

TOWN BOARD
JUNE 9, 2004

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 a meeting of the Board and invited them to join in the pledge of allegiance.

The first item was the public comment time on the agenda items. Mrs. Marie Capone said she was concerned about the senior housing, noting Mr. Lipnicky is not hot about it. She said the seniors need it. She said the people at Delaware and Elsmere Avenue have been notified they have to leave their apartments. She said Jeff feels they would have to spend money to bring the water and sewer to the development. She said this would be a better project than putting the sidewalk on Route 9W. She said the senior citizens have been paying taxes and building this town for the last 50 years. She said it is about time they get something out of it. She said there does not seem to be a problem opening the back of Price Chopper but for the senior citizens it is another story. She said this man came with the project as the campaign began. She said the word moratorium had not been heard and he had good faith. She said he is not being given a good deal. She requested that the Board try to help the people who are trying to help the seniors.

Mrs. Capone thanked the Board.

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Mr. Bob Jasinski cautioned the Board to think very carefully about how the moratorium is enacted and to consider some of the rules in case of hardship or anything else. He said according to his reading it is kind of hard to meet the requirements that will go before one or the other of the Boards. He said the Board may want to look into. He said the reason he is cautioning is that we have a one year moratorium but he just hoped they do not go beyond that. He said the Town is not known for being receptive to developments, businesses and everything else. He said this has nothing to do with the administration, this has been known in this Town for years whether it is the Planning Board or Building Department.

Mr. Jasinski said he just wished to ask the Board to give it some consideration and be careful to what is being done. Mr. Jasinski thanked the Board.

Supervisor Egan asked if there were any other comments on the agenda items. There were none.

The Supervisor noted the next item is the public hearing scheduled at 6:00 and therefore, asked if the Board wished to meet in Executive Session at this time.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve meeting in Executive Session to discuss personnel. 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 meeting was reconvened at 5:55 p.m. The motion was made by Mr. Plummer and seconded by Mr. Gordon to reconvene the regular Town Board meeting. The Supervisor noted the Executive Session dealt with one of the items on the agenda in regard to the military leave.

Hearing began: 6:00 p.m.

SUPERVISOR EGAN: Next on the agenda is the public hearing. At this time I ask our Clerk to read the call of the meeting.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 9th day of June, 2004 at 6:00 p.m. to consider a proposed Local Law Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-10, Schedule VII, Stop Intersections as follows:

ADD: A stop intersection as follows:

Stop sign on Cloverleaf Lane and Milltowne Road at their intersection with Wemple Road, Glenmont;

Stop sign on Cottonwood Lane, Wildwood Lane and Walimary Drive at their intersection with Elm Avenue, Selkirk;

Stop sign on Harvest Ridge Road and Holly Mill Road at their intersection with Elm Avenue East, Selkirk; and

Stop sign on Harrison Avenue, Alden Court, Hampshire Place, Windsor Court and Stonewall Lane at their intersection with Bender Lane, Delmar.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who are in need of assistance in order to participate should contact the Town Clerk's office at 439-4955, Ext. 183. Advanced notice is requested.

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

State of New York)
County of Albany)

ANGELA PRESTON 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 26th day of May 2004.

/s/ Angela Preston

Sworn to before me this 1st day of June 2004.

/s/ Sharon A. Doldo

Notary Public, Albany County

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 May 26, 2004, a Notice of Public Hearing, a copy of which is hereto

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

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 3rd
day of June 2004.

/s/ Catherine T. Picarazzi
Notary Public

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt 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: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.

Noes: None.

Absent: Mr. Marcelle.

SUPERVISOR EGAN: Thank you. Okay, is there anyone here to speak in regard to these issues in regard to the stop signs as outlined by Ms. Newkirk? Nobody. Okay. Do I have a motion to close the hearing?

MRS. CAPONE: Terri, she raised her hand.

MS. RUSSO: I just have a question, where is the one at Elm Avenue.

SUPERVISOR EGAN: Where what?

MS. RUSSO: Where is it being proposed?

SUPERVISOR EGAN: Elm Avenue at Cottonwood Lane, Wildwood Lane and Walimary Drive. And, then, Elm Avenue East is Harvest Ridge Road and Holly Mill Road. Does that help?

MS. RUSSO: Yes.

SUPERVISOR EGAN: Any other comments? Motion to close the hearing?

