

TOWN BOARD  
JULY 25, 2001

A public hearing of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The Supervisor called the meeting to order at 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Daniel G. Plummer, Councilman  
Susan Burns, Councilman  
Kathleen A. Newkirk, Town Clerk  
Robert J. Alessi, Esq., Town Attorney

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Like to invite all of you to join us in the pledge of allegiance.

The first item on tonight's agenda is the public hearing considering Local Law amending various sections of The Code of the Town of Bethlehem, Zoning, Dealing with fences, to establish a maximum height for fences in Residential zoning districts Ask the 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 25, 2001 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending various sections of the Town Zoning Code dealing with fences, to establish a maximum height for fences in Residential zoning district and to clarify existing provisions with respect to Amortization. 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 need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

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

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State of New York)  
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for 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 11<sup>th</sup> day of July, 2001.

/s/ Elizabeth Bradt

Sworn to before me this 11th day of July 2001.

/s/ Sharon A. Doldo  
Notary Public, Albany County

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

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

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 July 11, 2001, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
17th day of July 2001.  
/s/ Catherine T. Picarazzi  
Notary Public

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The motion was made by Mrs. Davis and seconded by Ms. Burns 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: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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SUPERVISOR FULLER: Jeff, want to you give a brief overview for our audience and Roger Griffiths from our Building Department is also here.

MR. LIPNICKY: This is probably the quickest overview I will ever give since this is not a very long Local Law.

Basically, the draft Local Law that is before the Board...what essentially within residential zoning districts within the town set a maximum height of 6 feet for all fences. Under the current zoning provisions, there is no height limitation on fences except, fences that are solid. Okay? The current provisions of the code say that a solid fence can be no more than 4 feet high. That provision would remain in the code, however, no fence, no matter what type of construction, would now be allowed within a residential district to exceed 6 feet.

The other provision in the code deals with correcting an oversight the last time the fence provisions were amended. And that last amendment to the fence provisions had to do with barbed wire fences, fences with razor wire, electric fences and those types of fences and there was a provision within the code dealing with amortization of those types of fences. The current proposal before you amends that section of the fence provisions to make it clear that amortization only applies to those "dangerous type fences". And that is essentially the crux of what is proposed here.

SUPERVISOR FULLER: Thank you, Jeff. Are there any questions from the Board?

COUNCILMAN PLUMMER: Yes, I just one Jeff. You said it pertains specifically to residential areas, it does not apply to commercial?

MR. LIPNICKY: That is correct.

COUNCILMAN PLUMMER: Okay. Thanks.

SUPERVISOR FULLER: Is there anyone wishing to speak in favor of the Local Law? Come to the mike and just give your name for the record, please.

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

MRS. GROSS: I'm in favor of... support it...

SUPERVISOR FULLER: You are in favor of the Local Law that is on the books tonight?

MRS. GROSS: Yes.

MR. LENHARDT: Of these changes.

SUPERVISOR FULLER: Limiting the height of fences to 6 feet?

MRS. GROSS: Yes. I support the proposed amendment of restricting all fence heights to be 6 feet as anything higher can substantially devalue the property of any and all residences that abut the fence. Any chain link fence that exceeds a normal height of 6 feet has significant harmful effects both aesthetically and for public safety. A child attempting to climb a chain link fence could fall or worse get stuck on the sharp prongs at the top of the fence if attempting to climb over it. Any fence over the 6-foot height serves no purpose in a residential area. There have been spite fences built in this town and I feel the residents have to be protected both emotionally and financially from these actions.

As more land is developed in the Town of Bethlehem, the parcels are becoming smaller and we must reexamine our Local Laws and change them to protect the residents of our town and to maintain the value of our real estate.

I have some pictures taken from my home with an 8-foot chain link fence built just 25 feet from my windows. As this is an open-ended fence, there is clearly no reason for it other than deminishing the beauty of the wooded view from our home. Now we are facing the steel wires of a chain link fence from both floors of our home. Neighbors who walk by are appalled at the ruination of a once beautiful property. We must make fences such as these unlawful in the Town of Bethlehem. And, I do have some pictures.

COUCILMAN DAVIS: Where do you live?

MRS. GROSS: I live in Deerfield. I don't have a person next to it but it is quite high and very close to us.

SUPERVISOR FULLER: Is there anyone else wishing to speak in favor?

