Supervisor Ringler indicated the Town Board would take this into consideration when we make our decision and come up with something after they discuss it. He asked if anyone else would like to speak in favor of this proposal.

Mrs. Marie Privler indicated that she thought that it could only add to the surroundings that come in from Slingerlands and from that area which only lends itself to certain types of housing over there because of the terrain and so forth and so on and she thought in this change of zoning could only add to the Town as a whole and the Town base and the whole thing and she thought would be a beautiful addition knowing some of the things that are around here that are so put together and so tight fit and she thought that it can only add to the value of the Town in general and the whole base.

The Supervisor asked if there was anyone else who wished to speak in favor. No one else spoke.

Supervisor Ringler then asked if anyone would like to speak in opposition. No one spoke.

The Supervisor indicated that he did have one letter for the record in opposition which has been asked to be read into the record.

August 26, 1991

Kenneth J. Ringler, Supervisor
Town of Bethlehem
445 Delaware Avenue
Delmar, NY 12054

Dear Supervisor Ringler:

Thank you for the opportunity to submit this letter as part of the public hearing record for the proposed rezoning of Planned Residence District #6. As one of the owners of the 35 acre portion of Planned Residence District #6 I would like to present to you several concerns that I have regarding this proposed action.

1. None of the owners of this property (35 acres) requested from the Town Board a change in zone from the current PRD zoning. On the contrary, a Building Project Application was submitted to the Town which clearly indicated the owners' interest in pursuing a development plan for the property under PRD regulations and standards.
2. The Building Project Application stated above was submitted to the Town in September 1989 and, although discussed with the Town at that time, we were never provided any suggested changes or formal directives concerning the development plan submitted.

3. It is my understanding, that typically, planned development districts are reverting back to the underlying or previous zoning district from which it was established. In this case the previous zoning was A Residential.
4. It is also my understanding, that the AAA Residential Zoning District proposed for this parcel was established long after PRD #6 was established, and that AAA zoning district has yet to be established anywhere else in the Town.
5. From my observations, large lots required for AAA zoning districts would be inconsistent with the lot sizes which exist in surrounding development areas along Hudson Avenue, Gardner Terrace and Hunter Road.

It was our intent, as owners of the 35 acre parcel to pursue a small townhouse and condominium project on the site in accordance with the Town's PRD requirements, understanding that perhaps 1/3 of the site has severe limitations due to steep slopes. Our further discussions included possible uses for senior housing and for small single family homes on small lots with significant portions of land as dedicated open space.

All of these options would be eliminated if the property were to be rezoned to AAA. From my view, this property is physically separated from the larger portion of PRD #6 and the area actually requested to be rezoned. Streets would come from different directions and neighboring properties are differently developed.

Quite honestly, I am at a loss as to why these 35 acres are being treated differently and perhaps, in a discriminating way. I would like to request that the Board Not include this parcel in its rezoning action At This Time and to allow a continued dialogue with us, as owners, to pursue alternative zoning and development plans.

Thank you and please, as always, do not hesitate to contact me.

Sincerely,
Rose Watkins

cc. Kathleen Kalwa

Jeffrey Lipnicky outlined the above area of thirty-five acres on the map on display.

Supervisor Ringler asked if there was anyone else who would like to speak.

Doris Pence indicated that their property was right adjacent to these parcels and she just has one concern about that traffic being dumped on to McCormack Road. In the morning at rush hour when they come out McCormack Road and try to make a left on to 140 to try to come into Delmar it takes a long time to get across there and she is really concerned about the traffic being dumped on to McCormack Road. The Supervisor stated that right now what they are proposing to do will reduce any potential traffic that would be there based upon the current zoning and secondly this project will be reviewed for specifics by the Planning Board and they are going to have to look at traffic and everything and how it would be handled when they are reviewing it for subdivision, so we haven't really got into that portion at this point in time, Doris, and you will be able to look and listen to what the Planning Board is doing on that when they do the subdivision, but in any event with your concern with what we are doing, we probably helped the situation as opposed to hurt it. Doris Pence stated again that was just a little concerned about that because she knows when they come out there in the morning they have a long wait sometimes because of the traffic flow going on to 140 from McCormack Road.

The Supervisor asked if there was anybody else. No one else spoke.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to close the public hearing at 7:58 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.

DESCRIPTION
PROPOSED ZONING CHANGE
MCCORMACK ROAD
RESIDENTIAL "A" TO RESIDENTIAL "AA"
TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK
CONTAINING 65± ACRES OF LAND

All that certain tract, piece or parcel of land situate in the Town of Bethlehem, Albany County, New York, lying Southeasterly of McCormack Road, being a portion of the lands of Green Shade Consortium, Inc., and being more particularly bounded and described as follows:

BEGINNING at a point on the Southeasterly margin of McCormack Road at its intersection with the division line between lands now or formerly of Bruno as described in Liber 2283 of Deeds at Page 565 on the Southwest and lands of Green Shade Consortium, Inc. on the Northeast, and runs thence from said point of beginning along said Southeasterly margin of McCormack Road the following courses: 1) North 55 deg. 35 min. 10 sec. East a distance of 263.57 feet to a point; 2) North 53 deg. 47 min. 34 sec. East a distance of 156.49 feet to a point; 3) North 45 deg. 45 min. 17 sec. East a distance of 153.81 feet to a point; and 4) North 36 deg. 18 min. 32 sec. East a distance of 58.75 feet to a point on the common division line between lands now or formerly of Sanderson as described in Liber 1594 of Deeds at Page 161 and Liber 1703 of Deeds at Page 167 and lands of Stasio as described in Liber 2268 of Deeds at Page 493 on the North and lands of Green Shade Consortium, Inc. on the South; thence along said common division line South 76 deg. 26 min. 23 sec. East a distance of 1,039.47 feet to a point; thence continuing along the lands of Stasio North 69 deg. 33 min. 37 sec. East a distance of 571.51 feet to a point on the common division line

C.T. MALE ASSOCIATES, P.C.