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to close the public hearing at 6:07 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

Town Clerk

Supervisor Egan asked if the Board wished to take action on the proposed local law. The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to adopt the Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Article VI, Section 119-10, Schedule VII, Stop Intersections for a stop sign on Cloverleaf :and Milltowne Road at their intersection with through street Wemple Road; stop sign on Cottonwood Lane, Wildwood Lane and Walimary Drive at their intersection with Elm Avenue, Selkirk; stop sign on Harvest Ridge Road and Holly Mill Road at their intersection with through street Elm Avenue East, Selkirk; and stop sign on Harrison Avenue, Alden Court, Hampshire Place; Windsor Court; and Stonewall Lane at their intersection with Through Street Bender Lane, Delmar. The motion was passed by the following vote:

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

The next item was a request from Building Inspector, Mark Platel, for approval of dumping permit for 555 Wemple Road, Glenmont.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the dumping permit requested by Ed and Donna Mueller, 248 Van Wies Point, Glenmont, NY for premises located at 555 Wemple Road as recommended by Building Inspector, Mark Platel. The motion was passed by the following vote:

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

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

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department in her Memorandum dated June 9, 2004 at the titles and salaries indicated. The motion was passed by the following vote:

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

The next item was a request from Chief of Police, Louis Corsi, to authorize budget modification to increase insurance recovery reserve line item by \$599.60.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve a budget transfer in the amount of \$599.60 from the Insurance Recovery Account to the Police 43-15 Collision Repairs account for repair of Animal Control Van #757. The motion was passed by the following vote:

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

The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for acceptance of donations totaling \$955 from Bethlehem Central Cross Country/Track and Field Boosters; Friends of Russell Ellers; and Bethlehem Youth Track and Field Club.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the acceptance of donations as requested by Nan Lanahan, Administrator, Parks and Recreation Department, in the following amounts:

Bethlehem Central Cross Country/Track and Field Boosters - \$400
Toward the improvement of the crosscountry course finish line area at Elm Avenue Park;

Friends of Russell Ellers - \$280 to purchase a memorial bench located at the basketball courts at Elm Avenue Park; and

Bethlehem Youth Track and Field Club - \$275 toward the improvement of the crosscountry course finish line area.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

The following item was a request from Comptroller, Judith Kehoe, for payment of \$43,959.54 to Earth Tech and closeout of expense and operations escrow fund.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the payment of \$43,959.54 to Earth Tech and closeout of expense and operations escrow fund as requested by Comptroller, Judith Kehoe. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

The next item was a request from Comptroller, Judith Kehoe, for modifications to military leave policy. Supervisor Egan noted this item was discussed in Executive Session and is a proposal for a modification to military leave policy. She said it is outlined in the Memorandum from Comptroller Kehoe. She said in essence it provides a difference in salary for anyone who is involuntarily deployed that would pay them the difference between their Town salary and what they are receiving from military benefits in addition to continuing their health insurance for their families in whatever capacity they are now paying among some other minor things. She said the proposal is to accept the modification for the military leave policy as set forth in the Comptroller's Memo dated June 3, 2004 with the only additional matter being that the proposed modification will become effective immediately upon resolution by the Town Board and will expire on December 31, 2005 subject to additional Town review.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the modifications to military leave policy as requested by Comptroller Judith Kehoe and outlined in her Memorandum dated June 3, 2004 to the Town Board.

Councilman Lenhardt questioned based on conversations previously had, if the line that highlighted was still appropriate to have included. Supervisor Egan said yes it was due to it having to do with the Police contracts. Mr. Lenhardt said that was okay. The Supervisor said it was still the same thing and explained that this came after discussion with Mike Smith and the police union contracts.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

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Supervisor Egan noted there is one individual that has been deployed and asked Police Chief Corsi to pass this approval along. The Chief agreed to do so.

The next item was an application and recommendation from the Planning Board concerning a request for waiver/variance from requirements of Local Law

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No. 3 of 2004 (residential moratorium) for Van Dyke Spinney, Van Dyke Rd, Delmar. Supervisor Egan said Mr. Ruthman and Mr. Fineberg are in attendance. She said she had a conversation with Mr. Fineberg before Mr. Ruthman arrived. She said the matter did proceed in front of the Planning Board and a recommendation has been received. She said there have been a couple conversations with different people and her understanding is that at this time the request is to adjourn this item and not have the Town Board move on it with the anticipation of a Town meeting being held between the attorneys, the landowners and things like that.

