

TOWN BOARD
JULY 6, 1993

A special 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: Kenneth J. Ringler, Supervisor
Frederick C. Webster, Councilman
Charles Gunner, Councilman
M. Sheila Galvin, Councilwoman
Sheila Fuller, Councilwoman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR RINGLER: Good evening, welcome to a special meeting of the Bethlehem Town Board. First item on our agenda tonight is a public hearing regarding a Local Law to amend Article III, Section 128-3 Zoning Map; Determination of Boundaries of the Code of the Town of Bethlehem. Ask the Town Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on July 6, 1993 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 4 of 1993, Amending Article III, Section 128-3, Zoning Map, Determination of Boundaries of the Code of the Town of Bethlehem.

All parties in interest and citizens will have an opportunity to be heard at the said hearing. The Town of Bethlehem provides reasonable accommodations for the disabled.

Disabled individuals who are in need of assistance in order to participate should contact David Austin at 439-4131. Advance notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, TOWN CLERK

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STATE OF NEW YORK)
COUNTY OF ALBANY)

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 23rd day of June, 1993.

Public Hearing
Local Law No. 5
of 1993
Zoning - Marie
Rose Manor

Sworn to before me this 23rd
day of June, 1993.
/s/ Bruce A. Neylerin
Notary Public, Albany County

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STATE OF NEW YORK)
) ss.:
COUNTY OF ALBANY)

KATHLEEN A. Newkirk, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on June 18, 1993, 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.

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/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
29th day of June, 1993.
/s/ Catherine T. Picarazzi
Notary Public, Albany County

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SUPERVISOR RINGLER: Thank you, Kathy. The agenda says this is regarding Local Law No. 4, actually, we had a Local Law passed at our last meeting so this is actually Local Law No. 5 that is being considered tonight. This particular proposal was referred to the Planning Board and the Planning Board has come back.

TOWN CLERK NEWKIRK: Excuse me, we need a motion to indent the notices.

SUPERVISOR RINGLER: Thank you, Kathy. A motion to indent.

The motion was made by Mr. Webster and seconded by Ms. Galvin to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

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Discussion
Local Law
No. 5, 1993
Zoning -
Marie Rose
Manor

SUPERVISOR RINGLER: As I said, this is a project that has come to the Town to address the problems of housing of seniors in our community. It was referred to the Planning Board and the Planning Board has come back with a recommendation to the Town Board dated June 7, 1993 and I would like to read their recommendation into the record.

June 7, 1993

Kenneth J. Ringler, Jr., Supervisor
Town of Bethlehem
445 Delaware Avenue
Delmar, New York 12054

Dear Supervisor Ringler,

Marie Rose Manor Housing Development fund Co., Inc. has made a request for the Town Board to rezone from Residence "A" to Senior Citizen Residence District (SCRD) a 5.8 acre parcel located north of the Slingerlands Bypass (NYS Route 85) and south of the Beverwyck Planned Residence District. The request was referred to the Planning Board on April 15, 1993, for recommendations on a SEQR determination of significance and on the rezoning.

The proposed SCR D and corresponding site plan for a 50- unit apartment building for senior citizens with low to moderate incomes were initially presented and discussed at the Planning Board's meeting of May 18, 1993. Following this meeting, revisions were made to the site plan in order for it to meet requirements of the Zoning Code which were not initially met. The proposed project was then discussed at the Planning Board's June 1, 1993 meeting.

In its review of the proposal, the Planning Board also considered the comments and recommendations of the Planning Department as contained in the memoranda dated May 17, 1993 (prepared by J. Saatman), May 18, 1993, and June 1, 1993 (both prepared by J. Lipnicky).

Recommendations

The Planning Board unanimously recommends that the subject parcel be rezoned to Senior Citizen Residence District and that a negative SEQR be made.

Discussion

The Planning Board recognizes that the Town's need for quality housing for senior citizens of all income levels. The proposed rezoning would help to meet some of that need by allowing the construction of a 50-unit apartment building for low to moderate income senior citizens. It is the consensus of the Planning Board that this proposal meets the intent and objectives of the SCRD and that it is in substantial conformance with the criteria for rezoning to SCRD.

A negative SEQR declaration is recommended based on facts which include the following:

1. the proposed site plan meets the zoning requirements for an SCRD;
2. concerns regarding the stability of the slope along Route 85 have been alleviated due to the increase in the building's setback from the top of the slope to 100+ feet;
3. the additional setback will also allow the retention of the existing trees between the building and the top of the slope, thus providing natural screening from the Slingerlands Bypass;
4. less than one acre of federally regulated wetland area is proposed to be disturbed;
5. access to the proposed future Town street, Marquis Drive, has been included;
6. an archaeological study of the site has been initiated; and
7. the rezoning of the site to SCRD would have less impact than the current Residence "A" zoning with regard to the area of the site to be developed, removal of existing vegetation, and traffic generation.

Sincerely,

Martin L. Barr, Chairman

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SUPERVISOR RINGLER: Before I open it up to questions of the Board, Mr. Kurzon who is representing the developer is here. Is there anything you would like to add at this point in time?

MR. KURZON: Yes.

SUPERVISOR RINGLER: Would you come up to the mikes here, so everyone can hear you, Bob.

MR. KURZON: Just a few very brief items.

SUPERVISOR RINGLER: Bob, you have to turn it around so that they can hear you and we can hear you.

MR. KURZON: That one good. Why don't I just speak very loudly.

SUPERVISOR RINGLER: Thank you, this room is really hard to hear when you get about 3 rows back.

MR. KURZON: And, the proposed site plan for Marie-Rose Manor is illustrated on the board for all of you to take a look at. In addition to the last Planning Board hearing, a couple things have taken place which I think I should let you all know about.

1. New York State Historical Preservation Officer has corresponded back to Marie-Rose Manor indicating that the proposed project, as proposed, will have impact on any existing or potential archeological sites, archeologic or historical sites, on this particular property which is to say that although that was implied, but is now a definite.

2. We have entered into discussions with the Town Engineering Department, in regard to the ultimate hook-up or access to the project from Marquis Drive -- thanks John -- and have agreed with them for the benefit of both the Town and the project to provide the dedicated turn around as Marquis Drive enters the property.

3. On the 8th, which is the day after tomorrow, applications are due at U.S. Dept. of HUD for what we believe is a very, very needed project for all of the seniors in the Town of Bethlehem and we hope, with this Board's support and your support that we are successful.

We believe we have an excellent application, as good or probably better an application than we have ever seen go into HUD and I open it up to questions.

SUPERVISOR RINGLER: Does the Board have any questions at this point?

COUNCILWOMAN GALVIN: Go ahead Charlie.

COUNCILMAN GUNNER: I will wait until I hear what the people have to say.

SUPERVISOR RINGLER: Okay, fine. Anyone else on the Board have any questions?

COUNCILWOMAN FULLER: I just questioned the future of Marquis Drive?

SUPERVISOR RINGLER: Would you take one of the mikes.

COUNCILWOMAN FULLER: Just a question as to when are we looking at the future of this street, Marquis Drive?

SUPERVISOR RINGLER: Jeff or John Flanigan, can you answer that?

MR. FLANIGAN: Marquis Drive, which is in Krumkill Manor, Section No. 2, is before the Planning Board tonight for this Section 2 for approval, preliminary approval of the subdivision approval for that area. As you can see, this is Marquis Drive. As Mr. Kurzon pointed out, Marquis Drive comes in and would hook on right here.

SUPERVISOR RINGLER: Can everyone hear Mr. Flanigan? No, they can't hear you John, microphone.

MR. FLANIGAN: Can't hear me. Where that section of Marquis Drive is in Krumkill 2 -- can you hear me now?

COUNCILWOMAN FULLER: Yes.

MR. FLANIGAN: Usually I don't need it. And, it is up for preliminary approval tonight and it might even get conditional final because this is the second section of Krumkill Manor. The first lower right is already built and those main roads are already in down on the right hand lower area.

MR. KURZON: We are upside down here, this connects to that.

MR. FLANIGAN: That boulevard is already in there and there are homes being built in that area now. This will just be an extension of that section because remember, it was with the 25 lot restriction was on there, that 25 lot restriction is not on anymore so they are going to do the whole thing. So, that should not be too long before we get that Marquis Drive built.

COUNCILMAN GUNNER: What do you mean by not too long?

COUNCILWOMAN FULLER: Yes, that is what my next question was going to be.

MR. FLANIGAN: They are ready to go just as soon as they get their approval.

COUNCILMAN GUNNER: Six months?

MR. FLANIGAN: No, less than that, this is Charlew Builders. They have been at this probably 3 months in the Planning Board, trying to get this section approved so that they could go on with it. So they are really building houses and the first section over here on that part is pretty well built.

COUNCILMAN GUNNER: So, that street will be finished before actually that...

MR. FLANIGAN: I would say so, or it would be pretty close they would both come out together. But, even over and above that, as a temporary thing, it was shown on the original that you a good access off of the road at Beverwyck.

COUNCILMAN WEBSTER: Marie-Rose Manor comes in at the very bottom of that top map, correct?

MR. FLANIGAN: That is correct and that is where the turn around was proposed, right there.

COUNCILMAN GUNNER: Marie-Rose hasn't made any agreement other than verbal for the use of that road, correct?

COUNCILMAN WEBSTER: That is a Town road.

MR. FLANIGAN: From Beverwyck?

COUNCILMAN GUNNER: Beverwyck, it is not a Town road.

COUNCILMAN WEBSTER: Oh, Beverwyck, I am sorry.

COUNCILMAN GUNNER: It is not a Town road, Fred.

COUNCILMAN WEBSTER: No, Marie-Rose Manor...

MR. KURZON: As of today, we obtained from the Beverwyck a permanent access and maintenance easement for access to Marie-Rose Manor.

SUPERVISOR RINGLER: Sister Grace has the documents with her, I believe.

MR. KURZON: You have them. I don't think I best read this but... oh, it is very short. An easement for ingress and egress over all that tract, piece, parcel of land situate, lying, and being in the Town of Bethlehem, County of Albany, and State of New York being known and designated as Beverwyck Drive, said Drive being a private road subject to any and all covenants, conditions, easements and restrictions forever.

COUNCILWOMAN GALVIN: Mr. Kurzon, if your application goes into HUD on the 8th, what is the time frame for anticipated approval or disapproval?

MR. KURZON: HUD has to announce award of funding applications no later than last day of the Federal fiscal year which is September 30th. The experience has been that... from a project team such as ours, we may be capable of putting a project in the ground in the summer of 1994.

COUNCILWOMAN GALVIN: What are your chances of success? I know you can't give guarantees one way or the other but based on your experience in those applications.

MR. KURZON: We have had years of tremendous success and years when competition for whatever reason has gotten a head of our projects. There are -- if my recollection serves me, Sister Grace you correct me -- I believe there are 196 units of senior housing available in upstate New York, which is New York State, exclusive of New York City metropolitan area. There are only 9500 or so, 9600 units available throughout the country including the Commonwealth of Puerto Rico. So, competition is intense.

COUNCILWOMAN GALVIN: Do you know at this stage how many other applications have been submitted for the 'upstate New York area'?

MR. KURZON: As of this time, I am not aware of any that have been submitted. I am only aware of 2 that will be submitted and beyond that I would be speaking purely speculatively.

COUNCILWOMAN GALVIN: Do you know what those 2 are?

MR. KURZON: I believe there is one in Rensselaer County and I believe there is... I know there is one in Niagara County, the western part of the State. These tend to be divided up regionally just for your information.

COUNCILWOMAN GALVIN: Do you know when the last one was approved for the Albany County or basically, this area of the State?

MR. KURZON: Last year.

COUNCILWOMAN GALVIN: And, do you know when one was approved for the Niagara area?

MR. KURZON: I could not tell you at all.

COUNCILWOMAN GALVIN: How about Rensselaer County?

MR. KURZON: I don't think there has ever been a HUD project in Rensselaer County, a HUD 202.

SUPERVISOR RINGLER: Anybody else? Anything else? Now we will open it up to the public. The way we handle our public hearings is first of all, allow anyone to ask any questions that they might have for points of clarification. And, then once that is done, we will open it up to those who might want to speak in favor and those who would like to speak in opposition. Hopefully, there won't be too many who want to speak in opposition. Any questions at this point in time?

There were none. Is there anyone who would like to speak in favor of this proposal? Karen, for the record, as our Senior Citizen Director, you might want to say a few things. I know I have caught you off guard now, haven't I?

MRS. PELLETTIER: Well, what I will say, some of you may already have heard. Is that what you would like me to do, say it again?

SUPERVISOR RINGLER: Yes.

MRS. PELLETTIER: Is this the right microphone?

SUPERVISOR RINGLER: That is fine.

MRS. PELLETTIER: I will try not to speak as loud as the gentlemen. I read this once before at the Planning Board but since this is a different audience, I will read it again.

My name is Karen Pellettier and I am Director of Senior Services for the Town of Bethlehem. The Town of Bethlehem Senior Services Department provides information and referrals to services and programs for independently living residents in the Town of Bethlehem over the age of 60. According to the 1990 census, 19 percent of the Town's residents are over the age of 60, approximately 5200 persons. The Town Senior Services Department offers access to 39 programs and services.

I apologize for my back, do you want me to turn around?

SUPERVISOR RINGLER: No, that is fine, go ahead.

MRS. PELLETTIER: The Town's Senior Services Department offers access to 39 programs and services most staffed and run by volunteers, also senior citizens. Approximately 2,000 individuals utilize the Town's services for the elderly. Probably the best known service offered is Bethlehem Senior Transportation Services, run jointly by both Town Senior Services Department and Bethlehem Senior Projects, Inc. -- a small not for profit corporation set up to provide additional services and programs not available through ordinary means. Currently, 5 vehicles provide transportation for the older residents

of our Town. We transport over 50 persons a day, making 6,000 trips in the last calendar year. Medical transports, wheel chair transports and cancer client visits are a priority. Daily transports to geriatric day services and clinics are offered 5 days a week. Of the many other programs offered, some of the favorites are the congregate lunch and entertainment program held each week, weekly grocery shopping, monthly shopping center trips, evenings out, dinners out and plays.

As a matter of fact, the van is going to a ballet 3 times in July. I wish I could say the same.

Senior exercise programs held both here at the Town Hall and at the high school swimming pool and the middle school pool are also well attended. Of notice, the projected increase in the elderly population during the next decade and that the aging and ??????? playing of the community we have noted the increasing frailty and the need for services of our clients as we age. Additionally, the income levels of many of the seniors are decreasing steadily. As their interest income declines, their pensions become less able to cover bills and expenses and their social security check, if they receive them, do not keep pace with inflation.

The Town of Bethlehem Senior Housing Committee, which has submitted several reports to the Town Board during the past few years, has stressed the need for housing which would meet the needs of a variety of income levels of the senior citizens.

Since those reports were written, Good Samaritan, a group has built apartments with State ???? income and the Eddie is currently constructing a geriatric campus in North Bethlehem. According to the 1990 census figure, 232 persons over the age of 59 are living below the poverty level of \$5947. in our community. Over 700 persons over age 60 are living on income of under \$14,999. According to the Town's Assessor's office, 317 homeowners over the age of 65, have applied for partial exemption from real property taxes this past year -- an increase of 100 homeowners over last year. And, the Section 8 rental assistance program in the Town which has 45 rentable units, has a waiting list which includes 17 elderly persons.

Our goal is to help our residents remain residents by providing additional programs and services. Decent affordable housing should be everyone's right but particularly those who help build this Town. We need more affordable housing for those who can least afford it. If built, Marie-Rose Manor, will probably be home to many of the people we currently serve and some that we do not yet know. We look forward to an opportunity to work with DePaul Management and the future residents of this center.

SUPERVISOR RINGLER: Thank you, Karen. Is there anyone else who would like to speak in favor of this proposal.

MR. BREEN: My name is Jim Breen, and I would like to say that this project has been need in the Town for a great number of years.

SUPERVISOR RINGLER: A little closer to the microphone, please.

MR. BREEN: And, it is needed today and I am very much in favor of it.

SUPERVISOR RINGLER: Thank you. Is there anybody else who would like to speak in favor? There were none. Is there anyone would like to speak in opposition? There were none.

If not, I would entertain a motion to close the hearing.

COUNCILMAN GUNNER: I would like to speak.

SUPERVISOR RINGLER: We will have discussion.

COUNCILMAN GUNNER: Yes, I want to speak.

SUPERVISOR RINGLER: Yes, we will.

COUNCILMAN GUNNER: Make sure we do.

SUPERVISOR RINGLER: Pardon me?

COUNCILMAN GUNNER: Go ahead.

SUPERVISOR RINGLER: No, normally we close the hearing to the public and then we will have our discussion.

COUNCILMAN GUNNER: We did a lot of talking at the beginning that's why I was confused.

SUPERVISOR RINGLER: Okay. Entertain a motion to close the public hearing.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to close the public hearing at 7:50 p.m. The motion was passed by the following vote:

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

Noes: None.

Kathleen A. Newkirk
Town Clerk

SUPERVISOR RINGLER: Discussion, questions, comments, Board?

COUNCILMAN GUNNER: Actually...

SUPERVISOR RINGLER: Charlie, can you get that mike a little closer to you, thanks.

COUNCILMAN GUNNER: I think you can hear me back there, but if not, I will use it but I hope not to go too loud.

I was going to speak at the time when they said anybody wants to speak in favor of it. I am in favor of it, may be eventually a good candidate for it in the not too distant future. But, however, as I read through it and everything I had a lot of questions and mainly I am asking the questions because I wouldn't want to see anything wrong or different than... which should be right for the senior citizens who are going to live there and for the organization that is going to promote it. But, I do have a few questions and they may be simply answered.

First of all I guess I am concerned that we have in our law criteria for determining it. Now, up until tonight, there were 4 of the 11 criteria that were not met. My minutes I read through for the Planning Committee, Planning Board, excuse me and there were 4 or 5 there on one of the two meetings where we have minutes where they had deep reservations too. And, in my mind, they are not settled so, I think with all the people here tonight that can be positive experts maybe we can get this thing cleared up for me and for us and we can get a healthy vote.

The site shall be located within reasonable proximity of necessary day-to-day services needed for the elderly such as stores, groceries, pharmaceuticals, banking, health services, places of worship and leisure and facilities.

SUPERVISOR RINGLER: Sister Grace and Karen would you like to comment on that as to why you feel it is appropriate?

MR. KURZON: We have examined it at length, the location of the project and the opportunities that are available to seniors who might live there if the project achieves funding. The project is approximately 2 miles and a little bit, 2 1/2 miles, from 4 corners. 2. The project is less than 1 1/2 miles from Stuyvesant Plaza and Crossgates and the understanding that on locating a project such as this, you will note we are providing 41 spaces -- I believe that is the number, we set aside for an additional 14. You will find that on move in a project such as this that those seniors who drive, there will be approximately 60 percent. In other words, 50 total parking, 30 who will have cars. Now, they are supported by sons, daughters, relatives in the area in case they don't drive very much. That is one mode of accessibility. Then 2, because of the internal network that Beverwyck, the Eddy Foundation will have, there will be senior services available in the immediate vicinity. We are not just talking about medical, professional, retail services but referral type services, basic care type services which the Eddy can provide. No. 3 in terms of transportation is you have Bethlehem Senior Services is... hesitate to say very, very active in transportation of seniors to needed services whether they be medical, psychological, financial, retail -- in turn, although arrangements haven't been made, at any number of our projects, the Price Chopper bus... again, for those who do not drive, the Price Chopper bus will take residents to a particular store at a scheduled times for their shopping needs. The last aspect is that HUD requires that each project have assigned to it, and they are now funding it, a senior services coordinator -- who is really a person who makes connections between the residents of the project and those providers of service. This is something new for HUD and it is something they understand they have to put in place, if seniors who are going to become increasingly less mobile, ultimately somewhat frail, but nonetheless will do best in independent living situation as long as they can. The idea is to meet them up with services. Lastly, because that Coordinator is there, a great number of services, whether it be hair dresser, barber, podiatrist, running a blood pressure clinic, perhaps --

although we don't want to think about it that much -- somebody who will pro bono counsel estate planning or take care of particular banking needs are available. That is what the staff is for and those are the connections that this project has made. So, the fact that this project -- for example, and I think I understand your concern -- is not within walking distance of a store because it is not, frankly, nonetheless that network of senior supported services -- Bethlehem Senior Services, the Eddy, the Beverwyck, the on-site Coordinator, DePaul Management -- who all make this connect. And, I think you will find in some other projects and I am sure Sister Grace who now operates 7 with -- something approaching 500 dwelling units, can speak to it. Anything more you may need.

COUNCILMAN GUNNER: Did you say 60 percent -- I thought I heard you use that -- drive cars, have cars, the residents?

MR. KURZON: Approximately 60 percent, yes.

COUNCILMAN GUNNER: That differs from what Sister Grace said at one of the Planning Board meetings, where you said it would be 5 to 15.

MR. KURZON: That might have been...

SISTER GRACE: I think when I said... our one building in the city, St. Vincent's apartments has only 5 people who have cars. In our suburban areas when we first opened, we do have as many as 60 percent who have cars. As they age, then some of them have to give up driving.

One of the things I do want to comment to in regard to your question to about being within walking distance. In the City of Albany in St. Vincent's apartments, we really have the most services within walking distance, stores, beauty parlors, barber shops, movie theater, restaurants. Very few of the people walk very long distances now. We have been able to have the services at most of our buildings, Price Chopper and some now Super Shop 'n' Save who provide buses once a week to take the people shopping so the people who do not have cars and even those who do, prefer to go by buses have the opportunity for that. Also, in the Town of Bethlehem and Karen Pellettier has said, there are van services and then CDTA also has the Star bus. So, being within walking distance is something that has some merit but is not something that very many of the residents would avail themselves of. Our average age right now in most of our buildings is 74 and in some we have people coming in at 88 and as old as 95. Does that answer your question?

SUPERVISOR RINGLER: Okay, other questions?

COUNCILWOMAN GALVIN: Mr. Kurzon, I have a follow-up to something that you said in response to Charlie's question. You indicated that the Eddy and Beverwyck have services that are available to the seniors who would be in your project, are you under contract with Eddy or Beverwyck for those services and if so, what are they?

SISTER GRACE: Currently we are under contract for 6 of the 7 buildings that we operate. The 7th one will be as soon as we get the funding approval from HUD. We have the contract between the building and senior care connection which is run by the Eddy and which will have their offices on that Beverwyck complex.

COUNCILWOMAN GALVIN: Will the senior care connection charge the residents their usual service charges for the activities that they perform?

SISTER GRACE: No, there will be no charge to the residents whatsoever. HUD has now realized that because the people are aging in place and to be allowed to continue to stay in an independent settings longer than they do need this. And, so, they are approving on the budgets and it is paid out of the operating budget. There is no charge to the residents for this service.

COUNCILWOMAN GALVIN: Other than the services provided by senior care connection, what if anything else, are you under contract with Eddy or Beverwyck for?

SISTER GRACE: At this time, that is the only contract that we have but I know that in discussion of the development of Marie-Rose Manor, the sponsors of the Beverwyck have been very supportive. They have encouraged us, they said they would like to work with us and see what services they could provide. They will have some kind of transportation and we still have to work out the possibility there but they did give us the permanent easement through their property which could be used as a secondary egress even when Marquis Drive is developed. And... but at this time, it is the only contract that we have with them.

COUNCILWOMAN GALVIN: Currently the only one is with Senior Care Connection and is there any limitation on the services to be provided by Senior Care Connection or is it the same services that would be provided say to an Eddy resident under contract with Senior Care Connection?

SISTER GRACE: It is the same as the service that will be provided. I understand you are familiar with Senior Care.

COUNCILWOMAN GALVIN: Yes, I am.

SISTER GRACE: It is expensive and it is something that our residents would not be able to afford if we did not have the contract and it is in this proposal. Before this was something that HUD would not consider. On this one, we would like this in by July the 8th, we have to show that we will provide this service for...

COUNCILWOMAN GALVIN: Is the Senior Care Connection representative going to be located at the Eddy or at Beverwyck?