DESCRIPTION
RESIDENTIAL "A" TO RESIDENTIAL "AA"
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between lands of Stasio, in part, and Conway as described in Liber 2274 of Deeds at Page 21, in part, on the Northeast and lands of Green Shade Consortium, Inc. on the Southwest; thence along said division line South 53 deg. 26 min. 23 sec. East a distance of 651.08 feet to a point on the zoning district boundary line between Planned Residential District on the Southeast and Residential "A" on the Northwest; thence through the lands of Green Shade Consortium, Inc. along said zoning line the following courses: 1) South 56 deg. 07 min. 35 sec. West a distance of 2,034.68 feet to a point; and 2) South 85 deg. 07 min. 35 sec. West a distance of 336.60 feet to a point on the division line between lands now or formerly of The Kilmer Estate on the South and Green Shade Consortium, Inc. on the North; thence along said division line the following courses: 1) South 71 deg. 51 min. 24 sec. West a distance of 689.70 feet to a point; and 2) South 70 deg. 21 min. 24 sec. West a distance of 506.30 feet to a point on the division line between lands now or formerly of Wollard and Morris on the West and Green Shade Consortium, Inc. on the East; thence along said division line North 14 deg. 38 min. 36 sec. West a distance of 335.22 feet to a point on the Southeasterly margin of New York State Route 140; thence along said Southeasterly margin North 28 deg. 39 min. 22 sec. East a distance of 278.65 feet to a point on the division line between lands now or formerly of Bruno on the North and Green Shade Consortium, Inc. on the South; thence along the

C.T. MALE ASSOCIATES, P.C.

DESCRIPTION

RESIDENTIAL "A" TO RESIDENTIAL "AA"

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lands of Bruno the following courses: 1) North 69 deg. 16 min. 12 sec. East a distance of 1,034.18 feet to a point; and 2) North 32 deg. 43 min. 33 sec. West a distance of 771.00 feet to the point or place of beginning and containing 65.8± acres of land.

Excepting a parcel of land 100 feet in width to be used as an access road from McCormack Road through remaining lands of Green Shade Consortium, Inc., the centerline of which being described as follows:

BEGINNING at a point in the Southeasterly line of McCormack Road, said point of beginning being 295 feet, more or less, Southwesterly measured along the Southeasterly line of said McCormack Road from its point of intersection with the Northerly line of lands now or formerly owned by Charles J. Herrick; thence running from said point of beginning Southeasterly with a line approximately at right angles to said McCormack Road 520 (540 feet on original P.R.D. application) feet, more or less, to a point; thence continuing Southeasterly with a curve to the right tangent to the last mentioned line and having a radius of 750 feet 298 (235 feet on original P.R.D. application) feet more or less, to a point; thence continuing Southeasterly with a curve to the left tangent to the last mentioned curve and having a radius of 1480 feet, 455 feet more or less, to a point; thence continuing Southeasterly with a line tangent to the last mentioned curve,

C.T. MALE ASSOCIATES, P.C.

DESCRIPTION
RESIDENTIAL "A" TO RESIDENTIAL "AA"
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200 feet more or less, to a point on the division line between lands on the Northwest now owned by Green Shade Consortium, Inc. and the above described parcel on the Southeast, said last mentioned point being 550 feet Northeasterly measured along said division line from the Northeasterly corner of lands of the former Kilmer Estate.

Also including in addition to said 100 foot wide strip a 25 foot radius fillet located at the intersection of each side of said strip with both the right-of-way line of McCormack Road and said last mentioned division line. Said right-of-way containing approximately 4 acres of land.

C.T. MALE ASSOCIATES, P.C.



Paul G. Lovell, PLS

The herein above described parcel being shown on a map entitled "Zoning Map Portion of Lands of Green Shade Consortium, Inc.," dated July 25, 1990, made by C.T. Male Associates, P.C., Drawing No. 89-657R.

July 18, 1991
Revised August 5, 1991
PGL/ps

**DESCRIPTION
PROPOSED ZONING CHANGE
PLANNED RESIDENCE DISTRICT TO RESIDENCE "AA"
TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK
CONTAINING 86.187± ACRES OF LAND**

All that certain tract, piece or parcel of land situate in the Town of Bethlehem, Albany County, New York being a portion of the lands of Green Shade Consortium, Inc, being more particularly bounded and described as follows:

BEGINNING at a point on the Northerly line of lands now or formerly of the Albany and Susquehanna Railroad Company at its intersection with the division line between the Kilmer Estate on the West and the lands of Green Shade Consortium, Inc. on the East and runs thence from said point of beginning along the above last mentioned division line, North 04 deg. 38 min. 36 sec. West, a distance of 1,631.76 feet to a point; thence through lands of Green Shade Consortium, Inc. the following courses: 1) North 85 deg. 07 min. 35 sec. East a distance of 336.60 feet to a point; and 2) North 56 deg. 07 min. 35 sec. East a distance of 2,034.68 feet to a point on the common division line between lands now or formerly of Conway in part and Mullally in part on the Northeast and Green Shade Consortium, Inc. on the Southwest; thence along the above last mentioned common division line, South 54 deg. 53 min. 23 sec. East a distance of 289.74 feet to a point; thence continuing along the lands of Mullally the following courses: 1) South 88 deg. 48 min. 23 sec. East a distance of 219.12 feet to a point; and 2) South 88 deg. 33 min. 23 sec. East, a distance of 242.88 feet to a point on the common division line between lands now or formerly of Mullally in part, and Wright in part, on the North and Green Shade Consortium, Inc. on the South; thence along the above last mentioned common division line, North 85 deg. 26 min. 37 sec. East, a distance of 65.34 feet to a point; thence continuing along the lands of Wright, South 84 deg. 33 min. 23 sec. East, a distance of 31.02 feet to a point on the division line between lands now or formerly of Guardian Federal Savings &