MRS. ROSEN: I am also in favor of the 6-foot fence. I also have an 8-foot fence behind me and I have talked to people in other developments... a lady who came in from out of town, and it took her a long time to buy the house because the 8-foot fence is practically in her family room. There is no purpose to an 8-foot fence, especially with the little points on top. And as Phyllis said you can walk right around the fence, its enclosing nothing. I don't think it helps the property at all, and I am most in favor of this new law. Thank you.

SUPERVISOR FULLER: Thank you. Yes.

MR. GROSS: I also live behind an 8-foot fence...

SUPERVISOR FULLER: I need your name for the record; I knew who the other two were.

MR. GROSS: Philip Gross. It would almost seem common sense to anyone that there is no point in putting up an 8-foot high fence. When I actually confronted the person who erected this fence, he specifically and very smugly pointed out that this town has no law concerning chain link fences. It has a law about solid fences but I could go as high as I want with a chain link fence. So you know we need to be protected from individuals who would do these kind of actions. And, in fact, he

subsequently even written me letters saying that I may heighten the line of demarcation between our properties for the purposes of privacy. How a chain link fence affords privacy I don't know, but we shouldn't have a... you know, any individual who can threaten us with something like that.

SUPERVISOR FULLER: Thank you. Anyone else?

MR. SILVERMAN: My name is Daniel Silverman. I do not have a chain link fence behind my house. But I am a concerned neighbor. This specific example of an 8 foot fence, even though being behind a home, is visible from the road on a cul-de-sac. I have concerns about a higher fence which would make the neighborhood look like an enclosed prison. And...again devalue the homes in the neighborhood. I think that these fences again are only... serve a purpose of spite and, therefore, are really inappropriate in a residential community.

SUPERVISOR FULLER: Is there anyone wishing to speak in opposition?

MR. BLENDALL: Hi, my name is Jim Blendall from Slingerlands. I have some questions about your ordinance to begin with. So, I am not opposed to it at this point but I do have some questions and should I direct them to Jeff?

SUPERVISOR FULLER: Sure.

MR. BLENDALL: We are talking a 6 foot high solid fence as being acceptable as part of the new law.

MR. LIPNICKY: No, that is not correct.

MR. BLENDALL: Okay.

MR. LIPNICKY: That aspect of the current code which limits solid fences to 4 high remains in effect. So, basically, under the current law you could have a fence that is 4 feet high that is solid and then you know, for practical purposes have 4 feet of additional lattice work above it or 5 feet bringing it up to 8 feet or whatever.

What the new law would do, would say you still can have still have your 4 foot solid fence, but the 2 feet to get to the 6 feet would have to be ¼ solid.

MR. BLENDALL: Okay. Well, that is a clarification.

MR. LIPNICKY: The height of solid fences does not rise...

MR. BLENDALL: Okay, so it's only 4-foot and then 25 percent closed or open?

MR. LIPNICKY: ...the way the current code reads, ...25 feet solid about the...25% solid above the 4 feet.

MR. BLENDALL: A question that relates to that, is there any restrictions on front yards, side yard, corner lots, rear yards?

MR. LIPNICKY: Above and beyond what we are talking about, no.

MR. BLENDALL: How about below? And under what we are talking about?

MR. LIPNICKY: In other words the same regulations apply no matter what yard we are talking about.

MR. BLENDALL: So we can basically can have a 6-foot fence on our sidewalks, in our front yards and in our side yards, at the road? It that where it has to stop?

MR LIPNICKY: Near the property line, that's correct.

MR. BLENDALL: Then I guess I would be opposed to that element of it. I think a

lot of our surrounding towns; I think even in our own existing code, we have some restrictions on fencing and its size as to where it is located on the property. A lot of jurisdictions allow these types fences in the rear yard of the home. But they don't allow these fences either in the front yard of the home or on a corner lot on a side yard.

We have some examples, I think in town that are very unattractive and don't look to well. I mean we have a house on the corner of Adams Place and Adams Street. Its not a very attractive fence, I don't think, it comes right out into the public area. We have one up on Kenwood Avenue by McKinley. Its built right on the sidewalk. We have another one on Kenwood Avenue down by Borthwick. Not a very attractive site. I personally recommend to the Board that they consider limiting the fences in front of homes to something that is aesthetic. Fences, I believe, are probably have three purposes. One is privacy. One is security and one is aesthetics. I think with a 6-foot high fence we are talking privacy, we are talking security and I'm not sure that they're appropriate in front of houses. Not at least in this community.

