

TOWN BOARD
MAY 22, 1991

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 meeting was called to order by the Supervisor at 7:30 p.m.

PRESENT: Kenneth J. Ringler, Supervisor
Frederick C. Webster, Councilman
Robert J. Burns, Councilman
M. Sheila Galvin, Councilwoman
Charles Gunner, Councilman
Bernard Kaplowitz, Esq., Town Attorney
David Austin, Administrator, Parks & Recreation Dept.
Martin Barr, Chairman, Planning Board
Jeffrey Lipnicky, Town Planner
Ellen Kost, Deputy Town Planner
Philip Maher, Comptroller
Charles Wickham
Suzanne Capone
Ralph Mancini, Esq.
Nancy Alexander, Representative, C.T. Male
Joseph E. Meister
Elizabeth Meister
John Meister
Judi Whitman
Georgette Steffens
Shannyn Burch
Jason DeFazio
Darryn Fiske
Brian Smith
Chris Galenti
Jane Felgentreff
Brooke Grenny
Andy Spring
Mark Cunningham
Andy Kurzon
Rachel Nurick
Adam Roberts
Lance Hansen
Scott Thornton
Jay Goggin
David Lorette
Marc L ecteau
Megan Flynn
Michael Rooney
Margaret Meixner
Andrea Correll
Matt Ahern
Cary Treffiletti
Brenda Hentage
Sue Thomas
Lynn Histed
Karen McNary
Chrissy Demarest
Chris Manzella
Shannon VonRonne
John Thomas
Craley Davies
Rob Kells
Bill Parry
Amy DeGaetano
Linda Jewel
Kathy Leonard
Nancy Leonard
Charles Herr
Antonio Nelnes
Jennifer Fisk
Justin Hickey
Robert C. Stephens
Craig Mattox
Andrew Newell
Molly DeFazio
Gregg Sagendorph, Foreman, Highway Dept.

- Anita Kaplan
- Becky Smith
- Sean Miller
- Donna Frueh
- Kristin Bleyman
- Chriss Mann
- Valerie Maeder
- Jennifer Bestler
- Leah LaValle
- Steve McCallister
- Steven Welch
- Tom Conway
- Dawn Koonz
- Kathy Brand
- Nick Morrison
- A. Binstock
- Benny Weiss
- Maureen Geis
- Barbara Hayden, Times Union Representative
- Michael Larabee, The Spotlight Representative
- Susan Wheeler, The Spotlight Representative
- Kathy Keenan, News Herald Representative
- Carolyn M. Lyons, Town Clerk

Supervisor, Kenneth J. Ringler, welcomed everyone to the regular meeting of the Bethlehem Town Board and once again he wanted to welcome in particular our students from our Participation in Government classes.

The first item on the agenda is consideration of a special resolution honoring Robert Burns, Councilman and he would like to read the resolution and vote on it afterward.

WHEREAS, Robert Burns has served the citizens of Bethlehem over the past three years with dedication as a member of the Town Board and,

WHEREAS, The community has benefited from his activism and involvement in a variety of boards and committees, always emphasizing the humanistic values to which he is committed, and

WHEREAS, We in the Town of Bethlehem will miss his wit and charm, but most of all his decency and dedication to the goals of good government and service to the people, now

THEREFORE, BE IT RESOLVED THAT THE BETHLEHEM TOWN BOARD AND THE PEOPLE OF THE TOWN OF BETHLEHEM IT REPRESENTS, SALUTE BOB BURNS FOR SERVICE TO THIS COMMUNITY AND WISH HIM SUCCESS AND HAPPINESS IN THE NEW POSITION HE HAS ACCEPTED.

DATED: May 22, 1991

/s/ Frederick Webster, Councilman Kenneth J. Ringler, Supervisor
 M. Sheila Galvin, Councilwoman Charles Gunner, Councilman

The foregoing resolution was presented for adoption by Ms. Galvin seconded by Mr. Gunner and duly adopted by the following vote:

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

The Supervisor asked each of the Town Board Members to sign each of the three copies so that we can present them to Bob.

Next item on the agenda was a Public Hearing regarding an Amendment to the Traffic Ordinance for a Stop Sign at the intersection of Reineman Street to control northbound traffic at the intersection with Fliegel Avenue, and Yield Signs to be erected on Berwick Road on either side of its intersection with Dumbarton Drive. He asked the Town Clerk to read the call of the hearing.

Public Hearing
 Amendment
 To Traffic Ordinance
 Stop Sign
 Reineman St.
 and
 Fliegel Ave.

ON PROPOSED AMENDMENT
TO THE TRAFFIC ORDINANCE
OF THE TOWN OF BETHLEHEM

Public
Hearing
Yield
Signs
Berwick Ave.
and
Dumbarton
Drive

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, at the Town Hall, 445 Delaware Avenue, Delmar, NY on the 22nd day of May, 1991 at 7:30 p.m. to consider amending the Traffic Ordinance of the Town of Bethlehem in the following respect:

I. Amend ARTICLE I, STOP INTERSECTIONS, by adding a new paragraph gggg to read as follows:

(gggg) The intersection of Reineman Street to control northbound traffic at the intersection of Fleigel Avenue with the Stop Sign to be erected on Reineman Street.

II. Amend ARTICLE IV, YIELD INTERSECTIONS, by adding Section 15 to read as follows:

15. A Yield Sign shall be erected on Berwick Road at either side of its intersection with Dumbarton Drive.

A discussion regarding Children At Play Signs.

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

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
CAROLYN M. LYONS
TOWN CLERK

STATE OF NEW YORK)
COUNTY OF ALBANY)

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT once a week for one week consecutively, commencing on the 8th day of May, 1991.

/s/ Kathryn Olsen

Sworn to before me this 10th
day of May, 1991
/s/ Bruce A. Neyerlin
Notary Public, Albany County

STATE OF NEW YORK)
COUNTY OF ALBANY)

CAROLYN M. LYONS, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, NY and that I posted on May 8, 1991, 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/ Carolyn M. Lyons

Sworn to before me this
15th day of May, 1991
/s/ Kathleen A. Newkirk
Notary Public, Albany County

- - -

The Supervisor thanked the Town Clerk.

The motion was made by Ms. Galvin and seconded by Mr. Webster that the Notice of Hearing, Affidavit of Publication and Affidavit of

Posting be indented on the minutes of the public hearing. The motion was passed by the following vote:

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

- - -

Supervisor Ringler indicated that there were two different intersections that we are involved with at tonight's public hearing and what he would like to do is basically divide it in half so that we don't confuse the two issues.

First of all we will talk about the recommendation of the Traffic Safety Committee regarding the intersection of Reineman and Fliegel and he asked the representative of the Committee to give the background to the Board and those in attendance. Following this we will then open it up to questions from the Board and then the audience and those who would like may speak in favor, and those who would like may speak in opposition. Chuck Wickham he guessed was going to represent Chairman Holligan tonight and gave everyone some background as to how this evolved to the point that we are at tonight.

Charles Wickham, Member of the Traffic Safety Committee, stated that basically in October, 1990 the Traffic Safety Committee received from the Supervisor a petition from a group of residents in the area of Reineman Street and Fleigel Avenue. They were requesting a four-way Stop and he believed there was a recent accident there where a young child got injured. Since that the Traffic Safety Committee had met, they had been in contact with the Town of Guilderland and the Town of Guilderland had already contacted Albany County Department of Public Works.

Supervisor Ringler asked if he could interrupt for just a minute. This is a little bit complicated because the Town line goes right down between this intersection, indicating this is why all the different governmental agencies had to get involved. Mr. Wickham said this is a 4-way intersection, two parts in the Town of Guilderland and the other two parts in Bethlehem. The Town of Guilderland had already contacted the Albany County Department of Public Works, according to Mr. Wickham, and they were going to do a traffic study. At that point, he said the Superintendent of Highways and a member of the Traffic Safety Committee wrote a letter to the Albany County Department of Public Works requesting that they also do a traffic study at this intersection with the Town of Bethlehem. The recommendation was received, according to Mr. Wickham, in February of 1991 and at that point, basically they requested a 2-way stop having Fliegel the through street and having a stop on either side of Reineman Avenue. Also, he said they recommend some stop signs at some different intersections, a couple speed limit signs and a couple children at play signs.

In April 1991, he said after the Town of Bethlehem Traffic Safety Committee had reviewed the recommendation, the Committee agreed basically, except for one issue -- they decided not to place the children at play sign up on the Town of Bethlehem side because it has been the Traffic Safety Committee's current policy not to place the children at play signs in residential neighborhoods. According to the NYS Manual of Uniform Traffic Control Devices, Mr. Wickham said, they request that a children at play sign be placed in areas where you would normally not have people playing in the street or kids playing in the residential posts -- in other words not in residential areas. He said they did this for the reason that it might give the parents', homeowners, a false sense of security for the children if they are playing in the street or playing on the front lawn. He said the children at play sign is also not an enforceable sign -- the police cannot ticket or anything because it is not enforceable. Mr. Wickham said at this point the Committee did make a recommendation to the Supervisor.

