

**PLANNING BOARD
TOWN OF BETHLEHEM
MARCH 4, 2003**

The Planning Board of the Town of Bethlehem, Albany County, New York, held a regular meeting on Tuesday, March 4, 2003, at the Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY. Chairman Hasbrouck presided and called the meeting to order at 7:30 p.m.

PRESENT: Douglas C. Hasbrouck, Chairman
Dan Odell
Joseph Rooks
Parker Mathusa
Howard Engel
Brian Collier
Katherine McCarthy

Jeff Lipnicky, Town Planner
Randall Passmann, PE, Engineering Division
Janine Saatman, Deputy Town Planner
Paul E. Hite, LLS, Delmar
Constantine Kontogiannis, 1064 New Scotland Rd., Albany
Arthur Kontogiannis, Albany
Phil Sprio, Esq., (representing C. Kontogiannis)
Carl Aiken, PE, Aiken Engineering, E. Greenbush
Ralph G. Mancini, Esq., 2050 Western Ave., Guilderland
Kevin Champagne, 14 Sussex Rd., Glenmont

FEENEY-CASTRONUOVO #2, a four lot split of lands on the southerly side of Orchard St., approximately 1000 ft. westerly of its intersection with Fisher Blvd. was the first item on the agenda. Mr. Hite described the proposal in more detail. He recalled the Board approved several splits off lands Feeney-Castronuovo and also granted a lot line revision. Because of the family situation, the owners wish to further subdivide the 29.7 acres leaving 9.93 undeveloped. Lot #1/350 Orchard St., which contains the existing house consists of 5.67 acres; lot #2—8+ acres; lot #3—1.89 acres and lot #4 3.50 acres. In the undeveloped area there is an existing drainage easement, Federal wetlands and the Phillipin Kill traversing through it. Site characteristics were described and each lot will require lengthy driveways, meeting grade requirements. Utilities, except gas, are available to the site. Surrounding developments—Delmar Village PRD, Orchard Estates Subdivision and the proposed Phillipin Kill Manor subdivision (lands N/F of Cade) on the opposite side of Orchard St. were noted. The proposed subdivision requires no new highways and there will be minimal impact in all directions. Federal wetlands were noted. The only impact on wetlands is on lot #4 with the construction of the driveway. Concerning the remaining 9.93 acres, the Town required as part of the previous subdivision that it be an easement area and the parcel is undevelopable, although Mr. Hite

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raised the possibility that someone may want to develop it in the future. Because of the Phillipin Kill, the 100 ft. buffer that the State requires along large streams such as this, and the wish of both Dr. Feeney and Dr. Castronuovo to retain the parcel because their children use it for recreational purposes, Mr. Hite determined it would not be developed. He added that he has been approached by a representative of Five Rivers (Linda Blattner, member of the Board of Directors who works in the Dept. of Public Works) regarding making it part of Five Rivers complex. Mr. Hite said his client was unable to be present because of family difficulty but would attend the public hearing. He welcomed questions from the Board and staff.

Mr. Collier wanted to be clear that the majority of the 9+ acres proposed to be reserved by the applicants was an easement. Mr. Hite said he was correct and it also contained Federal wetlands, and possibly State wetlands. Because no development was planned, Mr. Hite said he saw no need to look at it further.

Ms. Saatman said based on an initial review the Town's standard 5:1 slope setback line needs to be shown on the map for all applicable steep slope areas. An Agricultural Data Statement would have to be submitted because the lands of Cade, across the street, were in Ag Dist. #3. Proposed grading would have to be shown on the subdivision map because of the undulating terrain. There are steeper areas with proposed driveways and homes. The main issue involves the vacant parcel along the stream. She said the Planning Department's view is that undevelopable parcels should not be left to stand-alone. The owners have said they would like to retain it for recreational purposes but these types of parcels either can be sold or end up at County auction because of non-payment of taxes. In the future someone could want to develop the property. Ms. Saatman said the Planning Dept. recommends an alternative proposal for the long term disposition of the land area. The interest expressed by Five Rivers is one option.

