

TOWN BOARD
JULY 13, 2005

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 5:30 p.m.

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

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Supervisor Egan welcomed everyone to the first meeting of the Bethlehem Town Board after being recognized as the 22nd best community in the nation to live in. She congratulated everyone. She noted Money Magazine did a review, started out with 40,000 cities, municipalities and narrowed it down to the top 100 and we came in at 22nd. She invited them to join in the pledge of allegiance.

The Supervisor asked if anyone had any comment on the agenda items. Mrs. Marie Capone asked about the request from Commissioner of Public Work to go to bid for a trailer. She asked how much give or take is being talked about in regard to money. Supervisor Egan said this is to go to bid to find out a price.

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Supervisor Egan asked for a motion to approve the Town Board minutes of May 25, 2005.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the Town Board minutes of May 25, 2005 as submitted. The motion was passed by the following vote:

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

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The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Town Board minutes of June 8, 2005 as submitted. The motion was passed by the following vote:

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

Supervisor Egan said one thing that was not on the agenda but has been talked about over the last couple weeks and she knew Mr. Leveille has another meeting to be at. She said this would be a summary and update of the public hearing that was held on the zoning and the unrelated matters. She said they would then speak about the Special Meeting in regard to the continuation of the hearings.

Mr. Leveille thanked the Supervisor and said a memorandum has been distributed to the Town Board Members. He reviewed the information contained in the Memorandum noting this was requested at the last meeting regarding a status report on where this is since the public hearing just in terms of what has been done. He said they continue to work on the zoning and subdivision documents. He said they have implemented many of the suggestions that were included in the Memo that was presented at the public hearing. He said the revised documents were posted on the website on Monday. He said hard copies are in the area libraries and

are for sale at Mailboxes Etc. He said they would make free CD copies available for anyone who would like to have them.

Mr. Leveille noted the Status Report on the revisions to the Zoning Law and Subdivision Regulations was available in the back of the room and will be posted to the website. He proceeded to review the items in the Memorandum.

Following Mr. Leveille's comments, Town Attorney Potter addressed some issues he has been researching with regard to the comprehensive plan and Zoning Law and Subdivision Rules and Regulations. He noted they have spoken with the Department of State regarding possible language for use in this plan. He said they worked with the zoning consultant and the Department of State and created the land division wording. He noted it is a work in process.

Town Board Members proceeded to pose questions and received answers regarding the information given.

Supervisor Egan suggested that the staff draft the changes and put them in the draft to be posted on the web. She said all time requirements would be met. The Board agreed to have the changes made, repost the information and have it available for review as soon as possible.

Supervisor Egan next asked for a motion to set a special meeting to reopen the public hearings for the comprehensive plan, Zoning Law, Subdivision Rules and Regulations for July 20, 2005 at 6:00 p.m.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to set a Special Meeting of the Bethlehem Town Board for July 20, 2005 at 6:00 p.m. to resume the public hearings held in the matter of the comprehensive plan, Zoning Law and Subdivision Rules and Regulations. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The Supervisor went over the calendar for the processes noting tonight is a regular Town Board meeting with an update. She said based on the resolution just passed, the continuation of the public hearings would be on July 20, 2005 at 6 o'clock. She said the regular meeting will then be held on July 27, 2005 with a further discussion of any outcomes from the special meeting of the public hearings on July 20 at which time she expects there will be a direction from the Town Board having the consultants and staff draft the final version of the Zoning Ordinance and DGEIS. She said the public comment period on the DGEIS would end on Monday August 1 and the final GEIS would be presented to the Town Board on Friday, August 5, 2005. At the Town Board regular meeting of August 10, 2005 at which time it would be anticipated the Town Board declares the final GEIS complete and authorize the filing of the notice of completion, according to the Supervisor. She said barring any major changes, on Wednesday, August 24, 2005 at the regular Town Board meeting, the Town Board would issue the SEQR finding statement and then consider and vote on the adoption of the comprehensive plan, revised zoning and subdivision regulations.

Supervisor Egan noted to the Town Board that any comments, letters, emails that have been received with respect to this process have been compiled. She said they are in a binder in the Department of Economic Development and Planning and they are welcome to take a look at them.