I would also suggest that you look at homes that are built with the backs on the streets where people want to put 6 foot high fences right out near the road because the developers were allowed to build within 25 feet of a road. This is not very attractive. We find people also for building fences on top of berms so that means they increase the height of their fence. So maybe part of the ordinance should require 6 foot above street level and not 6 foot above property height.

So, I think you should look a little more at the code. Personally, I think the 6-foot in the backyards is... a lot of people like that. I am not a fence person but a lot of people are fence people. But I don't think they are appropriate in front of homes. I don't think they are appropriate on corner lots and I don't think they are appropriate at the rear of lots where the back of the house backs onto a street. Thank you.

SUPERVISOR FULLER: A point of clarification that Jim Blendall had, I've had several people call about this because we have identified it as a residential... in a residential zone, so they do think the 6 feet is for a solid fence or an open fence. Doesn't matter. They think we have limited the height restriction to the 6 feet. So I think we have created confusion with this rather than being specific for them.

The only thing we were attempting to do was limit the height of a fence from going any higher than 6 feet. That was the purpose of the local law and only that. Everything else in the fence ordinance that's been here forever has not changed. It's just the height of the fence.

MR. BLENDALL: I would suggest that maybe you want to look at that in more depth at least from my point of view but that's...

SUPERVISOR FULLER: Anyone else?

MR. LENHARDT: I have a question for Jeff and I think I know the answer but I have to ask it anyways. This proposed ordinance is not retroactive to this particular example that's been given to us tonight is it?

MR. LIPNICKY: That is correct.

MR. LENHARDT: Unfortunately.

MRS. DAVIS: I have a question.

SUPERVISOR FULLER: But it prevents the individual from building his 13-foot fence or 15 foot fence.

MR. LENHARDT: That is true.

SUPERVISOR FULLER: It doesn't help the 8-foot fence that you are dealing with.

MRS. DAVIS: I have a question related to that. Is...when each of you came up, is it the same 8-foot fence that you are referring to?

MRS. GROSS: It's about a 330 foot long fence...

MR. GROSS: Open ended.

MRS. DAVIS: I know the fence you are referring to, but I just wanted to be certain that each of you was referring to the same fence.

SUPERVISOR FULLER: Yes.

MR. GROSS: I agree with Mr. Blendall about where you should put the fences but I don't think that that should prevent you from passing this law tonight. I don't think that it can prevent you from refining the law at a future date in terms of where you place other fences. But I think that for the protection of all citizens it shouldn't restrict you from passing tonight's law.

SUPERVISOR FULLER: The other concern is the policy for swimming pools; they can have a 5-foot solid fence? If they have a pool, can they have a 6-foot solid fence?

MR. GRIFFITHS: Sure.

SUPERVISOR FULLER: If they have a pool?

MR. LIPNICKY: Correct.

SUPERVISOR FULLER: Can they have a 6-foot solid fence?

MR. GRIFFITHS: No, it could be open above the 5 feet.

SUPERVISOR FULLER: What was the exception to the 4-foot rule? A swimming pool?

MR. GRIFFITHS: Swimming pool for a solid fence. State code requires that you have at least a 4 foot fence and our local ordinance says you can have a 5 foot solid fence.

COUNCILMAN PLUMMER: Right now...I mean, its...if I understand the code and what's been explained here, currently there are no limits as to what you can do in your front yard or your side yard or your back yard.

MR. LIPNICKY: That's right, currently you build a 20 foot chain link fence if you want in your front yard at the property line.

COUNCILMAN PLUMMER: So, I agree with the gentleman, it makes sense to act on this tonight to at least restrict that, but I also agree that it would be smart to look at the issue further to see if we can come up with some other recommendations as it applies to both the front yards and the side yards.

MRS. DAVIS: I have to echo that. Jim, the fences that you referred to I'm familiar with each one of them and I know in the case of two of them on Kenwood Avenue, since the years they were first erected, I've had any number of complaints from residents, comments about them. In fact, I have the same reaction to them. So I would agree that we maybe move on this this evening to at least to take care of an immediately problem. And then fine tune it and address some of the issues that have been brought up and concerns.

MR. BLENDALL: Has this been revised... the zoning code I have is 1990...and that only relates to rear yards...have you revised that code since then so that it covers... the only place we allow, I think, is in rear yards since 1990.