Mr. Fineberg said they would appreciate that opportunity if it is available to them. Supervisor Egan said it was, noting the only thing she wanted to make sure is that by doing that, they are waving any time frames at this point in regard to what requires the Town Board to move. Mr. Fineberg said that was correct and he acknowledged that they will voluntarily waive that. Supervisor Egan said that was good and they will revisit it, noting they would hear from the Board soon.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the application for waiver/variance from the requirements of Local Law No. 3 of 2004, residential moratorium, for VanDyke Spinney, VanDyke Road, Delmar. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

The following item was an application and recommendation from Planning Board concerning request for waiver/variance from requirements of Local Law No. 3 of 2004 (residential moratorium) for Hamden Woods. Supervisor Egan asked if anyone was in attendance for this development. Town Attorney Potter noted he had spoke with Mr. Hessberg a couple of times about adjourning this item. Supervisor Egan said it would be her recommendation to adjourn this application as well.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to adjourn the application for waiver/variance from the requirements of Local Law No. 3 of 2004 (residential moratorium) for Hamden Woods.

Town Attorney Potter asked Town Planner Lipnicky if the Town Board had any time restraints. Mr. Lipnicky noted the Town Board has no requirement in the local law, the time limit is only on the Planning Board.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

Supervisor Egan noted that she was handing out to each of the Board Members a letter provided to her for the VanDyke Spinney project from Carol Nemore and indicated she asked that the Town Board be provided with a copy.

The following item was a recommendation from the Planning Board concerning a SEQR Determination of Significance for proposed PCD No. 7 for Harbor at Beacon Point, Glenmont. Town Planner Lipnicky said the Board has a packet of background information on the project, the Planning Board resolution recently adopted, as well as, a draft resolution itself. He said the application stage is where the Town Board has to make a determination of significance under SEQR. He said at that point, either issuing a positive declaration or a negative declaration,

either requiring an environmental impact statement or not. He said this project was previously circulated to other potential lead agencies. He said they went through the lead agency coordination and it is back with the Planning Board. He said they did not get any objections to the Town Board acting as lead agency so the Town Board is in the position to act tonight. He said as the Board knows, there is also because of this being a planned development district part of the SEQR review or the SEQR review is partially governed, not only by the SEQR regulations but also by the Memorandum of Understanding between the Town Board and the Planning Board which sets out the role of the 2 different boards with respect to the SEQR review. He said the Town Board will be the lead agency for the SEQR review with the Planning Board acting as an advisory agency to the Town Board. The draft resolution would accomplish a number of things, according to Mr. Lipnicky, it would declare, in fact, that the Town Board is the lead agency on the project; declare the proposed project a Type I action under SEQR; it would issue a positive declaration and require an environmental impact statement be prepared on the project; authorize the Planning Department to file all necessary notices that are required under the SEQR regulations; and it would also refer the application back to the Planning Board for the purpose of scoping the DEIS. He explained scoping the DEIS is essentially defining what the DEIS will, in fact, address and what it will study.

Mr. Lipnicky added that the developer has indicated his desire to have the positive declaration of SEQR issued. Supervisor Egan asked if Mr. Gush had anything to add before the item is put to a vote. Mr. Gush said what they would like is a negative declaration. Mr. Roth said they did in advance prepare a draft scoping document and indicated they wished to submit the document tonight and help expedite the process. Supervisor Egan said that would go to the Planning Board after the Town Board acts on the resolution.

Councilman Plummer noted he would have to recuse himself from this item due to a client of his and the site has been identified as a possible dewatering site. He said due to this he cannot vote on the following 2 items. Supervisor Egan said this was fine and noted Councilman Marcelle was called away on an emergency while the Board was in Executive Session.