SISTER GRACE: At this time, their offices are in Troy and they service our residents in Half Moon, in Latham, South Colonie, Albany, Wynantskill, and East Greenbush. But, in their plan they expect to have the Senior Care Connection on the Beverwyck campus eventually.

COUNCILWOMAN GALVIN: When do they anticipate having the services at the Beverwyck campus?

SISTER GRACE: I can't tell you for sure about that but the service coordinator that would be provided for Marie-Rose Manor would have an office at Marie-Rose Manor.

SUPERVISOR RINGLER: Any other questions?

COUNCILMAN GUNNER: I assume that both you and Mr. Kurzon feel that it does state in here, one of the criteria is that there are plenty of reasonable alternatives for transportation between the different private corporations and public support like Senior Citizens of Bethlehem, things like that.

MR. KURZON: That is a correct statement.

COUNCILMAN GUNNER: The other one that came to my mind that was obvious until tonight and you already spoke to it, Mr. Kurzon, is the absence of a public street and we have seen some streets who may not get finished. We have some in our Town now. And, so I think I am more reasonably convinced now that the street will be finished and probably before they get started. So, and the connection would be whose responsibility?

MR. FLANIGAN: The street would be built under the subdivision property owner but Marie-Rose would pick it up from there.

COUNCILMAN GUNNER: Yes, up to them, okay.

MR. FLANIGAN: And, as they have stated, they already have been in contact with the Engineering Department for a turn-around there.

MR. KURZON: That section is precisely... 150 feet say would be built by the project to connect Marquis Drive.

COUNCILWOMAN GALVIN: But, as we sit here tonight, Marquis Drive, has not been approved.

MR. FLANIGAN: It might be by now.

COUNCILWOMAN GALVIN: Right now, we don't know.

SUPERVISOR RINGLER: But, the connection to the Beverwyck meets all Town standards and that private road meets all Town standards as well that is on Beverwyck property.

MR. LIPNICKY: There is one other thing that should be considered with regard to that and that is the way the Senior Citizen code is written. Basically it says that when this comes back to the Planning Board for...

SUPERVISOR RINGLER: Jeff, please come up, we can hear you but I don't think anyone else can.

MR. LIPNICKY: The way the Senior Citizen Residence District code is written essentially says that when this project comes back to the Planning Board for site plan approval, that the plan submitted to the Planning Board has to be in substantial conformance with this plan that serves as the basis for the zone change. Now, in the Planning Board discussions there was also a good deal of concern with connection to Krumkill Manor and one of the things the Planning Board required the applicant to show there was that connection with the understanding that that connection would be built. So, if this zone change is approved and this comes back to the Planning Board, I am certain that the Planning Board is not going to interpret the absence of the connection to Krumkill Manor as being in substantial conformance. So, in effect, what that means is that the applicant here, basically has to start all over again.

COUNCILMAN GUNNER: Excuse me, Jeff, are you saying that that road must be available for connection before they finish their building?

MR. LIPNICKY: I would say, that is what the... the Planning Board has to make an interpretation of that obviously and I can't speak for the Planning Board -- in my view, that would be the case.

SUPERVISOR RINGLER: Other questions.

COUNCILMAN GUNNER: Yes.

SUPERVISOR RINGLER: Go ahead, keep going.

COUNCILMAN GUNNER: What is the front and what is the back of the building? You know what I am getting at, right?

MR. KURZON: Yes. Right now, the access, as Mr. Flanigan pointed out previously, the frontage rather is about 750 feet on a public right-of-way Route 85. That is for the purposes of zoning, front yard of the building and the building is set back required 100 feet, however, at the point that Marquis Drive is built out, we will be in compliance with 100 feet from Marquis Drive right-of-way, as well.

COUNCILMAN GUNNER: And, that will become the front?

MR. KURZON: I suppose so.

COUNCILMAN GUNNER: I mean, what address are you going to use? If can't answer me what is front or back.

MR. KURZON: I think at that point...

MR. FLANIGAN: I think it would be Marquis Drive.

MR. KURZON: Marquis Drive, yes.

COUNCILMAN GUNNER: Do they permit parking in front of senior citizen units.

MR. KURZON: Subject to set back limitations, I believe.

MR. FLANIGAN: That is correct. But, Charlie, just because it fronts on one street, that doesn't have to be the street address.

COUNCILMAN GUNNER: I didn't say it does, I just said what is.

MR. FLANIGAN: So, okay, in my interpretation the front of the building -- is Route 85.

COUNCILMAN GUNNER: 85A, there is no way you could get connection with that without great expense, is that true?

COUNCILMAN WEBSTER: From Route 85A?

MR. FLANIGAN: It slopes...

COUNCILMAN GUNNER: It would be impossible, almost.

MR. LIPNICKY: The State wouldn't allow that anyway.

MR. FLANIGAN: That is right, that is a State road.

COUNCILMAN GUNNER: Because, in reading the minutes, the Planning Board talked about that a lot. You were involved in the conversations, you were the one who said, that that is the front. But, that will not be the front when the other road opens up.

MR. FLANIGAN: Sure, it is still called the front because...

COUNCILMAN GUNNER: Okay, you answered that question. No better than it was in the minutes.

MR. LIPNICKY: You see really a lot...

SUPERVISOR RINGLER: Jeff, you have to come up to the microphone, sit in the front row so you don't have to keep going back and forth.

MR. LIPNICKY: The question I have is is it a lot different if it was a corner lot, okay, because a corner lot has frontage on two streets -- which do you call the front yard and which do you call the side yard.

COUNCILMAN GUNNER: Which I would call or which you would call?

MR. LIPNICKY: Well, no, I mean under the zoning interpretation, which would you call.

COUNCILMAN GUNNER: I think you would have a front door. If you didn't know where your front door was you are going to be in trouble in building to begin with, the architecture and everything.

MR. LIPNICKY: But, the zoning...

COUNCILMAN GUNNER: I know what it says and I know what you are getting at, what I am saying is that this new law is going to need a looking at because it is causing considerable problems in getting the right for this building and asking the Board to do it. Because, just in the Chairman's remarks, this Board has the responsibility to act on this as well. So, I can't really vote if we are going to vote tonight until I have these questions answered and if you have answered it -- I think it is sort of a technicality that you have dealt with and that is fine by me.

MR. LIPNICKY: I don't disagree with you at all in a number of these interpretations it is kind of a gray area in there...

COUNCILMAN GUNNER: Absolutely.

MR. LIPNICKY: Where the Board has to make a judgement as to whether it meets its criteria or not. I don't disagree with that at all, I just wanted...

COUNCILMAN GUNNER: I just want to know these gray areas are observed and let the rest of the Board know what is there. That is the only thing I am saying. The Enforcement Officer was on the record so, I guess it is okay, it is up to him.

There are several other questions.

SUPERVISOR RINGLER: Go right ahead.

COUNCILMAN GUNNER: Okay. I won't read some of the comments about access and the other what's the front, what's the rear because they were confusing and during the two meetings it was there, there were quite a few questions. I know you were there, Sister and I know you were there, Mr. Kurzon but to somebody reading them, you wonder what was really going through their minds because they were asking some pretty good hard questions that I didn't think got answered directly. Archeological resources you did speak to tonight because in the Chairman's letter said they would be addressed, so that is taken care of.

The frontage set back we have had our little dilly-dally on that. So that has answered that question. It's the front but it's not, yes, it is.

There was... we talked about services and there were a lot of negative comments by the Planning Board, 4 or 5 of the Planning Board members about services but they seem to have come up with that much the same as you have explained... you explained that way to them pretty much so.

The parking is okay, John?

MR. FLANIGAN: Yes, it is.

COUNCILMAN GUNNER: Even when the other becomes the main road.

MR. FLANIGAN: Yes, it is.

COUNCILMAN GUNNER: Because you have to have a way in and out. Then the Eddy will that contract still be in force or will...?

SUPERVISOR RINGLER: Yes.

COUNCILMAN GUNNER: The fire and... the next question is on the slopes developing. How close are we... you moved the building, yes...you want to explain that.

MR. KURZON: At the Planning Board when the building was 50 feet from the top of the embankment which is manmade from the south on Route 85, we had geotechnical report prepared by Vernon Hoffman, P.E., Soil and Foundation, Inc., geotechnical engineers from Schenectady. They reported at that time that a 50 foot set back, the project was within a stable area that Route 85. The project now is 100 feet back from the top of the embankment, so obviously the question is answered.

COUNCILMAN GUNNER: But, there are paths that go down in that direction, I think as I remember, in looking...

MR. KURZON: No, sir.

COUNCILMAN GUNNER: None, over that way at all.

MR. KURZON: No.

COUNCILMAN GUNNER: So the citizens and residents there will not be walking in that direction in any way. There will not be a need for any fencing.

MR. KURZON: No, any walking paths established on site will attempt to maintain a 5 percent slope.

COUNCILMAN GUNNER: Yes, I saw that in the minutes of the Planning Board.

SUPERVISOR RINGLER: Mr. Flanigan.

MR. FLANIGAN: Just to talk to Mr. Gunner's point about the slope stability, most of the slope that you see as you drive by belongs to the State of New York and is not this property. You have to get up on the flat on top before you get to this property line.

COUNCILMAN GUNNER: I realize that.

MR. FLANIGAN: So that slope area is...

COUNCILMAN GUNNER: But, just what I was trying to figure out is to make sure that the residents are safe if they wander or anything like that from going into that type of very steep slope. That is my concern. And, they are Sister, right?

SISTER GRACE: Yes.

COUNCILMAN GUNNER: Okay. Maybe Bruce or maybe you Mr. Kurzon, Sister, what do they mean by a 1 to 3 ratio on that slope?

MR. KURZON: It is 1 foot vertical to every 3 feet horizontal.

COUNCILMAN GUNNER: Thank you, made it real simple, thank you.

MR. KURZON: It is based on types of soils. It can vary, in this case it is 1 to 3.

COUNCILMAN GUNNER: Thank you. Now, I did read in one of the reports and this deals with the connecting road of Marquis Place and I think it was Mrs. Janine Saatman that gave the statement, that the road has soil and there is quite a bit, a little bit of the wetland is in there, the road is going through part of the wetland. Do you see any problems in that, do we have any problems of construction on that or anything like that?

MR. LIPNICKY: I will sit up here.

COUNCILMAN GUNNER: It will be easier.

SUPERVISOR RINGLER: Lots of seats, right here.

MR. LIPNICKY: The... a portion of the site, essentially, does qualify for Federal wetlands. Under the Federal wetlands regulations, however, you can disturb up to an acre and be under the qualification of the nationwide permit. In other words, you don't have to go through this whole rigid process with the Corps of Engineers. Essentially it is an automatic type of permit. From what we have seen of the proposal here, it appears to us that the disturbance will be less than an acre. We will take a closer look at that when they get to the final site plan stage but I don't think there is any reason to believe that they can't do this without disturbing less than an acre.

COUNCILMAN GUNNER: Well, you think the road is going to be able to be built there without problems.

MR. LIPNICKY: Yes.

COUNCILWOMAN GALVIN: Jeff, based on what you just said, is it your anticipation that this is going to go through a full SEQR or it is going to be looked at in terms of a negative dec?

MR. LIPNICKY: We are recommending a negative dec.

MR. KURZON: If I can just speak to the wetlands issue for a moment. A wetlands is a delineation and the statutory filing to the U.S. Army Corps. of Engineers has been prepared and has yet to be filed because that involves some additional expense. Subject to the Corps. of Engineers agreement with the wetland delineation which in our experience is a very, very thorough one, the project will impact approximately .6 acres including the road connecting to Marquis Drive. Obviously before that built it would be somewhat less than .6 acres.

COUNCILMAN GUNNER: Yes, I guess my biggest concern was the statement where I saw in the reams of material that was given to me, and I think it was Janine Saatman that wrote it, that it may create problems for the building of the road and that is my concern on it. So that's -- yes or no.

MR. LIPNICKY: Well... it just may make it a little more difficult but still...

COUNCILMAN GUNNER: A little more difficult, little more expensive.

MR. LIPNICKY: There is no reason why you can't do it.

COUNCILWOMAN GALVIN: How wet are the wetlands we are talking about? Is it that there is one cat tail within the vicinity and a red maple or is it a wetland?

MR. KURZON: Wetland is basically...

COUNCILWOMAN GALVIN: The statutory definition.

MR. KURZON: Wet soils involving plant life that is characteristic of a wetland and particular soil type -- wet soils, plant growth. All 3 criteria have to be met. There is high water table in the center of the site. There is a drainageway for the property Krumkill Manor. There are certain plant species which are characteristic of wetlands and soils naturally support that. I don't know if that precisely answers your question but that is what impacts the site. I guess it makes the development slightly more difficult in that area.

COUNCILWOMAN GALVIN: You just raised another question in your answer and that is -- you indicated there was a drainageway for Krumkill Manor. How is the development of this site going to impact Krumkill Manor and the drainage?

MR. KURZON: Absolutely be... The drainageway would absolutely be maintained. We anticipate some storm water management on the site, discharge from the site is no greater than currently so that incoming water has to be dealt with and outgoing which has to be dealt with and we would just meet the Federal criteria as far as the wetland permit is concerned.

COUNCILWOMAN GALVIN: And, now that you have mentioned the outgoing drainage water from the site, as Charlie had raised, there is quite an embankment at what is apparently the front of the site -- how is the site going to impact on the slope stability with its drainage or has your drainage been properly accounted for?

MR. KURZON: It will be... the final engineering design is not in place. It is quite a regulatory process we will have to go through before that is completed. Understand that that embankment is manmade and we assure ourselves that the State Department of Transportation has had the design of the highway and to be factious then that embankment is stable.

MR. LIPNICKY: Nothing... the way that this would be designed, nothing will be designed to go over that slope. The primary would be directed toward the ravine on the other side.

COUNCILMAN GUNNER: On SEQOR that you were speaking about, is it going to be a long form or short form?

MR. LIPNICKY: What was prepared was a long form.

SUPERVISOR RINGLER: To the microphone, please, for the minutes.

MR. LIPNICKY: This one doesn't pick up like the other one does. What I said was the applicant has already submitted a long form EAF, Planning Department reviewed it and the Town Planning Board also reviewed it. The comments were... that you got there from Janine were based upon that form.

COUNCILMAN GUNNER: Right, I didn't get the copy of the report so I was referring to question 1A, I didn't know what 1A was. So, that would have helped me and I wouldn't have had to ask that question.

MR. LIPNICKY: Unfortunately, you didn't get it then and I apologize for that.

COUNCILMAN GUNNER: Happens. Okay. Somebody else?

COUNCILWOMAN GALVIN: I have another one. I believe this is Mr. Kurzon probably can answer this one. If your proposed project is submitted to HUD on the 8th but you are not approved in this round, are there plans to resubmit this project at a later date and when would be the next time you would be resubmitting?

SUPERVISOR RINGLER: Sister Grace.

SISTER GRACE: Applications to HUD can only be submitted once a year. So, we would have to wait until next year.

COUNCILWOMAN GALVIN: Okay, you would plan to resubmit in '94 then?

SISTER GRACE: Yes. We believe it is a strong application and only because of the highly competitive nature of the limited number who might not get approval.

SUPERVISOR RINGLER: Anything else?

COUNCILWOMAN GALVIN: That's it.

SUPERVISOR RINGLER: Charlie, anything else?

COUNCILMAN GUNNER: Well, the only thing I would like to add that we do as a Board start some process that will help us take another look at that Senior Citizen District because we have 11 criteria that say 'shall' and one that say 'should' but then they leave it to the intent of the law which is open to anybody's interpretation and that's why I had to ask all these questions tonight because the interpretations were different from the written law. And, I think that the... as long as everything goes well and healthy and everybody starts helping on it and everything, I am sure it is a good project, I am all for it.

SUPERVISOR RINGLER: Thank you. Any other comments, questions or comments? There were none.

Okay, if the Board is so inclined, it is time to take action on this. First item would be the resolution on the SEQR which is in your packet for a negative declaration. Anyone like to offer that motion?

LOCAL LAW NO. 5 OF 1993
ZONING MAP AMENDMENT
MARIE-ROSE MANOR - SENIOR CITIZEN RESIDENCE DISTRICT
SEQR RESOLUTION
DETERMINATION OF SIGNIFICANCE

WHEREAS, the Town Board of the Town of Bethlehem has received an application from Marie-Rose Housing Development Fund Co., Inc., for establishment of a Senior Citizen Residence District in order to construct a 50-unit senior citizen apartment complex; and,
WHEREAS, the development parcel consists of 5.81+/- acres of land located along NYS Route 85 southwest of the Beverwyck Planned Residence District, and such land is currently zoned Residence "A" District; and,
WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of Local Law No. 5 of 1993 to amend the Town Zoning Map so as to change the zoning district designation of these lands from Residence "A" District to Senior Citizen Residence District; and,
WHEREAS, the purpose of this Local Law is to expand affordable housing opportunities for low and moderate income senior citizens within the Town; and,
WHEREAS, the State Environmental Quality Review Act regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,
WHEREAS, the Town Board has previously classified the proposed zoning district amendment as an unlisted action and has coordinated review pursuant to 6 NYCRR Parts 617.5(a) and 617.6; and,

SEQR
Resolution
Marie Rose
Manor

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WHEREAS, the Town Board is lead agency for this action and 6 NYCRR 617.6(g)(1) requires that a lead agency must determine the significance of an unlisted action in writing and in accordance with 6 NYCRR Parts 617.6 and 617.11; and,
WHEREAS, the Town Board has received a long environmental assessment form and supporting documentation from the applicant, along with the comments and conclusions of the Town Planning Board and Town Planning Department, and such analysis indicates the proposed Zoning Map amendment will not have a significant effect on the environment; and,
WHEREAS, the Town Board has held a public hearing on the proposed Zoning Map amendment and has considered comments received at said hearing; and,
WHEREAS, the Town Board has independently considered the potential environmental impacts of the Zoning Map amendment applying the criteria of effect found at 6 NYCRR 617.11;
NOW, THEREFORE, BE IT RESOLVED,
that based upon its review of the proposed Zoning Map amendment, public comment concerning the proposal, the environmental assessment form prepared in support of the application, the independent reports of the Town Planning Board and Town Planning Department, and comparison of the action with the Criteria for Determining Significance found at 6 NYCRR Part 617.11, the Town Board of the Town of Bethlehem hereby determines that adoption of Local Law No. 5 of 1993 constitutes an action which will not have a significant impact on the environment and therefore, does not require preparation of a Draft Environmental Impact Statement; and,
BE IT FURTHER RESOLVED,
that this determination shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,
BE IT FURTHER RESOLVED,
that the reasons supporting this determination are as outlined on the hereto attached Notice of Determination of Non-Significance which is hereby made part of this Resolution; and,
BE IT FURTHER RESOLVED,
that a copy of this determination shall be filed in the Office of the Town Clerk, and with other involved agencies.

On a motion by Ms. Galvin, seconded by Mrs. Fuller and a vote of 5 for, 0 against, 0 abstention, and 0 absent, this RESOLUTION was adopted on July 6, 1993.

SUPERVISOR RINGLER: Next I would entertain a motion to pass the Local Law.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to adopt Local Law No. 5 of 1993 Amending Article III, Section 128-3 Zoning Map; Determination of Boundaries of the Code of the Town of Bethlehem establishing a Senior Citizen Residence District in North Bethlehem, Town of Bethlehem. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Thank you all and get that application in on a timely basis. Thank you, Sister.

MR. KURZON: Thank you very much.

TOWN CLERK NEWKIRK: Sister Grace...

SUPERVISOR RINGLER: In anticipation, the Town Clerk...

TOWN CLERK NEWKIRK: Decided to have a letter ready if you needed it to go with the application and there is an extra copy for the attorneys.

SISTER GRACE: Thank you very much.

SUPERVISOR RINGLER: Who is driving to Buffalo?

SISTER GRACE: I just think we are going to fly into Buffalo.

SUPERVISOR RINGLER: Next item on our agenda is a request from Bruce Secor, Commissioner of Public Works, to consider authorizing the Supervisor to sign an application for permitting the use of the North Street site for yard waste disposal. Mr. Secor.

MR. SECOR: What we have submitted to the Town Board is a copy of the engineering report for the proposed North Street yard waste disposal facility. I just want to give an overview of what's in the report.

Mike Cirillo and I put this together and it deals with the North Street site which is an existing site which we lease from Mr. Wright and now Mrs. Privler since 1971. In 1974 a C & D permit was issued for it and the site we are talking is here end of North Street, is about 2500 feet from there to the subdivision, about 1400 feet from McCormack Road, about 1600 feet to the nearest house to the north. On the east it is bounded by the lands of Normanside Country Club which are currently undeveloped.

Authorize
Supervisor
To sign
application
Permitting
Use of
North St.
Site for
Yard Waste
Disposal

In 1985 we signed a 10 year lease which included an area for dumping and also an area for borrowed material. This is North Street coming into the site, there are 3 homes there -- Mrs. Privler lives here, houses they also own and this is the old farm house. The older landfill area was just as you came onto the property. The property boundaries are this heavy line going around. It is a 96 acre parcel, we are leasing about 5 acres of it or can use about 5 acres of it under this plan. The old landfill is just as you come in, the Town area is over here and then there is an access which was constructed down into the landfill some years ago. This old landfill area was closed out after the 1971 action. In 1974 when the C & D permit was issued, there were a number of conditions that came with that and that the site be operated solely by the Town of Bethlehem and that no outside collectors or private individuals be allowed to use the site and no garbage or household daily trash was deposited and that only brush, dry demolition, leaves, tree trimmings are to be disposed of at the site. So, since 1974, with our leases in place and with the permit in hand, this area was closed out. An area down through here was used and various lifts that were put in -- I have a cross section that I will put up in a minute to show how the lifts were constructed. In 1987 when we had the severe storm damage, there was an area here which a lot of the storm damage material was placed -- it's all brush or chipped brush and tree trimmings -- this knoll which is a clay knoll is part of the leased area used for borrowing. So, we are taking material out of here to cover the lifts as they are put in.

Discussion
North St.
Dump

The overall project that we are looking at is to close out a site that has been used since 1970s. The mitigation that we are proposing is to put in a clay cap on the entire site in phases. We have shown here phase 1, phase 2, phase 3.

This is a typical cross section through the site. There is a drainage channel or stream over here on the edge. Our waste is held back from the edge of that. The waste has been put in in layers. We start with an earthen dike which is either waste excavation or borrowed material from the borrow area, which forms a toe or beginning area and then waste is put in in lifts and compacted going back to existing ground and as a lift is completed, another dike is constructed and again, we put in lifts. Our plan here is to continue this at the 1 on 3 slope, which Charlie just asked about, but it is 1 earth to 3 horizontal which is a slope allowed by the DEC. What you are really doing is building a roof. In order to mitigate any impacts on surface water or run off, what you need to build is a clay cover and you need to have slope. Just like you need slope on your roof to shed water, you need to have slope on this. It is important to have enough slope so that over time as this waste consolidates -- you are putting in all organic material -- you anticipate that it is

going to settle, that you have sufficient slope so you can go back and repair and recap settlements and still maintain the slope so you don't pond water and allow leachate formation.

At the top of this is a gas venting structure. Since this stuff is down near low vegetant continuous decomposition, some gases are created which have to be vented. It is similar to the close out that we did at Rupert Road and our closure plan for the existing Rupert Road C & D site.

Included in the engineer's report we have a history or an overview of existing site conditions, hydrocologic report, analysis of the yard waste site, construction plan which is basically showing how we are going to construct this cap. An operation and maintenance plan which talks about how the waste will be placed and how we will get this, including the timing of this key to the existing soils. There is some top soil but basically this area is brown clay going into blue clay. We would be digging in a key way here, approximately 5 or 6 feet deep about 5 feet wide and start this 4 foot closure plan that goes over the top of the whole site. The closure system is 18 inches of clay, 24 inches of compacted soil -- which in our case will again be placed, and we have plenty available on the site -- and then 6 inches of top soil or mixture which would be, in this case, composted leaves mixed with soil to form a vegetative area. In other words, a layer that has got enough organic material in it so it will maintain a grass cover.

What they did was we included the lease agreement, copy of the 1974 permit that was issued for the site, a vicinity map and some stream analysis of water samples that have been done by C.T. Male. Going back to this... There is a drainage channel that comes down along the side of the site. The drain is approximately 360 acres going up to Kenwood Avenue. We sampled above the old landfill site and below before you get... there is actually two small streams that come together here... we sampled before we got in here. There was such small amount of water in the stream that they had to dig a hole in order to form enough of a fall to allow for the bottles... the sample bottles to get in there. They are going to resample in an area between the old fill and this phase 1 of the new fill area to be closed out and take another sample down stream. We also sampled the well on site which is located up near the old farm. The well water is fine, showed no evidence of leachate. There was some evidence of leachate generation in here, we got some readings on iron and magnesia. Iron and magnesia are naturally occurring minerals and it showed 3 1/2 parts per million. A number of the ground water wells we drilled in Town showed 12 to 15 per million. It is an indicator that shows that there is some impact of the landfill on surface water. The mitigation measure for that is to put on a clay cap. And, that is exactly what we are proposing here, is that to go into this in phases and close out each of these in conjunction with this we are going to work with DEC to further examine the old fill site. We have walked this with them a number of times and we are going to look to see. We have never seen any evidence of leachate from this but we are going to, again, test some ground water in this area and we will also probably end up digging some test pits to verify the extremities of the site and see if there is any mitigation measures that should be taken here.

The application that we are proposing in front of the Board tonight, is for an area which we have used since 1974 since the current, the last permit was issued, not for any use of the old landfill area. There is a whole stand of very mature trees down in this area. Some of them are 12 to 18 inches in diameter. No one that I have talked to either from DEC or consulting engineers recommends that we take down this standing forest in order to put down 3 or 4 feet of clay unless it is absolutely necessary. So, we are going to back and look at mitigation in this area which is really separate from what we are proposing here. The mitigation or close out of the area that we have been using over the last 20 years.

In conjunction with this, we updated the cost analysis both for the use of the site and comparison to alternatives. Each phase in here, we looked at the annual operating cost and compared that to the tonnage being received. We have estimated that the operating costs

are in the order of \$7 to \$8 a ton. The closure cost, again we have closed out a couple of landfills -- we did Rupert Road in the first phase of our old C & D landfill and have a fairly good handle on what the closure costs should be -- and that we estimated to be in the \$2 to \$3 per ton range so that total will be from \$9 to \$11 a ton for the use of the cell and then, the only thing you have to do with that is as you went 3 or 4 years into the future is to add something for inflation to the other cells. In comparison with that is tipping prices of \$40 to \$60 per ton to go to other permitted sites.

If we don't use this site and you look at other alternatives in addition to whatever tipping fee you would have to pay, you would have to add to it the additional truck time and additional labor charges to get the material to there the area. You are dealing with about 7,000 to 8,000 tons per year. This is in the order of \$9 to \$11 a ton, so you take the middle of \$10 per ton and you compare that against \$40 a ton, \$30 a ton for 7,500 tons is \$225,000 per year. Difference in cost between using this facility and using something else.

I also took the Solid Waste Task Force report. We had an appendix on there. I think SC for composting, checked those numbers over since that estimate was done in either 1991 or early 1992, the interest rates came down they used 7 percent for financing at that point and checked with our Comptroller and used 5 percent for the 15 year bonds and 3 1/2 percent for the 1 year BANs to pay off equipment costs and those costs came out within \$35 to \$45 a ton range when you compute everything for a composting alternative. The Capital Improvements Committee recommended that we looked at moving forward with that composting facility on Waldenmaier Road, we are still intending to do that. The Committee has met again this year and we are again recommending that we move forward with that.

Independent of what we do with composting, we should move toward composting, there should be more of that. Everyone has to realize that just as with recycling, there is expenses involved. It is more expensive to compost that material than it is to use it here but what you have to remember in this area is that we need to close out this site. When we leased this site in 1985, that is the most current lease we have, we leased the site for landfilling and we also leased a clay borrow area. So, we had borrow material. We have always intended to close this site. We made arrangements for it when we leased the site in 1985 and it is part of our continuing plan to use this material to cover out the site. In order to cover it properly, we have to establish grades so we have a roof type effect. What this phase plan is is the finalization of something that was foreseen at the time we originally leased the site. One of the things that has changed are the DEC regulations. In making this application, we are going to have to comply with current regs. We are working with DEC to review the application and review their requirements.

Also enclosed with the Board's package are the SEQR forms. You have a copy, it is a one page application that says construction and demolition limited to yard waste disposal and then I filled out the full environmental section forms part 1 and part 2. We will have to sit down with DEC and talk to them about type of project, the project classification and also about lead agency status and lead agency coordination. The coordination for a coordinated review of the SEQR process.

So, I think I have given the Board pretty much everything. In the package there, these are xeroxes of portions of the drawings. There are 3 drawings in the exhibits, H1, H2 and H3. H1 shows the existing site, again here are the 3 homes, the access road going in, the old area and the new proposed area. The second drawing shows the new proposal of phase 1, phase 2, and phase 3 with final contours and from there there is keys to the cross sections and there is a set of cross sections and proposed showing the details of the closure package for mitigating the site.

Mike and I are both here, be happy to answer any questions that the Board might ask.

SUPERVISOR RINGLER: Thank you, Bruce. Does the Board have any questions at this time?

COUNCILWOMAN GALVIN: Yes. Bruce, has this been presented to the Solid Waste Task Force and if so, what is their position on it?

MR. SECOR: No, it has not.

COUNCILWOMAN GALVIN: Why?

MR. SECOR: The Solid Waste Task Force charge of the 3 1/2 years of work that we did was to generate recycle plan and solid waste plan for the Town. The Solid Waste Task Force went out field tripped the site, included it in the inventory of what we did and recognized that landfilling was a portion of what had to be in any solid waste plan. There had to be a landfilling segment to do that. The Solid Waste Task Force has not met since we made our report to the Town.

COUNCILWOMAN GALVIN: When the Solid Waste Task Force reviewed this particular site, what if any discussion took place involving the future usage?

MR. SECOR: I would have to go back and try to check the minutes but this was an early first year or year and a half that we met and went over existing conditions, quantified waste streams, try to identify waste streams and talked about existing sites, this was listed as one of the existing sites. I don't know that we spent a lot of time on it.

COUNCILWOMAN GALVIN: Was any position taken by the Solid Waste Task Force with respect to whether or not this was a site that should be continued, discontinued or looked at further?

MR. SECOR: To my knowledge, we took no such position.

COUNCILWOMAN GALVIN: Then turning to some of the material contained in the packet, specifically, the page of laboratory reports and analysis prepared by C.T. Male regarding downstream of yard waste -- I have a few questions about that. But, before we actually look at that, were there any test wells to the southeast of the existing landfill?

MR. SECOR: There were no test wells. We tested the water from the existing well on the old farm site. We had no test wells out on the site at this time.

COUNCILWOMAN GALVIN: Okay. What tests, if any, other than the old farm well were done to the southeast of the existing landfill?

MR. SECOR: South and east, there is a north arrow here.

COUNCILWOMAN GALVIN: Right.

MR. SECOR: South and east would be over in this area?

COUNCILWOMAN GALVIN: Well, not just over in that area but going down at a general...

MR. SECOR: No, the only test that...

COUNCILWOMAN GALVIN: Easterly angle.

MR. SECOR: The only test that we looked at was the stream, which is westerly of the site, a well which is easterly of the site. Those were the samples we have taken.

COUNCILWOMAN GALVIN: Is there any flow from the old landfill to the southeast?

MR. SECOR: No. The flow is northerly and then off to the east.

COUNCILWOMAN GALVIN: It doesn't turn to the east until after it gets past the area of the new proposed landfill?

MR. SECOR: That is correct.

COUNCILWOMAN GALVIN: Then going to the C.T. Male reports, the downstream of the yard waste specifically -- there are several of the figures which indicate that they exceed... the actual results exceed the PQL. Could you deal with each of those in turn?

MR. SECOR: Yes.

SUPERVISOR RINGLER: For the benefit of the audience, would you explain, if you will.

MR. SECOR: Yes. There are low retention limits, there are... the PQL, practical quantitative limit. Practical quantitative limit just says can they measure one part per billion or one part per million. That really... what you are dealing with is what the results are if there is a standard, what the standards are.

COUNCILWOMAN GALVIN: I am talking about the cases in which there is no standard and where your results exceed the PQL.

MR. SECOR: But, again, that is like having a scale that can only measure one gram. If I have a half of gram...

COUNCILWOMAN GALVIN: I understand that but it has a distinct affect on what the results are.

MR. SECOR: Well, the results were for ammonia with 10 parts per million -- the PQL, the practical quantitative limit is 10 parts per million. It really has no relationship. The PQL is not an issue.

COUNCILWOMAN GALVIN: It has a direct barring on litigation involving these matters. It is one of the standards that are applied as I am sure Mike is aware.

MR. SECOR: No, not the PQL. If there is a standard...

COUNCILWOMAN GALVIN: I am not talking about the standard, I am talking about how the measurements are obtained.

MR. SECOR: Well, I guess I don't understand. I mean, all the practical quantitative limit tells me is the lowest limit to which they can measure.

COUNCILWOMAN GALVIN: They can measure.

MR. SECOR: It really just says -- they don't measure anything above that, they put down ND, not detected.

COUNCILWOMAN GALVIN: They can't detect it. That is correct but when you measure, for example -- let's find one -- your close on chloride. For example your PQL is 2 and you measure 112 and the standard is 250.

MR. SECOR: Right.

COUNCILWOMAN GALVIN: It has a direct affect, as opposed to if you had a PQL of 0.1. Your standard would be a different interpretation. Your actual results would be a different interpretation.

MR. SECOR: No, that is not correct. The PQL just says...

COUNCILWOMAN GALVIN: Well, we disagree.

MR. SECOR: Well, that is okay. The PQL just says how small an amount can I measure.

COUNCILWOMAN GALVIN: That is right.

MR. SECOR: Okay, it really has nothing to do with anything else. That is just a statement of how low it can go.

COUNCILWOMAN GALVIN: Right, but you can't measure to a very small limit. Your results are, naturally, going to show a higher number.

MR. SECOR: Okay.

COUNCILWOMAN GALVIN: Do we agree on that?

MR. SECOR: Oh, yes. Okay, but as you go down the list ammonia, nitrate is 1.4 against 10 for standard. There is no standard for a COD which is the chemical oxygen demand, total organic carbon is 34 -- again, I don't know the standard. Dissolved solids -- there is no standard for that. Sulfate, again, anyway you have ground water you either have sulfur or iron or magnesia or a combination of those. Alkalinity is a measure of the aggressiveness of the water, there is no standard for that. Chloride is 112 versus 250. Hardness 960 -- I was surprised at that, I didn't realize the surface water would be that hard but there is no standard anyway. The well waters run from 0 to 300 and actually the well sample was only 13 which is very soft water.

COUNCILWOMAN GALVIN: Now, Bruce, if you could slow down when you get to the next ones, these are the ones I am interested in.

MR. SECOR: Okay. Turbidity, there is no standard for that, it's surface water. Potassium, sodium and iron -- sodium is salt there wasn't a measurement on that. Iron there was not detected upstream, 3.1 parts per million downstream. The standard that is shown is .3 but it is drinking water standard. I don't believe that to be a surface water standard.

COUNCILWOMAN GALVIN: What is the surface water standard?

MR. SECOR: I am not aware that there is one but I have called C.T. Male and I am checking into that.

COUNCILWOMAN GALVIN: But, if you will notice on that, that has a very low PQL too.

MR. SECOR: .1, yes, but anyway the magnesia is .3 and 3.5. Again, that .3 I believe to be a different standard, I am checking on that.

COUNCILWOMAN GALVIN: And, would you agree that also has an even lower PQL of .010.