MR. LIPNICKY: That's not correct. The only amendment – inaudible.

SUPERVISOR FULLER: We can't hear you, Jeff.

TOWN CLERK: You need to come to the microphone, please.

MR. LIPNICKY: I said the only amendment I am aware of dealing with fences that's been enacted in the code since 1990 has to deal with so called dangerous barbed wire fences.

SUPERVISOR FULLER: ...barbed wire. That was it.

MR. BLENDALL: Well, maybe I'm confused with the code then. 128-82 fences and walls says within the limits of the rear yard no fence or wall except a retaining wall shall be more than 4 foot high unless the part above such height is not more than ¼ solid.

MR. LIPNICKY: Correct.

MR. BLENDALL: So you can then put anything you want in your front yard?

MR. LENHARDT: No.

MR. LIPNICKY: No, no, the same exact provision is... the zoning code is set up... there is a section dealing with front yards, a section dealing with side yards, and a section dealing with rear yards. And, within each one of those subsections the same language is in there.

MR. BLENDALL: Okay, so under front yard, you can do 4 foot high with one foot of solid?

MR. LIPNICKY: The same exact language.

MR. BLENDALL: Okay. Yes, that's what I... I think if you are looking at it, you ought to look at it in total.

MR. LENHARDT: Jim, Section 128-67d deals with front yards, 76a deals with side yards, and 76d also deals with side yards...oh that's amortization. And 82a, as you just mentioned, deals with rear yards.

MR. BLENDALL: Well, I thought I would find a copy of that here but I didn't. If I had seen it I would have been able to respond to that. I guess what we are saying here, it is part of the code and it is acceptable. And I guess my position is I don't think it is appropriate in front yards and side yards.

ATTORNEY ALLESSI: I don't think anyone has said anything with regard to the acceptability, the code says what it says and as Jeff says the same language exists rear yard, front yard, side...it's been that way for a long, long time. It was identified that this allows no matter front yard, side yard, people can go above 4 feet as high as they want as long as it's the lattice structure. The discussion is more stop gap, act quickly to stop people from going up and I think you have heard comments here that stop gap this, come back, look at the fence... As Mr. Griffiths pointed out to me in conversation, there are many things that can be done with regard to a fence ordinance.

Some of the things you have suggested, and there may be others. That takes a lot longer to get implemented, to get studied and the rational is, this can be done right away. It seems to be something that merits immediate action to stop what we have

seen here tonight and some other things and then to look at the other issues including what you are doing, but the bottom line is the code as it stands now allows this to happen on any yard.

MR. BLENDELL: I understand that. Just one comment on that, I am concerned that this issue will go away and it won't be addressed. Secondly, you could address this issue in two ways. One, you can enact your law as you have it or you can enact a moratorium on fencing for three months which gives you time to bring it all together and put it forward as a total proposal. So I leave you with that, but that's your business.

COUNCILMAN BURNS: I would just like to say I know I have talked with Mrs. Gross and several months ago and I feel it's appropriate at this time to go forward with this amendment.

SUPERVISOR FULLER: Okay, can I have a motion to close the public hearing?

MRS. CAPONE: I didn't have a chance to say something. I thought the fence over Mrs. Bowdish was very nice and if you look on the other side you are going to find there's little kids toys there. So...that fence there is for that purpose. As long as it doesn't affect the site line, that's all that counts, no matter where the fence are. The line of vision is the most important thing. Thank you.

SUPERVISOR FULLER: May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to close the public hearing at 7:55 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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Town Clerk

Supervisor Fuller noted there is a SEQR resolution declaring the action as unlisted, negative declaration and to declare the Town Board lead agency. She asked for a motion to approve the local law as presented.