Supervisor Ringler said basically, the Committee 1. some of the recommendations of the County were some new speed limit signs -- and they have been taken care of because they do not require any action of the Town Board. Mr. Wickham said this was correct. Supervisor Ringler said further that at one time the Town also looked at, as he

understands it, some vegetation at the intersection and the Highway Department has had some of this removed, for better sight distance. Mr. Wickham said this was correct. Basically, the Traffic Safety Committee, according to Mr. Ringler, has recommended the installation of a stop sign and in line with the policy -- and he would like to go over this a little bit. The Town Board a couple years ago, back in 1989, Mr. Ringler said, endorsed the policy of the Traffic Safety Committee regarding the use of children at play signs. He said basically the Board entrusted the charge of placing them as needed, without coming to the Board because this does not require a change to the code in any form. Mr. Ringler said the policy at that time was established that the use of this sign should be limited to locations where because of unusual conditions, motorists might not expect children playing in the vicinity of a roadway. He said the W-74 which is the children at play sign, is not intended for general use in residential areas or on other highways where obvious residential development alerts motorist to the possibility of children at play. He said this ties in with what the State says in their recommendation and basically, it states that if you have a proliferation of these signs in areas where they are expected, people will ignore them. They want these signs to be used in those areas where children might not be expected to alert those motorists that they are there. He said this is why that policy was adopted and why it is given to you.

Supervisor Ringler asked if anyone in the audience has any questions regarding this particular proposal. He further said if you do -- indicating they did not have to come up to the microphones, they are sensitive -- but just stand and identify themselves for the record, it would be appreciated.

The Supervisor asked if there were any questions at this point in time. No questions were asked.

Supervisor Ringler then asked if there was anyone who would like to speak in favor of this proposal.

Mr. Ronald Tieling indicated that he would and basically there is a very dangerous intersection there where it is a very blind intersection coming from Fliegel and Reineman and Guilderland has already put up a Stop Sign on their side and basically it should be a four-way Stop because even with the Guilderland Stop Sign there if you go up to the line that they put on the road the light line you have to creep forward to see if there is somebody coming because of the trees. Supervisor Ringler asked if there is still a problem with the vegetation and Mr. Tieling responded, yes there is. Supervisor Ringler asked Chuck Wickham if he would look at this again and indicated that we would notify Guilderland also and our people to look at that again. Mr. Tieling continued that the problem with sight distance was on both sides of the road and he drove through a new housing development, which he believes is in the Town of Bethlehem, Indian Hills and they have four-way Stop Signs through there, all way stops and basically this has worse visibility than what we have here, it is terrible and there are many, many kids playing around there and thirty miles an hour on that back street is too fast to start out with -- Schoolhouse Road is thirty miles per hour and the back street there at thirty miles per hour there is no way to stop -- if you have a thirty mile per hour thoroughfare on Fliegel Avenue if somebody does dart out into the intersection, like a cat or a dog, you are going to be hitting a house because there isn't any seeing around it, it is a very blind corner from all four corners, and even with the Guilderland Stop Sign -- he tried it the other day and he lives on Reineman Street and coming up on the Guilderland side where they put the Stop Sign up -- you have to creep forward on the Fliegel Avenue to see what is coming from Schoolhouse Road in Fliegel Avenue.

Supervisor Ringler asked Mr. Tieling if the vegetation could be cut back to improve that sight line. Mr. Tieling indicated very, very possible on the Bethlehem side, on your side, you are going to have to cut down a mound, because there is a mound of dirt basically with grass growing facing your left coming down Reineman and it isn't really trees, it is dirt.

Supervisor Ringler asked if anyone else would like to speak in favor. No one else spoke. The Supervisor asked Chuck Wickham if he had

looked at this -- that mound did you look at that? Mr. Wickham indicated that he drove over the other day and indicated that he could see over it in his car but maybe if he had a compact car it might be a problem. He said he would have to look at that and thought that it was on town right-of-way. The Supervisor asked if it was on Town right-of-way and was there something that could be done with that and Mr. Wickham indicated that he thought that there could.

The Supervisor asked if there was anyone who would like to speak in opposition to this proposal. No one spoke.

Supervisor Ringler indicated OK, as part of this public hearing as he said, there is another proposal and he did want to break it in two, and that is a proposal to put Yield Signs at the corner of Berwick and Dumbarton and that was based upon a request for us to investigate that intersection and the Traffic Safety Committee determined that Yield Signs would be a better device for that particular intersection. He asked Mr. Wickham if he would care to elaborate on that at all. Mr. Wickham indicated that they all drove that intersection and another member and himself took the appropriate measurements, confirming whether there should be a Stop or a Yield Sign and since the sight distance was very good it was determined that Yield Signs would be appropriate.

The Supervisor asked if anyone had any questions regarding that proposal? No questions were asked.

Supervisor Ringler then asked if there was anyone who would like to speak in favor of that proposal. No one spoke. He then asked if there was anyone who wished to speak in opposition to it and again, no one spoke.

The motion was made by Mr. Webster and seconded by Mr. Gunner to close the public hearing at 7:42 p.m. The motion was passed by the following vote:

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

Carolyn M. Lyons
Town Clerk

The regular Town Board meeting was convened by Supervisor Ringler immediately following the close of the public hearing at 7:43 p.m.

The Supervisor asked if the Town Board regarding these proposals would like to take any action on this recommendation tonight or would they care to go out and take a look at it if they had not done so yet. Councilman Frederick C. Webster indicated that he had been through both intersections. Supervisor Ringler indicated that he knew that Guilderland already has their's up and we really should get moving and get ours in there if we could. He asked if there were any other thoughts on it. Councilwoman, M. Sheila Galvin, stated that with respect to the matter of the Reineman and Fliegel signs she would have to abstain because she has been involved in litigation involving the Guilderland side of that intersection. Supervisor Ringler indicated the remaining three will have to agree or we will have to get another Board Member. The Supervisor asked Councilman Gunner for his thought and if he had any problem with going ahead with this tonight. Councilman Gunner indicated that he did not and we should go ahead.

Amendment
To Traffic
Ordinance
Stop Sign
Reineman St.
and
Fliegel Ave.
Yield Signs
Berwick
Road
and
Dumbarton
Drive

At a regular meeting of the Town Board of the Town of Bethlehem, Albany County, NY held on the 22nd day of May, 1991 at the Town Hall, 445 Delaware Avenue, Delmar, New York

PRESENT: Mr. Ringler, Mr. Webster, Ms. Galvin, Mr. Gunner.
ABSENT: None.

The Town Board of the Town of Bethlehem, Albany County, NY does hereby amend the Traffic Ordinance adopted on the 17th day of July, 1968 and last amended on the 10th day of April, 1991 as follows:

I. Amend ARTICLE I, STOP INTERSECTIONS, by adding a new paragraph gggg to read as follows:

gggg. The intersection of Reineman Street to control northbound traffic at the intersection of Fliegel Avenue, with the Stop Sign to be erected on Reineman Street.

II. Amend ARTICLE IV, YIELD INTERSECTIONS by adding Section 15 to read as follows:

15. A Yield Sign shall be erected on Berwick Road at either side of its intersection with Dumbarton Drive.

The foregoing amendment to the Traffic Ordinance will take effect ten days after publication.

The foregoing amendment to the Traffic Ordinance was presented for adoption by Mr. Webster, was seconded by Mr. Gunner and was duly adopted by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mr. Gunner.
Noes: None.
Abstained on Stop Sign at Reineman and Fliegel: Ms. Galvin.

Dated: May 22, 1991

- - -

WHEREAS, the Town Board has adopted an amendment to the Traffic Ordinance of the Town of Bethlehem, and it is necessary that the said amendment be published, according to law,

NOW, THEREFORE, BE IT RESOLVED, that the said amendment be published in THE SPOTLIGHT, a newspaper published in the County of Albany and having a circulation in the Town of Bethlehem on the 29th day of May, 1991.

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

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

Noes: None.

Dated: May 22, 1991

The next item on the Agenda was to consider adoption of Local Law No. 2 of 1991, which is a Revision to Article IX, Unlawful Obstructions to the Bethlehem Town Code on Town right-of-way.

Local Law
No. 2 of
1991
Adopted
Revisions
To
Article IX
Unlawful
Obstruction

There was a public hearing held on this just last week and basically this law currently exists. The Times Union the other day, contained a little bit of an error in the headline, as it said we were adding something to our Code regarding Obstructions, we have already had that in our Code and this is basically a modification to it which changes the enforcement of it. This puts the enforcement in the hands of the Building Inspector and puts the penalties on. He asked if there were any comments or discussion on the part of the Town Board? Councilman Webster indicated that he has had many phone calls since this article was in the paper and he thought that the Supervisor had satisfied the fact that there are not any real changes in the Law other than the enforcement will transfer from the Highway Superintendent to the Building Department and we will be adding the fines if there is not compliance, and he thought that that was basically what was going to happen. He further said people did not understand that and when he passed that word along then they were happy that it was not a new Law.

The Supervisor asked if there were further comments. There were none.

The motion was made by Ms. Galvin and seconded by Mr. Webster to adopt Local Law No. 2 of 1991 regarding Amending Article IX, Unlawful Obstructions of the Bethlehem Town Code, Sections 39, 40, 41 and 42. The motion was passed by the following vote:

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

See Local Law No. 2 of 1991 following page 388 .

Next item is Consideration of a recommendation by the Planning Board regarding a request to rezone property on McCormack Road. Supervisor Ringler said he received a letter from the Chairman of the Planning Board which he read into the record just so that people understand exactly where the Planning Board is coming from.