Mr. Mathusa wondered what would be preventing the current owners from continuing to own the land. Ms. Saatman said they could; however, there are future negative aspects. Mr. Collier noted that almost the entire parcel was an easement to the Town, potentially negating development. Mr. Odell commented that the lot might be considered as meeting the zoning requirements. He felt Ms. Saatman raised a good point and it was a good precedent to account for all of the land and not leave pieces because they ultimately become issues. The Board has seen this happen in other places. He suggested the lot be reconfigured so it belongs to someone and they would be responsible for the taxes. Otherwise, if the parcels are undevelopable, as Mr. Hite has said, it may go up for auction and be purchased by someone who wants to build on it. Mr. Hite responded that anyone would be foolish to purchase the property outright because they would have to come before the Planning Board in order to have the lot approved for subdivision purposes. Ms. Saatman noted that when parcels are auctioned at the County, an individual would not have the liberty to simply take an option to purchase it pending approval by the Planning Board.

Mr. Hite said there was a possibility to construct one home on the lot; however, he did not investigate it because his client did not want to sell the 9 acres at this point in time.

Ms. Saatman said the Town would not allow a house in the easement. In addition, there are wetlands and the floodplain on the Phillipin Kill. The matter of the remnant lot was debated further. Messrs. Mathusa and Collier felt that the applicant had the right to retain the land with all of the encumbrances thereon. Mr. Rooks recalled that with the Swift development on Brockley Dr. (Autumn Woods Subdivision) a large section of the property was deeded over to the Nature Conservancy and it may be the case in this instance. Mr. Lipnicky said there were numerous examples of lots that were not incorporated into the subdivision but shown on a map. Some of those parcels were inaccessible, however, that is not the case here. In every case the past practice of the Board has been that there be a plan for the disposition of the parcel—either that it be incorporated into a lot or deeded to some type of organization. He suggested that caution should be taken where a parcel may be marginally developable. What can occur in such instances is that a Variance application can be submitted. To some extent leaving a parcel undecided could encourage this happening. He said the Planning Dept. was not opposed to the present owners retaining the land but would like to know what will happen to it in the future. Many of these types of sites have gone to County auction.

Chairman Hasbrouck said the difference between this parcel and others is the desire of the owners to maintain ownership. One idea which might be viable is to condition the approval in such a way that if the owners decide at some point that they no longer want to maintain the land, that it might be deeded over to Fiver Rivers, if they agree. He suggested the matter be discussed with Drs. Feeney and Castronuovo further. Based on previous negotiations of this type, Mr. Hite believed that his clients would opt for Five River. He added that he'd spoken to Dr. Feeney on several occasions about the land and he was emphatic—he wants to retain the property for his children's use. Chairman Hasbrouck said the Board would work towards maintaining his wishes and resolve the long-term issue involving future use of the site. He asked staff if they had any further issues to discuss.

Mr. Passmann said he agreed with Ms. Saatman on the slope setback line issue and would like to see more detail. He said he would work with Mr. Hite to develop suitable driveway plans. There were no additional comments from Board members. A motion was made by Mr. Mathusa, seconded by Mr. Engel and passed by all present, to table further discussion.

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KONTOGIANNIS SUBDIVISION, 4 lots on Elm Ave., was the next item on the agenda. Chairman Hasbrouck said when last on the agenda (June 2002) the discussion evolved around drainage on the lots between the applicant and an abutting neighbor. He asked members if they were clear on the background and the particular situation. Members indicated they understood the situation. Chairman Hasbrouck then asked Mr. Passmann to update the Board on the status of the drainage situation.

Mr. Passmann, PE, said the Dept. of Public Works received a revised plan set, dated Jan. 27, 2003, from Mr. Hite and a Storm Water Management Report from Carl Aiken, PE,