The following resolution was offered by Ms. Burns and seconded by Mr. Lenhardt:

**SEQR RESOLUTION  
CLASSIFICATION OF ACTION AND NEGATIVE DCECLARATION**

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of Local Law No. of the Year 2001 that would amend provisions of the Town Zoning Code dealing with the height of fences and the amortization of certain fences that are prohibited under the Code; and,

WHEREAS, said amendments would limit the height of fences in residential zoning district to six (6) feet and would clarify what types of fences are covered under the amortization provisions; and,

WHEREAS, the Town Board has received a short Environmental Assessment Form ("EAF") for the proposed action completed by the Town Planning department; and,

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 167.3(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)(1) indicates that when a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund, or approve a Type I or Unlisted action; and,

WHEREAS, the Town Board has independently considered both the information provided in the EAF and comments on the proposed local law,

NOW, THEREFORE, BE IT RESOLVED,

That the Town Board hereby determines that:

- 1) adoption of the proposed local law constitutes an unlisted action which is subject to SEQRA,
- 2) the proposed action does not involve a federal agency or any other agency,
- 3) 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,
- 4) a short EAF is adequate for determining the significance of the proposed action, and;

BE IT FURTHER RESOLVED,

That the Town Board hereby declares it is lead agency with respect to SEQRA review of the proposed action, and;

BE IT FURTHER RESOLVED,

That based upon its review of the proposed local law and the EAF, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7 ( c ), the Town Board hereby finds that the adoption of Local Law No.....of the Year 2001 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 is based upon the following facts and conclusions:

1. Current provisions in the Town Zoning Code contain no limitation on the height of fences, except in the case of solid fences, which may extend to a height of four feet.
2. Current provisions in the Town Zoning Code dealing with amortization of prohibited fences do not clearly identify what types of fences the provisions regulate.
3. The proposed local law would limit the height of all fences in residential zoning districts to a maximum of six feet in height. The maximum height of solid fences would remain at four feet.
4. The proposed local law would clarify that the amortization provisions apply to fences that use dangerous materials such as crushed glass, razor wire, barbed wire and electricity.
5. The proposed amendments are not expected to have any adverse impact on the environment. Conversely, the impacts are expected to be positive in that they are expected to have both an aesthetic and public safety benefit.

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 Town Planning Department is hereby authorized to file any and appropriate notices so that the intent of this Resolution is carried out.

On a motion by Ms. Burns, seconded by Mr. Lenhardt, and by a vote of 5 for, 0 against, and 0 absent, this RESOLUTION was adopted on July 25, 2001.

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The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the adoption of Local Law No. 9 of 2001 amending various sections of the Town zoning code dealing with fences, to establish a maximum height for fences in residential zoning districts and to clarify existing provisions with respect to amortization. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns,  
Mr. Plummer.

Noes: None

Absent: None.

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Councilman Davis recommended the issue be revisited and some of the concerns that have been raised by individuals and board members be addressed and reviewed within the next 2 to 3 months. She noted she knew Jeff is very busy and she hated to burden him anymore but this is something that needs to be. Supervisor Fuller said she thinks there will have to be a review of the solid fence regulations.

The Supervisor said the purpose of tonight's meeting was for the height of the fence limit, noting it can be brought back.

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The next item was a recommendation from Supervisor, Sheila Fuller, for the appointment of Nan Lanahan, probationary Administrator for the Parks and Recreation Department at an annual salary of \$48,687, grade 22, step 1, effective July 26, 2001.

The motion was made by Mrs. Davis with pleasure and seconded by Mr. Lenhardt to appoint Nan Lanahan, Glenmont, New York provisional Administrator for the Parks and Recreation Department at an annual salary of \$48,687, grade 22, step 1; effective July 26, 2001. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: None.

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The following item was a request from Town Planner, Jeffrey Lipnicky, to rescind the standing DEIS requirement for Meadowbrook Section 3, Planned Residence District No. 1.

Attorney Alessi indicated he had a conflict of interest with this item and recused himself from consideration of this proposal due to the fact he had involvement in a prior matter with regard to Meadowbrook and currently represent an entity that has involvement with this company.

Mr. Jim Green, representing Gladstone Developers as consulting engineer, stated at this time a DEIS was not needed and gave background regarding this request. He felt all the DEIS issues were answered in the past when one was done in 1992.

After a discussion between the Town Board, Mr. Green and Town Planner Lipnicky, it was decided to refer this item to the Planning Board for their recommendation in regard to the request.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to refer the request regarding the DEIS requirement for Meadowbrook, Section 3, Planned Residence District, No.1, to the Planning Board for their recommendation. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: None.

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The next item was a request from Kevin Shea, Building Inspector, for approval of renewal of Dumping Permit for Robert Hillman, Lasher Road, Selkirk.