Request
To Rezone
Property
on
McCormack
Road for
Greenshade
Consortium,
Inc.
Tabled

16 May 1991

Supervisor Kenneth J. Ringler, Jr.
and Members of the Town Board
445 Delaware Avenue
Delmar, New York 12054

Dear Mr. Ringler:

Greenshade Consortium, Inc., has requested the Town Board to rezone to Residence "A" that portion of Planned Residence District No. 6 which Greenshade presently owns. On September 13, 1990, the Town Board referred the request to the Planning Board for review and recommendation. The Town Board requested the Planning Board to consider the rezoning of the entire Planned Residence District No. 6 which lies between Hudson Avenue, McCormack Road, Cherry Avenue Extension and North Street.

The Planning Board considered the matter at two (2) meetings (December 18, 1990 and March 19, 1991), the minutes of which are attached hereto. The Planning Board had the benefit of a memorandum dated December 13, 1990, prepared by Ellen M. Kost, Deputy Town Planner, a copy of which is also attached hereto. The Planning Board also considered the effect on the site of an east-west connector road suggested in North Street - McCormack Road Area Transportation Network Impact Study, Vollmer Associates - June 1987.

Ms. Kost's memorandum outlines the history of the proposals that led to the creation of PRD No. 6. The original development proposed in 1969 consisted of 1140 apartments and townhouses on 100 acres. Eventually a proposal was made for 380 townhouses and six (6) single family homes on 119 acres. The key feature of the latter proposal was that 35 acres south of the stream bisecting the area and closest to Hudson Avenue would remain "forever green". The Planning Board recommended that the area be rezoned from Residence "A" to PRD with a density of no more than 3.5 units per acre and that no buildings be placed in the area near, nor any road connection be made to, Hudson Avenue and North Street. The project was ultimately called "Oakbrook" and the PRD was created in 1972.

Oakbrook was never built. The 35 acre section that was to remain "forever green" was sold at Tax Auction in 1987. A project called "Hudson Glen" has been proposed for this area consisting of 130 condominiums and townhouses with access to Hudson Avenue. In 1987, Greenshade purchased the remainder of the PRD as well as a 63 acre parcel to the north of Oakbrook that fronts on McCormack Road and is zoned Residence "A" (the Oak View development was proposed in this area in the 1970's). Greenshade currently proposes the development of 60 single family houses on the total 135 acre site, lot sizes to be at least 1 acre in size, with access via McCormack Road only. This development is denominated "Hunter's Ridge".

Greenshade wishes to have the portion of the PRD that it owns rezoned Residence "A". The present owners of the 35 acre portion of the PRD contiguous to Hudson Avenue oppose rezoning.

PLANNING BOARD RECOMMENDATIONS:

1. Although the rezoning request is made only by Greenshade, the Town Board should rezone the entire PRD, including that portion now referred to as "Hudson Glen". The retention of the latter area as a PRD would be completely inconsistent with the original basis for the creation of the PRD. While the PRD designation allows considerable flexibility in development, it also creates serious difficulties for Greenshade's proposal for development of one family homes on its property which lies in both the PRD and the contiguous Residence "A" District. The 20 year history of this PRD strongly suggests that its configuration is not conducive to coherent development.
2. The Town Board should reject the proposal that the PRD be rezoned Residence "A". The Town should now encourage the development of large lot, single family homes in the entire area between McCormack Road and the stream bisecting the PRD. Such development would be consistent with the existing neighborhood along McCormack Road. Although Greenshade presently proposes 60 lots with a minimum size of 1 acre, it insists that it will withdraw its rezoning request if the Town intends to rezone the area Residence "AA" or "AAA". The majority of the Planning Board believe that a Residence "A" designation will not provide assurance that the area will be developed as presently proposed.
3. Three members of the Planning Board believe that the entire PRD should be rezoned to Residence "AAA". This would require lots to be a minimum of 35,000 square feet. This would be consistent with Greenshade's present proposal. Three members believe that rezoning the PRD to Residence "AA" would permit the flexibility that Greenshade desires while still encouraging lower density development of the area.
4. The Town Board should require, as part of any development of the Greenshade property, and regardless of rezoning, the reservation of a 100 ft. wide right of way for the future construction of a portion of a Town road between Delaware Avenue and New Scotland Road, as suggested in the Vollmer report. While such a road may not be built for many years, the area should not be allowed to develop in a manner which precludes the possibility of such construction. It should be noted that Greenshade is strongly of the opinion that any kind of "through road" adjoining it project would destroy the value of the proposed large lots.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~
~~XXXXXX~~
~~XXXXXX~~
Town of Bethlehem
~~XXXXXX~~
~~XXXXXX~~

Local Law No. 2 of the year 19 91

A local law Amending Article IX, Unlawful Obstructions of the Bethlehem
(Insert Title) Town Code, Sections 39, 40, 41 and 42.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~XXXXXX~~
~~XXXXXX~~
Town of Bethlehem as follows:
~~XXXXXX~~

Article IX, Section 100-39 is hereby amended to read as follows:

100-39 Maintaining trees, shrubs or fences in highway right-of-way.
It shall be unlawful to maintain any tree, shrub, plant, fence, wall, berm or other obstruction within the Town highway right-of-way which creates a hazardous condition for vehicular or pedestrian traffic or that interferes with the proper maintenance of any Town highway.

Article IX, Section 100-40 is hereby amended to read as follows:

100-40 Notice of Violation
In the event that an obstruction is found which violates this Article, the Building Inspector shall notify the owner of the property or the owner of the abutting property by Certified mail and request the removal thereof.

Article IX, Section 100-41 is hereby amended to read as follows:

100-41 Removal of Obstructions by Town, Costs:
If, within 30 days after having received notice, said landowner or abutting landowner has not complied with the terms of this Article, Town employees may remove said obstruction and the landowner or abutting landowner shall be charged by the Town of Bethlehem for the reasonable cost of said removal.

Article IX is hereby amended to add a new section 100-42 to read as follows:

100-42 Penalties for Offenses
A violation of this Article is hereby declared to be an offense punishable by a fine not exceeding three hundred fifty dollars (\$350.) for conviction of a first offense. For conviction of a second offense, the fine shall be not less than one hundred dollars (\$100.)
(If additional space is needed, attach pages the same size as this sheet, and number each.)

ond offense, both of which were committed within a period of five (5) years, punishable by a fine of not less than three hundred fifty dollars (\$350.) nor more than seven hundred dollars (\$700.). And, upon conviction for a third or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine of not less than seven hundred dollars (\$700.) nor more than one thousand dollars (\$1,000.). Each week's continued violation shall constitute a separate, additional violation.

This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19 91 of the ~~(County)(City)(Town)(Village)~~ of Bethlehem was duly passed by the Town Board on May 22 1991, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Carolyn M. Lyons

Clerk of the County legislative body, City/Town or Village Clerk
or officer designated by local legislative body

Date: May 23, 1991

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Albany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]

Signature

Town Attorney

Title

~~CITY~~
~~TOWN~~ of Bethlehem
~~VILLAGE~~

Date: May 23, 1991

Very truly yours,
/s/ Martin L. Barr
Martin L. Barr
Chairman, Planning Board

- - -

Supervisor Ringler asked Ellen Kost, Deputy Town Planner, if we had any maps or plans regarding this proposal and perhaps they could start putting them up. Jeffrey Lipnicky, Town Planner, indicated that Mr. Mancini was here with some graphics that they have and he did not know if they were going to make a presentation, they were out in the hall here. Supervisor Ringler indicated we might just as well ask them to come in, seeing all of this is their project.

The Supervisor indicated that the Town Board did receive copies of all of the minutes of these long extensive meetings of the Planning Board plus Ellen Kost's report of December 13th. He asked if anyone had any questions at this point in time of our staff, who are here tonight, or the Chairman of the Planning Board, who is also here or the developer's representatives, who are also here. Councilman Gunner suggested that they could perhaps hold their questions until after they heard the presentation. Supervisor Ringler asked Mr. Mancini if they would like to make a presentation and he indicated that they did.

Mr. Mancini indicated that it would be very short and Supervisor Ringler asked if it was pretty much in line with what is already in the minutes of the Planning Board? Mr. Mancini stated that they wanted to correct one or two things and try to focus on the problem areas, which should not take more than a few minutes.

Nancy Alexander of C. T. Male Associates was introduced and indicated that she wanted to point out to the Board our project sight and she outlined it on a zoning map on display which is either outlined in red or colored in red -- underneath here you can see the existing PRD zone and the Residence A zone which surrounds the project area. The area they are requesting to rezone which is their parcel is the dark red shaded area and the Residence A parcel which we are proposing to remain as is, is the remainder of that parcel. This portion of the PRD zone is not under our control and we have not included that in our proposal.

Town Attorney, Bernard Kaplowitz, asked which portion is that and Nancy Alexander outlined the area for Attorney Kaplowitz and he thanked her. She continued for a little more clarity the peculiar configuration of our parcel, this was the PRD zone which was created in 1972 served by the access way coming out from McCormack Road for us to be developing the property at this time in a completely single family residential manner that has become problematic for us because of setbacks which are required from PRD zones to residential zones the inconsistencies within the zoning have created the problems and hence their request to the Board. Our current proposal that we have been presenting to the Board and if she could just correct the record a little bit, in our meetings that they have been having through the Planning Board, they have been working on their proposal and in conjunction with the Planning Board and have been working back and forth and generally have been getting good responses both ways she believed, but the one that they have been proceeding on is approximately 60 to 65 lots, which is what she would like to correct for the record, and they have been working with approximately one acre lots at this point. This version which I have here is similar enough to this one. Mr. Mancini asked if she wanted to use that one and she indicated that she would use this one, but she did want to correct that for the record.

Nancy Alexander continued that the project site outlined in red does have considerable history to it. The site is restricted by topography and their proposal is quite a reduction from the initial proposals which have been before the Board, and it is our attempt to not be restricted by the topography but if you want to say to benefit from it, to create a development within the Town that makes use of large single family lots and makes good use of the pond, the hill -- there are numerous resources on the site that can make this an extremely beautiful development and a wonderful place to live.

Nancy Alexander continued what we have been trying to work within our request to go for the Single A zoning but we feel that we need to have some flexibility in our proposal. We have had discussions with the Planning Board regarding the Single A, the Double A, the Triple AAA zoning. While we have large lots the placement of a home on one of these large lots we may site the home, you might say close to one side of the property line there may be a large wooded area which would be maintained which would be three quarters of an acre on the site, which with the siting of a house, not necessarily smack right in the middle of it because of side yard constraints, we could in effect leave the natural buffering areas. She said we could utilize the site with the best areas for the placement of homes, not just as per the strict requirements of the zoning. We find that the Triple AAA zoning could be severely limiting for the project site and, in fact, we have done considerable look sees at it and feel that this would make this project an impossibility. With 120 foot lot widths on curved areas of roadway this could severely restrict the number of lots that could be placed on here, as well as, some of the side yard setbacks are considerably greater. The Single A was what they have been striving for to create consistency in zoning to avoid any reference to spot zoning. The double AA there is some difference and they have been going for the flexibility which the Single A zoning requirements would permit us in the creation of our large lots.

Supervisor Ringler asked if he could ask a question at this point. That was never discussed with the Planning Board the rational behind this on the side lots as he read the records, does it? Mr. Mancini indicated that they had and it was in the minutes. Supervisor Ringler indicated that he did not see any reference in the minutes, was there? Mr. Mancini indicated again that it was in the minutes and it was discussed but there were many other things discussed, many of which were directed by the Board so that they were not able to get into detail on some of those other items. Nancy Alexander stated that one of the things that we have been working with, this project if you want to say was a first instance where the traffic study which is referenced and reviewed and brought before the Planning Board for a first instance and it has been recommended that this parcel of our development somehow encompassed the development of a proposed bypass roadway. At this point what appears to be the recommendations that we have been receiving -- there was discussion of numerous strips through this area which if directed by the Planning Board we would work into our design. We would, however, have some hardship in that the lots in this particular area do happen to be some of the shelve lots, we would have to be designing a project perhaps to create either deeper lots -- there is considerable grade change in topography. Given... should we be required to hold forth with the zoning, the requirements of the AAA zone -- it is pretty definite that our density would go significantly below what this project can afford to sustain. She further said and again, going with the proposal as stated, the single A zoning allows the flexibility perhaps to have some narrower lots in this area perhaps which were deeper and were to provide buffering for houses which extensively could some day have frontage upon two roadways. This is the type of reason why we are looking for the flexibility. Although, we are proposing a large lot development, the developer has no interest in doing small -- if you want to say standard, 12,000 square foot A zoning type of development -- we need that flexibility for this development.

Supervisor Ringler asked if the Board rezoned the PRD, would not half of the project still be in single A, and would not this provide the flexibility that is needed. Mr. Mancini said he asked Nancy that and he thinks that is the one part of the zone where single A is the least needed because the road there is straight. He said they do not have a design problem there. He further said where the design problem is is in the area that they are asking to have rezoned. He said it is, obviously -- if you look at the criteria between A and AA -- there is not a significant change in all categories, as you know, Supervisor Ringler, there is a very dramatic change when you go to AAA. He said what he had suggested to Ms. Alexander and he has not had an opportunity to talk to his client about this, but basically if it was conceivable for them to take the property that we are requesting before the Board now which is 86 acres -- they have 63 acres that are currently zoned A. If they could take the 86 acres -- and the Board does not wish to make a decision tonight and he knows there are some

mixed signals from the Planning Board, if they could go back and look at their design and he does not mean spending weeks on this but a week or so, to see if we can accommodate the road and still get the density up into the 60-65 range, still keep the lots generally in the acre range with some of them smaller, we may be able to accommodate the AA zone. If that was appropriate, they do not have as much of a problem in the existing A zone, that is 63 acres. What they would propose then, if he can get the proper recommendation from their engineer and from the client, is to come back as a compromise here, so that we can do what we want to do and yet protect the Town and to carry out the direction of the Planning Board and he thinks if he recalls from the minutes, Mr. Lipnicky recommended AA at one point and there are some other recommendations in there that... Supervisor Ringler asked if this were correct of Mr. Lipnicky. Mr. Lipnicky said not to his recollection. Mr. Mancini asked in the minutes. Supervisor Ringler said he did not remember seeing his name in the minutes to be honest with him. Mr. Mancini said he thought he read in there AA, but in any event, it seems to him that the... Mr. Webster said Ms. Kost did. Mr. Mancini asked if it was Ms. Kost. Supervisor Ringler said Ms. Kost in her report recommended A, as he recalled. Mr. Ringler said in any event, he will ask Mr. Lipnicky to comment as time passed. Mr. Mancini said in any event, there has been kind of mixed recommendations. He said what they are basically trying to do here is not create a situation that is uncomfortable for either board. He said they are giving up a major amount of density by going from PRD because they really do not need the density in the PRD. He further said the flexibility is helpful but it is not helpful the way it is configured, therefore, it does not help them. He said this is why they want to go to a more conventional zone. If they can create this project on an AA zone, he would be happy to write back to the board and recommend that they would apply to rezone 63 acres as well, and since the board has flexibility, they would also indicate, if we can meet this criteria, and they discussed it tonight out here at some length, that they may be able to meet the criteria in both areas and if they can do that then they would write a letter to the board indicating that they would apply for AA on the existing single A and they would authorize the board to consider AA on the 86 acre PRD which they have. The one thing that still is a little problem for us is that we do not know exactly where this road is going to go.

Supervisor Ringler indicated and the Planning Board will have to do that in the Subdivision review. Mr. Mancini indicated that is correct and that was also one of the serious problems that we ran into because we do have -- and reviewing this with my client, there are three or four things that are important to remember. The sewage capacity in this end of Town -- there is not a lot of surplus. They have a ways to bring the water and sewer in, so we have to build to meet the general guidelines of the Planning Board in design and the Fire Department's recommendation, and we probably are going to have to build a larger road, or boulevard entrance or road. In addition to that there are some serious buffering questions over here because of the terrain and because you really can't put a four or five hundred thousand dollar house back up behind even a right-of-way that might become a major thoroughfare. So that means there is more design that has to be done there, we have not done that design yet, because we have already done four designs and this is only the first time we have actually considered where a road might go, so we have to make those considerations. Basically our project is 60 to 65 lots in the one acre range, some may be smaller, some strictly will be larger, because we are dealing with a total of a hundred and thirty-five acres and we have this large pond area which we want to use as a focal point for the homes here. We want to retain this large hill which is wooded and very attractive and we want to be able to use the wooded areas on the site and those were the real reasons for our project. We are not trying to be difficult, we are not trying to give the Board a hard time, and Supervisor Ringler indicated you would never do that Ralph, and Mr. Mancini indicated we try not to, if the compromise would carry out the general spirit of the recommendations from your Planners and the Planning Board and at least half of the Planning Board at twelve o'clock that night wearily said that they would go for AA and he did think that he could make this statement maybe that he thought they have been well received in the concept of the project, maybe not the specifics of where the lots lines would go, but the concept of putting 60 to 65 lots on this parcel and retaining as much land mass as

possible, he thought was appealing. It was appealing to them as a marketer and he thought to the Planning Board.

The Supervisor indicated that it was appealing to him personally as he thought there was some very beautiful terrain over there and it certainly is not conducive to large scale apartments in his view and if it can be preserved.

Mr. Mancini indicated that they also did not want to do that and are willing to give up that right which they currently have. Supervisor Ringler asked just a couple of points for those that are here tonight before the Town Board makes any determination on this there will have to be a complete public hearing on this, any zone changes. A couple of other items, this road that they are talking about is not something that is a fait accompli and is something that may never happen, it is something that is going to have to be looked at in a master planning concept to determine whether or not that might be a corridor that should be protected. However, the question comes up of protecting it now and not cutting it off because there was one traffic study at one point in time that said that should be something that the Town should consider. Again if the Planning Board had said that the Town Board should require this road to be set aside, well if we go and rezone this to Residential A, Triple AAA or Double AA, at that point in time that will be the job of the Planning Board to make that determination as part of the subdivision process and not our determination.

The Supervisor asked the Town Board if they had any questions. Councilman Frederick C. Webster indicated that he was just concerned with the Hudson Glen portion. Just on your map there, would you just show the Hudson Glen section. Nancy Alexander pointed it out to Councilman Webster on the layout on display, indicating this area right here is the Hudson Glen area. Councilman Webster asked if that comes down on to Hudson Avenue and Nancy Alexander indicated, yes it does. Councilman Webster continued asking in the PRD if that is dedicated to be forever wild and once again Nancy Alexander responded, Yes. Councilman Webster asked if that has now changed hands by virtue of a tax auction or something. Nancy Alexander indicated, Yes. Councilman Webster asked as part of this consideration would we be considering the changing of that portion of the PRD also. Supervisor Ringler indicated that he did not think so, it is the Planning Board's recommendation that we do, he thought that it was something that he thought we have an obligation to do. He said when that particular parcel was rezoned it was a total development package and the whole idea of Planned Development District is taking the whole concept and preserving open spaces in certain areas of it and so forth and if this PRD, in his view at least, should be looked at in total context and he completely agrees with the Planning Board on that.