dated Oct. 23, 2002. Previously the Town requested that a certified engineer's report be provided to address issues raised. After having reviewed the report, Mr. Passmann said he wrote his memo of Feb. 27, 2003, presenting comments on the report. In those comments, he said he stated that the project report, sealed by Carl Aiken, dated Oct. 23, 2002, responded to comments of the Town's June 12, 2002 letter to Mr. Hite. Mr. Aiken concludes, "...it is this offices confident determination that the improvements proposed on the Kontogiannis property will have no adverse effect on the Kasselmann property with respect to storm water behavior. On the contrary, it is likely that an improvement will be affected." Mr. Passmann said the Town Engineering Division also received a letter from Mr. Kasselmann's Engineer, Daniel R. Hershberg dated Feb. 25, 2003 stating his opinion that the Town should reject the certified report. The Dept. of Public Works has reviewed the Storm Water Management Report and letter submitted by Mr. Hershberg and it is the Town's opinion that the drainage report prepared by Mr. Aiken is acceptable. Mr. Passmann said he also requested that Mr. Kontogiannis have Mr. Aiken, or another appropriate professional, available at the March 4, 2003 meeting to answer any questions relative to the report and respond as necessary. Mr. Passmann said when he arrived for the meeting he was given Mr. Hershberg's March 4, 2003 letter (copied to all Board members as well). In his updated letter he states that it is his opinion that the Town must require that the developer/contractor obtain a permit under the new DEC Storm Water General Permit (Permit # GP-02-01). Mr. Passmann said in his Feb. 27th memo he requested that as part of the Board's approval there is a statement that the owner shall obtain all necessary permit coverage required by NYSDEC under GO-02-01 and other relevant department required permits, therefore, the concern raised by Mr. Hershberg has been addressed. Chairman Hasbrouck asked if members had any questions.

Mr. Mathusa asked if the March 4th letter was a detail of the general standard. Mr. Passmann responded that they were items that may be required of the owner/developer of the properties at the time when they are ready to commence construction activities. If lands greater than 1 acre are disturbed, then an evaluation will be needed as to what permits are needed from the Dept. of Environmental Conservation. There was further dialogue with respect to involvement of the Town during the approval process. Chairman Hasbrouck noted that with the new procedures being set down by NYS DEC, the Town will become more involved than in the past but, in essence, what is done in terms of the approval documents is similar to the way the Board treats the Army Corps of Engineers with respect to Federal wetlands. The Planning Board does not have any jurisdiction in terms of wetlands and the Board does what it can to make sure the applicants are properly notified of what they need to do, or what land owners in the future may need to do to build.

Mr. Phil Sprio, representing Mr. Kontogiannis, not having benefit of receiving a copy of the draft Conditional Approval documents (and attachments), said he took Mr. Passmann's comment to mean that the applicant will be required to obtain whatever permits might be required. Mr. Passmann said he was correct. Chairman Hasbrouck said there was no question that as part of the regulations the developer would have to comply. The question is whether any thresholds are crossed, if that raises it to a level where a permit would be required. Mr. Sprio said his client has agreed that he would do whatever

is necessary and would have to meet all the legal standards. Mr. Hite said the Law was not new and up until last year the requirement was 5 acres. All Engineers and Surveyors have had to deal with the rules, Mr. Hershberg included. He said necessary steps would be taken to apply for a permit, if needed. He said if his client does not disturb 1 acre, they were not required to obtain a permit. Since the last time they were on the agenda he has gone to the Army Corps of Engineers and met with them and went beyond what they required.

Mr. Mancini asked to address the Board. Chairman Hasbrouck asked that staff and the Board make their comments first. Mr. Lipnicky said at this point in time there were no additional comments. The draft approval documents reflect the comments and deals with requiring additional notes on the plat. He said when the Board reviews the document, he would elaborate further. Board members had no additional questions.

Mr. Mancini, Attorney with Mancini and Hayko, said he represented Mr. & Mrs. Paul Kasselmann who own property adjoining Kontogiannis. He said he had an opportunity to review the matter briefly with Mr. Hershberg who could not be present because he was at the Town of Colonie on another project, therefore his comments were contained in the March 4, 2003 letter which has just been submitted. One area of concern is with the standards used in preparing the calculations in Mr. Aiken's Storm water Management report. Mr. Aiken responded that the standard used was TR-55 and it was required by the Town Engineering Dept. and is the State's preferred method to analyze storm water. Mr. Mancini asked if the June 1986 guidelines were the most recent ones. Mr. Aiken said he believed so. He said the documentation in his report was the latest provided by the State and available on their WEB site. Mr. Mancini asked if there was a title to the book. Mr. Aiken said if Mr. Mancini would like it, he would provide him with a complete copy of the technical report. Mr. Mancini said Mr. Hershberg alluded to certain standards and said there was a question of methodology used. Mr. Aiken said his methodology was based on Technical Release 55 and he believed Mr. Hershberg was extremely familiar with it. If he were present at the meeting he did not believe he would be asking the questions, but it was a typical question from an Attorney. Mr. Mancini said there was no comment from the Engineering Dept. on this aspect. Chairman Hasbrouck asked Mr. Passmann about his review of the storm water report prepared by Mr. Aiken and the response from Mr. Hershberg and his latest letter (Mar. 4, 2003). He asked Mr. Passmann if he was correct when he said that nothing was found with the Engineer's report that the Town was concerned about, having taken into consideration Mr. Hershberg's concerns. Before making that judgment, he asked him if he went back at the standards that were used and what reference resources were used and was satisfied. Mr. Passmann said he reviewed the calculations and performed parallel calculations and was satisfied with the report. Mr. Passmann said he did not see any question raised in Mr. Hershberg's Feb. 25, 2003 letter as to what methodology Mr. Aiken used. Mr. Mancini went on to read a section of Mr. Hershberg's Feb. 25th letter that, "...Based on my review of the Storm Water Management Report, it is my opinion that the Town of Bethlehem should reject this report. My opinion is based on the following: The Storm Water Management Report and Plan submitted do not conform with the 'Minimum SWPPP Components' as defined in SPDES General Permit for Storm Water Discharges from

Construction Activity (Permit#GP-02-01), effective Jan. 8, 2003." What he indicates is that the design of the plat and the report do not take into consideration the requirements that will now apply to a 1-acre disturbance. The parcel consists of 2.2 acres and trees will be removed and the land regraded. He suggested the developer would exceed the 1-acre threshold and would be subject to the new State requirements. Since the report was written in October, Mr. Mancini felt it did not take into consideration the 2003 regulations and will impact all construction starting in April 2003.

Counsel Silliman said the Planning Board in its proposed decision documents have adequately dealt with the issue and as also noted by the Town's Engineer. The applicant must comply. Counsel did not feel further discussion was needed at this point based on the draft documents. Mr. Mancini said it was his engineer's position that based on the design and the engineering report submitted that the developer couldn't comply with the new regulations. Mr. Mancini went on to detail Mr. Hershberg's Feb. 25th assessment of the Storm Water Management Report. Mr. Mancini said based on Mr. Hershberg's opinion water flow would increase flow onto the adjoining property and impact the pond which overflows and floods on a regular basis and is part of the drainage system in the area. Mr. Mancini said Mr. Hershberg "also feels that it would impact the water that is going to flow to the culvert under the driveway" on the Kasselmann's property. Mr. Mancini asked if Engineer Passmann rejected Mr. Hershberg's comments and the material he has quoted from?

Mr. Sprio asked to comment. He said with all due respect to Mr. Mancini's ability to add confusion where there is clarity, Mr. Mancini is not an engineer and the discussion served little purpose. On behalf of his client, he said he would accept the Feb. 25, 2003 letter from Mr. Hershberg to Mr. Passmann as part of the record but the dialogue with the Attorney cross-examining an Engineer is inappropriate, he felt. Engineers disagree, particularly when they are paid to do so, he said. Mr. Sprio said his client has been before the Board since Nov. 2000 (for the record, the application was filed with the Planning Board in 2001) and has gone above and beyond the minimum requirements, including delays driven by a property owner who does not want to see the land next to him developed. That is an issue the Planning Board has witnessed on many occasions. He said he preferred that the letter be part of the record and move on. The Town Engineer has reviewed the material submitted by the Engineer and the developer is obligated to abide by all of the Laws that are in effect. The plan has been reworked to meet with the Army Corps of Engineers' concerns even though they have no jurisdiction over the project. He asked how much more his client has to go through and listen to for something that is clear and within the guidelines. Mr. Sprio said sometimes he does not always like his neighbors but they have the ability and the right, under the Laws, to develop their property. He said he could not cross-examine Mr. Hershberg because he was not present. Most importantly, he said he wouldn't because the meeting was not the forum to do so. He asked that the Board move forward.

Mr. Mancini asked if he could continue. At this point Mr. Rooks presented a motion to act to classify the action as Unlisted and render a Negative SEQR Declaration "...that based upon its review of the project, the EAF, review of the proposal by Town

Engineering and Planning staff, and comparison with the Criteria for Determining Significance found at 6NYCRR Part 617.7(c) the Planning Board hereby finds that approval of the Kontogiannis Subdivision constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact statement...". Mr. Odell immediately seconded the motion. Mr. Mancini asked if by virtue of the motion he was being cut off. Chairman Hasbrouck said the motion is on the table and must be voted upon. There was no question on the motion before the Board and it was acted on as follows:

AYES: Messrs. Rooks, Mathusa, Odell, Collier, Engel, Hasbrouck and Mrs. McCarthy
NAYS: None
ABSENT: None

There was a slight confusion by the Chairman on the action but was clarified immediately and the action stood as adopted.

A second motion was then made by Mr. Rooks, seconded by Mr. Odell and passed by all present, to accept the draft Resolution re: Reservation of Public Parkland/Park Fee.

Mr. Rooks next made a motion to adopt the Conditional Approval of Final Plat No. 215-CF, seconded by Mr. Odell. As part of the discussion on the motion, Mr. Collier said there were changes suggested in Mr. Passmann's Feb. 27, 2003 memo reflected in the draft approval document. The changes involve #9K(5) which states that "Any amendments to the approved Grading Plan or Storm water Management System shall be subject to Town Engineering Division review and approval prior to issuance of a Building Permit for the effected lot(s)." Mr. Collier said if there are any changes made to the conceptual plan it would require review by the Town. He did not understand why this was needed. Mr. Passmann said it was brought about by the comment in the conclusions rendered by Mr. Carl Aiken in the Storm Water Management Report. He states that—"In order for this conclusion of future storm water behavior to become reality, it is necessary for the site work within the confines of the proposed subdivision to be performed as shown on the site plan prepared by Mr. Paul Hite, P.L.S. More specifically, it is imperative that the roof runoff from lots 1 and 3 be directed toward the road swale of Elm Avenue as shown on the 'post-dev drainage areas' illustrated on the partial site plan included in this package." Mr. Passmann said Mr. Aiken is requesting that the site work adhere to what was shown on drawings he reviewed. Counsel Silliman said it was not a change universal to all engineering reviews of projects similar to this one. Mr. Lipnicky said it was primarily a function of the Storm Water report. If grading changes, it changes the conclusions in the drainage report. Chairman Hasbrouck said it is one more step taken to accomplish exactly what Mr. Mancini and his client is trying to accomplish, which is to protect water flows in a way that it does not do any damage to the neighboring property. In most cases the Board does not have to be as stringent. The purpose is to be extra cautious that any change can be dealt with.

Mr. Hite asked if he could take a moment to read the condition in the approval. Mr. Hite asked if the Board was saying that "any" change would require preparation of another grading plan and he would have to come back to the Board and show it, even if the same pattern of drainage was being used? He suggested "any significance change" as wording in the document. Mr. Rooks said the Board could ask Mr. Passmann that if the change has a positive impact on the drainage flow as depicted in the reports then it would be relatively quick. If the impact was negative, then it was different. He said it was Mr. Kontogiannis' Engineer's report that specifies the terms. The matter was further discussed. Chairman Hasbrouck felt Mr. Rooks' point was well taken. What the Board was trying to do is recognize that the situation is different than with most lots. Everyone understands the reality of construction. People who are looking at the situation can recognize when a change occurs that is likely to have an impact. What the Board is requiring is that everyone be more careful and that if any change impacts the pattern of water flowing from the property, that further review is conducted beforehand.

Mr. Sprio asked if the concern was with any change that would have a negative impact on water flow on Mr. Kasselmann's lands? Mr. Lipnicky said the approval document was clear. Item #9K(5) states "If the proposed building location, building footprint configuration, driveway location or lot grading vary from what is shown on the approved plans, the applicant shall retain the services of a licensed PE, PLS or other authorized design professional to determine that the proposed modifications are consistent with the recommendations provided in the project specific 'Storm Water Management Report', prepared by Carl R. Aiken, P.E., dated October 23, 2002....". After reading the item, Messrs. Sprio and Hite had no problem with it. Mr. Sprio said as far as he was concerned the Town would have the authority to review the matter at any time.