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DESCRIPTION
PROPOSED ZONING CHANGE FROM PLANNED RESIDENCE DISTRICT
TO RESIDENCE "AA"
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Loan Association on the Southeast and Green Shade Consortium, Inc. on the Northwest; thence along the above last mentioned division line the following courses: 1) South 46 deg. 29 min. 56 sec. West, a distance of 249.48 feet to a point; and 2) South 00 deg. 32 min. 26 sec. East a distance of 1328.42 feet to a point on the division line between the lands now or formerly of Leroy on the South and Green Shade Consortium, Inc. on the North; thence along the above last mentioned division line, South 89 deg. 05 min. 10 sec. West, a distance of 142.24 feet to a point on the common division line between the lands now or formerly of Leroy in part, and Hynds in part, on the East and Green Shade Consortium, Inc. on the West; thence along the above last mentioned common division line, South 00 deg. 54 min. 50 sec. East, a distance of 200.00 feet to a point of cusp with the Northeasterly margin of Burtonwood Place; thence along the Northeasterly and Northerly margin of Burtonwood Place the following courses: 1) along a curve to the left having a radius of 25.00 feet, an arc distance of 39.27 feet to a point of tangency (The chord for the above described curve being North 45 deg. 54 min. 50 sec. West 35.36 feet); and 2) South 89 deg. 05 min. 10 sec. West a distance of 50.00 feet to a point of cusp on the division line between lands now or formerly of Seyler on the Northwest and Green Shade Consortium, Inc. on the Southeast; thence along the lands of Seyler the following courses: 1) along a curve to the left having a radius of 25.00 feet, an arc distance of 39.27 feet to a point of tangency (the chord for the above described curve being North 44 deg. 05 min. 10 sec. East 35.36 feet) and 2) North 00 deg. 54 min. 50 sec. West, a distance of 240.00 feet to a point of curvature; 3) along a curve to the left having a radius of 25.00 feet, an arc distance of 39.27 feet to a point of tangency on the common division line between lands now or formerly Seyler in part, and Sterrett in

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DESCRIPTION

PROPOSED ZONING CHANGE FROM PLANNED RESIDENCE DISTRICT
TO RESIDENCE "AA"

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part, on the South and Green Shade Consortium, Inc. on the North (the chord for the above described curve being North 45 deg. 54 min. 50 sec. West, 35.36 feet); thence along the above last mentioned common division line, South 89 deg. 05 min. 10 sec. West, a distance of 114.00 feet to a point; thence continuing along the lands of Sterrett, South 00 deg. 54 min. 50 sec. East, a distance of 150.00 feet to a point on the division line between lands now or formerly of Martin on the South and Green Shade Consortium, Inc. on the North; thence along the above last mentioned division line, South 89 deg. 05 min. 10 sec. West, a distance of 67.00 feet to a point on the division line between lands now or formerly of Storm on the West and lands of Green Shade Consortium, Inc. on the East; thence along the lands of Storm the following courses: 1) North 00 deg. 54 min. 50 sec. West, a distance of 150.00 feet to a point; 2) South 89 deg. 05 min. 10 sec. West a distance of 49.00 feet to a point of curvature; 3) along a curve to the left having a radius of 25.00 feet, an arc distance of 39.27 feet to a point (the chord for the above described curve being South 44 deg. 05 min. 10 sec. West, 35.36 feet); and 4) South 00 deg. 54 min. 50 sec. East, a distance of 125.00 feet to a point on the Easterly margin of Hunter Road; thence along said Easterly margin, South 89 deg. 05 min. 10 sec. West a distance of 50.00 feet to a point on the division line between lands now or formerly of Hermance on the West and Green Shade Consortium, Inc. on the East; thence along the lands of Hermance the following courses: 1) North 00 deg. 54 min. 50 sec. West, a distance of 70.00 feet to a point; 2) South 89 deg. 05 min. 10 sec. West, a distance of 140.00 feet to a point; 3) South 00 deg. 54 min. 50 sec. East, a distance of 210.00 feet to a point; and 4) North 89 deg. 05 min. 10 sec. East, a distance of 140.00 feet to a point on the Westerly margin of Hunter Road; thence along said Westerly margin, South

C.T. MALE ASSOCIATES, P.C.

DESCRIPTION

PROPOSED ZONING CHANGE FROM PLANNED RESIDENCE DISTRICT
TO RESIDENCE "AA"

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00 deg. 54 min. 50 sec. East, a distance of 180.00 feet to a point on the common division line between lands now or formerly of Leavitt in part, and Berley in part, on the South and Green Shade Consortium, Inc. on the North; thence along the above last mentioned common division line, South 89 deg. 05 min. 10 sec. West, a distance of 266.19 feet to a point on the division line between lands now or formerly of Berley on the West and Green Shade Consortium, Inc. on the East; thence along the lands of Berley the following courses: 1) North 09 deg. 44 min. 50 sec. West, a distance of 207.90 feet to a point; and 2) South 85 deg. 56 min. 32 sec. West, a distance of 180.00 feet to a point on the centerline of an existing stream; thence continuing along the lands of Berley, along the centerline of said stream, as it winds and turns, the following tie distances: 1) North 27 deg. 45 min. 11 sec. West, a distance of 58.46 feet to a point; 2) North 28 deg. 44 min. 23 sec. East, a distance of 35.36 feet to a point; 3) North 04 deg. 36 min. 59 sec. West, a distance of 161.52 feet to a point; 4) North 48 deg. 54 min. 02 sec. East, a distance of 62.37 feet to a point; 5) North 12 deg. 01 min. 50 sec. East, a distance of 124.74 feet to a point; 6) North 11 deg. 09 min. 54 sec. West, a distance of 77.47 feet to a point; 7) South 52 deg. 51 min. 12 sec. West, a distance of 82.80 feet to a point; 8) South 81 deg. 52 min. 12 sec. West, a distance of 127.28 feet to a point; 9) North 61 deg. 44 min. 10 sec. West, a distance of 105.59 feet to a point; 10) North 74 deg. 47 min. 01 sec. West, a distance of 259.08 feet to a point; 11) South 66 deg. 05 min. 45 sec. West, a distance of 298.61 feet to a point; 12) South 17 deg. 52 min. 43 sec. East, a distance of 65.15 feet to a point; 13) South 45 deg. 25 min. 06 sec. West, a distance of 96.88 feet to a point; 14) North 36 deg. 19 min. 37 sec. West, a distance of 84.04 feet to a point; and 15) South 88 deg. 22 min. 02 sec. West, a distance of 15.33 feet to a point;

