

TOWN BOARD
DECEMBER 27, 1995

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 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor
Frederick C. Webster, Councilman
George Lenhardt, Councilman
Doris M. Davis, Councilman
Freeman T. Putney, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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Supervisor Fuller welcomed everyone to the regular meeting of the Town Board. The first item was a recommendation from the Town Planner, Jeffrey Lipnicky, for acceptance of application for zone change to Planned Residential District and consider resolution regarding SEQR lead agency status for an amendment to Planned Residence District No. 5, Good Samaritan Adult Home and Expansion to the Nursing Home.

SEQR
Resident 5
Good
Samaritan
Adult Home

The Supervisor noted there were representatives from the Good Samaritan Home to give a brief background on the project. Mr. Lee Bormann, Executive Director of the Good Samaritan Group -- noting this is the nursing home, senior housing and the adult home on Madison Avenue in Albany. He said they have been serving the community for over 20 years with a beginning as a health related facility. He said in October of 1989 through an act of Congress all nursing homes became skilled facilities. He said some changes were done with the physical plant in order to provide the more skilled care. He said the changes helped but they never completed all the changes necessary to give the type of care that the residents deserve. He said also in 1989 they received a grant to erect a senior housing complex of 36 independent apartments for low income seniors. He noted this complex opened in 1990 and they have not had any vacancies since that time. He said the majority of people in both facilities either come from the Town of Bethlehem or have relatives in the Town. He also noted along about that time the mission statement was updated by the Board of Directors and even more importantly, a vision was developed and a plan of action was drawn up to make the vision a reality. He said that is why they are here tonight.

Mr. Bormann said briefly the vision is to completely renovate the existing nursing home of 100 beds, using the available space for storage, linen, clean utility, dirty utility and other things. He said this is much needed space that has not been in the facility. Along with the vision, the plan calls for a new 40 bed wing. The wing will be 20 new construction beds and an additional 20 new beds. He said they want to take 20 beds from the old wings and put them in the new wing and add 20 beds, noting they have approval from the Health Department. He said the vision calls for a multi-level campus. He said as he understands it the Town plan also calls for an adult care facility in the Town of Bethlehem. He said they would like to move their 67 bed adult care facility presently located on Madison Avenue in Albany to the Delmar location. This would give the facility 3 levels of care -- independent living with very minimal support in the senior housing; intermediate level of care in the adult home with congregate meals with 24 hour staff, help with normal activity of daily living, planned activities in groups socialization; and the skilled nursing facility which needs to be updated. Additional services will be considered in the future as the need arises. He said this plan has been developing over the past 5 years.

Mr. Jim Gerou from Einhorn, Yaffee, Prescott, Architect for the project exhibited a map showing the location and proposed plan. He had one drawing showing the current site plan and noted the possibility of land acquisition was explored which resulted in an option to buy the additional 1 and 1/2 acre parcel of land for the

proposed expansion/renovation. The next drawing showed the proposed site plan showing the new adult home which will be 2 story on the new land parcel. He said it will be similar in design to the current senior housing. Parking was indicated, as well as, the location of the front of the building. He noted all regulations have been complied with and indicated the site is lightly to medium wooded. He said they propose leaving the buffer of trees as they exist along the roadways. The addition to the nursing home is in the rear of the existing single story structure. In addition, the existing building would remain the same in appearance. He said they are proposing to replace the current canopy with a new standard meeting canopy. He said other site changes include the relocation of parking and the driveway being constructed as a through roadway around the back of the facility. He indicated he had floor plans and an elevation drawing if anyone wished to see them.

Question was raised by Councilwoman Davis regarding a garden adjacent to the chapel. She asked if this would be remaining. Mr. Gerou said the garden will be relocated. He said there is fencing and the relocation will allow residents to access a new garden area. Mr. Borzmann said the adult home residents would enjoy the garden and indicated the Glenmont Job Corps has agreed to come in and move the plants away from the construction site. He feels this would be agreeable to both the residents and the allowance for the garden to remain. She further asked if the adult care home facility will be 67. Mr. Gerou said there will be 67 beds on 2 floors.

Supervisor Fuller thanked Mr. Gerou and asked Town Planner Lipnicky to explain the process. Mr. Lipnicky said real briefly there are 2 steps to the process. The first step is a PRD that does not include the 1 and 1/2 acres of the parcel. He said this section would have to go for a zone change. This can be done by expanding the boundaries of the existing PRD No. 5 and amending the Local Law that initially created PRD No. 5. The second step in the process would be for the applicant to come back and seek an amendment to PRD No. 5, the Building Project Approval. Mr. Lipnicky said both processes require referral to the Planning Board for recommendation. He said the Town Board cannot act before this recommendation is done by the Planning Board. He said a public hearing is required for the zone change. He said the Building Project Approval process requires a public hearing being held by the Planning Board. He further said preceding these 2 processes and all this, there is also the requirements of the SEQR process. He said there is a Memorandum of Understanding between the Town Board and Planning Board. The first step in this process is to initiate the SEQR process. He noted there is a proposed resolution to initiate the process.