Councilman Gordon noted he had some letters to add to the correspondence.

The Supervisor said the next item was a presentation by the Center for Disabled on a potential new residence. Ms. Donna Lamkin, Chief Program Officer, proceeded to give information regarding the proposed project to be located at 528 Kenwood Avenue, indicating notification was sent to the Town as the Law requires. She said the residence would open on the 27th of June.

Ms. Lamkin noted everyone was familiar with the Center for the Disabled. She said the organization is a not-for-profit, voluntary organization that means a volunteer Board of Directors governs it. She said the members are diverse from the Capital District business community and representing a variety of professions, also noting many have family members who have received services. She said the center is regulated and funded by several different State agencies. She said this program is funded and regulated by the NYS Office for Mental Retardation and Developmental Disabilities. She said they provide a full health care clinic governed by the Department of Health, school age programs and pre-school programs, day care, full range of adult day service programs and variety of services that are brought to children and adults in their own home to help to support individuals and their families who have a developmental disability.

Ms. Lamkin said they also have a very active and involved family group that is separately incorporated from the center. She said they do a lot of things but nothing is as important as providing residential services to individuals in neighborhoods like the ones we all live in.

Ms. Lamkin noted this house that being proposed will house four (4) individuals and have 4 young women. She said all of these young women are in their twenties and moderately disabled. They have no physical disabilities whatsoever. All of these women have grown up in Capital District neighborhoods and graduated from schools in the area. She said one of the residents did attend schools here in Bethlehem. According to Ms. Lamkin they all participate in day programs either sponsored by the center or by another program. She said they are all friends and have wanted to live together for quite some time.

Ms. Lamkin said they feel this is a perfect house for this group of people, noting they are all excited about it. She noted there is plenty of living space and they will be able to accommodate them. She said there is public transportation in the area and will allow for them to become more independent. She said the house also has off street parking.

Ms. Lamkin noted the house would have a resident manager who will be full time. She said there would also be direct care staff working for the manager. There is no live in staff, however, staff is in attendance around the clock.

Ms. Lamkin invited the Board, as well as, anyone who wished to visit other houses that they operate. She said the program would be similar to this proposed location. Supervisor Egan added that she asked Ms. Lamkin to do some public outreach and noted letters were sent out to neighbors. She said there were a couple neighbors in attendance and asked if anyone had any questions. She also noted she has a complete list of all of the Albany County residences.

Residents asked questions regarding the location and women who would be residing at the location. Some issues addressed were the possibility of violence, if the residences were smoke free, and off street parking availability with mention of no parking on streets. Supervisor Egan noted there are restrictions during the winter. Question was raised about the number of group homes in one area. Supervisor Egan said she did not think this would be legal to do, noting she thought there were seven (7) town-wide operated by multiple agencies.

Supervisor Egan asked Ms. Lamkin to explain the 40-day window period. Ms. Lamkin said the section of the law that they deal with allows for a response from the municipality within 40 days to approve or react to this proposal. She said there are two ways; the formal notice has been given so that the Town Board can do nothing and it will proceed in 40 days or the Town Board can move to say there

is sufficient information and they are comfortable with the residence and move to waive the 40 days.

The motion was made by Mr. Mr. Plummer and seconded by Mr. Lenhardt to waive the 40-day waiting period pursuant to the Mental Health Law and allow the proposed residence to proceed forward. The motion was passed by the following vote:

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

The next item was a request from Commissioner of Public Works, Oliver Holmes, for approval to go to bid for one 20 Ton Tag-Along Equipment Trailer. Advertise on July 20, 2005 and open bids at 2:30 p.m., August 3, 2005.