Chairman Hasbrouck directed the Board's attention to other relevant items in the draft approval document. Mr. Collier asked Mr. Lipnicky if he could comment on items #5C & D relative to the Albany County Planning Board's recommendation that includes review and approval by the Albany County Dept. of Health, County Public Works Dept. and Army Corp of Engineers. Mr. Lipnicky noted a highway work permit will be required from the Dept. of Public Works and the Health Dept. has no jurisdiction. With respect to the Army Corps of Engineers, he said he spoke to them about the subdivision. As currently shown there is no technical requirement for an individual permit from the ACOE, however, since the applicant is close to the threshold, he said it was his understanding that the Corps would not consider the subdivision to be less than the specific impact threshold unless additional assurances were provided that the remaining wetlands would not be impacted. The assurances included setbacks from the Federal wetland areas and also deed restrictions on the remaining wetland areas on the site. The Conditional Approval requires notes be added to the map. Mr. Hite has been made aware of this and he has indicated that the applicant may not be in agreement with it but was willing do so in order to move ahead. Mr. Kontogiannis agreed that the Board should move ahead.

Chairman Hasbrouck again asked Mr. Rooks to put his motion on hold until the matter of the Albany County Planning Board's recommendation has been resolved. For the benefit

of Mrs. McCarthy, the Chairman explained the process of overriding a recommendation from the Albany County Planning Board. He said if the Board does not comply with their recommendation, either the project is not approved or a vote to override, with a majority plus one vote was needed. Mr. Lipnicky wanted to make it clear that the Corps of Engineers is aware of the project and has been involved. A motion was made by Mr. Rooks, seconded by Mr. Mathusa and passed by all present, to override the recommendation of the Albany County Planning Board with respect to review/approval by the Albany County Health Dept. and the US Army Corps of Engineers—the reason being that insofar as can be determined, the Health Dept. has no jurisdiction over review/approval of the subdivision; in terms of the ACOE, information provided by the applicant indicates that less than 0.10 acres of wetland area will be impacted by project construction. Impacts of less than 0.10 acres for residential projects generally do not require prior notification to the Corps and qualify as a permissible activity under Nationwide Permit No. 39.

Chairman Hasbrouck said the motion made by Mr. Rooks and previously seconded by Mr. Odell to grant Conditional Approval of Final Plat could now be considered. The motion was hence reactivated. There were no questions on the motion and action was taken to grant Conditional Approval of Final Plat to maps entitled, "Preliminary Plat, Proposed Kontogiannis (4) Lot Subdivision, Elm Avenue, Town of Bethlehem, County: Albany, State: New York" Sheet 1 of 2 AND "Grading Plan, Proposed Kontogiannis (4) lot Subdivision, Elm Avenue, Town of Bethlehem, County: Albany, State: New York" Sheet 2 of 2 dated April 5, 2001, revised to January 27, 2003 and made by Paul E. Hite, LLS, Delmar, NY, SUBJECT TO CONDITIONS outlined in Certificate of Conditional Approval of Final Plat No. 215-CF dated March 4, 2003. Applicant would be formally advised of the Board's action.

Before concluding the discussion, Chairman Hasbrouck asked to make a few comments. He said it was not the intent to cut Mr. Mancini off. He said he had talked with Mr. Passmann earlier in the day and went through all of the details of Mr. Hershberg's comments and Mr. Aiken's Engineering report and questions that were raised. They were discussed in detail, point by point and Mr. Passmann assured him that the Engineering Division was satisfied with the Aiken report and found no reason not to proceed based on their review. Separate calculations were made that concur with the report. It is not uncommon, he said, for engineers to use different methodologies. Very often there are different approaches to problem solving and it is not unusual that one engineer used one procedure while another engineer used another. When that happens, it is the responsibility of the Engineering Division to sort things out and decide what is acceptable. In this case that has been done. The Chairman said he had high regard for Dan Hershberg as he was a classmate of his. Chairman Hasbrouck (also an Engineer) said he took the time to review all of the information that has been submitted and the Board concurs as is evidenced by the action taken. At some point in time a decision has to be made and it was not the intent to prevent dialogue. The discussion concluded at this point.

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Minutes of the February 18, 2003 meeting were edited and approved on a vote by Mr. Odell, seconded by Mr. Mathusa and passed by all.