Councilman Webster indicated that he was concerned with anything that would dump on to Hudson Avenue in any way shape or manner, he asked how big a piece this was if anyone recalled. Nancy Alexander indicated about thirty-five acres. Councilman Webster asked in Triple AAA what would be the approximate number of units. Nancy Alexander responded about forty-four units. Councilman Webster indicated it still could be forty-four units even in Triple AAA.

Jeffrey Lipnicky, Town Planner, indicated that one thing that needed to be noted here when we are talking about AA and AAA, is that currently under the interim development density act that was passed, Triple AAA is 35,000 square feet, Double AA is 15,000 and Single A is 12,000. He said that piece of legislation is due to expire in December of this year which means at that point in time unless this Board extends that legislation, these various densities revert back to the requirements of the zoning code, which are 20,000 for Triple AAA, 10,500 for Double AA and 8,500 for Single A. Supervisor Ringler stated that he certainly hoped that this Board would extend those until the master planning process is complete. Mr. Mancini asked if he could just make a comment there Ken, it doesn't change those side lines and linear requirements which are for this kind of a project rather devastating in the Triple AAA because they are forty feet combined side line and this is difficult to design around in this kind of perimeter.

Councilman Charles A. Gunner asked how many residences or units were in the Hudson Glen project, the one down below there that comes out on to Hudson Avenue. Ellen Kost, Deputy Town Planner, responded one hundred and thirty. Councilman Gunner continued one hundred and thirty were planned, so this would reduce that considerably. Ellen indicated one hundred thirty condos and townhouses. Councilman Webster asked if that had come before the Planning Board? Ellen Kost responded that it has not. Councilman Webster indicated that there was some questions in here as to whether it had or had not. Martin L. Barr, Chairman of the Planning Board, indicated that it has not been referred to the Planning Board.

Councilwoman M. Sheila Galvin asked based on the plan that you presently have, how many units would be affected by Triple AAA and how many units would be affected by Double AA under the present plan. Nancy Alexander asked, as far as, if it was to become Triple AAA and Councilwoman Galvin indicated if it became Triple AAA, how many of the units as you currently propose would be affected? Nancy Alexander replied at this point she really could not say, where it becomes affected is at the engineering design stage where we are getting down to the nitty gritty -- that of a two foot contour and are dealing with roadways. Councilwoman Galvin indicated that she was talking about side line, as she had said that side line was your primary problem with either Triple or Double A, given the proposal that you have on the board tonight, how many of those would be affected strictly going to the side line issue that you raised. Mr. Mancini responded that you can't really do that out of context because there is terrain and this is a sketch plan and there has been no engineering yet for them to know. Councilwoman Galvin indicated OK you have not done any of that. Mr. Mancini continued that this was their fourth sketch plan and we have to modify this now because this whole row of lots up here is going to have to be considered out and we are going to have to redesign again, so this is not our current proposal because we have been advised that we are going to have to stick a road in.

Councilwoman Galvin continued assuming you drop those out, can you give an approximation of how many would be affected? Nancy Alexander replied that she would probably be able to say that any lot that would be on a curve would be affected, and the one point that she wanted to bring up -- the other issue is not only the side lines it is the lot width. The Triple AAA has 120 foot minimum lot width, versus the Single A is 85 and Double AA is 100 feet in lot width and trying to maintain 120 foot lot width on curves, and cul de sacs could reduce the density of this project at least another twenty percent if not greater in combination with the roadway necessary to make this a feasible project. As far as dealing specifically with your questions, she could not tell you right now, as unfortunately, she does not have a scale with her and truthfully she would need to have building plans to determine what the houses are going to be in there as to sizes, to know which lot would be affected. Councilwoman Galvin indicated that she was not asking for a specific commitment of fifteen or twenty houses or whatever specifically, but based on what you have in front of you, you have a rough idea of how many of those have 120 foot frontage on them now, how many would not meet it? Martin Barr, Chairman of the Planning Board indicated that he thought that it should be clarified that we are talking about width of lot which is not the same thing as frontage. Councilwoman Galvin indicated OK. Chairman Barr continued the width is measured from the property line so that when it fans out it is not the frontage that is required to be at a certain width. Jeffrey Lipnicky stated that it is actually measured where the building is set back so in fact if you are talking about buildings on a cul de sac the further you set the building back, the wider your side yard under the zoning code is going to be, so that if you have, depending upon the angles of course, if you are required to meet twenty more feet in side yard if you set it back probably twenty feet you are going to meet.

Nancy Alexander indicated that unfortunately in some of these areas because of your drop offs and the ravines as we have said there are some ravines back on this site, then they are severely restricted as to how far back we can set some of the houses then and if you want to save some of the topography and we have tried to show through their design cross sectional reviews of roadways and the schematic layout to know that this is a buildable plan that is about the least destructive of any sort of development that could occur through here, and that the

houses are in buildable areas, this is not a pretty picture of something that can't be built. Councilwoman Galvin asked totally forgetting what is on the board and recognizing the fact that there would have to be changes, if the site were to be rezoned to Triple AAA, how many building lots, buildable building lots would you anticipate would result on this site? Mr. Mancini indicated that he thought that her estimate earlier was that it would not meet the minimum of our client for economic costs of what he has to bring in the water and sewer and build the boulevard road and with the design on here based on cost estimates. Councilwoman Galvin asked if that had a number to it? Mr. Mancini and Jeffrey Lipnicky indicated that this would probably be pure speculation. Mr. Mancini continued that it would require quite a lot of cost to the client. Councilwoman Galvin asked what percentage reduction would it be, would it be twenty percent, you were talking about twenty percent before. Mr. Mancini asked Nancy Alexander if she had even estimate and he stated that it would be significant. Nancy Alexander stated that it would be significant and that was all that she could say.

Councilwoman Galvin asked and what about the difference between the A and the AA. Mr. Mancini indicated well that is what we have discussed tonight and what we would do is where we have most of the problem on the double AA on the part that we are asking to have rezoned and what we are going to have her do is take a look at that and see if we can keep our density, as it also has to reflect on what happens up here when we create buffering from the road. Councilwoman Galvin indicated that this was what her question is, what the density difference will be, if you have any idea, between what is up here, what is currently proposed and Double AA? Nancy Alexander stated that Double AA she felt would be pretty close to about the same range, but she would like to take another look at it and discuss our client's lot requirements but she feels that Double AA is close enough in relationship to the Single A and granted that we are talking larger lots. Mr. Mancini stated that there were a couple of requirements between Double AA and Triple AAA that are very dramatic, going from 100 to 120 is dramatic and having 40 feet combined side lines is dramatic and also some of the others, even some of the other linear measurements are greater than either the A or Double AA, so when you take them all cumulatively on some lots it makes the lots just unbuildable and that is the problem that they have. We suppose that you could make some lots smaller, but what happens then is we are ruining the concept in other words if you make some lots smaller and just meet the Double AA or Triple AAA requirement, then you are going to end up with a series of lots that are not as nice as some of the other lots and they were trying to get lots in there that all of equal value and trying to get lots in the acre range, even though that exceeds the Triple AAA that was not their problem. Their problem is meeting all of these linear requirements in placing houses, because it looks like there is a lot of room on here but this is a ravine running back to a stream, this is a huge hill, this is a ravine and over here there is a prospective road, so to ask her to give that opinion is very hard.

Supervisor Ringler indicated that he guessed the immediate reaction that he thought that the idea of the concept you have is one that he thought was very nice, he thought that the size of those lots is going to do a lot to protect the area, and he guessed that the concern of the Planning Board and he guessed his concern would be is that, and he would ask Jeff his comments on that is a very sensitive area to the Town as far as the land and so forth and he thought as we look at this as a master planning process it would seem to him that it might be an area that we definitely want to protect these parcels for just the type of proposal that you are bringing and he guessed that his concern would be is if we just go to Double AA or Single A and suddenly you decide that you would like to get rid of the project and something happens we may have somebody coming in here looking for 12,000 square foot lots on that particular proposal in complete compliance with the zoning. He asked Jeffrey Lipnicky a question in line with that, he did not see an awful lot of discussion of your thoughts, he saw Ellen's memo and she originally thought A and he thought she may have changed that at some point, and Ellen Kost stated not officially, and Supervisor Ringler continued well unofficially but what were his thoughts on this and had he given it any, have your looked at it. Mr. Lipnicky indicated well the concern here to him is a couple of things,