The following resolution was offered by Mr. Plummer and seconded by Mr. Gordon:

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) 20 Ton Tag-Along Equipment Trailer, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 20th day of July, 2005 and that bids be received up to 2:30 p.m. on the 3rd day of August, 2005 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The following item was a request from Chief of Police, Louis Corsi, for determination of surplus equipment and disposal of it. Supervisor Egan noted there was a list of various items attached for the Chief's Memorandum.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve declaring the items listed in the Memorandum from Chief of Police, Louis Corsi, dated June 28, 2005 surplus and allow for disposal. The motion was passed by the following vote:

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

The next item was a request from Louis Corsi, Chief of Police, for acceptance of resignation of Telecommunicator, effective July 1, 2005. Supervisor Egan explained Mr. Mahan was leaving for a full-time position with the Albany County Sheriff's Department as a Deputy Sheriff. She asked for a motion to accept his resignation.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to accept the resignation of Michael J. Mahan, Telecommunicator as requested by Louis Corsi, Chief of Police. The motion was passed by the following vote:

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

Supervisor Egan wished Mr. Mahan the best of luck.

The next item was a request from Chief of Police, Louis Corsi, for approval of appointment of Telecommunicator, effective July 17, 2005 at annual salary of \$33,522. Supervisor Egan noted the appointment was for Jennifer Peters.

The motion was made by Mr. Lenhardt, and seconded by Mr. Plummer to approve the appointment of Jennifer Peters, Slingerlands, New York to the position of Telecommunicator at an annual salary of \$33,522 effective July 17, 2005. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Chief of Police, Louis Corsi, for acceptance of donation from Nancy Farr. Supervisor Egan noted Mrs. Farr is a friend and seems to make donations every couple of months.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the acceptance of a donation in the amount of \$5.00 from Nancy Farr as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of appointment of seasonal personnel.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the appointment of seasonal personnel as listed on the Memorandum from Administrator Nan Lanahan, Parks and Recreation Department at the titles and salaries listed. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for acceptance of donation from the Capital District Senior Men's Baseball League. Supervisor Egan said this has to do with the materials to rebuild the pitcher's mound at Field 5 on Line Drive.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the acceptance of a donation from the Capital District Senior Men's Baseball League for materials to rebuilt the pitcher's mound at Field 5 on Line Drive at the Elm Avenue Town Park as requested by Administrator Nan Lanahan, Parks and Recreation Department. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to consider a proposed amendment to Building Project Approval No. 20, PRD No. 3, Skycrest Section 6, to allow a Patio Enclosure at 36 Marsdale Court. Supervisor Egan said the packet was provided, noting the first

action was to have a resolution for a Negative Declaration regarding the SEQR. The following resolution was presented for adoption:

RESOLUTION
TOWN BOARD
TOWN OF BETHLEHEM
SEQR DETERMINATION OF SIGNIFICANCE
AMENDMENT No. 1 TO BUILDING PROJECT APPROVAL No. 20
SKYCREST SECTION NO. 6

- WHEREAS, the Town of Bethlehem Town Board ("the Town Board") has received an application from Richard and Shirley Eggleston for certain amendments to Building Project Approval (BPA) No. 20 – Skycrest, Section No. 6; and,
- WHEREAS, said application entails proposed amendments to a Building Project that was previously approved by the Town Board on November 11, 1987; and,
- WHEREAS, the proposed amendments would involve the construction of a 13 foot x 11 foot 6 inch patio enclosure at the rear of 38 Marsdale Court; and,
- WHEREAS, the proposed amendments to BPA No. 20 do not substantially change the overall scope, scale, layout or design of the Building Project as originally approved; and,
- WHEREAS, the Planning Board has received a short Environmental Assessment Form ("EAF") to assess the potential environmental impact of the proposed amendments to BPA No. 20; and,
- WHEREAS, the State Environmental Quality Review Act (SEQRA) 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 SEQRA; and,
- WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,
- WHEREAS, 6 NYCRR 617.6(b)(4) indicates that for uncoordinated review of an Unlisted action, each involved agency may proceed as if it were the only involved agency when making its determination of significance before acting on the matter before it; and,
- WHEREAS, the Town Board has independently considered both the information provided in the EAF and comments on the application provided by the Department of Economic Development and Planning;
- NOW, THEREFORE, BE IT RESOLVED,
that the Town Board hereby determines that:
1. the proposed amendments to BPA No. 20 constitute an Unlisted action which is subject to SEQRA;
 2. the proposed amendments do not involve a federal agency;
 3. there are no other involved agencies for this action;
 4. the proposed action is not located in, or within 500 feet of, an Agricultural District and therefore, is not subject to the provisions of the Agriculture and Markets Law; and,
 5. a short EAF is adequate for determining the significance of the proposed action; and,
- BE IT FURTHER RESOLVED,
that based upon its review of the project, the EAF, review of the proposal by Town Planning staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Town Board hereby finds that approval of **Amendment No. 1 to Building Project Approval No. 20** constitutes an action that 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 is based upon the following facts and conclusions:
1. The Building Project Amendment involves a 13' by 11' 6" addition to an existing dwelling unit consisting of a patio enclosure.
 2. Building Project plans show that the addition would be placed on the rear side of the existing structure, in an area currently occupied by a concrete patio and lawn area.
 - 3.. Review of the site in the field and with available environmental inventory data on file in the Department of Economic Development and Planning revealed no significant environmental characteristic of the site

that requires further study; and,
BE IT FURTHER RESOLVED,
that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,
BE IT FURTHER RESOLVED,
that the Department of Economic Development and Planning is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Mr. Gordon, seconded by Mr. Marcelle, and by a vote of 5 for, 0 against, and 0 absent, this RESOLUTION was adopted on July 13, 2005.

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The motion was made by Mr. Marcelle and seconded by Mr. Plummer to approve amendment number 1 to Building Project Approval No. 20 for PRD No. 3, Skycrest Section number 6 to permit patio enclosure at 38 Marsdale Court, Selkirk as requested by Town Planner, Jeffrey Lipnicky. The motion was passed by the following vote:

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

The next item was a request from Supervisor Egan for acceptance of resignation of Town Historian, Joseph Allgaier. The Supervisor said Mr. Allgaier had approached her several months ago, noting he was having a vision problem. She said it is with great trepidation that she moves to accept the resignation of Mr. Allgaier.

The motion was made by Ms. Egan with great trepidation to accept the resignation of Mr. Joseph Allgaier, Delmar, New York, as Town Historian, Town of Bethlehem. The motion was seconded by Mr. Lenhardt and passed by the following vote:

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

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Councilman Marcelle said his son did a project on the history of Slingerlands and Mr. Allgaier was an invaluable resource, very kind, wonderful to his son in this endeavor. He said he would be in his thoughts and prayers. He also noted it is a shame to lose him.

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Town Clerk Newkirk said for the Records Management Program we are certainly going to miss Mr. Allgaier. She said he has done an excellent job of indexing and taking care of the archival records and photographs. She said he certainly would be missed.

The next item was a request from Supervisor Egan for appointment of Town Historian. She said the appointment is recommended of Dr. Raymond C. Houghton. She noted a copy of his resume was provided to the Board Members. She noted when Mr. Allgaier came to her she said he could only resign if he helped find someone to help replace him. She said while he is not replaceable, Dr. Houghton comes greatly recommended, noting he has been involved working with Mr. Allgaier in regard to the records management. Ms. Egan noted he has been in to see her and Town Clerk Newkirk. She said he has been an individual involved in various historic and restoration committees including the enhancement of the Veteran's Memorial Park, beautification of the old bridge area down at

Normansville and is certainly interested in continuing the quality work that Mr. Allgaier has set the barometer for.

The motion was made by Ms. Egan and seconded by Mr. Lenhardt to approve the appointment of Dr. Raymond C. Houghton, Jr., Slingerlands, New York to the position of Town Historian for the Town of Bethlehem.

Councilman Lenhardt said he has had the pleasure of working with Dr. Houghton on the Veteran's Park Committee and highly recommends Dr. Houghton.

Councilman Gordon commented that Dr. Houghton's credentials look excellent and it is natural that Historian Allgaier would make this recommendation. He said as a citizen he was not aware of the resignation until it appeared on the agenda, simultaneously with the appointment of a new Historian at the same time and said he thinks it is important that the community have a little bit of time when there is an appointment for the word to get out. He said this is certainly no slight of Dr. Houghton's qualifications but would like to get an opinion or at least make the position open and informing the Bethlehem Historical Association. He said he would like some input from the Association and suggested the Board wait. Supervisor Egan said she has had a conversation with Mr. Mathusa and she trusts the judgment of Mr. Allgaier. She said in this particular case, Dr. Houghton has been involved certainly with volunteer hours up to this point working with Mr. Allgaier and discussing the records and things.