Mr. Lipnicky said following the SEQR process, the application can be forwarded to the Planning Board for recommendation on the zone change and recommendation on the SEQR in regard to a positive or negative declaration. He said this is a broad overview of the process. Supervisor Fuller thanked Mr. Lipnicky.

The following resolution was presented for adoption:

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
CLASSIFICATION OF ACTION AND LEAD AGENCY DESIGNATION
APPLICATION TO AMEND ZONING DISTRICT BOUNDARY
PLANNED RESIDENCE DISTRICT NO. 5
GOOD SAMARITAN LUTHERAN HEALTH CARE CENTER, INC.

SEQR
Resolution
Resident 5
Good Samaritan
Health
Care

WHEREAS, the Town Board of the Town of Bethlehem has received an application and Environmental Assessment Form from the Good Samaritan Lutheran Health Care Center, Inc. to amend the established zoning district boundary of Planned Residence District No. 5 located along Rockefeller Road; and,
WHEREAS, the proposed amendment to the zoning district boundary would increase the land area of Planned Residence District No. 5 by 1.651+/- acres, resulting in 8.169+/- total acres within the District; and,
WHEREAS, the proposed amendment to the zoning district boundary would change the existing zoning district designation on

1.651+/- acres of land from Residence A District to Planned Residence District; and,

WHEREAS, the Good Samaritan Lutheran Health Care Center, Inc. has submitted conceptual plans for further development of the District in the event that the zoning change is granted and said plans entail: (1) expansion of an existing 34,600 square foot nursing home facility by 16,500 additional square feet; (2) construction of a 30,980 square foot adult care home; and (3) expansion of parking facilities within the District from 86 existing parking spaces to 149 spaces; and,

WHEREAS, Chapter 128, Article 5 of the Code of the Town of Bethlehem contains procedures for the establishment of a Planned Residence District, and said procedures authorize the Town Board to establish such a District upon referral to, and recommendation of, the Town Planning Board; and,

WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,

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

WHEREAS, the SEQR regulations found at 6 NYCRR 617.5(a) require that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether other agencies are involved; (3) the appropriate classification of the action; and, (4) whether a full or short environmental assessment form is necessary; and,

WHEREAS, 6 NYCRR 617.12 establishes thresholds for the classification of Type I actions and the proposed project does not exceed these thresholds, and thus, is appropriately classified as an Unlisted action; and,

WHEREAS, 6 NYCRR 617.6 establishes procedures for coordinated review of Unlisted actions;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby determines that the application by Good Samaritan Lutheran Health Care Center, Inc. to amend the zoning district boundary of Planned Residence District No. 5 constitutes an Unlisted action subject to SEQR; and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines that at minimum a Full Environmental Assessment Form is necessary to determine the significance of the action; and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines that coordinated SEQR review of the action will be undertaken in accordance with 6 NYCRR Part 617.6 and the Memorandum of Understanding for Planned Development Districts approved by the Town Board on February 27, 1991; and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the other involved agencies with respect to this action may include: (1) the Albany County Health Department; (2) the New York State Department of Environmental Conservation; (3) the Planning Board of the Town of Bethlehem; (4) the United States Department of Housing and Urban Development; (5) the New York State Dormitory Authority; (6) the New York State Division of Housing and Community Renewal; (7) the New York State Department of Social Services; (8) the New York State Department of Health; (9) the Town of Bethlehem Highway Department; and (10) the Town of Bethlehem Public Works Department; and,

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Town Planning Department to initiate coordinated review of the action by filing a copy of the Planned Residence District application, SEQR materials and appropriate notice with involved agencies, and notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice; and,

BE IT FURTHER RESOLVED,

that the Town Board as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review; and,

BE IT FURTHER RESOLVED,

that having notified the involved agencies of the Town Board's desire to be Lead Agency, the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action unless objection to such designation is received from any involved agency within the above specified thirty day (30) time period.

On a motion by Mrs. Davis, seconded by Mr. Lenhardt and a vote of 5 for, 0 against, 0 abstention, and 0 absent, this RESOLUTION was adopted on December 27, 1995.

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Councilman Putney had one general question regarding taxes. He asked if the facility pays any taxes to the Town or fire districts or payment in lieu of taxes. Mr. Bormann said they do not, they are not-for-profit and they are not proposing to pay any. Councilman Putney thanked Mr. Bormann.

Supervisor Fuller thanked Mr. Bormann.

Parks and
Recreation
approval
seasonal
personnel

Supervisor Fuller said the next item was a request from David Austin, Administrator, Parks and Recreation Department, for approval of appointment of seasonal personnel.