The following resolution was presented for adoption:

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
DETERMINATION OF SIGNIFICANCE
POSITIVE DECLARATION
APPLICATION TO ESTABLISH A PLANNED COMMERCIAL DISTRICT
PROPOSED PCD NO. 7
HARBOR AT BEACON POINTE

WHEREAS, the Town Board of the Town of Bethlehem has received an application, Environmental Assessment Form and related materials from OG Real Estate Developers, LLC to amend the Town Zoning Code and Map by the establishment of a Planned Commercial District on 76.825 acres of land located along the Hudson River, east of the intersection of River Road (NYS Rt. 144) with Glenmont Road; and,
WHEREAS, the current zoning of the subject parcel is classified as Heavy Industrial District; and,
WHEREAS, the stated purpose of said zoning amendment is to allow the subsequent construction of a 1.486 million square foot commercial development along the Hudson River, consisting of 1.3+ million square feet of office space, 80,000 square feet of retail and restaurant space, a 30,000 square foot hotel, 30,000 square feet of residential apartments, and 40,000 square feet devoted to a theater, museum and indoor water park; and,
WHEREAS, the proposal would also include development of a harbor along the Hudson River and development of parking facilities for 4,170 vehicles; and,

WHEREAS, pursuant to 6 NYCRR 617.6(a), the Town Board by Resolution adopted August 13, 2003, has: (1) determined that the proposed action is subject to the State Environmental Quality Review Act (SEQR), (2) made a preliminary classification of the project as a Type I action, (3) identified other Involved Agencies including potential federal agency involvement, (4) required the preparation and submission of a full Environmental Assessment Form (EAF), and (5) indicated its desire to be Lead Agency for SEQR review of said action; and,

WHEREAS, pursuant to 6 NYCRR 617.6(b)(3), the Town Board, by letters dated August 18, 2003 and April 12, 2004, has undertaken coordinated review of the project by mailing notice, and copies of the EAF and Planned Commercial District application, to other involved agencies indicating that it intends to act as Lead Agency for SEQR review of the project unless objection is received from another Involved Agency within 30 days of said mailing; and,

WHEREAS, the 30 day time period indicated above and prescribed at 6 NYCRR 617.6(b)(3) for establishing the Lead Agency has since elapsed, and the Town Board has not received any objection from Involved Agencies to its assumption of Lead Agency status for SEQR review; 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 Code of the Town of Bethlehem for the establishment of Planned Commercial Districts; and,

WHEREAS, in accordance with the procedures outlined in the MOU, the Town Board by Resolution adopted August 13, 2003, referred the Planned Commercial District application to the Planning Board for a recommendation on a SEQR Determination of Significance; and,

WHEREAS, the Planning Board by Resolution adopted June 1, 2004, has identified relevant areas of environmental concern and recommended that a Positive Declaration be issued with respect to the proposed action; and,

WHEREAS, the Town Board has reviewed Part I of the full EAF submitted by the applicant; and,

WHEREAS, the Town Board has considered review comments on the EAF Part 1, as well as an EAF Part 2, both prepared by the Town Planning Department, and said review comments indicate that based on its review of the environmental information the Planning Department recommends that a Positive Declaration be issued; and,

WHEREAS, the Town Board has independently reviewed and considered the Planned Commercial District application, full Environmental Assessment Form, supporting materials prepared by the applicant and Town staff, and the Criteria for Determining Significance found at 6 NYCRR 617.7; and,

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

1. traffic – the EAF estimates over 2000 peak hour vehicle trips associated with the project, yet no traffic impact study has been prepared to address the impacts of this traffic on the capacity of the existing transportation system, including mainline and intersection capacity along NYS Route 144, and potentially other roadways in the project vicinity;
2. drainage - drainage on the site will be substantially altered due to the construction of buildings, parking areas and other impervious surfaces, however, a preliminary storm water management plan, including information on proposed storm water collection, pipe sizing, and detention/retention facilities, as well as an analysis of the quality and quantity of the storm water runoff, has not yet been provided;
3. phase II storm water regulations – the project site lies in a

designated MS4 area and would involve more than one acre of site disturbance, thereby triggering certain Phase II storm water requirements, however, no information has been provided concerning the collection and treatment of storm water runoff or proposed methods to comply with the requirements;

4. floodplain – the entire project site and proposed development is located in 100-year floodplain, however, no evaluation has been provided concerning flood damage protection and/or potential impact on base flood levels;
5. water supply – the project site is located outside of the municipal water district and will require a water district extension, however, no evaluation has been provided to show that existing facilities can be extended and/or that these facilities have adequate capacity to serve the development;
6. sanitary sewers - the project site is located outside of the municipal sewer district and will require a sewer district extension, on-site treatment, or connection to the facilities of the Albany County Sewer District, however, no evaluation has been provided to show that existing facilities can be extended and/or that such facilities are adequate to serve the development;
7. erosion and sedimentation – development of the project site would entail significant earth moving activity, however, no mitigating control measures have been proposed to deal with potential impacts to the Normans Kill and/or Hudson River resulting from filling and/or grading on the property, along the streams, or in the drainage channels which feed into them;
8. wetlands - the site contains areas of delineated federal wetlands and project development may require mitigation and an individual permit from the U.S. Army Corps of Engineers, as well as 401 Water Quality Certification from NYS Department of Environmental Conservation, however, an evaluation of impacts and proposed mitigation has not yet been provided;
9. significant habitats – the project site lies adjacent to a designated Significant Coastal Fish and Wildlife Habitat along the Normans Kill, however, no evaluation has been provided on the potential impacts to this habitat;
10. threatened and endangered species – the project site lies adjacent to known habitat of the short-nosed sturgeon, however, no evaluation has been provided on the potential impact to this species (bald eagle and osprey have also historically been observed along the riverfront);
11. aesthetic and visual impacts - the proposed project will alter visual characteristics of a section of Hudson River shoreline, however, no evaluation is provided as to whether there are negative impacts associated with this land conversion;
12. 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 are also of concern; and,

WHEREAS, the proposed action has potential to create a significant adverse impact on the environment, both cumulatively and within certain individual areas of environmental concern identified above; and,

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

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby confirms and declares that it is Lead Agency with respect to SEQR review of the Planned Commercial District application known as the Harbor at Beacon Pointe; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby confirms and declares that the proposed

action shall be classified as a Type I action; and,
BE IT FURTHER RESOLVED,
that based upon its review of the Planned Commercial District application and supporting materials submitted by OG Real Estate Developers, LLC, the full EAF Parts 1 and 2, the recommendation of the Town Planning Board, comments on the application prepared by the Town Planning Department, and its own independent analysis of the application and comparison of the project with the Criteria for Determining Significance found at 6 NYCRR 617.7, the Town Board of the Town of Bethlehem hereby finds that the proposed zoning map amendment known as the Harbor at Beacon Pointe constitutes an action which may have a significant effect on the environment as identified above (and on other aspects of the environment that may be revealed upon further review of the project), and therefore requires the preparation of a draft Environmental Impact Statement; and,
BE IT FURTHER RESOLVED,
that this Determination of Significance shall be considered a Positive Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,
BE IT FURTHER RESOLVED,
that the Town Board hereby authorizes and directs the Town Planning Department to prepare, file and publish notice of this Determination as prescribed at 6 NYCRR 617.12; and,
BE IT FURTHER RESOLVED
that pursuant to the MOU between the Town Board and Planning Board, the Town Board hereby refers this matter to the Town Planning Board for "Scoping" of the draft Environmental Impact Statement, and the performance of subsequent review and advisory functions as outlined in said MOU.

On a motion by Mr. Lenhardt, seconded by Mr. Gordon and a vote of 3 for, 0 against, 1 abstention and 1 absent, this RESOLUTION was adopted on June 9, 2004.

The following item was a request from Chief of Police, Louis Corsi, to hold a bicycle auction of unclaimed bicycles pursuant to sections 253 and 254(3) of the Personal Property Law. Such sale will be held on June 12th, 2004 at 10:00 a.m.

The following resolution was presented for adoption:

WHEREAS, the Town Board of the Town of Bethlehem is authorizing a bicycle auction to be conducted by the Bethlehem Police Department, Youth Bureau, as permitted under Section 253, Duties of police, and Section 254, Item 3, Disposition of lost property, according to law,

WHEREAS, proceeds from the auction will be donated to the D.A.R.E. program of the Town of Bethlehem Police Department.

NOW, THEREFORE, BE IT RESOLVED, that the Notice of Auction be published in THE NEWS HERALD, a newspaper published in the County of Albany and having a circulation in the Town of Bethlehem on the 10th day of June, 2004; and

BE IT FURTHER RESOLVED, that said bicycle auction be held on June 12, 2004 from 10 a.m. during the Bike and Safety Day at the Elm Avenue Park, 261 Elm Avenue, Delmar, New York.

The foregoing resolution was presented for adoption by Mr. Plummer, seconded by Mr. Lenhardt and duly adopted by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

The next item was to acknowledge receipt of Conditional Approval of Final Plat for the Hedgefield Subdivision, Glenmont from the Planning Board for information purposes.