Councilman Plummer said he looks at this a little different, noting if it was a Planning Board or Zoning Board position or an appointment the Town Attorney was going to make, he would think it was different. He said this individual has obvious expertise and has been volunteering his time helping out the current Historian and therefore, he was very comfortable with it.

Councilman Gordon said he did not appreciate learning of an appointment at the same time as a resignation. He said as a Town Board Member, he likes it even less. He said the resignation took place in June and he would have liked to have been informed a little earlier. He said he was not in a position to make a decision or vote in favor of an appointment.

Supervisor Egan asked if there was any further discussion.

The motion was passed by the following vote:

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

Noes: Mr. Gordon.

Absent: None.

The next item was a request from Town Engineer, Eric Deyoe, for approval to go to bid for concrete work for Elsmere Avenue Sidewalk Construction. The Supervisor noted the easements have been received and construction has started. She said there is a schedule set forth and the request is to go to bid.

The following resolution was offered by Mr. Plummer and seconded by Mr. Gordon:

WHEREAS, the Town desires to advertise for bids for the furnishing and placing of concrete associated with the Elsmere Avenue Sidewalk Construction, including alterations to an existing concrete culvert structure, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 20th day of July, 2005 and that bids be received up to 3:00 p.m. on the 3rd day of August, 2005 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

The next item was to acknowledge receipt of Final Plat of Freed & Michaud Subdivision from the Planning Board for information purposes.

Supervisor Egan added the fact that the Building Inspector, Mark Platel, requested that on the Special Meeting agenda, a dumping permit be added to consider a fill permit for property on Delaware Avenue. She said this was in conjunction with the school construction project and the Town Engineer has been out to inspect the area. Town Board Members agreed to add the item to the agenda of the Special Meeting.

The Supervisor asked if anyone wished to address the Board. Ms. Linda Jasinski asked why the update on the zoning was not listed on the agenda for the public's information. Supervisor Egan said it was an oversight since it had been reported at the last Board meeting. Ms. Jasinski said that is an oversight that should be watched a little more carefully. The Supervisor agreed.

Ms. Jasinski asked what the rush is with the zoning, noting Mr. Potter said things have been rushed to get out. She said the zoning had only been put out on the Internet Monday night, Tuesday available to the public and at the printers. She said for the hearing on the 20th of July, which was supposed to be the 27th of July, there is only 9 days to look at it and it is not like they have all the time in the world to do that. She said there are 140 pages to the zoning and another 44 to the subdivision and noted there are changes in there besides what has been listed. She said now mention has been made of more changes and that will be out Wednesday. She said that only gives a week for people to look at it during vacation time, during work times, asking what the rush is. Supervisor Egan said she does not consider it a rush, she said the situation is also what is being published is a summary memo, not the one that was presented this evening. She said it is the one that is available at Mailboxes Etc., the Clerk's office and on the web and is a detailed summary with cross references to the changes that will allow for anyone to look at any changes made since the last public hearing. Ms. Jasinski said it does not cover all the changes, noting she did notice some changes that were not listed. Supervisor Egan encouraged Ms. Jasinski to contact Mr. Leveille on that, saying it was pretty comprehensive in regard to the Memo. She said similarly the changes that will be made to the subdivision based on the conversation at the meeting will also be highlighted in memo form in addition to providing the actual draft.

Ms. Jasinski said she still thinks it is a very short time for the public to be able to read the laws that they are going to have to abide by and she wanted this known to the Board. Supervisor Egan thanked Ms. Jasinski.

Mrs. Marie Capone said at the last Town Board meeting she was astonished that a woman complained about a garage that protrudes from the house. She said that has been done in this Town for over 20 years. She said the woman did not get that the people have the family room in the back of the garage so this is why you have more of a house on a smaller lot.

Mrs. Capone asked if everyone was aware that Verstandig's in front of the public library has a vegetable stand that is open 5 days a week. She suggested we try and help our local farmers.