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DESCRIPTION
PROPOSED ZONING CHANGE FROM PLANNED RESIDENCE DISTRICT
TO RESIDENCE "AA"
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thence continuing along the lands of Berley, South 18 deg. 09 min. 40 sec. East, a distance of 500.86 feet to a point on the division line between lands now or formerly of Vonronne on the South and Green Shade Consortium, Inc. on the North; thence along the lands of Vonronne the following courses: 1) South 71 deg. 33 min. 40 sec. West, a distance of 261.50 feet to a point; and 2) South 58 deg. 29 min. 40 sec. West, a distance of 380.54 feet to a point on the common division line between lands now or formerly of Vonronne in part, Benno in part, Allen in part, Vanlieu in part, and Perkins in part on the East, and Green Shade Consortium, Inc. on the West; thence along the above last mentioned common division line, South 11 deg. 30 min. 20 sec. East, a distance of 651.44 feet to a point on the above first mentioned Northerly margin of Albany and Susquehanna Railroad Company; thence along said Northerly margin, North 72 deg. 25 min. 53 sec. West, a distance of 364.91 feet to the point or place of beginning and containing 82.187± acres of land.

Together with one other parcel of land 100.00 feet in width to be used as an access road from McCormack Road to the above described parcel, the centerline of which is described as follows:

BEGINNING at a point in the Southeasterly line of McCormack Road, said point of beginning being 295 feet, more or less, Southwesterly measured along the Southeasterly line of said McCormack Road from its point of intersection with the Northerly line of lands now or formerly owned by Charles J. Herrick; thence running from said point of beginning Southeasterly with a line approximately at right angles to said McCormack Road 520 (540 feet on original P.R.D. application) feet, more or less, to a point; thence continuing Southeasterly with a curve to the right tangent to the last mentioned line and having a radius of 750 feet 298 (235

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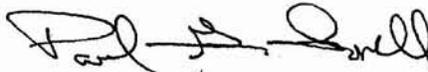
DESCRIPTION
PROPOSED ZONING CHANGE FROM PLANNED RESIDENCE DISTRICT
TO RESIDENCE "AA"
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feet on original P.R.D. application) feet, more or less, to a point; thence continuing Southeasterly with a curve to the left tangent to the last mentioned curve and having a radius of 1480 feet 455 feet, more or less, to a point; thence continuing Southeasterly with a line tangent to the last mentioned curve 200 feet, more or less, to a point in the division line between lands on the Northwest now owned by said Herrick and the above described parcel on the Southeast, said last mentioned point being 550 feet Northeasterly measured along said division line from the Northeasterly corner of lands of the former Kilmer Estate.

Also including in addition to said 100 foot wide strip a 25 foot radius fillet located at the intersection of each side of said strip with both the right-of-way line of McCormack Road and said last mentioned division line. Said right-of-way containing approximately 4 acres of land.

Being a portion of the lands rezoned by the Town Board of the Town of Bethlehem on March 22, 1972 from Residence "A" to a "Planned Residential District."

C.T. MALE ASSOCIATES, P.C.



Paul G. Lovell, PLS

July 25, 1990
Revised August 5, 1991
PL/bc

The herein above described parcel being shown on a map entitled "Zoning Map Portion of Lands of Green Shade Consortium, Inc.," dated July 25, 1990, made by C.T. Male Associates, P.C., Drawing No. 89-657R.

DESCRIPTION
PROPOSED REZONING FROM "PLANNED RESIDENCE DISTRICT"
TO RESIDENCE "AAA"
TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK
CONTAINING 35± ACRES OF LAND

All that certain tract, piece or parcel of land situate in the Town of Bethlehem, Albany County, New York, being a portion of the lands now or formerly of Samuel M. and David B. Berley, lying Northerly of Hudson Avenue and being more particularly bounded and described as follows:

BEGINNING at a point on the Northerly margin of Hudson Avenue at its intersection with the division line between lands now or formerly of Samuel M. and David B. Berley as described in Book 2057 of Deeds at Page 415 on the East and lands now or formerly of Frederick F. and Margaret P. Dunn on the West, and runs thence from said point of beginning Northerly along lands of said Dunn approximately 145 feet to a point; thence Westerly with an interior angle of 272 deg. 30 min. along lands of said Dunn 57.29 feet to a point in the Easterly line of lands shown on a map entitled "MAP OF GARDNER PLOT ON GARDNER TERRACE EXTENSION, DELMAR, N.Y.," dated June 1926 and made by Kline, Bristol and Watkins, Licensed Engineers and Surveyors; thence Northerly along the Easterly line of lands shown on said map and the prolongation thereof approximately 1,040 feet to the Northeasterly corner of lands retained by the aforesaid Joseph V. and Mary Grace Von Ronne; thence along the division line between lands now or formerly of Berley on the East and Green Shade Consortium, Inc. on the West North 18 deg. 09 min. 40 sec. West a distance of 500.86 feet to a point in the centerline of an existing stream; thence Easterly along the lands of Green

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DESCRIPTION
CONTAINING 35± ACRES OF LAND
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Shade Consortium, Inc. along the centerline of said stream as it winds and turns with the following tie distances: 1) North 88 deg. 22 min. 02 sec. East 15.33 feet to a point; 2) South 36 deg. 19 min. 37 sec. East 84.40 feet to a point; 3) North 45 deg. 25 min. 06 sec. East 96.88 feet to a point; 4) North 17 deg. 52. min. 43 sec. West 65.15 feet to a point; 5) North 66 deg. 05 min. 45 sec. East 298.61 feet to a point; 6) South 74 deg. 47 min. 01 sec. East 259.08 feet to a point; 7) South 61 deg. 44 min. 10 sec. East 105.59 feet to a point; 8) North 81 deg. 52 min. 12 sec. East 127.28 feet to a point; 9) North 52 deg. 51 min. 12 sec. East 82.80 feet to a point; 10) South 11 deg. 09 min. 54 sec. East 77.47 feet to a point; 11) South 12 deg. 01 min. 50 sec. West 124.74 feet to a point; 12) South 48 deg. 54 min. 02 sec. West 62.37 feet to a point; 13) South 04 deg. 36 min. 59 sec. East 161.52 feet to a point; 14) South 28 deg. 44 min. 23 sec. West 35.36 feet to a point; 15) South 27 deg. 45 min. 11 sec. East 58.46 feet to a point; thence continuing along the lands of Green Shade Consortium, Inc. the following courses: 1) North 85 deg. 56 min. 32 sec. East 180.00 feet to a point; 2) South 09 deg. 44 min. 50 sec. East 207.90 feet to a point; and 3) North 89 deg. 05 min. 10 sec. East 126.19 feet to a point; thence Southerly with an interior angle of 90 deg. 00 min. 00 sec. along lands of said Leavitt and along lands now or formerly owned by Anthony W. and Marie L. Haas, Norman B. Teahan, and Richard K. and Elsie Yvonne Rudolph 310.00