The motion was made by Mr. Lenhardt and seconded by Mr. Webster to approve the appointment of seasonal personnel as indicated on the memorandum from David Austin, Administrator, Parks & Recreation Department, dated December 27, 1995, effective January 1, 1996 and on file with the Town Clerk. The motion was passed by the following date:

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

Engineering
Services
Admin
acceptance
of easement
and discon-
tinuance
regarding
Beverwyk

Supervisor Fuller said the next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for acceptance of easement and discontinuance of a portion of an existing easement regarding Beverwyk, Inc., North Bethlehem.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the acceptance of easement and approve discontinuance of a portion of an existing easement regarding Beverwyk, Inc., Krumkill Road, North Bethlehem, New York. The motion was passed by the following vote:

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

Engineering
Services
for approval
of reduction
of bonding
regarding
Krumkill

The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for approval of reduction of bonding regarding Krumkill Manor, Sections 1 and 2.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the reduction of bonding with regard to Krumkill Manor, Sections 1 and 2 as recommended by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

The following item was a recommendation from Commissioner of Public Works, Bruce Secor, regarding New Options on Waste request for Variance for operation of a Solid Waste Facility to set public hearing. This could be advertised January 3, 1996 and the public hearing held January 24, 1996.

Set Public
Hearing on
New Options
on Waste

The Supervisor noted the application has been determined to be sufficiently complete to conduct the public hearing. She noted it does not indicate there is agreement, however, it does specify that it is complete for public review.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the setting of a public hearing regarding a Variance application for the operation of a Solid Waste Facility at the Port of Albany, Town of Bethlehem on the 24th day of January 1996 at 7:30 p.m. at the Town Hall. The motion was passed by the following vote:

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

The Supervisor noted the next item was a request from Bruce Secor, Commissioner of Public Works, regarding expenditure of Water District Capital Reserve funds for the replacement of two water clarification units at the New Salem Water Purification Plant.

Public Works
request
expenditure
for water
clarification
units

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the expenditure of Water District Capital Reserve funds for the replacement of two (2) water clarification units at the New Salem Water Purification Plant following a permissive referendum. The motion was passed by the following vote:

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

The following item was a recommendation from the Human Resource Committee pertaining to personnel changes. The changes pertain to Mr. Andress and Mr. Sayward, according to Supervisor Fuller.

Human Resource
Personnel
changes Mr.
Andress and Mr.
Sayward

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the personnel changes as recommended by the Human Resource Committee pertaining to Mr. Andress and Mr. Sayward of the Department of Public Works, Water Division. The motion was passed by the following vote:

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

The next item was to approve the minutes of the Town Board meeting of November 21, 1995 as submitted.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the Town Board minutes of November 21, 1995 as submitted. The motion was passed by the following vote:

Minutes approve
for November 21,
1995

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

Highway
Superintendent
approval
transfer of
funds

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of transfer of funds in the amount of \$25,000.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the transfer of funds in the amount of \$25,000. from D5140.1 Brush and Leaves - Personnel to D5110.4 General Road Repair - Contractual as requested by Highway Superintendent Gregg Sagendorph. The motion was passed by the following vote:

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

The Supervisor noted part of the Highway Superintendent's request was for approval of a supplemental appropriation of an amount not to exceed \$100,000. to be transferred to the Highway Equipment Reserve Account.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the transfer of funds not to exceed \$100,000 to the Highway Equipment Reserve Account as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

Public Works
approval
of budget
transfers

The next item was a request from Commissioner of Public Works, Bruce Secor, for approval of budget transfers.

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the budget transfers from Account No. F8330.4 Contractual \$35,000 -- \$15,000 to account No. F8330.1 Personal Services and \$20,000 to account No. F8320.4 Contractual as requested by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

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

Budget Transfer
request from
comptroller

The following item was a request from Comptroller, Judith Kehoe, for approval of budget transfers.

The motion was made by Mr. Webster and seconded by Mrs. Davis to approve budget transfers as requested by Comptroller Judith Kehoe as noted in her Memorandum to the Town Board dated December 27, 1995. The motion was passed by the following vote:

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

Chief of Police
approval of
transfer from
Insurance
Recovery

The following item was a request from Chief of Police, Richard LaChappelle, for approval of transfer of \$1,328.65 from the Insurance Recovery Account to the Police Account.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the transfer of \$1,328.65 from the Insurance Recovery Account No. A3210.464 to the Police Account No. A3210.464 as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

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

Supervisor Fuller noted many of the budget transfers this evening are basically because it is the end of the fiscal year. The Town starts a new financial year January 1.

The Supervisor asked if anyone wished to address the Board. There was no one wishing to speak. Supervisor Fuller wished everyone a very happy and healthy New Year and the Board gave Councilman Frederick C. Webster a standing ovation for his very last meeting. Mr. Webster thanked everyone and invited everyone to join them at any time during the next couple months in Florida, noting everyone was welcome to come down and visit. He said it has been a nice 9 years and he said he met a lot of nice people and a lot of nice things have happened. He said there have been heartaches and headaches, however, overall all the Board Members have done an extremely fine job for the Town and he said it is reflected in their being returned to office this year and years in the past. He wished everyone the best, including Bob Johnson, newly elected Councilman.

Supervisor Fuller asked for a motion to adjourn. The motion was made by Mr. Putney and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 7:55 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk