

TOWN BOARD
JULY 28, 1993

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

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

ABSENT: M. Sheila Galvin, Councilwoman

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SUPERVISOR RINGLER: I would like to welcome everyone to a regular meeting of the Town Board. First item on our agenda is to acknowledge receipt of the Preliminary and Conditional Plat Approval for Krumkill Manor, Section II from the Planning Board for information purposes.

Acknowledge receipt of Preliminary approval for Parkside Subdivision

SUPERVISOR RINGLER: Next I would like to acknowledge receipt of Preliminary Approval for Parkside Subdivision again from the Planning Board and this is again for information purposes.

Approve Seasonal Personnel Parks & Rec. Dept.

SUPERVISOR RINGLER: Next I have a request from David Austin, Administrator for Parks & Recreation Department, for approval of seasonal personnel per the attached list and rates.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator of Parks & Recreation Department, dated July 28, 1993 at the stated rates of pay. The motion was passed by the following vote:

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

Accept Donation from Bethlehem Senior Projects for handicap park bench

SUPERVISOR RINGLER: Next I would entertain a motion to accept a gift of \$485. from Bethlehem Senior Projects to purchase a handicap park bench and handicapped accessible picnic table for the Town Park.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to accept with gratitude the donation of \$485 donated by Bethlehem Projects, Inc. for the purchase of a park bench and handicap accessible picnic table for the Department of Parks & Recreation. The motion was passed by the following vote:

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

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TOWN CLERK NEWKIRK: I wasn't sure that was Bethlehem Senior Projects Inc. It says Bethlehem Projects.

SUPERVISOR RINGLER: Bethlehem Senior Projects, Inc.

TOWN CLERK NEWKIRK: Thank you.

Discussion SEQR Southgate Commons

SUPERVISOR RINGLER: Next I have a recommendation from the Planning Board regarding a SEQR determination for the Southgate Commons

Building Project, Planned Commercial Development Number 2 located on Route 9W in Glenmont. You received a large packet of materials from the Planning staff and the Planning Board which I am sure you have all looked at. The Planning Department recommendation to the Planning Board and they passed a resolution that this is a type I action and that they would like to have a positive declaration issued by the Town Board and the draft environmental impact statement prepared. Janine is here this evening, does anybody have any questions at this point.

COUNCILMAN GUNNER: Yes. Either you or Martin want to answer.

SUPERVISOR RINGLER: And, Martin is here too, excuse me.

COUNCILMAN GUNNER: Usually these developers meet these requirements that are pointed out to them? Is that pro forma or do some not meet them?

MR. BARR: You mean for the purposes of making the positive declaration?

COUNCILMAN GUNNER: Yes. Are they going to meet those things that you say have to be done or should be done to give you proof of mitigation?

MR. BARR: We... that is right. Well yes and no, for a project this size, I think it is fairly common that a positive declaration is made. But, I can't really say that everything has worked in that direction but sometimes...

COUNCILMAN GUNNER: By past experience?

MR. BARR: By past experience the larger projects have ordinarily gotten a positive dec.

COUNCILMAN GUNNER: Thank you.

SUPERVISOR RINGLER: And, Charlie, what happens is when they prepare... the developer will hire somebody to prepare this and in that -- and Janine can add to this whole thing -- then they would be submitting... there will be scoping session most likely where they outline in more detail the areas that they want them to get into and if they come back and it is not acceptable, the Planning Board can reject the draft environmental impact statement and ask for additional information so forth until they are satisfied that they have got what they need and any impacts have been mitigated to the best possible manner. Am I correct, Janine?

MS. SAATMAN: Yes.

COUNCILMAN GUNNER: Thank you.

MS. SAATMAN: These are all things that should be addressed and sometimes developers will come in with the information right up front but in this case, you know, we haven't gotten the information.

COUNCILMAN GUNNER: Some very important things in there, good.

MS. SAATMAN: They will be included in the draft environmental impact statement.

COUNCILMAN WEBSTER: To the best of our knowledge, was the DOT meeting held?

MR. BARR: I don't know.

MS. SAATMAN: I understood that there was one that was supposed to take place following the Planning Board meeting.

COUNCILMAN WEBSTER: The day after the Planning Board, right.

MS. SAATMAN: But, I haven't heard anything from them.

COUNCILMAN WEBSTER: Just curious.

MR. BARR: But, if you go along with our recommendation, the Planning Board, very shortly, would hold -- what we call -- a scoping session and the scope of the environmental impact statement would be set forth in much more detail than the resolution has and we would expect them to prepare a draft environmental impact statement that deals with all of the subjects that are set forth in the scoping document. And, if they don't, as Ken indicated, we could reject it and require them to go back and do it again. And then, if it is acceptable then there would have to be a public hearing and the public could respond to their proposals.

SUPERVISOR RINGLER: Any other questions? Anyone like to offer that resolution?