one is the fact that we are talking about regulations under an interim ordinance and not a revised zoning ordinance, the interim ordinance that expires again in December. The second thing is that we have a plan here for one particular developer and his experience has been that developers often come and go. Supervisor Ringler stated as they have on this particular site. Mr. Lipnicky continued and who knows who is eventually going to develop this site and at what density, if it is down to A you know this Board does not reenact the interim development density limitations we are talking about something that is zoned for 8500 square foot lots. In the original concept that came with this as a PRD was in fact a good concept for this type of land, you have an area on the site that is relatively flat with a few ravines running through it and you have a portion of the site that is incredibly steep and the ravines are quite deep, and the concept at that time was to save the area that was difficult to develop and use the area that is easy to develop which is consistent with what he thinks most people's thinking of what PRD's should build. Unfortunately he had some graphics, but the bulb seems to have burned out, so he was not going to be able to show them, but essentially if you look at this whole area of Town that surrounds it from the area of Normanside Country Club all the way over to McCormack Road and then back down and around to Hudson Avenue, this whole area is full of very deep ravines and there are streams running through it, it is heavily wooded area, and right now it is zoned Single A and Double AA. If you look back for example to the 1965 Master Plan and what the 1965 Master Plan said about the area, most of the area was recommended as a Town Park in that Plan recognizing that the area is relatively undevelopable because of the steep ravines and because of not only the topography but also access getting in and out with vehicles. You have the Normanskill which essentially blocks the whole area on the northern side of Town and you have really what amount to substandard roads if you are talking about carrying heavy traffic volumes south of the site, so the way in and out of the area is not very good either. His feeling is given the topography and given access in the long run he would not be surprised if recommendations came forth at some point in time that the whole area be zoned at a very very low density. Having said that it should also be noted that although most of that area was recommended in the 1965 Master Plan as park area, there were areas on the fringes of McCormack Road and the fringes of Hudson Avenue which were recommended for residential development. The problem with this particular proposal here is that we had a good concept to start with and suddenly the land got divided and sold to different owners so that the concept is no good any more. Fortunately one portion of that site, the southern most portion of the site is where the highest density is being proposed and it is the least developable of the land, both in terms of access and topography. If in fact you know, if there were some type of assurances that this is the project that was going to be developed, it doesn't matter what we zone it, but the fact is that we don't know whether this developer is ever going to do this project, if it is zoned Single A we are talking about again if it reverts back to what the zoning is, 8500 square foot lots, now you can't do 8500 square foot lots in here without essentially taking a bulldozer and flattening this place from lot line to lot line, you just can't do it, you can do acre lots as they are proposing this site the way they have it laid out takes it to the extent possible with the topography and probably would work out because of the vegetation on the site but again the proposal here is really at Triple AAA standards almost, it is not Double A or Single A.

Town Attorney, Bernard Kaplowitz, asked Jeff can't you solve that problem if the Board saw fit to rezone; to do the rezoning conditioned upon this particular project being built or he was just thinking off of the top of his head or is certain density of 65 lots or something like that. Mr. Lipnicky responded if there was some type of contractual zoning such as that obviously he would not have a problem with that, but there is another alternative to resolve this problem too, unfortunately it is not an alternative that currently exists in our zoning code because we do not have a cluster provision. If we had a cluster provision we could tell these people Triple AAA and then if they have problems with set backs, side yards or whatever, we could work with that. Attorney Kaplowitz asked would you cluster four or five hundred thousand dollar houses? Mr. Mancini indicated that he thought that the cluster concept allows you to adjust side lines. Attorney Kaplowitz stated that he knew what it does but would they be interested from a marketing point of view in clustering those kinds of homes?

Jeffrey Lipnicky indicated even under a clustering concept it does not necessarily mean that these have to be done in multi families or anything like that, all it means really is they are usually written in a way that it would give us flexibility to weigh the requirements to reduce side yard requirements, to reduce lot width requirements and all of that.

Mr. Mancini stated that to take advantage of 281 of the Town Law which you know give the possibility if it is in fact assigned from the Town Board to the Planning Board. Attorney Kaplowitz indicated that he was throwing out the possibility of conditional zoning and there are a lot of pros and cons about and we are not sure what courts will allow, but we have experimented a few times with it here and there, very few times. Mr. Mancini stated that he could tell you one thing that your record is right with what we are proposing, we have four proposals before you and they are all essentially the same over a two year period and the Planning Board has heard from us and when we come back in there he suspects the Planning Board is going to be looking for what they are proposing which is what his clients advised him they wanted proposed. Basically they want to get on with it and that is why on the rezoning portion of it, if we can come to an accommodation or a compromise whatever you want to call it, then if that is more helpful to the Board on Double AA we don't have a problem specifically with the Double AA lot size, we have to make sure that the Double AA linear requirements, which are not much greater, can still accommodate this, if they can then he was going to recommend that to his client and we will write you a letter to that effect, but from all of the discussions that he has had and looking at this and talking to the engineer's off the record, and without having our client spend a great deal of money just to come up with answers for something like that, that Triple AAA does really constrain us because of the linear requirements.

Supervisor Ringler indicated that this was going to be his question, when Sheila asked hers about how many lots really it was something that you were not to sure about, he was wondering how much of a study really had gone into whether or not you could do it with Triple AAA, he meant how did you really seriously look at that. Nancy Alexander stated that they have done numerous layouts that the Planning Board has never seen in order to provide a roadway circulation, a lot layout that the developer needs for his requirements, and in many of these we dealt with lot frontage, lot widths and the roadways and, yes, only requiring 120 lot widths and some of the other requirements could seriously, particularly given the fact that we may be required to lose some area, up in this area, which will put the need there for a one hundred foot strip it will wipe out four lots, hence we need to make up that area elsewhere within the site. The developer does have minimum lots which he has asked us to design for and we have done numerous studies, she could not give us the total number. Supervisor Ringler indicated just let me add to Bernie's comments do you think that concept if we looked into it with the conditional zoning would be acceptable. Mr. Mancini indicated that he would have no problem recommending to his client a maximum of 65 lots because he did not think that they could design more than 65 lots in there in either A or AA based on his conversations.

The Supervisor indicated based on what he has heard here tonight he guessed he thought and he did not have a sense of the Town Board, but at least from his view and your view, he thought that we are on the same track, we all want the same thing, very large lots here and to protect the natural resources in that area, he guessed his concern would be that we have those guarantees, and he did not know about the rest of the Board on that. Councilman Webster indicated no question and Councilman Gunner indicated providing that can be done within the zone. Attorney Kaplowitz stated that he was speculating a little bit but over the years there have been a number of plans there and a lot of them have included multi family housing, 200 townhouses and that kind of thing, and he would think and he was not speaking for anyone but himself, that this kind of thing is much more acceptance to the people who live there and the Planning Board and the Town Board than putting two hundred townhouses in there. Mr. Mancini stated that in coming to the Board that we could have done designs based upon what we have that would have much more density, it was not something that either of the clients that own the property really want to do, they have looked at the property and this is what they feel the market there and what they

would like the market to do, you know, I have been charged with presenting it on that basis and he thought that Steve has made those statements himself on the record and the other side of this is that there was another project in Town where we spent quite a few years to get it approved and that project is now approved and there are five units built down there and he thought that the sixth was starting because he handled the work, but what he was saying, even when these are all done and you say 65 units, well it could take a decade to built 65 units based on marketing conditions and because of the kind of costs that will go into these homes. Attorney Kaplowitz stated you almost broke the record on that one, but not quite. Mr. Mancini continued that the other thought is we have to come up with the density by coming in here and putting ourselves at the mercy of the Board by saying take our PRD away. Supervisor Ringler stated, Ralph, you never put yourself at anybody's mercy. Laughter. The Supervisor continued that the only thing, one final thought and then he was going to make a recommendation, one thing we have to consider that there is only single access entry and to go beyond that kind of density he did not think would be in anyone interest to do that with the accessibility to that particular parcel right now. Nancy Alexander stated that they were aware of the concerns have been through the history of the project and the concerns of both the Town and the adjacent residences the infrastructure of the traffic, etc. have been and have tried to come up with something that would be a project that they could get approved and none of the other projects have gotten approved, they have not gone anywhere, and they want a project that they can start building on.

Supervisor Ringler asked if there were any other questions from the Board? Councilman Charles A. Gunner indicated that we would have to consider the thirty-five acres along with this. Supervisor Ringler indicated that he thought that they should and he felt that they have to look at that. The Supervisor indicated that he would like to make a recommendation then if the Town Board is in agreement that perhaps we table this until No. 1 you look at it from your prospective and also he would like to look at it from our perspective on that conditional zoning to see whether if we let's say we agree to a Double AA that we can have some kind of a conditional zone that limits that to what they are proposing. Jeffrey Lipnicky indicated that one of the things if he might suggest that they said that they had done some sketch plans or whatever to see if Triple AAA would work here, if we might be able to get a copy or see what they are proposing. Supervisor Ringler indicated and to have our staff look at that if we could. Nancy Alexander indicated that they would provide this and Mr. Mancini asked if this was something that could be done off the computer and design material?

Martin Barr indicated that he was going to back up what Jeffrey Lipnicky suggested because he thought that they have gotten some flavor of the type of meetings that we have had. Supervisor Ringler indicated that the Town Board members have read their minutes. Mr. Barr continued that they had a great deal of difficulty understanding what they meant by their need for flexibility. We still really don't know the nature of the flexibility other than the very general kind of statements that have been made tonight, and those are the kind of statements that they got so that he thought that you have to keep your eye on the fact that you are really talking about rezoning the area, we want large lot Single family housing in that area, it is the best thing for it now, and what is the best way to get it is the question. Supervisor Ringler indicated exactly and he thought that if there is data that he thought it would be helpful anything you give us to show that Triple AAA would work would be very beneficial too. Jeffrey Lipnicky indicated that the other thing that has to be kept in mind is what we are looking at here and that is a zone change not a specific project, so that needs to be kept in mind too.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the recommendation from the Planning Board regarding rezoning of a parcel of property on McCormack Road for Greenshade Consortium, Inc. to Residence A be tabled until such time as the developer has had an opportunity to study the recommendation of the Planning Board and present an additional proposal and the Town Board has also had an opportunity to study the issue. The motion was passed by the following vote:

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

Noes; None.