MR. SECOR: Right, that is the lowest level they can measure it. You have got magnesium 21 upstream, 56 downstream -- there is no standard for that. No lead, no zinc, no cadmium were measured and the PQL for those are .003 and .005, that is actually 3 parts per billion. They just don't measure lower than that. Calcium 192 -- there is no standard for that. And, let's see the last one is dissolved oxygen and again, it went from 17 to 3. That may be a measure more of what is going on in the stream. Again, it is a stream flowing through organic materials. There are downed trees, weeds, brush and things I am not sure. You could probably take 3 samples and get 3 different sets of readings because of the type of stream.

COUNCILWOMAN GALVIN: Now, you have indicated that you don't agree with the standards that are set forth for iron...

MR. SECOR: No, I didn't say I didn't agree -- I said I was checking to make sure that those are standards for drainage ways and for surface waters and not for drinking waters.

COUNCILWOMAN GALVIN: Now, when this test was ordered from C.T. Male, what standards did you ask to have applied?

MR. SECOR: Well, I asked for the base line parameters which are listed in the 360 regs.

COUNCILWOMAN GALVIN: And, you meant base line parameters for drainage waters.

MR. SECOR: Well, that is what I meant. And, again, that would not have affected the results. What it affects is the interpretation

results. The base line parameters is supposed to be for these items that are here and then give us results, that is the interpretation. As I said to the Board, I talked to them today, this is being written up, we will have that.

The reason I put it in here and went forward with it is, what this shows is that there is some impact of this existing fill area on the stream. The mitigation for that impact is get a clay cover on it. What we are proposing is to put a clay cover on it.

COUNCILWOMAN GALVIN: Now, exactly where were these downstream of yard wastes taken?

MR. SECOR: Well, the sample was taken before it got to the confluence of these 2 drainageways, so it was in this area.

COUNCILWOMAN GALVIN: Where else? Any other place?

MR. SECOR: No, one was here and one was above the fill.

COUNCILWOMAN GALVIN: But, what about downstream? I am asking about the results that are on the sheet labeled downstream of yard waste.

MR. SECOR: Right, SW1 was taken here, which is downstream of the site.

COUNCILWOMAN GALVIN: Okay, so there was only one sampling taken.

MR. SECOR: That is correct. One.

COUNCILWOMAN GALVIN: One instance of sampling.

MR. SECOR: That is correct.

COUNCILWOMAN GALVIN: Okay, there has been no second or third samples.

MR. SECOR: We are lining up... again, these were the base lines, we are lining up a sampling program to go back now and look at samples in the area of the old landfill and we are also looking at the possibility -- there was such a little amount of water here, it was tough to get a sample. So, we have to hope we get some rain fall and then we will get some more water through here so we can get a sample.

COUNCILWOMAN GALVIN: There have been no test wells sunk to take separate tests?

MR. SECOR: Not at this time.

COUNCILWOMAN GALVIN: Are there any plans to?

MR. SECOR: There are none in this proposal but we will have to sit and talk to the DEC about location and whether it would be required. None were required in '74 permit and because this is a yard waste area -- yard waste disposal area, we are not sure if they will be required or not. That is up to the DEC to tell us.

COUNCILWOMAN GALVIN: Based upon the analysis that has been done, has there been any investigation by you or by anyone else to determine what the cause of these increased levels has been?

MR. SECOR: No, we are looking at that. We know that in this old C & D area, again, it was a permitted site in 1974, dry C & D yard waste was put in -- there are swing sets, there are lawn chairs, there are nails and wood. There are any number of sources of iron. There are also iron deposits... there are also iron that's naturally occurring in the soils. One of the other things we are doing, is we are going to test the cover material because iron is a very common element in clay and sand deposits. So, we are going to have to see if some of the iron is caused by the fact that when we mine that material over here, and they cover with it, that any runoff from that will end up in the sediments along the bottom. So, we are also checking that.

COUNCILWOMAN GALVIN: Well, if that is the case, can I ask why there is such a great differential between downstream and upstream?

Because upstream according to the next page on your report, shows not detected...

MR. SECOR: That is correct.

COUNCILWOMAN GALVIN: for iron and .31 for magnesium.

MR. SECOR: Well, obviously, that is the impact of this site on the surface water. The mitigation to that impact is to put a clay cover on it which is what we are proposing.

COUNCILWOMAN GALVIN: Well, what my question was, is if you are saying that the increased levels in iron and magnesium downstream of the site are things that are naturally occurring by a matter of feed of both, were they not?

MR. SECOR: No, I didn't say that. No, I am saying that iron is a naturally occurring element and we have to find the source to make sure that we know the source is either from the site or from the cover material that we are using on the site. And, in any instance, the mitigation for that is to get the clay cover on and get topsoil on it to provide grass cover so you don't have that runoff problem.

COUNCILWOMAN GALVIN: Well, when you are talking about putting the cover on, you are talking about putting the cover on the old landfill in addition.

MR. SECOR: We are working at what mitigation is required here. This area from the road in, to elevation about 175 is already covered. As you drive in here, this is a grassy knoll all the way through here. The point in question is the spill slope going down to the toe of the old landfill. That is the area we have to look at and if the DEC recommends that we do mitigation on that, I will come back to the Board with their recommendations. But, this area is not what we are proposing to use. We realize we dumped there, we have the responsibility if it is causing a problem to work at it. The impacts that we are talking about are minor impacts and the mitigation for it is to get a clay cover on there.

COUNCILWOMAN GALVIN: And, where is the old C & D portion that you are talking about.

MR. SECOR: The old C & D portion is a portion of this old landfill.

COUNCILWOMAN GALVIN: It would be the easterly end.

MR. SECOR: All right, plus this whole area in here has been used. Certain area of this as from about 19... the late 1980s, early 1990s on, we have just put in bagged waste in brown paper bags.

COUNCILWOMAN GALVIN: But, that was just put in on top of the old C & D.

MR. SECOR: Put in on top of it. So, this whole area that we are talking about using now, is over old existing permitted C & D landfill which we are now proposing to cover and mitigate.

COUNCILWOMAN GALVIN: I know Charlie has some. So while I look for my next one.

COUNCILMAN GUNNER: That is right. Fine, I don't have to...

SUPERVISOR RINGLER: Charlie, are you ready?

COUNCILMAN GUNNER: You want me to go.

COUNCILWOMAN GALVIN: Go ahead.

SUPERVISOR RINGLER: Yes.

COUNCILMAN GUNNER: Yes. Basically, I have 2 questions related to process and one maybe you would address and then the other one maybe Ken would address or whichever one of you want.

First of all, for those who will get a chance to read the report and they can, there is one page that says preliminary report, partial report and...

MR. SECOR: That was from the C.T. Male laboratory analysis, correct.

COUNCILMAN GUNNER: And, why -- I guess what I am asking is, how does that relate to the permission to file an application?

MR. SECOR: As far as we are concerned, the application is complete and final. The ground water sampling is an on-going process that we are going to have to do. It is going to be required as part of the operation and part of the closure plan. No matter what results we had gotten, even if we had gotten no results on the... in other words, if we had no detection whatever, we still have the requirement under 360 to provide the clay cover. The situation we are in, is no matter what question we ask, the answer is to put a clay cap on it. That is the state of the art for municipal landfills, C & D landfills, for yard waste disposal sites, they all require a clay cap. The amount of mitigation needed beyond that depends upon the underlying soils. In this case, we have a clay underlying soil -- depends upon the impact on ground water. Because the underlying soils, because there are a lot of homes around here with wells to be impacted, that is not viewed to be any kind of an aquifer. The one well that is in this area is 300 feet deep and has excellent water. There are no traces of any problems in that well.

This area, there is a proposal for some development here which would bring municipal water to the end of this -- I have already talked to Mrs. Privler, it is her intention to bring the water main down to her home and allow for service to all the houses. So, even with this long term, even if there was some long term ground water impact, we are... the ability to provide water to the site. There is no indication that there should be an impact on this because of the clay soils because of the depth of the well and none of the experts I talked to see this as a likelihood.

COUNCILMAN GUNNER: My last question, what happens in the process after our application is signed and submitted? In other words, what does this give...

MR. SECOR: What this does is starts the process. We are submitting... our proposal is to submit to the Department of Environmental Conservation a permit application to build this C & D facility limited to yard waste. It includes a construction plan, an operation plan, a closure plan and a monitoring of the cap and maintenance of the cap program. The DEC will receive the permit and review it and make a determination whether it is complete or not and get back to us. If it is complete, then in their formal review then we will have to sit and probably have a conference with them about the SEQR work and the lead agency determination or lead agency coordination which will probably will be the head of coordinated review. They will actually classify the project. I think you could make an argument that it is a Type II project because it is a reapplication for an existing site. Someone else could make an argument that it is an unlisted action. In either case, there should be a coordinated review.

COUNCILMAN GUNNER: Be more testing?

MR. SECOR: I would suspect so, yes, and even if the DEC didn't require it, we need to do it to go out here to work on this old landfill to decide what mitigation measures are required. Are any required, are a lot required, are some required. At a minimum, we need to go in here and pick up some of the material that is on the surface but when we met with DEC, we walked them through the site, they recommended to us that we not touch anything until they had given us direction. They wanted to look at this and in conjunction with this, they will do that when they do the review of the permit.

COUNCILMAN WEBSTER: Bruce, once again, how close in does the municipal water come now?

MR. SECOR: Municipal water is to the last house on North Street coming in and that has to be 2,000 feet away, Mike?

MR. CIRILLO: Yes.

MR. SECOR: 2,000 some feet.

COUNCILMAN WEBSTER: What do you anticipate as the life span as to when we will put the final cover on it?

MR. SECOR: With, again, before we computed about 2 years, 2 years, about 1 1/2 years, looking at about a 5 year life span for this site. Again, that will be confirmed -- we are estimating how many leaves will fall, how many trees are going to fall down, you know...

COUNCILMAN WEBSTER: No more October storms.

COUNCILWOMAN GALVIN: Bruce, following up on Fred's question about time, turning to the issue of size -- you are talking about a 5 acre yard waste disposal site. The existing lease appears to encompass a total of close to 22 acres.

MR. SECOR: That is correct but the lease goes out on the other side of the stream and goes all the way down around. We have never gone beyond about the site that we are working in. The lease also includes a 10 acre parcel for borrow of dirt.

COUNCILWOMAN GALVIN: And, would that 10 acre... that 22 acre lease be what you would be proposing to continue?

MR. SECOR: The lease itself has a renewal clause in it and again, this is something we really haven't gotten into with the Board but if we were to receive this permit from the DEC I would recommend to the Board that we either resign the lease or take the option for the next 10 years on the lease or discuss the possibility of purchasing the site. Again, it will be up to the Board to discuss that.

COUNCILWOMAN GALVIN: And, when you say the site, you are talking about 22 acres.

MR. SECOR: Well, again, not necessarily. The 22 acres takes in property all the way on the other side of the stream which we really we have no intention of using or no use for other than for buffer. Once this site is closed out, it is basically going to be a grassy knoll which we are going to mow once a year.

COUNCILWOMAN GALVIN: Once that portion of the site would be closed down, if it were allowed, would it be your intention at this time to consider reapplying for additional area on the site for further phases?

MR. SECOR: We could look at the area in here, which is now being used for our composting area but, again, it would depend on where we were with composting, where we were with other things at the time. It would depend on what happens with Rupert Road. If Rupert Road closes out, we probably will be taking our waste to a... sum service organization, somebody who is doing C & D recycling. So, you know, the problem may be both the sites are shut down and we would take the... whatever can't economically be composted, would have to be taken to a vendor but costs are going to be much different than what we are looking at for this situation.

COUNCILWOMAN GALVIN: But, you are not foreclosing the possibility as you stand here tonight, of expanding the use of this site at some point in the future?

MR. SECOR: No. I would think that that would be up to the future Board to look at it, if after we phase this out whether or not there was use for additional cell.

SUPERVISOR RINGLER: Talk about expanding the use, we are not talking about what is going in the site, you are talking about the area.

COUNCILWOMAN GALVIN: I am talking about the area.

MR. SECOR: No.

SUPERVISOR RINGLER: Okay because we have no intention.

COUNCILMAN WEBSTER: Not material types.

MR. SECOR: It would just be, again, yard waste, stumps and brush.