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CONTAINING 35± ACRES OF LAND
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feet to a point; thence continuing Southerly with an interior angle of approximately 190 deg. 00 min. along lands now or formerly owned by John C. and Nancy Ellen DuBois 85.00 feet to a point; thence Easterly with an interior angle of approximately 256 deg. 06 min. along lands of said DuBois 145.28 feet to a point in the existing Westerly line of Hunter Road; thence Southerly along the existing Westerly line of Hunter Road and the proposed extension thereof approximately 292 feet to the Northeasterly corner of lands now or formerly owned by Ira J. and Ida May White; thence Westerly with an interior angle of 90 deg. 00 min. 00 sec. along lands of said White approximately 204 feet to a point; thence Southerly along lands of said White approximately 9 feet to the Northeasterly corner of lands now or formerly owned by Henry Charles Wesley Haight; thence Westerly with an interior angle of 90 deg. 00 min. 00 sec. along lands of said Haight approximately 143 feet to a point; thence Southerly with an interior angle of 270 deg. 00 min. 00 sec. along lands of said Haight 280.00 feet to the Northeasterly corner of lands retained by the aforesaid Joseph V. and Ronald J. Von Ronne; thence Westerly with an interior angle of 90 deg. 00 min. 00 sec. along lands of said Von Ronne 90.00 feet to a point; thence Southerly with a line radial to the Northerly line of Hudson Avenue along said lands of said Von Ronne approximately 210 feet to a point in the Northerly line of said Hudson Avenue as now owned by the Town of Bethlehem; thence Westerly along the

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CONTAINING 35± ACRES OF LAND
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Northerly line of said Hudson Avenue approximately 15 feet to a point; thence Northerly along lands of the Town of Bethlehem 20.00 feet to a point; thence Westerly along the Northerly line of said Hudson Avenue approximately 459 feet to a point; thence Southerly along said Hudson Avenue and along the original Westerly line of lands of the former Osterhout Estate approximately 26 feet to a point in the Northerly line of said street, said point being 50.00 feet Northerly of, measured radially from the Northerly line of lands of the aforesaid railroad; thence Westerly along the Northerly line of said Hudson Avenue approximately 43 feet to the point or place of beginning and containing 35± acres of land.

Being a portion of the lands rezoned by the Town Board of the Town of Bethlehem on March 22, 1972 from Residence "A" to a "Planned Residential District."

C. T. MALE ASSOCIATES, P.C.



Paul G. Lovell, PLS

July 18, 1991
Revised August 5, 1991
PGL/ps

The herein above described parcel being shown on a map entitled "Map of Properties of Oakbrook Development Corp., Delmar," dated June 9, 1972 made by Edward W. Boutelle and Son.

Noes: None.

The Supervisor thanked everyone.

Carolyn M. Lyons
Town Clerk

The regular Town Board meeting was convened immediately following the close of the public hearing at 7:58 p.m.

Supervisor Ringler indicated that they would continue with the regular portion of our agenda at this point in time it is a business session of the Town Board and not a public hearing, as with past practices as we discuss any item on the agenda, if anyone wishes to ask a question upon the completion of our discussion please raise your hand and we will try to answer it for you, and at the end of the meeting we will open it to anything that anyone would like to bring to the attention of the Board.

The next item is to adopt a resolution to set the Election Fees for 1991.

Set Fees
For 1991
Elections

The following resolution was offered by Ms. Galvin and seconded by Mr. Webster:

RESOLVED, that in accordance with Election Law, Section 3-420, and Town Law Section 27, Subdivision 2, the following shall be the fees for the election officials for 1991:

Inspector	Primary	\$ 80.00
	Registration Day	\$ 60.00
	Election Day	\$100.00
	Instructions	\$ 10.00
Chairman	Return of Supplies to Town Clerk's Office	\$ 8.00
	Mileage for above returns and instructions per mile	\$.23
Poll Clerks	Election Day	\$ 75.00
Janitors	Primary Day and Election Day	\$ 15.00
	Custodians	Per Machine
Technicians	Per Day	\$ 32.00

The resolution was adopted by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller

Noes: None.

The Supervisor stated that he would next like someone to offer a motion to accept with regret the resignation of Dominick DeCecco as Planning Board Member effective September 1, 1991.

Resignation
Planning
Board
Member

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that the resignation of Dominick DeCecco as Planning Board Member to accept with regret effective September 1, 1991. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.

Noes: None.

Next the Supervisor indicated that he would entertain a motion to appoint Republican replacement Election Inspectors and a Poll Clerk.

Appoint
Republican
Election
Inspector
and
Poll
Clerk

The motion was made by Mr. Gunner and seconded by Ms. Galvin that Arline J. Wiggand, 252 Glenmont Road, Glenmont, NY be and she hereby is appointed Election Inspector to replace Patricia Warnken in District 5, Dorothy Percival, R.D. #2, Ravena, NY Election Inspector to replace Rose Giovanetti in District 7 and Clifford Apple, Bridge St., South Bethlehem, NY to replace Dorothy Percival as Poll Clerk in District 7. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mr. Gunner.
Noes: None.

Next they had a request from the Department of Public Works for acceptance of Mortgage Release and Deed for the Van Dyke Road Reconstruction Project from Thomas J. Moran, Jr., pending approval of the Town Attorney.