Mr. Mancini asked Supervisor Ringler if he would suggest at this point that we try to get together a letter and indicated to you in that letter what we will be able to design within the Double AA and that we can indicate in that letter he was sure because his clients have not seen a design yet with more than sixty-five units on it and we can include what our density maximum requirement is and we will also have them look at the Triple AAA and figure a flavor for why it causes a problem and try and incorporate that. Supervisor Ringler replied that he thought Mr. Mancini had summarized it very well.

Overpayment
of Water
Rents
April, 1991

Next on our agenda was a request from Kenneth Hahn, Receiver of Taxes & Assessments, to make refunds of overpayments of water rents for the month of April totaling \$34.27.

The motion was made by Mr. Webster and seconded by Ms. Galvin that overpayment of water rents for the month of April, 1991 in the amount of \$34.27 be made to persons whose names appear on the list furnished by the Receiver of Taxes & Assessments and on file in the office of the Town Clerk. The motion was passed by the following vote:

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

House
Numbers
West Yard
Road,
Old Ravenna
Road,
Starr Road,
Pictuay Road,
Rupert Road,
Rarick Road

Next was a request from the Department of Public Works for assignment of House Numbers to West Yard Road, Quarry Road, Old Ravenna Road, Starr Road, Pictuay Road, Rupert Road, Rarick Road, Rienow Drive and Rapa Drive and as they could see in this letter Mr. Ritz is recommending some name changes to certain roads. He is recommending that County Route 102 be called Quarry Road from Route 396 to Feura Bush, and there are a couple of others, but that is the most significant change. The others are smaller roads where no one actually lives or only one family lives on them and that would be Rapa Drive where the Rapa family lives and Rienow Drive which is a stub street in close proximity to where Mr. Robert Rienow lived and worked and so forth until he passed away. The Supervisor asked if anybody had any questions regarding that.

Councilman Gunner asked if there were many residents who lived down there and Supervisor Ringler indicated that if he would look on his map and he did not count them, Councilman Gunner indicated that his concern is that before we have had problems in the community with re-naming streets and he just wondered if this was fair or not. Supervisor Ringler indicated that he had asked Terry Ritz about that today and he really did not get into a survey or anything like that. His sense was the most of the people down in that area would like it to be known as South Road, but the problem is there is another South Street right down there. He thought in the past as you may recall the Board ran into a problem and this was long before you and I were around, where they tried to pick a historical family name for a particular road and then you had problems among different families as to who it should be, but in this particular case he has not gone with this recommendation he is using the quarry that sits above this road as a basis for naming the road, whether or not they will be feed back from this he did not know, but if we notify them he was sure that if there were objections we will hear it. The Town Clerk will send out the letters. The Town Attorney asked if we need a public hearing to change the street names, and that he would check. Supervisor Ringler indicated that the numbering we can do but we can't change the street names. Attorney Kaplowitz indicated that maybe we should check on the change of name as we may have to have a public hearing.

The motion was made by Mr. Gunner and seconded by Ms. Galvin that at the request of the Department of Public Works the following house numbers be assigned to West Yard Road, Old Ravenna Road, Starr Road, Pictuay Road, Rupert Road and Rarick Road be and they hereby are assigned effective six months from this date and the request for change of name for Quarry Road, Rienow Drive and Rapa Drive be tabled.

until such time as the Town Attorney determines if a public hearing is required. The motion was passed by the following vote:

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

House
Numbering
and
Renaming
Quarry Rd.,
Rienow
Drive and
Rapa Dr.
Tabled

- - -

MEMORANDUM

TO: Members of the Town Board

FROM: Terrence W. Ritz

DATE: May 3, 1991

SUBJ: Proposed house numbers on West Yard Road, Quarry Road, Old Ravena Road, Starr Road, Pictuay Road, Rupert Road, Rarick Road, Rienow Drive and Rapa Drive. All streets are located in the Selkirk Fire District.

The Engineering Department has completed the work to establish house numbers on West Yard Road, Quarry Road, Old Ravena Road, Starr Road, Pictuay Road, Rupert Road, Rarick Road, Rienow Drive and Rapa Drive.

We recommend that the portion of road that is presently named Rarick Road Extension in the "Town Highway Report" be named Rienow Drive. Mr. Robert Reinow died as a result of a structure fire at his home on Rarick Road. There are no permanent residents on this street at this time.

We recommend that the portion of Old Ravena Road that was "cut off" by the reconstruction and rebuilding of Route 9W be named Rapa Drive. The Rapa family has been a long time resident and property owner on this street. We have spoken to Mrs. Rapa and she has agreed to the name change.

We recommend that the portion of County Route 102 between the New Scotland/Bethlehem Town line and Bridge Street (Route 396) in the Town of Bethlehem be named Quarry Road. This road is called several different names at this time, including Route 102, Snyders Bridge Road, Filtration Plant Road, South Road and Quarry Road.

We are attaching six (6) sets of prints of these streets on which the proposed house numbers are indicated. PLEASE RETURN THESE PRINTS TO THE TOWN CLERK AFTER YOUR REVIEW. Vacant land has not been numbered, but house numbers have been reserved for future development.

We are enclosing a list of various property owners, not necessarily the present residents, with the proposed house number and tax map number to further identify the house involved.

Proposed house numbers for buildings on corner lots are usually based on the direction the house is facing.

Should this proposed house number system be adopted by the Town Board, we suggest that these proposed numbers be made effective six (6) months after the date of adoption.

The Feura Bush Post Office, the Selkirk Post Office, the South Bethlehem Post Office, the Selkirk Fire Department, the Town of Coeymans, the Town of New Scotland and the residents should be informed of these new numbers.

The Engineering Department can supply additional maps or lists of property owners as may be required by the Town Board or the Town Clerk's Office.

Please be advised that these house numbers and others that have been approved by the Town Board in the past are of no value to anyone if the numbers are not displayed on the house, fence or mailbox.

Property Owner	Proposed Number
	STARR ROAD
Michael Derry	18
	PICTUAY ROAD
James & Arlene Jordan	5
Michael & Sandra Lennon	11 (Rental)
Raymond Hohl	12
Sidney & Hellen Wagoner	146
Lester & Cynthia McMullen	162, Main=164
Brian & Nanette Mayers	185
Joan Cruikshank	332
	RUPERT ROAD
Henrietta Corbett	8
Clarence Conrad	18
Beverly Radliff	30
Dennis & Jo Mary Dragon	34
John & Nancy Biernacki	42
Victor & Sharon Paper	48
Town of Bethlehem (landfill)	136
Harriet Zolko	195, Main=193
	RARICK ROAD
Henry & Carol Snyder	30
Audubon Society of New York	46
Carol Lambert	134
Euretta Cook	149
Reid Condon	158
John Rarick	167
William & Cathy Stone	244
Sherlynn Lachapelle	254
Charles Peck	263
REINOW DRIVE - TABLED	
RAPA DRIVE - TABLED	
	WEST YARD ROAD
Vineland Construction Co. (National)	12
Airco Inc.	76
Peter & Donna Frueh	121
Matsui Kiyoshi (Honda)	158
New York Partners (G.E.)	218
QUARRY ROAD - TABLED	
	OLD RAVENA ROAD
Donald & Judith Sumner	25
Thomas Moore	31
James & Arlene Jordan	33
Hermania Rapa	46
Gilbert Houk	54
Herman & Katherine Sumner	trailer=56,58
John & Anne Green	76
David & Susan Ira	77
Richard & Jean Kaser	80
John & Janet Finke	81
William Davis	86
Robert Finke	87
Robert & Barbara Viviano	88
Diana Dutton	90
Thomas Dixon	92

Next was a request from the Department of Public Works for acceptance of one deed document and two easements from J. Briggs McAndrews and Isabelle J. McAndrews in the proposed McAndrews Subdivision.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that one deed document for the extension of Stratton Place for some 325 feet

to enable the Town to control the right-of-way and two easements for drainage between Stratton Place and Weigand Lane be and they hereby are accepted as approved by the Department of Public Works and the Town Attorney and will be recorded in the Office of the Albany County Clerk. The motion was passed by the following vote:

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

One Highway Deed and 2 Easements Accepted J.Briggs McAndrews and Isabelle J. McAndrews - McAndrews Subdiv.

Next they received a request from John H. Flanigan, Building Inspector, to update rates on the sale of Zoning Ordinances. He is recommending \$12.00 and \$15.00 if it is mailed and that reflects what he says are the cost to do this.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that at the recommendation of John H. Flanigan, Building Inspector, the cost of sale of the Zoning Ordinance section of the Code of the Town of Bethlehem be raised to \$12.00 per copy to purchase in the office and \$15.00 per copy to be mailed effective immediately. The motion was passed by the following vote:

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

Cost of Zoning Code Updated

Next was a request from the Department of Public Works for acceptance of a deed document for reconstruction of Beacon Road from James and Geraldine Hausmann pending approval of the Town Attorney.