COUNCILWOMAN GALVIN: Well, Bruce, before you did make the mention of if Rupert Road were not accepting C & D material, would that be something you would consider for expanding this site to include?

MR. SECOR: No. Under the current 360 regs there is no way you could use this site for a C & D site. We can apply for it to be yard waste only. As far as a regular C & D site, a new C & D site could be opened would require a full minor -- essentially and in this region they are not accepting that, it has to be a sanitary landfill. So, we will not build one, it is just cost prohibitive.

COUNCILWOMAN GALVIN: The material was left on the table, I found it when I arrived concerning recycling facilities for wood waste and bark. Biers, Wm. Biers, Inc., are you...

MR. SECOR: Yes, they are down at the Port of Albany.

COUNCILWOMAN GALVIN: Are you acquainted with that?

MR. SECOR: I have been by there, I visited him... Gregg is here, I don't know if he has talked with him directly. The ones that I am aware of, will not take grass clippings, will not take yard waste or leaves. They are interested in brush and clean dry wood. To my knowledge they cannot provide the service that we are looking for here. Gregg, is that accurate?

MR. SAGENDORPH: That is correct.

COUNCILMAN WEBSTER: That is not the same organization we have talked about before, Capital...

MR. SECOR: No, again Capital Recycling is looking at the same thing, pallets, clean dry wood, brush or logs, limbs or something like that. They will not take grass clippings. They won't accept bag waste. They won't accept yard waste and leaves.

COUNCILWOMAN GALVIN: So this is not something you distributed to us as an alternative?

MR. SECOR: I did not but it certainly is an alternative that is available at the Port of Albany. Gregg, do you know what their tipping fee is?

SUPERVISOR RINGLER: It says \$40 a ton right here.

MR. SECOR: \$40 a ton. Again, those alternatives are coming out. New Options on Waste is CD recycling, what is their tipping fee do you know?

MR. SAGENDORPH: \$40 per ton.

MR. SECOR: \$40 a ton seems to be the threshold.

COUNCILWOMAN GALVIN: How much will it cost to operate this facility?

MR. SECOR: This is on the order of \$50,000 to \$60,000 a year in annual operating costs which is about \$7-9. a ton, \$7-8 a ton in operating costs and about \$2-3 a ton in closure costs. The total is between \$9 and \$11 a ton. So, you are comparing basically \$10 a ton against \$40 a ton.

COUNCILWOMAN GALVIN: And, have you included in that the closure costs for the old landfill?

MR. SECOR: Again, depending upon what this costs, I estimate this cost... it will cost us \$30,000 to \$40,000 per cell to close this out

and I have used \$18,000 in the estimate which would be \$36,000. \$18,000 a year. If it costs you the same amount to do that, it will only add a ton per year to the price. So, you might go from \$10 up to \$10-12 a ton.

COUNCILWOMAN GALVIN: Now, you have indicated that there is some trash in effect in the areas that you have marked for phase 1 and phase 2 -- old swing sets, things...

MR. SECOR: Well, that... terminology, dry C & D material. Trash most people think of as household waste and there may be some of that up in here but there is none of that down here at the bottom.

COUNCILWOMAN GALVIN: There is dry C & D in phase 1 and phase 2, how about any things like hazardous waste?

MR. SECOR: Not that I am aware of. Again, the only thing that we may have in here, there may be some paint cans in there that came in with the spring clean up that was not prohibited activity at the time. I wouldn't be surprised to find some in here. But, again, mitigation to that is put a clay cap on it. Everything goes back, no matter what question you ask, everything else comes back to put a clay cap on it.

COUNCILWOMAN GALVIN: Has it been examined to determine what is there? Has an inventory been done of what is on the site?

MR. SECOR: Again, the only inventory that we have done is physically locate the outer boundary of where the berm is now and then designate the areas that we are going to cap over. As far as the material in the cells, you have to look at the years you were doing it. If you are in this zone, it is in the earlier years of dry C & D material which was permitted at the time -- we have a current C & D permit for that. You get down into here, this is an area where it was more after we started controlling or legislating what could be in spring clean up. This is all just trees and brush from the '87 storm. That is the only thing that went in there, we hauled for 3 or 4 months, whatever we did. There is an area up here which again is some of the latest deposited materials which is probably bag waste, there may be some plastic bags in here still. The next layer that went in on top of it, was the most current and that has only paper bags and yard waste. As the recycling came on and we mandated recycling, we set up tipping fees for Rupert Road and recycling. We no longer picked up swing sets. We no longer picked up aluminum windows or doors. That all went down for recycling. So, this material has progressively come closer and closer to what we are now calling -- now asking for which is strictly yard waste, leaves, branches, brush.

COUNCILWOMAN GALVIN: Have I been understanding where you have been pointing with respect to some of the trees and brush from the October storm is outside of the phase 2 area?

MR. SECOR: That is right. It is actually under where the compost piles are now.

COUNCILWOMAN GALVIN: Okay.

MR. SECOR: Again, we know exactly what is in there because it all got filled within a 4 month period and that is the only thing that went in there.

COUNCILWOMAN GALVIN: Has anyone from En Con been out to assess the site?

MR. SECOR: Yes, we walked the site at least 3 or 4 times. We walked -- before we even made application, we walked it with them again, with both the enforcement officer, Mr. Vics and his supervisor, Mr. Reynolds -- walked the whole thing, explained to them exactly what we are putting together to try to get their feeling of what they wanted as information for the permit application.

COUNCILWOMAN GALVIN: And, what was that?

MR. SECOR: I am sorry.

COUNCILWOMAN GALVIN: Information that they indicated they wanted?

MR. SECOR: That is what you have in front of you. In other words, they asked for a cross sections, they wanted us to physically locate with a survey instrument the outlining dike which might get done and we have set up a coordinate system and a base line and Mike's got a survey of this whole outline and from that, we can generate the cross sections and generally the closure plan and ... the contours.

COUNCILWOMAN GALVIN: Did they require any additional test holes to be sunk? Any test wells to be sunk since it is only been...

MR. SECOR: They did not mention that and I was going to vote, again through the permit application, whether they are going to ask for test wells. Obviously, if they ask for them, we will put them in. You know, there may be one upstream and one downstream -- maybe they want one upstream or one upstream from the site. I don't know. But, again, that would be part of the review process and their comments back to us after they receive the application.

COUNCILWOMAN GALVIN: Given the downstream results, is there any reason why we shouldn't proceed with some test wells before we act on this?

MR. SECOR: No, there is no reason to do that because again, the mitigation -- no matter what we do, we can spend a year testing -- the mitigation is put a clay cap on it. The answer is the same no matter what question.

COUNCILWOMAN GALVIN: Why don't we want to know what those results are?

MR. SECOR: We can... I mean there has been no requirement to go out and spend \$100,000. on ground water monitoring when there is no indication of a problem.

COUNCILWOMAN GALVIN: Have you gotten a price on it?

MR. SECOR: I know what they cost us down at Rupert Road and they were about \$15,000 to \$18,000.

MR. CIRILLO: I think they were a little less at that time but that was several years ago when you had the base line tested.

MR. SECOR: And, the base line testing us what matters.

COUNCILWOMAN GALVIN: Well, the base line testing appears to be complete, is that correct?

MR. SECOR: The base line testing was done for surface samples. Every time you remove a sample, it is a whole new base line parameter set.

COUNCILWOMAN GALVIN: We are talking now only about testing surface. We have done no subsurface testing.

MR. SECOR: That is not correct. We have 3 tests. You have upstream, downstream and ground water testing. One ground water test.

COUNCILWOMAN GALVIN: One well water test of an existing well.

MR. SECOR: Because that is the only one that is available.

COUNCILWOMAN GALVIN: Okay, only one that is readily available, however, there is the possibility of sinking our own test wells -- having a contractor go out and do that and provide us with the results.

MR. SECOR: That is correct but it is not acceptable to DEC to go out and sink test wells unless they approve their location.

COUNCILWOMAN GALVIN: Oh, yes.

MR. SECOR: That is part of the process. You submit the permit, they will review it, if they want ground water wells, they will tell us where they want them.

COUNCILWOMAN GALVIN: What if this Board wants ground water wells?

MR. SECOR: We will certainly drill whatever wells you want but I am just saying is, it would be wrong to drill them in advance of sitting with the DEC because they want to approve the location before you do anything on the site.

COUNCILWOMAN GALVIN: I fully understand that they have to approve the location, but we don't have to submit the application before we meet with DEC and get locations for test wells.

MR. SECOR: As I explained to you, we have already walked the site 3 times with the DEC and asked them what their requirements were for the permit application -- they did not ask us to do ground water testing as part of the permit application. Upon their review they may change their mind, but as of this date, we have done exactly what you just said. We have been to the DEC, asked them what they wanted. They did not ask us for ground water monitoring wells.

COUNCILWOMAN GALVIN: Have you submitted these results to them? Have you discussed these with the DEC representative?

MR. SECOR: No, I haven't. I am putting together the application so we can send the application in so that we can sit down and discuss with them over a formal application procedure. My problem has been with the DEC. And, it has lead to the confusion last year. I have talked to them any number of times. I have written letters back and forth. I either don't get answers to my letters or the verbal responses I get change from week-to-week. I feel that is a bad way to do business with the DEC. It should be done on a formal basis through their permit forms and through their bureaucracy because that is the only thing you can rely on.

COUNCILWOMAN GALVIN: Well, I have a problem with the concept of submitting a permit application where we have only done one downstream test and it hasn't been from a well.

MR. SECOR: Again, we met... you asked the question -- have we met with the DEC and asked them what they want to see. The answer is yes, they did not require ground water wells to be put in. So, we did not do that.

COUNCILWOMAN GALVIN: But that was before these samplings and results were in, is that correct?

MR. SECOR: That is correct.

SUPERVISOR RINGLER: Other questions, comments? Okay. Some discussion. Is the Board so inclined to begin the process? I hear what Sheila is saying, but I think that the best way to determine what has to be done is to get things under way with the DEC and get the application in to them and start the discussions and let them tell us what is required for a continuing with the permit application. Comments?

COUNCILWOMAN GALVIN: I have a problem with submitting any application until more than one test downstream is done and until a test to the southeast of the existing old landfill -- other than just the existing farm well is done. The type of test that has been done has already indicated that there are at least certain elements that exceed the standard -- whether or not that's the standard for ground water, we don't know, it would appear to be since I certainly hope C.T. Male would understand what they were out there testing for. However, I would not feel comfortable submitting an application knowing that there were existing factors that exceeded what the standard -- whatever that might be -- without doing whatever we had in our power to do to make a determination as to what the actual readings would be on a full test.

SUPERVISOR RINGLER: Other thoughts?

COUNCILMAN WEBSTER: Do you think that DEC will require us to put in a test well?

MR. SECOR: To be honest with you, like I say, we walked the site with them 3 times and they have not told us that they would. I would expect that they will say that, yes, but my worry is to spend out and spend \$30,000 or \$40,000 or \$50,000 and I can pick out locations and try to meet with them. Until they get a formal application form to begin the process, the only time I can talk with one of the regulators. The process that this goes through, this goes to Regulatory Affairs, Regulatory Affairs distributes it to various branches within there -- people I don't even know -- they all get together and then determine what additional information they need. The only way to do that is through the formal permit process and again, I am not trying to debate but I am just trying to say, is that my experience has been to try to pick up the phone and say -- gee, I know this guy, I will call him -- he will give you an answer but could be not worth the air that it is spoken in. Because, it isn't anything official that comes back through the bureaucracy that they work in.

COUNCILMAN WEBSTER: So, we could drill 3 test wells, submit the application, come back and they may want them in 3 different locations.

MR. SECOR: It could be that or they might accept them but to delay the application for 6 months or a year to get additional information, we have to put a clay cap on it. That's the mitigation measure no matter how many tests you have, no matter what you do, you have to put a clay cap on it.

SUPERVISOR RINGLER: Comments, thoughts.

COUNCILWOMAN FULLER: Mike, sorry to put you on the spot but do you have an opinion on this?

ATTORNEY MICHAEL SMITH: Yes.

COUNCILWOMAN FULLER: Well, may I have it please.