Accept
Deed
Van Dyke
Road

The motion was made by Ms. Galvin and seconded by Mr. Webster that the Mortgage Release and Deed from Thomas J. Moran, Jr., for the reconstruction of Van Dyke Road be and it hereby is accepted as approved by the Department of Public Works and the Town Attorney and will be recorded in the office of the Albany County Clerk. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

Next was a request from David Austin, Administrator of Parks & Recreation Department for approval of Seasonal Personnel.

Appoint
Seasonal
Personnel
Parks &
Recreation
Dept.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that the following personnel be and they hereby are appointed to serve at the pleasure of the Town Board at the recommended rates of pay. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

Senior Lifeguard at a rate of \$7.10 per hour.

Joan Link
7 Eustis Ridge
Slingerlands, NY 12159

Recreation Program Director at a rate of \$8.00 per hour.

Sandra J. Banas
241 Main St. Apt. D
Saugerties, NY 12477

Recreation Program Director at a rate of \$8.25 per hour.

Frederick W.H. Rudofsky
2 Brookside Drive
Delmar, NY 12054

Councilman Gunner asked while we were on the personnel he just had something - a while back we approved for the Empire State Games correct, what happened? David Austin indicated that they went great, the Town Board had approved the use of the pools for the Empire State Games. Councilman Gunner asked did they go someplace else? Mr. Austin stated that they were here for the masters. Supervisor Ringler indicated that it was a great weekend and David Austin stated that everything went fine. Councilman Gunner thanked David Austin. Supervisor Ringler stated that they were very pleased with our facilities and he went over to watch them swim. Councilman Gunner indicated that he had not seen much publicity on it. Supervisor Ringler stated well the masters does not get an awful lot of publicity and

Councilman Gunner stated well I should have been in it - Laughter - and Supervisor Ringler stated that there were a lot of people a lot older than you in it. Marie Capone stated that there was a very small crowd and the Supervisor indicated, yes there was, the Friday night it rained as he recalled because he was over there on Friday night and Councilman Gunner asked but everything worked out well.

Next was a request from the Supervisor to appoint Doris Davis to fill the unexpired term of William Johnston as a Member of the Planning Board and Douglas Hasbrouck to fill the unexpired term of Dominick DeCecco. We can do these separately. First of all he would entertain a motion to appoint Mrs. Davis to fill the unexpired term of William Johnston expiring December 31, 1992 at an annual salary of \$2,918.00.

Appoint
Planning
Board
Members

The motion was made by Ms. Galvin and seconded by Mr. Webster that Doris Davis 51 Greenleaf Drive, Delmar, NY be and she hereby is appointed a Member of the Town of Bethlehem Planning Board to fill the unexpired term of William Johnston until December 31, 1992 at an annual salary of \$2,918.00. The motion was passed by the following vote:

Councilman Charles A. Gunner indicated that he would like to before he registered his vote to say that he planned to vote yes, but he has to state that he was not happy with the procedure that was used and we had a discussion on that and he was thankful that the Supervisor is following through on Mrs. Fuller's suggestion to try to get that in place, because he thought that we could miss some other well qualified people. Councilman Frederick C. Webster indicated, yes and Supervisor Ringler stated and we would never want to do that, and Councilman Gunner stated that he would hope not and thanked Supervisor Ringler. Councilwoman Sheila Fuller indicated the only thing that she would like to add is that we just be a little sensitive to geographic representation on all of our Boards, if possible and Supervisor Ringler indicated that we try to and we will.

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

Next the Supervisor entertained a motion to appoint Douglas Hasbrouck to fill the unexpired term of Mr. DeCecco expiring December 31, 1996 at an annual salary of \$2,918.00,

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that Douglas Hasbrouck, 92 Brightonwood Road, Glenmont, NY be and he hereby is appointed to serve as a Member of the Planning Board effective September 1, 1991 to fill the unexpired term of Dominick DeCecco for the term expiring December 31, 1996 at an annual salary of \$2,918.00. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

Councilman Gunner indicated that he just wanted to state so that he does not single out one of two people being mentioned that his same comments should be repeated for this and Councilwoman Fuller indicated "I also".

Next was a request by Frederick Holligan, Chairman of the Traffic Safety Committee, for No Parking on both sides of Grove Street from the center line of Delaware Avenue for a distance of 700 feet north along that roadway.

MEMORANDUM

DATE: AUGUST 23, 1991
TO: HONORABLE KENNETH RINGLER, TOWN SUPERVISOR
FROM: FREDERICK J. HOLLIGAN, CHAIRMAN, TRAFFIC SAFETY COMMITTEE
SUBJECT: PETITION-GROVE STREET AREA RESIDENTS - TSC-91-016

The Traffic Safety Committee has reviewed a petition (copy attached) from some residents of the Grove Street area, requesting traffic

control in their neighborhood. We have been in contact with some of these residents and have conducted an on site inspection, including measurements of the road surface on Grove Street.

At present, section 119-37 of the Town Code, provides for prohibited parking on the west side of Grove Street "north a distance of 550 feet from the center line of Delaware Avenue to a point opposite the fire hydrant located near the Curtis Lumber Company building."

It is the recommendation of this committee that the section 119-37 of the Town Code be amended to prohibit parking on both sides of Grove Street from the center line of Delaware Avenue for a distance of 700 feet north along that roadway. The committee believes that if enacted, this parking prohibition will eliminate congestion on this street and improve the flow of traffic through the area. Further, we feel that it will improve conditions for emergency response vehicles that may have to travel through the neighborhood.

Set Public Hearing - No Parking Grove Street

The Supervisor asked if anyone had any questions? Gordon Morris asked if this would require a public hearing and Supervisor Ringler responded that it did.

The Supervisor indicated that he would like to recommend that we schedule a public hearing for this on October 9th at 7:30 p.m.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that a public hearing be scheduled for October 9th, 1991 at 7:30 p.m. to consider an Amendment to the Traffic Ordinance for No Parking on both sides of Grove Street from the center line of Delaware Avenue for a distance of 700 feet north along that roadway. The motion was passed by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Gunner, Ms.Galvin, Mrs. Fuller.
Noes: None.

Acknowledge Conditional Approval of Final Plat - Krumkill Manor

The Supervisor next acknowledged receipt of Conditional Approval of Final Plat for KRUMKILL MANOR Section 1 Subdivision from the Planning Board for information purposes.