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All business concluded, a motion for adjournment was offered by Mr. Odell, seconded by Mr. Mathusa and passed by all present. Chairman Hasbrouck declared the meeting closed at 8:50 p.m., however, the Board reconvened the meeting in order to place the following Resolutions into the record to recognize outgoing Planning Board Members—

RESOLUTION

WHEREAS, Marcia W. Nelson has faithfully served for more than twenty four years as a committed and able member of the Planning Board of the Town of Bethlehem, and

WHEREAS, her work as a representative of the residents of the Town of Bethlehem has always been performed in a most professional and ethical manner, and

WHEREAS, she has brought to the Planning Board of the Town of Bethlehem a sincere sense of dedication, a steadfast concern for the rights and interests of home owners and business operators, a valued sense of balance between the objectives of developers and land owners and the potential impacts of development on the quality of life in the Town of Bethlehem, and a high regard for the rule of law, and

WHEREAS, the residents and business of the Town of Bethlehem have benefited for more than twenty four years from the many hundreds of hours that Marcia W. Nelson has dedicated to her work as a member of the Planning Board,

NOW THEREFORE, in recognition of her long and dedicated service,

BE IT HEREBY RESOLVED, the undersigned members of the Planning Board of the Town of Bethlehem and staff, on behalf of the many Planning Board members ad staff with whom Marcia W. Nelson has served, hereby express our most sincere appreciation and gratitude to our colleague and wish her many years of health and great happiness, and

BE IT FURTHER RESOLVED, that these sentiments of the members of the Planning Board and staff of the Town of Bethlehem shall be entered and preserved with the official records of the Planning Board as permanent documentation of our respect, and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be presented to Marcia W. Nelson as a lasting personal memento of our deep esteem.

A motion was made by Mr. Collier, seconded by Mr. Rooks and passed by all present to adopt the above-mentioned RESOLUTION honoring Mrs. Nelson.

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Chairman Hasbrouck said what the Board did not know was that Mr. Rooks would be moving out of Town, therefore he prepared a second RESOLUTION, which was read as follows:

RESOLUTION

WHEREAS, Joseph B. Rooks has faithfully served for more than nine years as a committed and able member of the Planning Board of the Town of Bethlehem, and

WHEREAS, his work as a representative of the residents of the Town of Bethlehem has always been performed in a most professional and ethical manner,

WHEREAS, he has brought to the Planning Board of the Town of Bethlehem a strong commitment to thoroughness, a perceptive outlook toward development, a judicious respect for the rights of homeowners and land owners, and a sincere desire to provide and preserve a desirable quality of life in the Town of Bethlehem, and

WHEREAS, the residents and businesses of the Town of Bethlehem have benefited for more than nine years from the many hours that Joseph B. Rooks has committed to his work as a member of the Planning Board,

NOW, THEREFORE, in recognition of his very dedicated service,

BE IT HEREBY RESOLVED, the undersigned member of the Planning Board of the Town of Bethlehem and staff, on behalf of all of the Planning Board members and staff with whom Joseph B. Rooks has served, hereby express our most sincere appreciation and gratitude to our colleague and wish him much success in the years ahead, and

BE IT FURTHER RESOLVED, that these sentiments of the members of the Planning Board and staff of the Town of Bethlehem shall be entered and preserved with the official records of the Planning Board as permanent documentation of our respect, and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be presented to Joseph B. Rooks as a lasting personal memento of our deep esteem.

A motion was made by Mr. Mathusa, seconded by Mr. Odell and passed by all present, to adopt the RESOLUTION.

Resolutions were signed by Members of the Planning Board, Planning & Engineering Staff--

Brian Collier
Howard Engel, Jr.
Douglas C. Hasbrouck, Chairman

Jeff Lipnicky, Town Planner
Janine Saatman, Deputy Town Planner
Randall Passmann, Senior Engineer

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Parker D. Mathusa
Daniel Odell
Secretary
Keith Silliman, Counsel

Alice A. Cirillo, Planning Board Secretary
Deborah M. Kitchen, Planning Office

(Mr. Rooks signed Mrs. Nelson's Resolution, and vice-versa)

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Another motion for adjournment was made by Mr. Rooks, seconded by Mr. Odell and passed by all present. Chairman Hasbrouck declared the meeting closed at 9 p.m.

Respectfully submitted,

Alice A. Cirillo, C.P.S.
Secretary to the Board