The motion was made by Ms. Galvin and seconded by Mr. Webster that a deed document from James W. Hausmann and Geraldine Hausmann for reconstruction of Beacon Road be and it hereby is accepted as approved by the Department of Public Works and the Town Attorney and will be recorded in the Office of the Albany County Clerk. The motion was passed by the following vote:

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

Deed Accepted James W. Hausmann and Geraldine Hausmann Reconstruct Beacon Road

- - -

Councilman Webster asked if this cleans up all of the deeds down there and Supervisor Ringler indicated that he believed so he was sure that they were all resolved but have not all crossed our desks.

Next was a request from Martin Cross to award the bid for Rental of Heavy Construction Machinery Items 1, 2 and 4 to Peter Frueh, Item 3 to Anjo Construction and Items 5 and 6 to John Cross Excavating.

May 17, 1991

Bid Rental of Heavy Construction Equipment

Bethlehem Town Board
445 Delaware Avenue
Delmar, NY 12054

Dear Board Members:

On May 1, 1991 the Town advertised for bids on the rental of heavy construction machinery for use by various departments within the Town. Ten bids were solicited from various contractors in the area, with six bids being received on May 13, 1991.

After careful review of all bids, I would like to make the following recommendations. Items 1, 2, and 4 be awarded to Peter Frueh, Inc. of Feura Bush, New York; Item 3 be awarded to Anjo Construction of Latham, New York; and Items 5 and 6 be awarded to John Cross Excavating of Selkirk, New York.

402

The awards on all items are being made to the lowest bidder in each item meeting the specifications of the Town. All three companies have done work in the Town and their equipment and workmanship have been found to be very satisfactory.

Very truly yours,

/s/ Martin J. Cross
Martin J. Cross
Superintendent of Highways

- - -

The motion was made by Mr. Gunner and seconded by Ms. Galvin that the bid for Rental of Heavy Construction Equipment be awarded for Items 1, 2 and 4 to Peter Frueh, Inc. of Feura Bush, N.Y. for Item 3 to Anjo Construction of Latham, N.Y. and for Items 5 and 6 to John Cross Excavating Inc. the lowest of the bids submitted in each instance and in accordance with the recommendation of Martin J. Cross, Superintendent of Highways. The motion was passed by the following vote:

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

Bids
Purchase
and
Application
of Latex
Modified
Pavement
(Micropaving)

Next was a request from Martin Cross to award the bid for purchase and application of Latex Modified Asphalt Pavement (Micropaving) to Gorman Bros. Inc.

May 17, 1991

Bethlehem Town Board
445 Delaware Avenue
Delmar, NY 12054

Dear Board Members:

On May 1, 1991 the Town advertised for bids on the purchase and application of latex modified asphalt pavement, also known as "micropaving". On May 13, 1991 one bid was received from Gorman Bros. Inc. of Albany, New York.

The bid received is comparable to prices received by various other towns in Albany County interested in this road surface treatment. The Town of Bethlehem first used this method in 1989, and again in 1990, on an experimental basis. After monitoring these roads for the past two years, along with the results of neighboring towns, we are satisfied with the application method and resulting wearing surface. We intend to continue monitoring these roads and weighing the input and feedback we hear about this newer pavement surface.

I, therefore, recommend that the bid for the purchase and application of latex modified asphalt pavement be awarded to Gorman Bros. Inc. of Albany, New York.

Very truly yours,

/s/ Martin J. Cross
Martin J. Cross
Superintendent of Highways

- - -

The motion was made by Mr. Gunner and seconded by Mr. Webster that in accordance with the recommendation of Martin J. Cross, Superintendent of Highways, the bid for purchase and application of Latex Modified Asphalt Pavement, known as Micropaving, be and it hereby is awarded to Gorman Bros, Inc., Albany, N.Y. the only bid received and conforming with the specifications of the Town. The motion was passed by the following vote:

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

The motion was made by Ms. Galvin and seconded by Mr. Webster to approve the Town Board Minutes of April 10, 1991 and April 24, 1991 which were distributed on April 24th and May 8th, 1991 be approved as submitted to the Town Board. The motion was passed by the following vote:

Minutes
Approved

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

Next was a request from David Austin, Administrator of Parks & Recreation Department, for appointment of Seasonal Personnel.

Appointment
of
Seasonal
Personnel
Parks &
Recreation

Laborer at a rate of \$6.25 per hour.

Ernest W. Gall
129 Cherry Avenue
Delmar, NY 12054

Lifeguard at a rate of \$5.75 per hour.

Gretchen A. Reed
17 Woodmont Drive
Delmar, NY 12054

Daniel P. Cohen
65 Oldox Road
Delmar, NY 12054

Lifeguard at a rate of \$6.35 per hour.

Heather J. Smith
21 Groesbeck Place
Delmar, NY 12054

Attendant at a rate of \$4.45 per hour.

Michael M. Fritts
24 Orchard Street
Delmar, NY 12054

Clerk-Typist at a rate of \$4.95 per hour.

Kate E. McNamara
40 Stockbridge Road
Slingerlands, NY 12159

Recreation Instructor I at a rate of \$4.50 per hour.

Matthew Kinney
11 Linton Street
Selkirk, NY 12158

Linda Brown
R.D. #2, Box 221B
Ravena, NY 12143

Amy Ferraris
33 Darnley Greene
Delmar, NY 12054

Marc Kanuk
93 Hampton Street
Delmar, NY 12054

Thomas Yacono
48 Carolanne Drive
Delmar, NY 12054

Ryan Green
26 Montrose Drive
Delmar, NY 12054

Ryan Beck
48 Wakefield Court
Delmar, NY 12054

Recreation Instructor I at a rate of \$4.90 per hour.

Kathleen Saba
2 Saybrook Drive

I respectfully request the permission of the Town Board to dispose of the following vehicles at an auction held by Northway Auto Exchange, Inc. of Clifton Park, New York.

Sale of
Five
Vehicles
at
Auction

- 1 - 1975 International Dump 71795EGB17104(Highway)
- 1 - 1975 International Dump 10672EHA12650 (Highway)
- 1 - 1979 Chevrolet Rack C16DT9V113621(Highway)
- 1 - 1983 Dodge Pickup 1B7D24T6DS487675(Highway)
- 1 - 1987 Dodge Diplomat 1B3BG26SOHX768185(Police)

All of these vehicles have been or are in the near future being replaced by new 1991 vehicles purchased from State Contract.

Thank you for your consideration.

Very truly yours,

/s/ Martin J. Cross
Martin J. Cross
Superintendent of Highways

- - -

The motion was made by Mr.Gunner and seconded by Ms. Galvin that the five Town vehicles identified above be disposed of at auction for the best price obtaining. The motion was passed by the following vote:

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

Supervisor Ringler asked if there was anything else anyone else would like to bring before the Town Board.

The Supervisor asked if Barbara Hayden, Reporter for the Times Union, was still here. She was out in the hallway and the Supervisor asked her to come in for just a second.

Someone from the audience asked Supervisor Ringler to explain Local Law No. 2.

He indicated that right now the Town of Bethlehem on adjoining highways there is a period of the road that belongs to the Town and even though it may be somebody's front lawn, you use it and use your front lawn but it does belong to the Town of Bethlehem our right-of-way is larger than the road. In many areas of the town people will put obstructions in those rights-of-way which could be considered hazardous and dangerous. We have always had the right to remove those if they are dangerous and so forth. Previously it was up to the Highway Superintendent to go our and do the enforcing of that. He is not accustomed to enforcement, he is accustomed to building roads, so what we did was our Building Inspector who is in charge of enforcing most of the code, it was suggested that he now be in charge of going to notify people that if they have to take something out of the right-of-way and so forth, and we also added penalties if people actually refuse to do it. Basically the law has always been there, the obstructions were not allowed it was a case of who was enforcing it.

The unidentified person from the audience asked so if the obstruction is on the road she would now call the Highway Superintendent. The Supervisor indicated call the Building Inspector, and the unidentified person indicated call the Building Inspector and he will take care of it. The Supervisor, indicated, Yes, if you have a problem, and the unidentified person asked starting when and the Supervisor stated you can call tomorrow. Laughter and the Supervisor continued, technically a law is not effective until it is filed with the Secretary of State in a period of time, but if you have a specific problem notify him as soon as he is able as the Enforcing Officer he will handle it.

Supervisor Ringler indicated to Barbara Hayden that he had called her back in as he understood that as our Times Union Reporter this is the last meeting that she will be covering officially for the Town of

406

Dedication
To
Barbara
Hayden,
Reporter,
Times
Union

Bethlehem and he really wanted to thank her. He indicated she has provided a service to our community with the coverage that she have given to both the School District and the Town and he has heard so many times from other communities -- why does Bethlehem always get so much media attention -- and the people in our community have been very fortunate to have you as a reporter and have you keep us informed and keep everybody informed, as to what has been going on. He said we offer our best wishes and we are going to miss you. Barbara Hayden thanked the Supervisor and indicated that she would miss us too. Clapping.

Supervisor Ringler indicated to Mike Larabee of THE SPOTLIGHT that he was going to be away for two months and we would miss him too. Laughter. Cathy are you going to be here all summer?

The motion was made by Mr. Webster and seconded by Ms. Galvin to adjourn the Town Board meeting at 8:43 p.m. The motion was passed by the following vote:

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

Carolyn M. Lyons
Town Clerk