Supervisor Egan said she had to excuse herself because she has a conflict and Councilman Plummer will take the Board meeting over. She said she also had the pleasure of seeing this committee presentation.

The Supervisor noted the EPA has been asked to do another public forum. She said one of the concerns was that people in Town did not think they had enough notice. She said, therefore, she has asked Dave King to do another one. She said previously they had indicated they would so she did not see a problem with this request. She said they will let everybody know through the Spotlight, the website and every other way they can.

Supervisor Egan said with respect to the rails to trails matter, she has gotten a lot of calls this week. She said there are people removing the rails. She said the County did not know about it until an email was received the day after Memorial Day but she believes what has occurred is that Canadian Pacific has reached an agreement with a salvage company or whomever about a sale of the actual rails so you are seeing the ties come up, the rails come up, the signals be removed. She said the County and CP are in continued negotiations about the purchase price of the rail bed, if you will, and the grant application for that purpose is pending. She said her understanding is waiting to see where the price comes down. She said her understanding is that it is moving fairly quickly at this point.

The Supervisor also said hopefully everything is okay at the pool and ready to go and we are opening Saturday. She noted hopefully the weather will stay good.

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The next item was a presentation by the Solar Power Committee recommendations. Councilman Plummer asked the committee to give their information.

Mr. Christian Greco, Glenmont resident, said he is one of 4 members of a Solar Power Committee that was established some weeks ago and thanked the Board for the opportunity to make some comments and ask for approval to move forward. He said there was a packet that should have been delivered to the Board Members which gave a synopsis of the comments to be made.

Mr. Greco said Mike Stangle from Renewable Power Systems was the individual involved in installing a solar electric system for the Middle School is on the committee and will be making some comments as well. He said the committee was put together due to a particular opportunity that became available from the New York State Energy and Research Development Authority. He said the proposal is due by June 29th before the opportunity to install the system. Mr. Greco said Linda Burtis is the solar outreach coordinator; himself -- homeowner in Glenmont who recently installed a solar electric system in his home, noting it is about 2 to 2 and ½ months old; Chuck Manning, also a resident of Bethlehem on Salisbury Road who recently installed a system; Richard Perez, also a resident who has had a solar system for several years – heavily involved in solar research, Ph.D. and has a lot of expertise; and Michael Stangle who is the President of Renewable Energy Systems.

Mr. Greco said in terms of the economics, noting there are benefits on the environmental reasons, it has to be able to pay for itself and be economical and not just reduce pollution for the it to be viable. He said ultimately it is paying for the electrical needs of the Town or a particular building or buildings in the Town up front as opposed to paying Niagara Mohawk month by month for electricity

consumed. He said you are investing in 15, 20 and 20 plus years of electricity generation by generating and installing a system within 1 or more buildings, as opposed to paying Niagara Mohawk for a portion of electricity produced because clearly we are not going to be able to propose something that is going to be able to produce all the power that a particular town facility is going to need but to reduce that cost and be able to actually get a payback immediately and be able to put money in the pocket of the Town of Bethlehem.

Mr. Greco said the specifics on the opportunity are a lawsuit that happened between the State Attorney General and Virginia Electric Power Company which regarding violations of the Clean Air Act. He said a piece of the settlement was being available to NYSERDA to specifically fund up to 80 percent of the installation of solar electric systems on a municipal building. He said it is up to 80 percent. He said there is a greater incentive to do battery back-up systems.

Mr. Greco said they are looking at a deadline of June 29, submit a proposal to NYSERDA for their approval and ultimate reason why he was at the Board meeting was to get approval from the Board for the committee to assist the Town in putting the proposal together for the Board's review and discussion at the June 23 Board meeting. He said ultimately they are asking for access to the utility bills so they can determine the economics of it and access to maintenance staff to get into certain rooms in particular buildings to put the proposal together in terms of the actual mechanics of the systems.

Mr. Mike Stangle from Renewal Power Systems said he is a professional engineer and noted his partner is a certified PV installer. Mr. Stangle said he joined the team because he knew some of the local community members who asked me to join the group to do some various scoping of the possible sites for a PV system. He distributed some handouts.

Mr. Stangle gave an overview of the basic concepts for PV systems and discuss 2 or 3 sites that he has looked at as possible locations. He said in this situation, you have to be grid tied. He said if there was production of an excess amount of electricity, you have to be grid connected. He noted that the locations looked at would never have a surplus of electricity considering the size of the system that would be installed for the Town. He said the Town Hall was looked at but there are a few problems with this location. He said trees shade the panels and this cannot happen because it cuts off power to some of the panels. He said on the south west side there is a radio tower. He said visibility is important for NYSERDA because they want public participation as part of the proposal. He said it is also to serve as a public outreach program to introduce people to readable energy systems.

Mr. Stangle said they looked at 2 other sites, the Town Park and the Town Highway Garage. Of the 2 sites, the Town garage by far had the best southern exposure for the committee. He explained that is the most economic, high performance place to put the panels. He said there are 3 roofs which could have panels mounted on . He said 2 of the buildings have electricity noting the 3rd building does not have power on it at this time. He also mentioned that the panels would have to be connected to the power company. He said there is a tremendous opportunity for these panels. The remainder of the information was produced by Richard Perez who works at SUNY Albany. He said Mr. Perez was out of town this evening. He said the information walks back to the fact of what the value of the systems are. The information showed additional information.

Councilman Plummer asked if the information distributed indicated the size, 20 KW, and a price of approximately \$170,000 in total with the obligation to the Town, he believed, \$34,000. He asked why this was sized at that if they do not have the information you need. Mr. Stangle said energy demanded for 1 month was done at the Garage. He said it was about 14, 000 kilowatt hours and he thought this system would provide maybe 5 or 10 percent of that. He said the systems are very effective in the summer time and noted it would drop off quite a

bit in the wintertime. Mr. Stangle said they wished to propose this idea to the Board for them to consider.

Councilman Plummer asked about the system at the Middle School and how that project was going. Mr. Stangle said he helped install the system and it is a 2 KW system and has an awning mount. He said it was also sponsored with NYSERDA grant, noting the school only had to pay \$1500 for the system. He said the system is all ready to go just waiting for Ni Mo to give their final approval of it. Councilman Plummer asked Mr. Stangle if the Highway Department would be enough visibility for this to be real. Mr. Stangle said he thinks it depend upon what other proposals they have; information is that if there is a kiosk or some other information booth at the site; and there is the opportunity to do some public promotion with household hazardous waste and computer collection day. He said the proposal requires that you have a data acquisition system with the solar panels. He said that system is supposed to be tied into a remote computer, a pc. He said this is what was done at the Middle School as well. He noted that system tells the power production by the modules, the system efficiency, it monitors the weather conditions and this is put on a server computer and it can have client software installed that can be installed all throughout the school system and then everyone can look at the data. He said he did not know what the Town has, but there might be a possibility of doing something like this. He said maybe the data could be available at the Town Library this might be available or at the Town Hall.

Councilman Plummer said if you were able to get the information as to what the Highway Department is spending on electricity and put a chart together and then indicate what the difference would be with this system that would be beneficial. Mr. Stangle said the charts are supposed to reflect that. He said this can be simplified.

Councilman Plummer asked if they wanted the next couple weeks to get that information together to present at the next board meeting. Mr. Stangle said that was right, indicating he has the utility bills from the Town garage today. He said they need to present a more detailed cost estimate before they can ask for approval to go to the next step.

Councilman Gordon asked if it was going to be a portion of the Town garage for the installation. Mr. Stangle said that was correct. Mr. Gordon further asked if it would still have to be hooked up to the grid or have batteries or is it required that we are prepared to store or hook up to the grid even if we are using all of the cells. Mr. Stangle said you have to be hooked up to the grid. He said in the residential program it is easier to understand but he did not really understand why this is required in this program. He said this is a special program and it is required that we connect to the grid. There is an additional benefit, \$6.50 per watt, if you have a battery backup system, according to Mr. Stangle. He said the cost of the system, however, in general goes up about 25 percent. He said they will have to look at this in more detail to see if this is justified. He said the primary justification would be that you have a generator at all these sites. He said if you had a battery back up system what would happen is the generator would not have to be run the generator full time in an emergency. He said the generator would charge the battery and the generator would kick off. He said generally you size the generator for the peak load, noting in an emergency you may not be using the peak load and it would reduce the generator run time. He said there is a benefit there.