Next was another recommendation from the Traffic Safety Committee for No Parking on the easterly side of Van Dyke Road from Delaware Avenue to the first school parking lot area on that road.

MEMORANDUM

DATE: AUGUST 23, 1991
TO: HONORABLE KENNETH RINGLER, TOWN SUPERVISOR
FROM: FREDERICK J. HOLLIGAN, CHAIRMAN, TRAFFIC SAFETY COMMITTEE
SUBJECT: REQUEST - NO PARKING - VAN DYKE ROAD, TSC-91-015

Set Public Hearing - No Parking Van Dyke Road

The Traffic Safety Committee has reviewed a memorandum from Bruce Secor, Commissioner of Public Works, concerning parking on Van Dyke Road. The committee concurs with Mr. Secor's recommendation, previously submitted to the Town Board, to prohibit parking on the easterly side of Van Dyke Road from Delaware Avenue to the first school parking area on that road. We recommend that the traffic ordinance be amended to provide for this parking restriction.

The Supervisor asked if there were questions?

The motion was made by Mr. Gunner and seconded by Ms. Galvin that a public hearing be held on October 9, 1991 at 7:45 p.m. to consider an Amendment to the Traffic Ordinance for No Parking on the easterly side of Van Dyke Road from Delaware Avenue to the first school parking area on that road. The motion was passed by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Gunner, Ms.Galvin, Mrs. Fuller.
Noes: None.

Next was a recommendation from the Traffic Safety Committee regarding regarding Stop Signs to be installed - he indicated to Councilman Gunner - I think you will like that one Charlie and Councilwoman Fuller stated and everyone else will also - Supervisor Ringler stated you two have experience on that particular one - and the Supervisor continued recommendation from the Traffic Safety Committee for Stop Signs to be installed on both sides of Church Road where it intersects with Clapper Road. The Supervisor asked if there were questions and no questions were asked and he indicated that we could schedule a public hearing for October 9th at 8:00 p.m. on this one.

MEMORANDUM

DATE: AUGUST 31, 1991
 TO: HONORABLE KENNETH RINGLER, TOWN SUPERVISOR
 FROM: FREDERICK J. HOLLIGAN, CHAIRMAN, TRAFFIC SAFETY COMMITTEE
 SUBJECT: STOP SIGN REQUEST-CHURCH ROAD-TSC-91-014

The Traffic Safety Committee has reviewed a request from Bruce Secor, Commissioner of Public Works, for the installation of a stop sign on southbound Church Road at the intersection of Clapper Road. He also suggests the need for intersection warning signs near this intersection.

After review, the committee recommends that stop signs be installed on both sides of Church Road, where it intersects Clapper Road.

Mr. Sagendorph, of the Highway Department, has agreed to investigate the need for intersection warning signs and will install them if the need exists.

Our recommendation for stop signs is based on poor sight distance at this intersection.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that a public hearing be held on October 9, 1991 at 8:00 p.m. to consider an Amendment to the Traffic Ordinance for installation of Stop Signs on both sides of Church Road where it intersects Clapper Road. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
 Noes: None.

Set
 Public
 Hearing
 Stop
 Signs
 Church
 Road

Supervisor Ringler stated that he would like to entertain a motion to conduct an Executive Session at the end of this meeting to discuss a personnel matter.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that the the Town Board meet in Executive Session following the close of the regular Town Board meeting to discuss a personnel matter. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
 Noes: None.

Supervisor Ringler asked if there was anything else that anyone else would like to bring to the attention of the Town Board.

Mr. John P. Thomas a resident of Glenmont indicated that he would like to make a statement about the Solid Waste situation here facing the Town. He passed out to the Town Board Members a written statement that he had done, five copies one for each of the Town Board Members and the Supervisor, just kind of outlining the suggestion that he has been thinking about and he was not going to talk long basically. He was just trying to summarize basically the points that are in that letter. Now we all know that we are facing a tough situation in this Town with the posting of nine to twelve potential landfill sites, down below where he lives and of course it is quite an emotional thing and groups forming and then of course we had the waste energy plant proposal which is kind of he guessed you would say on hold now and we really do not have any specific proposal in front of us at this time.

Discussion
 Solid
 Waste
 Proposals-
 Thomas

Mr. Thomas continued what he is just basically trying to state and maybe to get some feedback from some of the Town Board Members, was he thought that we have a definite option here and he thought that we could have a choice of hosting a waste to energy plant which would not cost us money that we would receive a substantial tax base increase obviously if we were to host the facility and the only site that he could talk about at this time is the site that has been identified by Ref-Fuel, but as we have also seen now there is Wheelabrator Technologies and Energy Answers Corp. which has made proposals to Green Island along with Ref-Fuel and you have three companies up there that seem to be battling it out for proposals they submitted some proposals and now he thought that tomorrow was the deadline to come back and maybe try to sweep the pile, or so to speak, but what he would like to entertain is to just make a suggestion to the Solid Waste Task Force if this is appropriate or not before the three month extension goes into effect, which is given, it is going to be extended and he has no personal problems with that he just hates to see it being renewed and renewed and renewed and not dealing with the problems, but he would like to see the Town and the Solid Waste Task Force see if we could solicit another waste to energy company whether it be Wheelabrator, Energy Answers Corp., and he knew that Energy Answers has a plant in Seamass and he did not know if any Town Board Members have been to any plants at all, or which ones you have been to, he knew that some have been to some and this and that, but it is a definite and he guessed that he was trying to tie in now to this LUMAC survey which was done in early 1990 and he guessed that was how you say it LUMAC, where it shows that fifty percent of the people that were polled in favor, now when you throw these landfill sites in where you see a definite land use change, you know you could see it and it was going to be significant, and you are just going to be bulldozing and putting waste into the ground and this type of thing, you know a waste energy plant and he did not want to get into and there was no one here to argue with him yet on it he guessed, but it was a little bit different you taking ten or fifteen acres and the port site to him was ideal. He just thought that this was the cat's meow or whatever the phrase is and would be a perfect spot for it, we would not have the traffic, they could come down 787 and if you talk about out of our Town traffic coming into our Town we wouldn't see a significant increase, we would not see any increase really in the traffic and the roads that people drive to work every day, school buses, this and that so what he would like to see the Solid Waste Task Force or the Town Board to see about going out and maybe soliciting or get another proposal, maybe there are other sites in the Town. The Solid Waste Task Force he would think is much more knowledgeable about what possible properties are available in this Town, but let's get another proposal on the table so just in case we don't, let's keep this waste energy option going just so we don't possibly get backed into having this regional landfill which he would personally not like to see, although you have to have a landfill, but he would certainly never oppose it, but he thought that we have an option now, we have the waste to energy plant or the regional landfill and if we take the waste to energy plant we hosted in this Town he did not see politically how we are going to take the landfill as well, he just does not see those things happening, if we take the big bad incinerator then he would, his feeling is, let's try to make those potential landfill sites disappear, but he did not know what Re-Fuel is up to, he meant they have got us on the back burner so to speak and they are pursuing Green Island simply because he guessed that they feel that there is more of a chance there, more receiving of local government, or whatever, so be it whatever of their motives work, but what would anybody's reaction be any Town Board Member's reaction be to maybe not shutting the door on the waste to energy option and try to solicit or to make known, yes maybe we would consider proposals from other companies and by the way use the results of this LUMAC survey and he did not know how much money that costs the Town of Bethlehem he had no idea, it was a great thing, anything he has read it was not just waste to energy it was an all encompassing thing, but right there it clearly showed a fifty percent in favor and that was before the landfill sites were announced and you are talking about hundreds of acres possibly being taken for that landfill and he was just curious as to what some of the Town Board members think he has read many many statements by the Supervisor on the issue and he knew where he was coming from and that and of course he can always comment again, but he would just like to know what some of the other Board Members think, is