SEQR RESOLUTION
POSITIVE DECLARATION
SOUTHGATE COMMONS
PCD No. 2

Adopt
SEQR
Resolution
Southgate
Commons

WHEREAS, the Town Board of the Town of Bethlehem has received an application from The Rubin Organization, Inc. for Building Project Approval to develop Planned Commercial District (PCD) Number 2 with the construction of a 423,908+/- square foot shopping plaza, parking for 2,750 vehicles, and related highway improvements; and,

WHEREAS, the parcel to be developed consists of approximately 75.7 acres of land located on the westerly side of U.S. Route 9W, north of its intersection with Bender Lane; and is presently zoned Planned Commercial District; and,

WHEREAS, the Town Board of the Town of Bethlehem determined that the proposed project is classified as a Type I action; and,

WHEREAS, the Town Board has declared itself lead agency with respect to this action; and,

WHEREAS, the "Memorandum of Understanding between the Town of Bethlehem Town Board and Planning Board for Planned Development Districts" (MOU), adopted by the Town Board on February 27, 1991, sets forth the procedure for incorporating the requirements of Article 8 of the New York State Environmental Quality Review Act (SEQRA), with the requirements of Article V of the Code of the Town of Bethlehem for the review/approval of Building Projects within established districts; and,

WHEREAS, in accordance with the procedures outlined in the MOU, the Town Board referred the Building Project application to the Planning Board for a recommendation on a determination of significance; and,

WHEREAS, by means of a resolution adopted July 20, 1993, the Planning Board has recommended to the Town Board that a Positive Declaration be made with respect to the proposed action; and,

WHEREAS, the Town Board has reviewed Part I of the full Environmental Assessment Form submitted by the applicant, along with Part II completed by the Town Planning Department; and,

WHEREAS, the Town Board has also received comments and a recommendation from the Town Planning Department based on its review of the environmental information; and,

WHEREAS, the areas of environmental concern include, but are not necessarily limited to, the following:

1. traffic - no traffic impact study has been prepared to address the impacts of this proposed project on the capacity of the existing transportation system, including the capacity of Route 9W and the level-of-service of the existing intersections in the area, as well as sight distance on Bender Lane from the proposed entrance/exit,
2. slope stability - construction and filling are proposed on and near the tops of steep slopes which are identified as unstable according to Soil Conservation Service and U.S. Geological Survey information,
3. grading - extensive filling, which approaches 50 feet in depth, is proposed in the ravine areas on the site, however, a grading plan showing the limits of areas of cut and fill has not been provided,
4. drainage - drainage on the site will be substantially altered due to the construction of the buildings and parking area, and the filling of ravine areas (particularly the one which cuts across the middle of the

- site), however, a preliminary storm sewer layout and information on the proposed pipe sizes, as well as a discussion of the quality and quantity of the piped stormwater, has not been submitted,
5. existing utilities - no documentation has been provided to show that the existing water and sanitary sewer facilities will be able to adequately serve the proposed development,
 6. erosion and sedimentation - no mitigating control measures have been proposed to deal with potential impacts to the Normans Kill tributary resulting from grading on the slopes along the tributary and in the drainage channels which feed into it,
 7. archaeological and historic resources - no information has been submitted with regard to possible archaeological or historic resources on the site, which is located in an archaeologically sensitive area on the NYS Site Inventory and contains a potentially historic homestead,
 8. wetlands - areas of delineated federal wetlands have not been shown on the plan nor have alternatives for avoiding the wetlands or mitigation plans for relocating the wetlands been discussed,
 9. aesthetic and visual impacts - the proposed project will have a visual impact on the Route 9W corridor due to the parking area for 2,750 vehicles, and an as yet undetermined effect due to the signage, lighting, and architecture of the project (since information on these details has not been submitted),
 10. community and neighborhood character - due to the size of the proposed project, the shopping center's impact on the character of the surrounding community, including existing commercial development and the Glenmont Elementary School, should be addressed,
 11. noise and air quality - due to the substantial amount of traffic which the project will generate, increased noise and the potential effect on air quality should be addressed; and,

WHEREAS, preparation of a Draft Environmental Impact Statement will enable the Town Board and Planning Board to comprehensively consider the environmental effects of the proposed development;

NOW, THEREFORE, BE IT RESOLVED,

that based upon its review of the proposed project and supporting materials presented by The Rubin Organization, Inc., the accompanying Environmental Assessment Form, staff memo, and comparison of the project with the Criteria for Determining Significance found at 6 NYCRR 617.11, the Town Board of the Town of Bethlehem concludes that the proposed Building Project Approval known as Southgate Commons is an action which may have significant effects on the environment, as identified above, and on other aspects of the environment that may be revealed upon receipt by the Town of forthcoming information and which therefore requires the preparation of a Draft Environmental Impact Statement (DEIS); and,

BE IT FURTHER RESOLVED,

that this determination shall be considered a Positive Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that a copy of this Positive Declaration shall be filed and circulated in the manner prescribed at 6 NYCRR 617.10(b) and 617.21.

On a motion by Mrs. Fuller, seconded by Mr. Webster and a vote of 4 for and 0 against, and 1 absent, this RESOLUTION was adopted on July 28, 1993.

SUPERVISOR RINGLER: Next a request from Mrs. Kehoe for approval of attendance at the Government Finance Officers Association Northeast Council Regional Seminar to be held August 18 and 19 in Cooperstown with registration and meal allowance paid. She will pay for the lodging personally.