Mr. John Mead said at the last public hearing, an announcement was made that the next hearing would be on the 27th. Supervisor Egan said they were considering it for the 27th but because of the SEQR time frames, it had to be adjusted. Mr. Mead asked how this would be advertised because everyone will be coming on the 27th. The Supervisor said it was already in the Spotlight, and because it is a special meeting there is a 48 hour requirement of notice which is

resolved and it will be announced again in the Spotlight but noted it has already been published. It has been on the web and in the Spotlight, according to the Supervisor.

Mr. Mead asked why it was shortened up a week. Supervisor Egan said it had to do with scheduling and coordinating with the Board's schedule, as well as, the SEQR timing that was needed. Mr. Mead said it isn't much time. Supervisor Egan said again, it was the overwhelming control here was also the moratorium expiration date and making sure everything is done to work in sync. Mr. Mead said that is like October. Supervisor Egan said again because of the certain waiting period and time frames and windows with respect to certain of the SEQR requirements, this is how it worked with everybody else's schedule because they wanted to ensure that all the Board Members were here for any potential vote. Mr. Mead said it's not really convenient.

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Mr. Robert Jasinski said he wished to reiterate what has taken place, noting his daughter spoke. He said he wanted to call attention that this reflects... this rush... and everything else upon all the Board Members and not only on the administration. He said they are the Town Board and represent the residents. He said he wished they would think about this.

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Supervisor Egan asked if there were any other comments this evening. Mrs. Sheila Powers, President, Albany County Farm Bureau, said she listened to the explanation and speaking strictly in that regard. She said she is glad that the schedule is lined up so everything else works. She said the few farms that are left are people in agricultural production and what has been done is to hit on them during their time of the year when they have no choices about the what they have to do. It seems to Mrs. Powers that this is peculiar judgment, certainly not sensitive care. She also brought to the attention of the Board that in the definitions there is a discussion of the placement of stone walls or the issue of stone walls on rural property. She said the stones on a person's property belong to the person and it seems to her that it should not be all right for the Board to make a decision ahead of time, definitively, so that it stands in law about someone's property. She said the Board would not do that if it were considered a marked item but apparently the Board does not realize it is one. She said she registered an objection to the particular part of the definition. She thanked the Board.

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Mr. Michael VanVranken said he was retuning with the same theme with a request for the Town Board keep its oversight powers and oversight authority for final approval of any of the major/minor subdivisions or projects that go on in the Town. He said the Town Board has that authority now, noting some of the authority will be shipped to other departments and other divisions, unelected officials in the administration. He presented a copy of his remarks.

Mr. VanVranken asked if New York State, including the Town of Bethlehem, is one of the 32 states in which a law directing compliance by religious organizations with State and local zoning laws being assured. He said in 1993 there was a resolution for religious freedom and in the year 2000 the religious land use and institutionalized persons act. He said the later act along with the former one seems to give considerable relief to religious entities for land use. He asked what comes into play and what is cited as the First Amendment of the Constitution, free exercise clause and the establishment clause. He said if New York State does not have such a protective law, how might this affect the Town's master plan and revised Zoning Law. He said these issues seem to be quite controversial, quite convoluted and very pervasive.

Mr. VanVranken said he was asking only to emphasize his strong hope that the elected officials on the Town Board will keep as is, this authority for preliminary and final approval and oversight of major and minor plans, projects and subdivisions. He said he has no position on nor any desire to raise any issue or any question about any religious group or belief but use some of the thoughts from a

recent book, God Versus the Gavel. He gave some further information in regard to the book contents and comments.

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Councilman Marcelle said the Religious Freedom Restoration Act was reviewed by the Supreme Court and found to be unconstitutional due to a case that arose in Texas which pertained to the religious land use and institutionalized person act was this term found constitutional by the Supreme Court. He said it deals primarily not only with prisoners religious freedoms but people or religious organizations or people to use their property in a way that is consistent with the zoning and not in violation of the government. He said they do have rights under the constitution in this act and the attorney's provision that was cited has been around for constitution litigations for the last 60 years. He said litigants always had that right and applies equally to religious cases, as free speech cases, to search and seizures cases.

Supervisor Egan thanked Councilman Marcelle.

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Ms. Nancy Kneff said she just wanted to reiterate that she does feel by moving up the public hearing a week, the Town Board has kind of taken away time and only gives 10 days to review all the material. She said the problem she is having is that the legal requirements are met but that does not help most of the residents of the Town that you give them 48 hours notice to speak on 150 pages. She said just because it came out, it does not mean that everybody rushed up to get it. She said the other thing is although she feels for all the contractors that are waiting for the moratorium to be lifted; this is affecting the Town for years to come. She said she does not feel that much for the contractors. She said the moratorium has until October and the residents have until next week.

Supervisor Egan said just so it is clear, it is not just 48 hours notice, it was published in the Spotlight on this date and it has been on the web. She thanked Ms. Kneff. Ms. Jasinski noted it was not on the web. Supervisor Egan said she would double check but the whole calendar was to be put on.

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Councilman Plummer said his understanding is that this is not all being unveiled right now. There has been a public hearing previously held, Mr. Plummer noted. He said the response that was presented tonight is an attempt to address what was brought up at the public hearing. He said it is not like the creation of a new 150-page document. Ms. Kneff said that is right, but significant changes will be made and another public hearing in 2 weeks, following the release of those. She said although not all the complaints were made about the original thing because they did not know what was going to be changed. She said they are now aware of the highlights, and there are other things that need to be changed that were discussed that night or we did not know whether or not they were going to be changed. She said she feels like there was a public hearing but they did not get to say anything because they did not know what the changes were going to be.

Supervisor Egan again pointed out that the memo was provided that night and in essence that was the changes that occurred over the last couple of weeks. Ms. Kneff said that is it... in essence is not exactly what is going to rule their lives. Supervisor Egan thanked Ms. Kneff.

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Mr. Michael Waldenmaier said he has some concerns about the zoning and he really hate to everyone rush through it but one of the things that worries him is he was born in Bethlehem and he will probably die in Bethlehem but he did not know where he will be buried in Bethlehem because under the uses in the matrix there is nothing for cemeteries in any of the zoning. Supervisor Egan said maybe the zoning consultants felt that the existing cemeteries do not go away. She said, therefore, there are current existing cemeteries. Mr. Waldenmaier said he still thought there would be something in the regulations. Supervisor Egan said they will check.

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Mr. Victor Rodriguez said he would like to know what the Board stance is on using eminent domain for commercial purposes. Supervisor Egan asked if this referred to the new Supreme Court case. Mr. Rodriguez said it did. Councilman Marcelle said he has a potential resolution he would like to discuss with the Town Board. He said it is up to each individual municipality now to decide whether to condemn property for the purposes of economic development. He said the Supreme Court has held that pursuing economic development is a public use which is somewhat of a deviation from historical precedent which allowed things for parks, highways, sidewalks. In fact, Mr. Marcelle said they just had that on the agenda tonight. He said it is a perfect example of normal eminent domain. He said there are a lot of people who are concerned that this expanded the government's power to seize property pursuant to eminent domain but in the end, all the Supreme Court did in some senses was this discretion in the State and local governments of whether they thought it was appropriate. He thanked the Board.

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The Supervisor asked if there were any other comments. Mrs. Barbara Carkner said first of all she wished to thank Town Attorney Potter for the work that was put into the lot splits. She said she thinks this could be expanded more. She said she found a lot of stuff on the Internet. She said she also wanted to stand with the other residents that have spoke and agree that she wonders what the rush is. She said she has begun to look through the zoning and the first thing she noticed the size of the print was smaller so there is really not 145 pages as it was before. She said there are more pages if you increase the size.

Mrs. Carkner said there are more changes in addition to the ones that were mentioned and in addition to the ones that were submitted. She said one other thing that she thought was funny was the definition of a residential garage. She said it could have enough space for 3 automobiles or 3 passenger vehicles; it says automobiles and then in parenthesis it says no trucks, no commercial vehicles. She said her husband has a pickup truck that has commercial license plates. She said it is a good thing they don't have a garage because he would not be able to park his pickup truck in there and neither would anyone else. She said there are a lot of other little things that do not make sense. She said the wording and stipulations are changed and it will affect people's property and the development within our Town.

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Supervisor Egan asked if there was anything else. Mr. George Waldenmaier said the last meeting he had the same question about trucks. He said now the regulations are saying he cannot put his trucks into the garage. He said before only one could be put in and now he cannot put any in. Supervisor Egan said she would have to check on it, she did not know the answer. Mr. Waldenmaier asked if the Town Board was using a computer package, indicating he was sure they were or maybe the consultant is using a package he grabbed. Supervisor Egan said the consultant is wishing they were using a package. She said the hours put in would also show that they did not use a package. She said she does not know the answer to the question and someone will call him tomorrow.

Mr. Waldenmaier said the question is what does the Board even care what I put in my garage, whether he puts a truck or a car. He commented he did not go into anyone's garage and look at what is put in there. He said maybe someone has all terrain vehicles in there without licenses and things like that. He again asked, why do they care. He also asked why that definition is even in there. Supervisor Egan said she would have Mr. Leveille give him a call.

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Mr. Michael VanVranken asked about the fact that SUVs are considered trucks. Mr. Leveille said he did not know. Mr. VanVranken said they have gone through that where he lives in Chadwick Square. He said there is a definition if the Board wants to get it.

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Supervisor Egan asked if there was anything else this evening. Councilman Marcelle commented that he knew that the speakers tonight care very deeply about the zoning law and looking at it with probably a degree of scrutiny that it deserves. He also has noticed that Mr. Leveille when apprised of these situations like the truck, has been eager to try to rectify those types of errors. He humbly suggested that when something is spotted, the information be forwarded to Mr. Leveille. He said one of the great things about the process is that people look at this plan with different eyes. He noted he is worried about parking bicycles in his garage. He said this is not meant to be an adversarial proceeding, they want to adopt a law that really meets the needs of the citizens. He said in looking at who the Members are, there is a unique perspective to inform the Board.

Mr. Waldenmaier said what he wanted to convey is that once it is put in black and white, the next-door neighbor who may not like you today can go out and say, there are two (2) trucks there. He said there is the one on junkyards where if you have one (1) cubic yard of junk on the property. He said how many people can look behind their backyard and behind their buildings and have a lot of junk. He said if he were to walk through the Town he was sure he could come up with at least a couple hundred junkyards if not more. He said all he is saying is that when it goes in writing a lawyer gets a hold of it there can be problems. He said they are having enough trouble now. Supervisor Egan said it is understandable. Mr. Waldenmaier said he did not mind sitting down and giving information but he spent 14 months with BPAC making suggestions, having them lip serviced to him and then never seeing them in the laws or regulations. He said he is a little concerned about this. Supervisor Egan said not to be adversarial, she would say 60 plus private and public meetings with many of the attendees, they are certainly not adversarial and they have been looking for as much input and consensus as they can get, however, just because somebody makes a request does not mean it is going to be included in the final draft. She said she everyone in attendance has their opinions; the people all have different opinions. She said it is a culling of opinions. She agrees with Mr. Waldenmaier and reminds everyone that these are working, living documents. She said they have committed to doing an internal review on this with staff looking at it. She said they will look at this continually and when there are blips, they will be addressed and fixed.

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Mrs. Capone commented that the Board was fortunate to have Mr. Marcelle. She said he is an attorney that went in front of the United State Supreme Court.

Mr. Robert Jasinski said Mr. Marcelle did mention the word trap and said one of the things that affects him that he looks at quite often is the fact that he carries a wallet and he carries money. He said one of the things, he believes has to be set, is what cost is there to his wallet for special permits. He asked if there was going to be one set fee or are there going to be certain fees for certain permits. He said he looks to see a price before he busy something and looks to see if it has value. He said they look to see if it is worth the money. He said he thinks there should be a fee schedule set.

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Ms. Linda Jasinski said Mr. Leveille has been very good when things are pointed out. She said, however, until it is in black and white they cannot look at it and say, wait a minute this is defined here and something else is being done with it in another area. She said it is only going to be a week before the public hearing that they have to look at all of it and get back to him. She said the big issue is the time frame.

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Supervisor Egan asked for a motion to adjourn.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 7:15 p.m. The motion was passed by the following vote:

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

Absent: None.

Town Clerk