Town Attorney Potter asked if there would be maintenance and operation required by the Town and will it be factored into the cost. Mr. Stangle said it is factored into the proposal. He said the proposal has a 5 year period where there has to be a maintenance provided and it will be spelled out in the proposal. He said the modules are usually guaranteed for 25 to 30 years to match their original performance within 90 percent in terms of power production. He said the AC/DC conversion devices have about a 5 year warrantee on them. He said that is the 2 main components. He said the batteries have a shorter life depending upon what type of battery is purchased and take a lot more maintenance.

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Councilman Gordon asked the life span of the batteries. Mr. Stangle said under this proposal, the battery has to be guaranteed for 2 years. He said a well maintained battery might be 8 years.

Councilman Lenhardt asked if they are considering the Town highway garage and, unfortunately Mr. Sagendorph had to leave, if the calculation of the cost to connect the shed to the electrical system has been included. Mr. Stangle said what Mr. Sagendorph, Jr. told him is that they asked Niagara Mohawk about a year and a half ago how much it would cost and Ni Mo said they will get around and give you a cost eventually. Mr. Stangle said they can go back to Ni Mo and asked them where this stands. Councilman Lenhardt said this should be part of the calculation because the Town would have to incur this. Mr. Stangle agreed this would be true if that location was used.

Councilman Plummer said when you look at the 3 locations that are at the Highway Department, which one would be more cost effective and be more productive. Mr. Stangle said the one that he feels would be most appealing is the main building. He said the difficulty about the main building is that it has a urethane roof that was put on in 1998 he thought and it was overlaid on the sheet metal roof that was preexisting. He said that would have to be penetrated. He said until he talks to the roofing people, he did not know if that would be hard or easy. He said the reason the main garage is appealing is that there would be lots of room to expand in the future and it is close to the main electrical panels. He said the next one would be the salt shed because it has the power already out there and plenty of roof area, wood frame and no problem.

Councilman Plummer noted they certainly are not in a position to vote on this at this time but his view would be for the committee to sit down with Mr. Sagendorph and gather the information specific to the location out at the Highway Department that makes the most cost effective wise as opposed to Town Hall. He said the complications are there that would make it that much more difficult. Mr. Stangle agreed. Councilman Plummer said maybe in the interim, after discussion with Supervisor Egan and Councilman Marcelle, if the Committee is willing to collect the information and be in a position to come back to the next meeting and the Board can discuss this.

Councilman Plummer asked how long it takes NYSERDA to review the application. Mr. Stangle said he believed they said they reviewed them in 6 or 8 weeks. He said the firmer the commitment the Town makes, the higher you go in terms of rating and they are looking at several other municipalities who are out doing this. He said he does not think the Town has to have an absolute commitment to buy this. Councilman Plummer asked if that was the 20 percent matching funds. Mr. Stangle said this was right. He noted you do not have to have that to submit the proposal but the more the firm it is you get a better review. It was also mentioned that systems on line by July 1, 2005 will get preference.

Mr. Stangle said another interesting thing about this is the agreement that would be signed with NYSERDA can be signed between the Town and NYSERDA or a third party and NYSERDA. He said this is as long as the municipality gets the benefit. He said he did not know if the Town has ever had an energy use review. Councilman Plummer said he believes the school has but he did not know about the Town. Mr. Stangle said that might be something to tie with this somehow and get some financing. He said this would be worthwhile to look into.

Councilman Plummer asked if the Committee was going to function as the developer and put the proposal together. Mr. Stangle said Mr. Charles Manning who has an engineering consulting business has volunteered to put the proposal together. He said he would be helping Mr. Manning because he is more familiar with PD systems and the cost associated with them. He said Mr. Manning is taking the lead with this. Councilman Lenhardt said he did not have a problem with this if the Town can save money. Councilman Gordon agreed also. Councilman

Plummer noted he would speak with the Supervisor and Councilman Marcelle to take this to the next step. He said obviously no commitments but it sounds very positive and they will take it from there and indicated the Town garage seems like the right location.

Mr. Stangle thanked the Board for letting them make the presentation. Councilman Plummer thanked them.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to adjourn the regular Town Board meeting at 7:00 p.m. The motion was passed by the following vote:

Ayes: Mr. Plummer, Mr. Lenhardt, Mr. Gordon.

Noes: None.

Absent: Ms. Egan, Mr. Marcelle.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.