Questions were raised in regard to the dumping permit, including issuance, inspection of dumping, period time for issued permits and a suggestion of notifying neighbors of applications for dumping permits. Permits are issued for one year and there are usually only 3 or 4 permits issued each year. Recommendation was made to establish a policy notifying neighbors of permit application requests. Attorney Alessi noted if the regulations are in the Code of the Town of Bethlehem, it would have to be amended by a Local Law. After discussion more detailed information was requested with regard to what type of demolition material will be allowed, location on the property of the dumping and the reason for the dumping.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to table the approval of a dumping permit as requested by Mr. Robert Hillman, Lasher Road, Selkirk, until more information is provided. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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The following item was to adopt a resolution setting Election Fees for the year 2001.

The following resolution was offered by Mrs. Davis and seconded by Ms. Burns:

RESOLVED, that in accordance with Election Law, Section 3-420, and Town Law Section 27, Subdivision 2, the following shall be the fees for the election officials for 2001:

Inspector (presidential year when 2 days are required)	Primary \$100.00 Registration Day \$30.00 Registration Day \$60.00 Election Day \$130.00 Instructions \$10.00
Chairman	Return of Supplies to Town Clerk's Office \$8.00  Mileage for above returns and instructions per mile \$.30
Poll Clerks	Election Day \$125.00
Janitors	Primary Day and Election Day - \$25.00
Custodians	Per Machine \$20.00
Technicians	Per Day \$32.00
Party Representatives	\$10.00 per hour

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

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The next item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds and bonding for Dowerskill Village, PRD 4, Section 3, Phase 2W for highway rights-of-way and easements.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve acceptance of deeds and bonding for Dowerskill Village, PRD 4, Section 3, Phase 2W for highway rights-of-way and easements as recommended by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: None

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The following item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of a deed and bonding for the Medwin Subdivision No. 2 for easement purposes.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the acceptance of deeds and bonding for Dowerskill Village, PRD 4, Section 3, Phase 2W for highway rights-of-way and easements as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: None

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The following item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deed and bonding for Haswell Farms Subdivision, Phase 6.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the acceptance of deeds and bonding for Haswell Farms Subdivision, Phase 6 as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: None

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The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of appointment of Summer Personnel.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department in her Memorandum dated July 25, 2001 at the titles and salaries indicated. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: None.

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The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for approval of the application of Independent Wireless One, Albany, NY for installation of telecommunications equipment on the water tower at 308 Kenwood Avenue, Delmar and to authorize the Supervisor to sign the agreement.

Councilman Davis questioned if this would have an affect on the IWO tower. Town Attorney replied it does not have a direct effect, but could have an indirect effect due to the fact that they are trying to close the gap and this could be part of their overall plan. This would not affect the review of any other pending applications.

Councilman Burns questioned how many co-locations would be the tower and how many sheds are located at the site. Mr. Secor said this would be the fourth user for that tank. He said there is one on the Elm Avenue tank. He further noted, there is only one 8 x 12 building, indicating the others are small metal cabinets. The first applicant was required to put in underground cables with capacity for more so they would not have to keep digging the same trenches. There is room on the tank but they are getting crowded with buildings and cabinets.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Supervisor signing the agreement with Wireless One, Albany, NY for the installation of telecommunications equipment on the water tower at 308 Kenwood Avenue, Delmar. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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The next item was to approve the Town Board minutes of June 27, 2001.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the Town Board minutes of June 27, 2001 as submitted. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Abstain: Mr. Lenhardt.

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Supervisor Fuller asked if anyone else wished to address the board.

Mrs. Capone spoke about a letter in the SPOTLIGHT concerning a traffic intersection problem here at Delaware Avenue. She stated if the Traffic Safety Committee were still alive, she would have requested Officer Beebe a long time ago look at the marking. It is very bad shape. Every day when the CDTA bus stops a blind man gets off and crosses the street without a problem. She could not understand why these people were having a problem.

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A resident questioned, wanting to know if the Board was going to take a position on the PSEG pilot agreement. Supervisor Fuller replied, the Town is not required to do so. The IDA would need to act on this first before the Town Board could consider it. PSEG has requested the School Board and Town Board support the agreement.

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A resident also wanted to compliment and thank the Board in regard to the Ravena-Coeymans-Selkirk and Guilderand Central School Districts icons were not on the Town's web site and this has been corrected. He thanked the Board.

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The motion was made by Mrs. Davis and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 8:35 p.m. The motion was carried by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.  
Absent: None.

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Town Clerk