Seminar
Government
Finance Officers
Comptroller

The motion was made by Mrs. Fuller and seconded by Mr. Webster to approve the attendance of Judith Kehoe, Comptroller, at the Government Finance Officers Association Northeast Council Regional Seminar to be held August 18-19, 1993 in Cooperstown, NY with registration and meal allowance paid. The motion was passed by the following vote:

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

Authorize
Police Chief
to establish
checking
account
National Police
K-9 Tactical
Deployment &
Decoy Seminar

SUPERVISOR RINGLER: Next a request from Chief LaChappelle for authorization to establish a checking account to manage revenues and expenditures in connection with the 1993 National Police K-9 Tactical Deployment and Decoy Seminar. This will be a temporary account and will be audited by the Town Comptroller.

The motion was made by Mr. Gunner and seconded by Mr. Webster to authorize Chief LaChappelle to establish a checking account to manage revenues and expenditures in connection with the 1993 National Police K-9 Tactical Deployment and Decoy Seminar. The motion was passed by the following vote:

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

Accept
Deeds and
Easements
Somerset Woods
Subdiv. Phase 2

SUPERVISOR RINGLER: Next a request from Mr. Cirillo, Engineering Services Administrator, for acceptance of deeds and easements for the Somerset Woods Subdivision, Phase 2. Did you look at these?

ATTORNEY KAPLOWITZ: No, I will look at them now.

SUPERVISOR RINGLER: Pending approval of the Town Attorney.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to accept the deeds and easements for Somerset Woods Subdivision, Phase 2, pending approval of the Town Attorney and appropriate bonding. The motion was passed by the following vote:

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

Release of
Bonding
Googas Estates

SUPERVISOR RINGLER: Next a recommendation from Michael Cirillo, Engineering Services Administrator, for release of bonding for the Googas Estates Subdivision. There is \$20,000 remaining in bonding and that was the work to be completed on Erie Drive, and Googas Drive and Mr. Sagendorph has looked at the work and together with the Engineering Division, feels that it is complete and recommends that it be released. Offer that motion?

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to approve the release of bonding in the amount of \$20,000. for the Googas Estates Subdivision. The motion was passed by the following vote:

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

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to conduct an Executive Session at the close of the regular Town Board meeting to discuss a personnel matter. The motion was passed by the following vote:

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

COUNCILMAN GUNNER: Two questions, not related to anything on the agenda.

SUPERVISOR RINGLER: Okay.

COUNCILMAN GUNNER: First one, I didn't see Jeff here but we will be getting the LUMAC report next month, next meeting or the following meeting.

SUPERVISOR RINGLER: I am not sure specifically when we are going to be getting it.

COUNCILMAN GUNNER: Would you let us know that schedule?

SUPERVISOR RINGLER: The original commitment... yes.

COUNCILMAN WEBSTER: He said by the end of August, didn't he, by the end of August?

COUNCILMAN GUNNER: He said August, by the end of August that could be, yes. He said August. But, we only have 2 meetings scheduled and I would like to know in case I were away or anything like that.

The other thing is that I have approached Mr. Leafer and I have spoken with you and it is getting near time and the newspapers has put in 2 editorials on it, on homestead.

SUPERVISOR RINGLER: Did you get a copy of his memo?

COUNCILMAN GUNNER: I didn't -- whose memo?

SUPERVISOR RINGLER: Mr. Leafer's that was addressed to the Town Board.

COUNCILMAN GUNNER: Recently? Well, what is recent -- I haven't gotten one in weeks since he was talking about all the work that it would take.

COUNCILWOMAN FULLER: Yes, that is the last one.

COUNCILMAN GUNNER: That is the last one I got.

SUPERVISOR RINGLER: He and it was addressed to the Town Board and I assumed it went to the packets just gave me one the other day as to where he stood. I will get you a copy of that.

COUNCILMAN GUNNER: Well, yes, because I had been in to see him and we are supposed... you know, before we... I guess what I am saying is I don't want this to come like a day or two before a meeting. It is going to take a lot of study and research.

SUPERVISOR RINGLER: Absolutely and you won't have to make a decision anyway at that meeting. But, I have asked him to expedite it and he told me that he hoped to have it to us by next week -- is what his latest estimate was.

COUNCILMAN GUNNER: Okay.

SUPERVISOR RINGLER: Anything else?

COUNCILMAN GUNNER: Yes, the other one would be just out of curiosity, how is it going with the... pooper scooper thing over in the park because we said we were going to... how is that, has it quieted down?

SUPERVISOR RINGLER: Yes.

COUNCILMAN GUNNER: Okay, fine.

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SUPERVISOR RINGLER: Anything else? Anything else anyone would like to bring to the attention of the Board this evening? If not I would entertain a motion to adjourn.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to adjourn the regular Town Board meeting at 7:39 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

Executive
Session
Approve
Maternity
Leave Plan
Comptroller

On a motion made by Mrs. Fuller and seconded by Mr. Webster, the Town Board approved the maternity leave plan for Mrs. Judith Kehoe, Comptroller. The motion was passed by the following vote:

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