he totally out of line in thinking we have an option waste to energy or a landfill.

Supervisor Ringler indicated first of all let me just say that he did not think that those were our only two options, OK and he thought that our Solid Waste Task Force is exploring those other options. He did not think that any of us have completely closed the door on a waste to energy facility as they knew, he had recommended that they proceed and that we put it up for a referendum to the public at the proper time and this thing was reviewed and going through the SEQOR process. Current they tell me that they still have not, or at least American Re-Fuel, who made the original proposal, still has not closed the door to considering Bethlehem for such a facility. They are looking at this other facility, this other area for whatever reasons, one of them he heard was that it has got more land and is going to offer more to them in what they want to do with the recycling center and things like that, and perhaps although no one has ever said it, perhaps your rationale is another reason that they are looking out there, but he personally has not closed the door to any option at this point in time. He asked if anybody else would like to comments.

Councilman Charles A. Gunner indicated that he would agree with your first statement that there are more than those two options but he thought that it would be our Solid Waste Committee that is looking at all options and it would be presumptions of any of us to rule anything out before we have their report. Mr. Thomas indicated that he was looking at it from the financial point of view too, if that facility was to be built in the Port, and he was just going back to the original proposal, if that was to be built there, we would get a preferred rate, tipping fee, and there are communities similar to ours where they get, it is picked up no charge, and all of these things are significant so he just keeps being focused on the fact that it would be and we would add to our tax base significantly millions of dollars a year and we just sit back, host the facility and then if you want to sort of get more technical or whatever you would say, people are concerned about the emissions, the pollution that comes out of the stack, which there is and if anybody says that there isn't any pollution, is not being honest, but theoretically it is just going off into some other area, so if you want to look at it in the line you want to look at it, if we host it and we sit back and get the benefits of it and he read today in the Bethlehem Fall of 1991 Report with a message in there from Ken, which he agrees with, that we have got to expand the tax base and this kinds of thing, and maybe he is not meaning this kind of facility, but there is a need and he can't see what is so bad about hosting this facility, solving the problem and increasing our tax base here. He just can't see what is wrong with it and he would like to hear some comments from anybody else that would like to make them.

Councilman Frederick C. Webster stated that we have not closed any doors, some of us have visited Seamass, we have visited Long Island - Huntington - some of the Board Members have been to St. Cloud Minnesota and looked at the composting process and we have not closed any doors, we are looking at all options, and every time you turn around there is a new one coming forth so we have not closed any door, they are all open.

Councilwoman Sheila Fuller indicated that it is an issue that changes every day and she thought that the best thing that they could do is remain open minded on it. Mr. Thomas stated or what he is suggesting and Councilwoman Fuller stated or agree with you. Laughter. Mr. Thomas indicated that this might be possible as he believed if you went to a vote that might happen, but he reads these statements many times and he is not disagreeing with you where it is changing all of the time and this and that but one thing that we could do, this Town we could do, would be to maybe just kind of slow it down a little bit and say OK we are going to consider this option and he was hoping that maybe the Task Force would come out with, and of course that would be a pretty bold move, but he thought that if someone takes the initiative for or if we say we will take the incinerator, the waste to energy plant, all of the other Town are going to come to us and say you have got a deal with the ash landfill or whatever else, and he just thought that we have one heck of an option and he appreciated the comments.

Councilwoman M. Sheila Galvin indicated that she concurred that it was important that we not foreclose any options and she thought that it should be noted that the Task Force is doing a tremendous job working very hard and very diligently on these points and she was certain that they would be happy to receive any of your comments and she was sure would be getting a copy of your letter on this point and Supervisor Ringler indicated that they would, and Councilwoman Galvin continued and she also thought that it should be noted with respect to the ANSWERS proposed landfill that as far as one Town Board Member, her is concerned, she has been very pleased to receive a large volume of mail from people in the Town with respect to their position on that and she thought that it was very helpful to us as Town Board Members to be apprised and to have people who are willing to take the time and the trouble to sit down and voice their opinions directly to us.

Supervisor Ringler stated and he knew that the Board has been receiving copies of those letters and he has been receiving also and he has been responding to each of them advising them of our position and the resolution that the Board had passed and so forth so that there is no ambiguity as to where this Board stands on that particular situation.

Supervisor Ringler asked if there was anybody else who would like to address the Board this evening. No one else spoke.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to adjourn the Town Board meeting at 8:20 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

The Supervisor thanked everyone.


Town Clerk

No formal action was taken at the Executive Session.