ATTORNEY SMITH: I think that what Bruce is saying, Sheila, is that I would not advise...

SUPERVISOR RINGLER: You have to use the microphone. I am sorry.

ATTORNEY SMITH: I would not advise the Town to rely on anything that was said other than in the face of a formal application. I just cannot and we have a bad experience with Rupert Road. What we thought were the rules of the game, being changed upon absent of there being something formally in front of them. My experience with the DEC will attempt to be helpful, they will attempt to be candid but until they have something to respond to, we are going to be guessing. And, it is not going to be binding on anything. The best advice that we are getting but it is not binding.

COUNCILWOMAN FULLER: Thank you, Mike.

SUPERVISOR RINGLER: Any other comments by the Board?

COUNCILMAN WEBSTER: No.

SUPERVISOR RINGLER: Mr. Carazza you had a question. I can take a couple now.

MR. CARAZZA: I just wanted the gentleman to identify himself, his name is Mike. Mike who?

SUPERVISOR RINGLER: Mike Smith, he is one of our Town attorneys.

MR. CARAZZA: Okay, thank you.

SUPERVISOR RINGLER: Joe, would you like...

MR. DUCLOS: Can I make a couple comments?

SUPERVISOR RINGLER: Certainly.

MR. DUCLOS: I just want to make 2 points that I pulled from all this. If you look very closely at the Section 360, there is no such animal as a C & D restricted to yard waste. C & D or it ain't C & D, bottom line. If that is what you are going to get into that's a whole other story. To talk about water infrastructure coming down to the perimeter of the property, is just an assumption that ... development is going to be passed, is that... can we assume that that is going to be?

SUPERVISOR RINGLER: I don't know. We don't rule on that, the Planning Board does.

MR. DUCLOS: Just to point a couple things out about the Biers. I spoke with him last Friday and he asks \$40 a ton on his flier but he is trying to open to municipality business and work closely with the towns so he said he is willing to negotiate the price. He is also very flexible in what he will offer -- he will either accept yard waste at his facility to be ground or he will bring his equipment to a centralized location, that would be at the choosing of the Town, and he will grind it or you leave it there as mulch to be composted by the Town. To my mind Waldenmaier Road would be a very good spot for that. Thank you.

SUPERVISOR RINGLER: Thank you. Other comments from the Board? Anyone like to offer a motion?

TOWN CLERK NEWKIRK: There is another hand over here.

SUPERVISOR RINGLER: Oh, I am sorry.

MR. GLAZER: Just for the record, I am Joe Glazer. We as of now 12 hours ago, it was 10 hours ago when we started, first had the opportunity to see the proposal that is before us and all the documentation. I cannot state that I have the expertise to discern exactly what these test results mean. Unfortunately, in the span of the last 4 hours that I have had this, I have not been able to get an expert to review this and I would imagine that most of the members of this Board, other than Mr. Secor, have had outside input into it, of what is in here. We would like to request, formally, that this resolution be tabled until such time that we have an opportunity to review the documents that were presented to us. We do not feel that we have had adequate time to do so and would like to have the possibility of a more open roll and an open communication between the community itself and the members of this Town Board. We would like to have that opportunity to sit down and review this and then work together with you as to whatever may be in here.

SUPERVISOR RINGLER: Thank you, Joe, but as you know this is just the beginning. There is going to be an awful lot of time for input with the DEC and so forth before this goes any place.

Anyone have any thoughts on authorizing the Supervisor to sign the application beginning the process? Anyone like to offer a motion to do that?

COUNCILMAN WEBSTER: I will offer the motion, I don't think there is... we just can't go anywhere until we get the application and we get formal recognition from DEC.

The motion was made by Mr. Webster to authorize the Supervisor to sign the application for the Department of Environmental Conservation regarding a permit for a C & D yard waste only landfill to be continued at North Street, Delmar, Town of Bethlehem. The motion was seconded by Mrs. Fuller.

COUNCILWOMAN FULLER: I will second it, Ken, I don't see a problem with going forward with starting the application permit. And, Mr. Glazer as far as the community's involvement, this is not a process that will end here this evening. You know it is just the beginning.

The motion was passed by the following vote:

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

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SUPERVISOR RINGLER: Thank you all very much. Thank you, Bruce.

SUPERVISOR RINGLER: Next item on our agenda is to update -- while I had Mike Cirillo here tonight, took advantage of it -- just to update us as to where he is with the.. and Kathy, with their redistricting of the Election districts. Michael.

MR. CIRILLO: Just to go over background, give a little background to refresh our memories. Based on the 1990 census, the County changed their legislative district lines. And, municipalities were required to realign the election districts accordingly. As you know, a Town election district can't be within more than one county legislative line. Mid-June the changes were in the courts and there wasn't any certainty in it but we moved ahead and directly it had effect on 14 election districts within the Town's 27 districts. By the time we made the adjustments there had to be 24 districts that had to be changed. Inasmuch as there was a short time frame in order to do this, we kind of rushed and the Board had some... wanted to give some consideration as far as the configuration of the districts and number of residents in each district and they request that we look at all the districts within the Town. And, an ideal scenario would be that we have approximately 18,500 voters that we established 30 districts with about 600 voters in each district. And, so, Kathy Newkirk and I started out with that in mind.

This map shows the legislative lines and we had to live with those lines that were established.

COUNCILMAN GUNNER: Excuse me, they were established by the County?

MR. CIRILLO: By Albany County, right. So, as far as some of these configurations that you see, you know, those were by the County and one of the considerations was that... or one of the situations were that 10th election district was formed by a County legislative line. Couldn't do anything really with it. It lies in the northern part of Town and was bound by New Scotland on one side, Guilderland on the other side and the City of Albany and the County legislative line.

Kathy and I started out in the first part of May allotting about an hour and a half a day starting from 3 to 4:30. And, even being optimistic and saying we could do 5 districts in a week, which we were not always able to do, you are talking at least 6 weeks to do the 30 districts based on that hour and a half and some weeks we were able to do 2 and some 3.

When we first... Well, let me indicate what we did. Sheila Galvin had come up with a proposal as far as alternate districts and that was based on 30 districts. And, in many cases we followed and started off with what was shown on this map. There has been some changes. First of all, we delineated the districts, like I said, starting off with this and then we had to make some adjustments. When we did this last year, the way we came up with the number of registered voters in each district -- we took the number registered voters and divided by the dwelling units and came up with a factor 1.6. And, then based on the census map, multiplied that out times the number of dwelling units within a block. We got a very approximate type number. We decided to do something a little more accurate on this seeing as we have a little more time and we requested the voter registration rolls which was sorted by street. And, based on that Kathy and I, after we had defined the districts started street by street pulling these rolls from the various districts. In other words, for instance, Delaware Avenue lies within 9 election districts within the Town as we have it set up now so there had to be a break point from number 1 to 109 lies within 1 district, then you had to go to the rolls to find out how many voters

live within that number range and it is a very tedious type job going back and forth.

We are using the tax map to determine where the break is and so not only going through that but we have to pull the tax map index out, find out what the street number is at that location and work it in. Like I had mentioned, our goal is between and what we find out, is it is going to be between 600 and 700.

The map to the right is the districts that we have defined. We have worked out 18 of them, I believe you have the sheets in front of you -- each one of you should have the sheets in front of you. It is by district number to the left and then the streets, the street numbers and the number of registered voters on each street. That is 18, we still have 12 more to do.

As we are going through, as we define a line, you might notice there are some white out areas -- that is where we have defined a line and the numbers haven't come out between the range we are looking for. So, then it is necessary to go back and assign other streets within that area to make the adjustments. And, as you might be aware, is once you make an adjustment to one, you have to make adjust to another and that is what we found in 1992 when we were making the adjustments for the 14 of the 27 election districts.

What is remaining is, like I said, the 12 election districts, formal acceptance by the Board as far as the boundaries that we propose, written descriptions and maps for each district, and Kathy will have to update the street index which for our purpose and for the County purposes and here again, Kathy will get involved in this purchase of new voting machines, additional election inspectors, additional polling places and possible reassignment of the 108 committee members to go with this new layout. One of the other things, the numbers are basically corresponding with the election district that was typically in that area. Once this is finalized what we can do is go back and start from the top and assign numbers from top to bottom so that you are not searching all over the map to find the election district.

That is all I have at this point and Kathy if you will present yours and then if you have any questions.

TOWN CLERK NEWKIRK: Basically Mike and I have been spending every afternoon together.

COUNCILMAN GUNNER: We have noticed that.

TOWN CLERK NEWKIRK: Yes, we even close the door. However, you will find I gave you a handout of the proposed polling locations which include the 3 additional districts on the bottom. A few of them, only a couple, as you will notice, I have the current location and then a proposed location. Only a few will change in location with the addition of a couple proposed areas, which of course, we have to go through contacting that particular location to see if it is possible to have an election district located there.

ATTORNEY KAPLOWITZ: Excuse me. Are they all within the district?

TOWN CLERK NEWKIRK: That is what we are attempting to do by the changes, yes. As in the first district, it was the Slingerlands Fire House -- that would be outside of the 1st boundaries -- if we went with Blue Cross and Blue Shield, then -- of course if Blue Cross and Blue Shield accepts that -- then it would be within the election district.

ATTORNEY KAPLOWITZ: We might have to check, I don't remember the law, but I think the law requires that they be within. I am not sure you have any choice in that but I will have to look, I haven't looked at it in years.

TOWN CLERK NEWKIRK: When we did this last year, I thought we had kind of looked at that from the stand point that the 1st was outside the district and there wasn't a problem.

ATTORNEY KAPLOWITZ: It is outside now?

ATTORNEY KAPLOWITZ: Well, you can go that high.

COUNCILMAN WEBSTER: You can apply for up to 1150.

MR. CIRILLO: Right.

ATTORNEY KAPLOWITZ: In Albany County that has been ignored since the year one, it is wrong, but nobody pays any attention.

MR. CIRILLO: This is just a time consuming process. You know, the street rolls for this are about 10 inches high when you stack them and you figure going through each one of these and reconciling it as far as street numbers. When we get into the southerly portion of Town, you have RD numbers which is going to make things a little more difficult.

SUPERVISOR RINGLER: I thought we had all street numbers now.

MR. CIRILLO: Well, you have them but they are still RD numbers on the street lists.

COUNCILMAN WEBSTER: 3 inch high on the street of the house.

TOWN CLERK NEWKIRK: Some do.

SUPERVISOR RINGLER: Well, it is quite an effort.

COUNCILMAN WEBSTER: I think you have done a super job. I think it looks great.

COUNCILWOMAN GALVIN: I think both of you should be commended for all your time and effort in this. And, I think you have done a real good job at getting the districts in shape. I have one question on 20. That one shows 199.

MR. CIRILLO: On which one?

COUNCILWOMAN GALVIN: That's Carolanne Drive, Darnley Greene, Murray Avenue...

MR. CIRILLO: Do I have that marked not completed?

COUNCILWOMAN GALVIN: You have not complete.

MR. CIRILLO: Yes, what occurred there was that we originally had moved this -- not realizing that was a legislative line -- down on Murray and we moved it to the stream.

COUNCILWOMAN GALVIN: Part of the ear. Yes.

MR. CIRILLO: So, we had those in the computer already and so I just assigned the 20 to it, it might wind up being 28, we haven't decided that yet. That is why it is only a partial list there.

COUNCILWOMAN GALVIN: But, you have loped off the rabbit's ears.

MR. CIRILLO: Well, we are making an effort to anyway.

SUPERVISOR RINGLER: Yes, but I think there is an elephant's nose there.

COUNCILWOMAN GALVIN: Gee, maybe there is.

SUPERVISOR RINGLER: You know, no matter how you do it, it is going...

COUNCILWOMAN FULLER: What do you need, Mike?

COUNCILMAN GUNNER: No matter what you say it is an amoeba.

COUNCILMAN WEBSTER: Anyone who speaks now has to help you, right Mike?

TOWN CLERK NEWKIRK: They can take my place.

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SUPERVISOR RINGLER: Thank you all.

I would entertain a motion to adjourn.

The motion was made by Mr. Gunner and seconded by Ms. Galvin to adjourn the special Town Board meeting at 9:43 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk