

TOWN BOARD
OCTOBER 13, 1993

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

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

ABSENT: M. Sheila Galvin, Councilwoman

SUPERVISOR RINGLER: Good evening. Like to call the meeting of the Town Board to order. Like to welcome everyone to our Town Board meeting this evening. This is going to be a two part meeting, the first part is going to be our normal Town Board business session. At 8 o'clock we are going to move the meeting into the auditorium so that our Land Use Management Advisory Committee can make a presentation regarding their proposed master plan.

The first item on our agenda this evening is a public hearing. This is a public hearing to consider Local Law Number 8 of 1993 concerning the establishing of a Records Management Program. I ask the Town Clerk to read the call of the hearing.

Public
Hearing
Local Law
No.8,1993
Establishing
Records
Management
Program

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 13, 1993 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 8 of 1993, concerning Establishing Records Management Program within the Town of Bethlehem.

All parties in interest and citizens will have an opportunity to be heard at said hearing. The Town of Bethlehem provides reasonable accommodations for the disabled.

Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE Town Board
TOWN OF BETHLEHEM
Kathleen A. Newkirk
Town Clerk

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 1 WEEK consecutively, commencing on the 29th day of Sept. 1993.

/s/ Kathryn Olsen

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on Sept. 29, 1993, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
29th day of September, 1993
/s/ Catherine T. Picarazzi
Notary Public, Albany County

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SUPERVISOR RINGLER: Thank you, Kathy. Motion to indent.

The motion was made by Mr. Webster and seconded by Mr. Gunner to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the Town Board minutes. The motion was passed by the following vote:

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

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SUPERVISOR RINGLER: Thank you. First of all, I forgot a couple of particular welcomes. I want to welcome Members of Troop 58, Boy Scouts who are working on their citizenship badge tonight. And, also our Participation in Government students who are here also.

The first public hearing is an interesting one because the Town Clerk for a change gets to talk a lot tonight because this is a law that Kathy is proposing regarding how we are going to maintain our records in the future and without further ado, Kathy, could you please explain to the public what this Local Law is all about.

TOWN CLERK NEWKIRK: Okay. As a lot of people do know, we have had 2 grants from the State to establish a records program. Along with that program we now need to set up legislation, enabling legislation to put our program in place. This way it will be included in our Town Code and with that this law simply sets up what we have, our findings and purpose and establishes the program itself. It also allows for the establishment of a Records Advisory Board that will work with us to develop the program. Other than that it is basically it is a real minimum law.

I have here with me Alicia Jettner, who is the Project Supervisor, on the records grant. We are on our second grant which is the establishment of the centralized storage for our records. And, that will establish all of the Town records, the inactive records, in one location.

Basically that is all there is. If there are any questions.

SUPERVISOR RINGLER: Alicia, would you like to add anything to that?

MS. JETTNER: No, she covered it. I can answer any questions anybody has.

SUPERVISOR RINGLER: Okay. Basically, what we are doing, we are putting in law the proposal and the requirements that we are going to have for maintaining our records so that we have a historical prospective in Town and we do it on a consistent basis and probably a much more improved basis than many other communities do throughout the State. We are very fortunate we have had this State grant to help us do this.

Does anyone in the public have any questions regarding this proposed Local Law? There were none.

I know this is probably not a real controversial topic in the Town of Bethlehem. Does anyone wish to speak in favor of this proposal? There were none. Does anyone wish to speak in opposition to this proposal? There were none. I would entertain a motion to close the public hearing.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to close the public hearing at 8:38 p.m. The motion was carried by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.

Noes: None.

Absent: Ms. Galvin.

Kathleen R. Kwohik
Town Clerk

The Supervisor convened the regular meeting following the close of the public hearing.

SUPERVISOR RINGLER: Is the Board inclined to take action on this this evening?

COUNCILMAN GUNNER: If we did other things, I am sure we can do this.

SUPERVISOR RINGLER: Right. Anyone like to move this.

COUNCILMAN GUNNER: If you know what I mean.

SUPERVISOR RINGLER: Yes.

Adopt Local
Law No.8,1993
Establishing
Records
Management
Program

The motion was made by Mrs. Fuller and seconded by Mr. Webster to adopt Local Law No. 8 of 1993, Establishing a Records Management Program for the records of the Town of Bethlehem. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: That wasn't too bad was it Alicia?

MS. JETTNER: No.

SUPERVISOR RINGLER: Thank you very much. Thank you for all your help and thank you the State of New York for all their help.

SUPERVISOR RINGLER: The next item as you can see says 8 o'clock and we are going to go around that one. So, we are going into our regular business items here. The housekeeping chores that we have to take care of tonight.

Appoint
Republican
Election
Inspector

Item number 1 is a recommendation from the Bethlehem Republican Committee concerning the appointment of Election Inspector in District 26, Elvina McMillen. Offer that resolution.

The following resolution was offered by Mr. Webster and seconded by Mr. Gunner:

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors as recommended by the Republican Committee for the term beginning July 15, 1993 through July 14, 1994 as follows:

District 26 - Elvina MacMillen, 420 Route 9W, Glenmont, NY.

The resolution was adopted by the following vote:

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

Dated: October 13, 1993

Dumping
Permit
Alford

SUPERVISOR RINGLER: Next I have a recommendation from Charles Wickham, Engineering Division, Department of Public Works, for approval of dumping permit for Karen and Richard Alford in Slingerlands with recommendations and conditions by the Engineering Department. Does anybody on the Board have any questions? There were none. Like to offer a motion to approve that permit.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to approve the issuance of a dumping permit for Karen and Richard Alford in Slingerlands, NY with conditions and recommendations as outlined by the Engineering Division, Department of Public Works. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next a request from Chief LaChappelle to enact a resolution authorizing the Supervisor to enter into a grant agreement with the governor's Traffic Safety Committee enabling the Town to receive funds and participate in New York State Highway Safety Program. This grant totals approximately \$16,000.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to authorize the Supervisor to sign the following resolution:

RESOLUTION

RESOLUTION AUTHORIZING THE SUPERVISOR OF THE TOWN OF BETHLEHEM TO FILE AN APPLICATION AND ENTER INTO A GRANT AGREEMENT WITH THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE ENABLING THE TOWN OF BETHLEHEM TO RECEIVE FUNDS FOR THE EXACT AMOUNT CITED IN THE APPROVED HS-1 GRANT AGREEMENT AND TAKE PART IN THE NEW YORK STATE'S HIGHWAY SAFETY PROGRAM.

Resolution
HS-1 Grant
Agreement
Governor's
Traffic
Safety
Committee

WHEREAS, the Federal Government, through the Federal Highway Safety Program has made funds available to the State and units of local government under Section 402(c) of Public Law 89-564, as amended to assist them in establishing coordinated highway safety programs; and

WHEREAS, the Governor's Traffic Safety Committee has been given the authority to review local programs and allocate funds to local applicants; and

WHEREAS, the Town of Bethlehem is desirous of participating in such a program and has developed the following project:

Town of Bethlehem Police Department
Alcohol Awareness Program

in accordance with the guidelines and objectives of the Governor's Traffic Safety Committee.

THEREFORE, BE IT RESOLVED:

That the Supervisor of the Town of Bethlehem be and he hereby is authorized to file an application with the Governor's Traffic Safety Committee in order to receive funds for participation in the said project in the Town of Bethlehem and;

That the Supervisor of the Town of Bethlehem be and hereby is authorized to enter into a grant agreement with the Governor's Traffic Safety Committee, pursuant to the above mentioned program and;

That the Chief Executive of the Town of Bethlehem, be and hereby is authorized to advertise for bids and award contracts in accordance with this application.

Approved as to form:

/s/ Kenneth J. Ringler, Jr.
Supervisor, Town of Bethlehem

SUPERVISOR RINGLER: Next a request from Chief LaChappelle for approval to attend the 19th Annual Conference on Law and the Press to be held October 21st in Albany with registration fee of \$25. and transportation by police vehicle.

Annual
Conference
Law & The
Press
Police Dept.

The motion was made by Mr. Webster and seconded by Mr. Gunner to approve the attendance of Chief LaChappelle at the 19th Annual Conference on Law and the Press to be held October 21, 1993 at Albany, NY with registration fee paid and transportation by police vehicle. The motion was passed by the following vote:

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

Arson
 Seminar
 Police Dept.

SUPERVISOR RINGLER: Next a request from Chief LaChappelle for approval of Detective Cox and Sgt. Roberts to attend the 19th annual Arson Seminar to be held in Montour Falls, NY with registration and lodging paid and transportation by police vehicle. This is required training to meet current certification and therefore, is recommended by the Supervisor.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to approve the attendance of Detective Cox and Sgt. Roberts at the 19th Annual Arson Seminar to be held in Montour Falls, NY with registration, lodging paid and transportation by police vehicle. The motion was passed by the following vote:

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

Accept
 Donation from
 BTA for
 Park Benches

SUPERVISOR RINGLER: Next a request from David Austin, Administrator of Parks & Recreation, for acceptance of a donation of \$369. from the Bethlehem Tennis Association for the purchase of 2 benches. Anyone like to offer a motion with thanks?

The motion was made by Mr. Webster and seconded by Mrs. Fuller to accept the donation of \$369 for the purchase of two benches from the Bethlehem Tennis Association with thanks. The motion was passed by the following vote:

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

Approve
 Minutes
 Sept. 8, 1993

SUPERVISOR RINGLER: Next I would entertain a motion to approve the Town Board minutes of September 8th.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to approve the Town Board minutes of September 8, 1993. The motion was passed by the following vote:

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

Refund
 Water Rents
 Sept. 1993

SUPERVISOR RINGLER: Next I have a request from Mr. Hahn, Receiver of Taxes and Assessments, for approval of reimbursement of overpaid water rents for the month of September totaling \$14.18.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to approve the reimbursement of overpaid water rents for the month of September totaling \$14.18.

SUPERVISOR RINGLER: You can see we really get some hot issues on the Board agenda here.

COUNCILMAN GUNNER: You picked a real good meeting.

The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next I have a request from Mrs. Hodom, Court Clerk, for approval of attendance of Town Justice Bishko and Court Clerk Hodom to attend the 19th Annual Conference of Law and the Press to be held October 21st in Albany with registration fee paid.

Conference
Law & The
Press
Justice
Dept.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to approve the attendance of Town Justice Bishko and Court Clerk Hodom at the 19th Annual Conference of Law and the Press to be held October 21, 1993 at Albany, NY with registration fee paid. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Just for your information, students, by law, by State Law we are required to have the Town Board approve when any of our employees leave the Town for training purposes. So, the dollar amount may seem to be insignificant but that is what the law is and we have to put it on the agenda.

Next we have a request from Dave Austin, Administrator of Parks & Recreation, for approval of seasonal personnel per the attached list at the rate indicated.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to approve the following appointments at the rates indicated:

Approve
Seasonal
Personnel
Parks & Rec.
Dept.

Recreation Instructor III at a rate of \$7.95 per hour.

Boris Rybatskiy Lyubov Rybatskaya
5 Kenaware Ave. Apt. 2 5 Kenaware Ave. Apt. 2
Delmar, NY 12054 Delmar, NY 12054

COUNCILMAN GUNNER: I think I would like you to read them.

SUPERVISOR RINGLER: I don't want to.

COUNCILMAN GUNNER: I have been waiting for one of these.

SUPERVISOR RINGLER: Boris Rybatskiy and Lyubov Rybatskaya. I don't know what they do.

MR. AUSTIN: Swim coaches.

SUPERVISOR RINGLER: Swim coaches, okay. Thank you, David.

All in favor.

The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next a request from Kathleen Newkirk, Town Clerk, for approval of disposal of obsolete and surplus equipment as indicated. These are file cabinets and so forth that are being replaced due to the records management grant and the new equipment that is being put down there. This will be the Comptroller will either seek bids or if the equipment is so obsolete it can't be sold, it will be just destroyed.

Approve
Disposal of
Obsolete
and
Surplus Equip.
Town Clerk

COUNCILMAN GUNNER: I don't think we ought to count on balancing the budget with that.

SUPERVISOR RINGLER: I don't think we will balance much out of this.

MR. FLANIGAN: Hauling it away is going to cost you more than it is worth.

COUNCILMAN GUNNER: Yes.

COUNCILMAN WEBSTER: That includes the Parks & Recreation Dept. list also?

SUPERVISOR RINGLER: Yes.

TOWN CLERK NEWKIRK: That is in there.

SUPERVISOR RINGLER: Yes, let's do both of them.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to approve the disposal of obsolete and surplus equipment as per the list submitted by the Town Clerk, Kathleen A. Newkirk, dated October 13, 1993. The motion was passed by the following vote:

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

Approve
Disposal
Photocopy
Machine
Eng. Serv.
Administrator

SUPERVISOR RINGLER: Next we have the same thing from Michael Cirillo, Engineering Services Administrator. This is to remove a photocopy machine that has been replaced also.

The motion was made by Mr. Gunner and seconded by Mr. Webster to approve the disposal of one photocopy machine as per the request of Michael Cirillo, Engineering Services Administrator, Department of Public Works. The motion was passed by the following vote:

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

Award Bid
Renovation and
Construction
Basement
Storage Area
Trinity Constr.

SUPERVISOR RINGLER: Next I have a recommendation from Kathleen Newkirk, Town Clerk, Records Management Officer, to award the bid for renovation and construction of the basement storage area to accomplish the centralization of inactive records to Trinity Construction the low bidder. The bid was \$11,900.

The motion was made by Mr. Gunner and seconded by Mr. Webster to approve the award of the bid for the renovation and construction of the Town Hall basement storage area to Trinity Construction, the low bidder, at a price of \$11,900. for the centralization of inactive records of the Town. The motion was passed by the following vote:

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

MRS. CAPONE: Hey, where is that going to take place, here or somewhere else?

SUPERVISOR RINGLER: No, that is in the basement of Town Hall.

MRS. CAPONE: Okay.

SUPERVISOR RINGLER: Okay.

SUPERVISOR RINGLER: Next I.. consider memorandum from Judith Kehoe, Comptroller, regarding a resolution on Cablevision. Let me read this into the record.

TO: Kenneth J. Ringler, Jr.
FROM: Judith E. Kehoe
DATE: August 31, 1993
RE: Election to Regulate Cablevision

In accordance with NYSCC regulations, the Board needs to consider its options regarding its ability to regulate Cablevision, make an election at a public meeting, and advise NYSCC of our decision. Resolution Cablevision

What is involved with becoming a franchising authority

If the Town elects to become the regulatory agency for Cablevision, it then accepts responsibility to regulate (in accordance with all FCC requirements) the rates Cablevision charges for its BASIC tier of service, and for equipment. Higher tiers of service are subject to regulation by the FCC.

The Town would have to demonstrate its administrative capability to enforce the FCC regulations. We do not have this ability currently, as it would require comprehensive knowledge of the FCC regulations and an in depth knowledge of the cable company's rate setting methodology, and then a determination of whether or not this methodology was in compliance with the regulations. We could obtain this capability by hiring a consultant, but it would be costly. All fees paid to the consultant would be a Town expense, and would likely consume a good portion of the franchise fees we received.

Is there a need to regulate BASIC and equipment charges?

The rates for BASIC service and equipment have been substantially reduced by Cablevision as of September 1, 1993. BASIC service has been dropped from \$9./95 (\$10.15 including the "Govt. Family Fee") to \$5.49 per month. Additional outlet fees have dropped from \$6.50 to \$1.17 per month. Additional outlets with a converter and a remote have dropped from \$11.45 to \$3.39 per month.

Per figures obtained from Cablevision, only 1% of Town subscribers get the BASIC service. Additional outlets and equipment are paid for by about 30% of the subscribers. With a minority of subscribers using these services, and given the significant discounts from previous levels, these people are likely to be very satisfied with Cablevision. It would not appear that our efforts to regulate these charges would be necessary.

If we select NYSCC to serve as the regulator of the above two items, we could always alter our decision at a latter date if circumstances change and it becomes desirable for us to assume the role of regulator. Note that there is no deadline for seeking certification.

Why it is advisable to let NYSCC regulate for us

NYSCC has expressed a willingness to perform the regulatory duties for municipalities, and we could draw upon their expertise, free of charge, without incurring the expense of an outside consultant. Also, given the limited areas we can regulate, and the perceived reasonableness of the new rates, it makes no sense for us to invest the time or money.

Board Action Required

If the Board concurs with these recommendations, the Board needs to make the election to allow NYSCC to regulate the BASIC tier and equipment charges (see attached election form from NYSCC).

If the Board desires to establish the Town as the regulatory authority, it must be prepared to submit a lengthily application to become a regulatory authority to the FCC, and then to assess the appropriateness of the rates established by Cablevision within approximately 120 days of the FCC's approval of the Town as the regulating body.

Please advise me of the approach you would like to take. If you have any questions, please call.

That is basically it. What it comes down is under the new act they have some regulation but the part that we can regulate, basically, is meaningless at this point in time. The part where they really need to be looked into, the Federal Communication Commission -- are the people that are going to regulate them. I would recommend that we allow the State to do this for us at this time but if, as Judi says, if the times change and more of the rates can be regulated and we feel we have the expertise or can get it on an economical basis, I think the Board should reconsider at that point in time but right now it just doesn't make sense for us to try to regulate 1 percent of the rates when they are so minimal. Any other thoughts? Anybody disagree? There were none. Anyone like to offer a motion so I can notify the State that they can regulate for the time being.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to approve the following resolution:

The Town of Bethlehem in Albany County is familiar with the requirements of the Cable Act of 1992 concerning cable television rates, and, on 10/13/93, resolved to have the NY State Commission on Cable Television undertake rate regulation for said municipality in compliance with federal law as implemented by the Federal Communications Commission.

/s/ Kathleen A. Newkirk
Town Clerk

SUPERVISOR RINGLER: Next I would like to consider the resolution to be used in the determination of retirement credits for part time elected and appointed officials. As you know, the State Retirement System has asked us to establish what the normal work day is at Town so that when they are calculating the part time appointed or elected officials hours, they are given credit based upon what a normal day is in relation to what they are actually working. Resolution has been prepared and does the Board have any question on that at this time? There were none.

Anyone like to offer that resolution?

COUNCILMAN GUNNER: I would like to have a little clarification, I guess, not a question.

SUPERVISOR RINGLER: Okay.

COUNCILMAN GUNNER: Is that all right?

SUPERVISOR RINGLER: Yes.

COUNCILMAN GUNNER: Are you going to read this? You haven't read this?

SUPERVISOR RINGLER: No, I haven't but I can.

COUNCILMAN GUNNER: I just wondered if you were because basically what they have asked us at one point, to say that the councilmen are working, members of other boards too -- Board of Appeals or the Planning Board -- are... have to get the number of hours so they can get, those who want it, can get retirement credit. So, the 7 1/2 hour day doesn't mean the individual is working 7 1/2 hours per day. It means once they accrue 7 1/2 hours work, which might be over 3 days, they get 1 day's credit. And, we had a little trouble getting the wording on that and that seems to be in place now and I think -- I certainly move it.

SUPERVISOR RINGLER: Okay. Question?

MRS. CAPONE: Mr. Gunner, does it only affect the people on the Boards or does it affect other people, like Dominelli? Does it affect Dominelli or does it affect people only on the Boards?

SUPERVISOR RINGLER: It affects part time people and...

MRS. CAPONE: Does it affect the girl that is working with Kathy in her office?

TOWN CLERK NEWKIRK: No, she is a consultant.

SUPERVISOR RINGLER: It affects only people who are in the retirement system, number 1 and those that do not have prescribed work hours. Okay. In other words a Board member on the Planning Board may come to certain meetings, work so many hours at a meeting. They may go out and do field work and things like that. The State has said that what we do is we take a survey once a year as to what they are doing and then they compare that to what the standard work day is so they can accredit them with their retirement.

MRS. CAPONE: But, the way you are talking, it affect only the people that are on Boards.

COUNCILMAN GUNNER: Elected and appointed officials.

SUPERVISOR RINGLER: Elected and appointed officials. I think that the other people that they have prescribed work hours, this is the people that do not have prescribed work hours within a certain day. So, basically, the reality of that is who it will affect. It can be done two ways, Marie, they can actually keep their actual hours worked on a time card or they can do it by a survey once a year. So, it is up to the individual. But, we have to... in order for them... all we are doing is saying this is what the standard work day would be and as Mr. Gunner pointed out, the fractions thereof is how they would get their credit.

The following resolution was offered by Mr. Gunner and was seconded by Mr. Webster:

WHEREAS, the Retirement and Social Security Law, Sections 446, 513, and 609 require that elected or appointed officials{ service credit be based on actual time worked;

WHEREAS, the New York State and Local Retirement Systems have required the Town to establish a standard work day by board resolution, of not less than six hours per day;

WHEREAS, the New York State and Local Retirement Systems have required us to review the time worked by the Town's elected and appointed officials who are members of the retirement systems, and to divide the total hours worked by the standard work day, for the purpose of determining the service credit earned based on actual days worked on a full time equivalent basis;

BE IT RESOLVED, that for the purpose of determining the full time equivalent hours worked for those elected and appointed officials serving on a part time basis, the Town Board of the Town of Bethlehem hereby designates the standard work day for all elected and appointed positions as seven hours per day.

The motion was passed by the following vote:

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

Resolution
Retirement
Credit
Part-time
Elected and
Appointed
Officials

SUPERVISOR RINGLER: Next a request from Mike Cirillo, Engineering Services Administrator, regarding a letter of credit for the Quail Hollow Subdivision. There was an outstanding letter of credit of \$47,000. The Highway Superintendent has agreed that the work has been completed and therefore, recommends release of the credit. Did we get the lien check done, Michael?

Release
Letter of
Credit -
Quail Hollow
Subdivision

MR. CIRILLO: Yes, we did.

SUPERVISOR RINGLER: And, that is cleared.

MR. CIRILLO: That is.

SUPERVISOR RINGLER: Motion to authorize release of that Letter of Credit.

The motion was made by Mr. Webster and seconded by Mr. Gunner to authorize release of the Letter of Credit in the amount of \$47,000 for the Quail Hollow Subdivision recommended by Mr. Cirillo, Engineering Services Administrator, and Mr. Sagendorph, Highway Superintendent. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next I have a recommendation from Michael Cirillo, Engineering Services Administrator, for approval of proposed project 99, 99B and 101 Elsmere Avenue in Delmar. Mike, would you like to give us an overview of what that is about.

MR. CIRILLO: Sure. The Engineering Division was requested to look into a drainage problem on Elsmere Avenue. Just to give you a location, this is Norge Road, Bender Lane is up on the right hand side -- 99, 99B and 101 Elsmere Avenue, the drainage originates up in the vicinity of the cemetery at Kenwood and Elsmere Avenue. It drains down through approximately 12 properties and drains into the stream. The Engineering Department has prepared this map, this is a proposed solution to the problem. Elsmere Avenue is a New York State highway and there is existing storm drainage along Elsmere Avenue. What we had found in the rear yard areas is that there is a 6 inch existing asbestos cement pipe or I believe it is AC, excuse me and that that the pipe is undersized to do the job. There is approximately 15 acres coming down to this area and everything funnels down through -- I don't know if any of you know where this 93 Elsmere Avenue, it is a house that sets way back in with the stone pillars -- but there is a ditch line that comes down through and the individual that developed that lot has put in there rip-rap in the channels and has made like a detention area here to slow up the water coming down through. In order to determine if this was going to be able to be constructed, we have had to apply to New York State for a highway work permit inasmuch as we are outletting into their system. We did get the permit back from them and we are set with the State. We will require... 3 easements will be required from the 99, 99B and 101 Elsmere Avenue. Two of the property owners have agreed to the easements, 101 is the property being sold and I have spoken to a prospective purchaser of that property and there has been no commitment on their part at this point.

The project will require about 255 feet of pipe, 15 inch pipe, 3 structures and the estimated cost is about \$7,000. Basically, we are looking for approval to proceed with this project.

SUPERVISOR RINGLER: Questions.

Approve
Installation
of drainage
and procure
Easements re:
99,99B,101
Elsmere Ave

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to authorize the Engineering Division, Department of Public Works, to proceed with the project for installation of drainage and procurement of 3 easements in regard to 99, 99B and 101 Elsmere Avenue, Delmar. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Thank you, Michael.

SUPERVISOR RINGLER: Next a request from Mike Cirillo, Engineering Services Administrator, for acceptance of sidewalk easement on Bennett Terrace and Delaware Avenue. This is to extend the existing

sidewalk from its present terminus in front of 492 Delaware Avenue some 8 feet westerly to Bennett Terrace. Motion to accept.

Accept
Sidewalk
Easement
Delaware and
Bennett Terr.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to accept the sidewalk easement from Alan and Ann Dunmore, 492 Delaware Avenue, Delmar, NY to permit the installation of sidewalk from the front of 492 Delaware Avenue to the intersection of Bennett Terrace and Delaware Avenue. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: I apologize for the next item coming so late but it was lost on Mr. Secor's desk apparently. Request from Mr. Secor, Commissioner of Public Works, for approval of 10 Department of Public Works employees to attend the Adirondack Waterworks Conference Annual Fall Meeting to be held at South Glens Falls, NY with registration fee of \$26. paid per person.

Adirondack
Water Works
Conference
Public Works

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to approve the attendance of 10 Department of Public Works employees at the Adirondack Waterworks Conference Annual Fall Meeting to be held October 28, 1993 at South Glens Falls, NY with registration fee of \$26. per person paid. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Is there anything that anyone else would like to bring to the attention of the Board at this point in time? There was none. If not, we are going to take about a 10 minute break and meet in the auditorium for the LUMAC presentation. Thank you.

Presentation
of LUMAC

Welcome to the second half of the Town Board meeting. For those of you who weren't at the first half, as I said, welcome. I would also like to welcome members of the Planning Board who are joining us tonight for a joint meeting of this first real presentation of our Land Use Management Advisory Committee's report. We have the members of the Committee here tonight -- Martin Barr, Ted Putney, Sam Messina and Chairman, Jeff Lipnicky. In addition, I think there are a few former members here because over the years the Committee changed and we changed the size of the Committee. Charlie Gunner served on it as our first Chairperson. And, I think Robin Reed, who is here from the not the Board of Appeals anymore, the County Legislature now -- was also a member of LUMAC when it first started. Jim Blendell is not with us, Jim could not be here. That's right, Marcia Nelson a member of the Planning Board was also a member of LUMAC at one point in time. Jim Blendell is a current member, he couldn't be here tonight for this presentation.

This has been a long process, as many of you know, some people wish it would be a lot quicker than it has been because we all do. We all do, we wish it could have been accomplished quicker but it certainly has been a thorough process and I think it is a product of our community. It is not a product of real outside consultants, it is a product of our community and a lot of public input. And, although we would like to think this might be the final document, I am sure there are going to be changes to it as a result of public input from this point forward. Tonight, we are going to give the opportunity to, first of all, listen to Jeff explain a little bit about it and to let the 2 boards ask any questions that they might have. We probably are not going to be able to open it to public questions tonight, depending on how long it takes because I am hoping to wrap this up around 10 o'clock. However, that doesn't mean we don't want public input into this process. LUMAC is going to be scheduling, I believe, 6 meetings throughout the Town between now and the end of the year so that the public can look at it. There is still a couple parts that are still missing. We are waiting for a transportation report from

the Capital District Transportation Committee which is an integral part of this report and when it goes out for all the public meetings, they would like to have that portion of it so everyone can understand fully how everything fits together. So, without further ado, I will turn this over to Mr. Lipnicky.

MR. LIPNICKY: Thank you. I need a shelf in here.

Thanks, Ken and I would like to thank everybody for coming here tonight. I have been asked to do something tonight that is a little bit difficult for me to do and has always been difficult and that's to keep my presentation brief, usually I ramble on for quite some time. As you can see from all the mapping that we have behind us, this mapping represents a great deal of effort that went into preparation of the land use plan. It represents the investigation and inventory of a number of different factors ranging from the geology of the Town, to the Town's hydrology, to its slopes, to its transportation system, and its cultural resources, its historical resources, archeological resources and the like. Basically what we presented to the Board this evening is a product of several years of work and that work included the survey of public attitudes toward planning in the Town. It included an intense inventory and analysis of all these factors again that you see on the walls. It also included projections into the future, population projects, household projections and what the Town might expect to become 20 years into the future.

There were countless hours of discussion also among various committee members concerning where the Town is at today, concerning what residents desire the Town to become, concerning what's likely to happen if no changes are made in the current land use system and the current zoning code and basically how best, we as a committee, can make recommendations to help shape the future of the Town in a manner that balances both development and preservation of the Town's resources.

Given the effort that has gone into this master plan, it is really not possible to discuss the plan in any great detail tonight. To try to do so would take hours and as I said, I am trying to keep my presentation somewhat brief. But, what I would like to do is really give a broad overview of what went into its preparation, how it was put together and to highlight some of the principal recommendations that are in the plan.

What we presented to the Board is primarily a physical plan for development of the Town. And, what that means basically, is that it is a land use plan. It shows the relationship as we see it, the most appropriate relationship among future land use in the Town; the most appropriate densities for those future land uses; and the relationship of those land uses, again, to the natural constraints that are in the Town, to its natural resources and the like.

The plan that we presented to the Town also contains goals and objectives. Now, goals and objectives in that plan were presented in many different areas. Those areas include air resources, topography, geology, soils, water resources, how to deal with wetlands, how development should or should not occur in flood plains, cultural resources, housing, population, infrastructure including transportation, sewers, water, parks, and also again, land use. What is not in these plans, Ken has already... the plan as presented, Ken has already mentioned and that is the transportation plan. The transportation plan is currently being prepared by the Capital District Transportation Committee. Where the Committee is at right now is essentially they have analyzed the existing traffic conditions in the Town, they have also analyzed traffic conditions for the years 2000 and 2010 based on 3 different growth scenarios for each of those years -- a low growth scenario for the Town, a moderate growth scenario and a high growth scenario. It is expected that that transportation plan will be presented to the Town within a month or so.

Also not included in what has been presented to the Board are recommendations with regard to strategies for plan implementation. And, what we mean by plan implementation are things that go beyond

just the land use element to the plan and that is how sites should be developed, standards for site development, standards for set backs and things of that nature. Again, that will be forthcoming to the board in a period of about a month to a month and a half. One thing that we were very concerned with with regard to developing the strategies was to get feed back, first from the community regarding whether or not the land use plan was consistent with what their visions for the community are. As soon as we begin to get some of that feedback, we will be in a better position to really articulate the different implementation strategies. But, again, our focus tonight primarily is on the land use plan, what it says and how it was put together.

The process for putting together the master plan began several years ago, 4 years ago actually when the Board first appointed the Land Use Management Committee. The first step in putting together the plan was really to identify what were the issues and concerns of the community. What we did to try to ascertain these concerns were primarily 2 things. First we went out and had a series of public meetings which involved 6 meetings throughout the community where people were invited to express their visions through the community in the future, were invited again to express their concerns. And, also what we did was undertake a town planning survey where we sent out a survey instrument to residents of the community and received back from the community over 1500 responses to that survey. What we found from doing the survey were a couple of things that really stood out in terms of community concerns. The primary thing that stood out, I think we can all agree on the committee, is that residents want to maintain the community's current character. And, what residents view as character varies to a large degree. To some residents of the community it is retaining the small hamlet feel of places like Slingerlands, places like Selkirk or South Bethlehem. To others it is maintaining the open spaces and agricultural areas in the rural portions of the Town. To others it is simply maintaining the trees or woods that are in the development. Character was also defined by residents as more than just physical attributes. It also involved community services and maintaining the current level of community services in the Town, it also had to deal with the Town's schools and also its institutions.

A second major concern that was expressed to us was traffic. Residents are perceiving traffic growth in the community as leading to congestion either presently or not in the near too distant future. Residents were also concerned about protecting the Town's natural resources and its visual quality. Almost unanimously they told us that another supermarket was needed in Town. What they also told us about commercial growth is that they wanted commercial developments to be at the community scale and not to turn into another Wolf Road type of environment. In other words, commercial development in the Town at least from the prospect of its residents should really be geared to the Town as its market. By and large residents also wanted the community to remain primarily residential in nature. And, they were really concerned about the relationship between industrial uses and residential uses and between commercial and residential uses.

In addition to the surveys, again, what we also did was inventory the existing conditions in Town. As I have already mentioned these conditions included the Town's natural resources, it included its cultural resources, households, population growth, made population projections and trends into the future, infrastructure of the Town and existing land use and zoning. The result of all this data gathering was the development of goals and objectives for the Town.

Those goals and objectives are contained, again, in the report that the boards have before them. What these goals and objectives are are essentially policy statements concerning the future direction of the community. They are statements which are intended to guide future land use decisions either at the Planning Board scale or at the larger scale with Town Board decision making.

The other part of the plan is also the land use plan and, again, it is this land use plan that I would like to focus primarily on. The land use plan is essentially shown on this map here. The land use

plan was put together essentially by an overlay technique. What we did is, all this mapping that you see on the walls, was overlaid upon one another to identify what the various constraints were to development in the Town and also to identify various opportunities for development in the community. There were a number of overriding themes or principals that went into development of the land use scheme. They included environmental constraints in the Town. The Town of Bethlehem contains a number of hazards in terms of development. For example, its steep slopes are slippage prone and prone to land slides. Soils in Town are not suited for septic system use by and large so there is constraints in that regard where no sewer or water exists. A second thing, or overriding principal that we looked at was to protect the significant natural areas of the Town and these are the areas of the Town that primarily contain significant wild life habitat, such as the coastal fish and wildlife habitats that are in the community along the Hudson River and also stream corridors and other corridors that serve as important corridors for wildlife. There were also the natural features, the scenic features of the Town that we consider to be important and highly sensitive to change. The aquifers in the community, many areas of the community do not currently have public water in the Town of Bethlehem. Many of these aquifers are relatively shallow aquifers which means that they are quite susceptible to contamination and need to be protected. We looked at the Hudson River corridor as a primary planning consideration. The Hudson has been the subject of much study by the State government and also in many quarters is considered a resource of both State and national significance in terms of its cultural resources, in terms of its historic resources and also scenic resources.

The hamlet centers were considered very important. The plan sought or seeks to reinforce the hamlet centers and the traditional roles that they play in the community in terms of both residential land use and commercial land use. The development character of the Town was an important issue. The current development of the character of the Town is primarily residential in nature and the southern portion of the Town is primarily rural, semi-rural and agricultural. An attempt was made in putting together the land use plan to try to save those qualities. Residential development was considered, again, to be the primary focus of development in the community. In terms of retail and commercial development, again, it was felt that retail and commercial development should be primarily designed to address the needs of the community itself and not the region. Office development was also seen as one of the higher potential development opportunities for economic development in the Town in the long run and also one of the types of economic development that most fits in with the residential type of environment. Industrial development in the community was also seen as having great potential especially in light of the fact that we have a number of intermodal transportation facilities here in Town primarily the Selkirk rail yards. We have access to markets to the north from the Thruway and Northway to the south and to the east so that we are really kind of a hub for transportation here in the community.

Another important consideration was to minimize land use conflicts in the community. Those conflicts that can occur between residential and non-residential uses primarily. And, finally, another overriding consideration was transportation linkages. That there should be a relationship between land use and the capacity of the roadway system to handle traffic. Those were the primary or overriding themes that went into development of the plan.

In terms of the major types of recommendations that the plan makes, they can be seen in comparison between the Town's existing zoning map and the proposed land use plan for the Town. There are a number of changes that are proposed from the land use plan. It is impossible to go through all of these changes but I would like to just hit on some of the primary changes.

One of the things that we see when we look at the existing zoning map is the amount of land area that is zoned Industrial in Town. In doing our inventory and analysis one of the things that we found and I am sure that most of us know, is that industrial development in the Capital District is not one of the fastest growing activities in the

region. In fact, industrial development or industrial growth in the region is quite slow. So that we have all this land area in Town which is currently undeveloped and is zoned industrial.

One of the things or concerns that we have in regard to this is our current zoning code currently permits not only industrial uses in industrial zones but also residential uses in industrial zones so that we have the potential for a great deal of conflict in the future with all this land area zoned industrial and really relatively little demand for industrial rezoned land. The other concern about the large industrial area is also its proximity and location along both Route 9W and the New York State Thruway. The concern to a large extent is an aesthetic concern. Both roads are very heavily traveled roads so that if future development occurs in this area and is industrial in nature, the image of the community to some extent is affected. In other words, the impression one gets from both of these roadways now becomes Bethlehem as an industrial community.

Other concerns with regard to industrial development in this area is also the road system. Route 9W its current condition is certainly not the best of roadways for carrying truck traffic and neither are the cross streets that run between 9W and River Road. All are very undeveloped roads. There is a great feel of topographical or topographic change throughout this area so that the land itself is not well suited to industrial use. In terms of this area, what we saw as really given the constraints of water, sewer, topography and the like, was primarily that the area is most suited to its current use which is primarily agriculture. Along Route 9W, we saw as the most appropriate use, primarily, planned residential districts.

Second major factor in terms of the Town now, is that a great deal of the Town's land area is currently unzoned. Like the light industrial area, it has a wide variety of land uses that are permitted in those unzoned areas. Another factor in regard to the unzoned areas is that there is little in the way of public services such as water and sewer. There are also areas that are dependent upon, again, both private water supply and also septic systems so that the areas are basically of great concern because higher densities are permitted in the area. There is very little regulations in the area. Proposed changes that we foresaw for these areas were primarily low density in nature, again, primarily agricultural type of uses where densities that are recommended in the plan are in the range of about 3 to 5 or rather 1 unit for 3 to 5 acres.

Other major changes that we see as elements of the plan concern conservation areas in the Town. The conservation areas on the map are basically shown in green and basically follow those areas of the community that have very severe constraints to development or contain the most significant wildlife habitats in the community. For example, along the Hudson River there is significant coastal fish and wildlife habitat as designated by the New York State Department of State under the coastal zone management program which covers most of Schemerhorn Island. In addition, in the northern area of Town, we have similar significant habitat area running along both the Normanskill and also a large wetlands area in this area of Town.

In terms of the industrial use on the water front, again the thing that we looked at and was very important was current State policies in this area and they include both the State coastal zone management plan and also the State's estuary plan for the Hudson River and also the Greenway study that was done for the Hudson. All of these plans seek to balance economic development with conservation along the water front. The State coastal zone management plan, for example, contains 44 different policies that seek to preserve wildlife habitat, water resources but also seek to promote development activity. But, the State's plan is essentially are directed at is to confine the type of industrial development along the water front to uses that can take advantage of the river either in terms of utilizing the river water for processing or alternatively utilizing the river for transportation.

Our recommendations in this area are similar to the State's plan in that we see industrial development which does not directly relate to the river as being more appropriate in other areas of Town primarily

in the area surrounding the Selkirk rail yards. And, this is primarily the area that we see most opportunity for industrial development to occur.

Other primary components of the plan include a consideration of the hamlet centers particularly in the rural hamlet centers. Currently these areas of Town are not zoned or by and large are not zoned. The hamlet centers, the rural hamlet centers in the community also serve a number of different functions and those functions include both residential and commercial. The hamlet centers also contain a mixture of land uses presently. Our view of the hamlet centers is that they should continue, basically, to function as they are currently functioning so that we are recommending basically a land use category in these areas which is primarily focused to residential uses but would also allow a certain degree of commercial activity also.

In terms of the Route 9W corridor and as everybody knows, the Town hired a firm out of New York City to do a plan for the Route 9W corridor. Our recommendations in the corridor essentially follow the recommendations of the Route 9W study. There are, however, a couple of slight modifications to that and they are more geared towards the northern area of Town where the 9W study saw a large or a change from the current land uses to more commercial use. We don't see this as being a practical change and are recommending essentially that that area remain as light industrial in nature.

Other significant concerns that we saw in doing analysis concerned Kenwood Avenue and Elm Avenue or Cherry Avenue. Both areas have... are currently zoned for single family uses but have very high traffic volumes and are also areas where traffic volumes are expected to grow tremendously. Even though these areas are currently zoned single family, there is a good deal of mixed land use in there including multi-family residences, 3 family residences and 2 family residences. The long term, we question because of the growth in traffic volumes that are expected, how long these areas can really remain viable as single family streets. So that our recommendation in order to keep them viable is to allow some diversity of land use along those areas and by this diversity we mean the ability to convert some of these structures to 2 families or 3 families so that, again, their economic well being will be maintained.

Another prime area of change that you will see in reviewing the study, is the densities throughout the community. Densities are recommended to be reduced quite significantly in many areas, particularly in areas where there are steep slopes, undulating topography, or other conditions where higher density development is not really all that suitable.

In terms of commercial development, there really are only a few commercial areas that are contained on the map. One commercial area is the northern portion of Route 9W where we see community commercial type of activity to be the land use and also in the Slingerlands area of the Town near the intersections of New Scotland Road and Cherry Avenue is also containing a commercial area.

The reasons for the locations of these commercial areas were premised largely on transportation advantages. One of the concerns that we had was that the existing commercial areas of Town are spread throughout the community. Some of them in areas where topography and other characteristics really don't lend themselves to commercial development. The other thing we would have to consider here is the relationship between traffic and commercial development and where a commercial developer wants to be. For retail development, that is basically where the traffic is. So that he can take advantage, or she can take advantage of existing traffic on the roadway. These 2 areas of Town easily suit those requirements. The other requirement that they suit is that the location will generate the least impacts in terms of traffic on the community because they are basically located at the periphery of the community. So that any traffic from Town's such as -- not necessarily New Scotland but from Albany and other areas really have a relatively quick shot into the community and then turn around to get out of the community so that they are not impacting local streets.

Another important element of the plan in order to minimize traffic generation to the community and along the streets, is the proposal of neighborhood commercial areas in various places in the community. These are proposed 2 fold, 1. for the convenience of residents so that one doesn't have to drive across the community for a loaf of bread or some milk and 2. again, to reduce the amount of cross town travel that might otherwise occur.

In terms of conservation, what we also considered are such things as existing conservation areas in Town such as Five Rivers or Hollyhock Farm in the southern portion of the community and tried to build a buffer around them in terms of density so that impacts on those areas would be minimized.

Office development, as I have already said, we see as at least in the long term one of the better types of development in terms of economic development for the community and we tried to locate them, again, where traffic impacts could be minimized and those included the areas where there is... at the intersection of Thruway near Selkirk, and also again up in the New Scotland Road area of Town.

Basically, the densities that are proposed on the map, as I said, are greatly reduced from existing densities. The primary or higher density areas in Town where we see development occurring is basically again where water and sewer exists. And, this is basically in the central area of Town where densities are proposed at a higher... and also along Route 9W where we propose the planned residence districts.

I said I was going to try to keep this somewhat short and I guess I started to ramble on a little bit here. But, there is a question that should be addressed here too and that concerns where the committee is going from here. As Ken has already suggested, it is the committee's intentions to schedule a number of meetings throughout the community so that we can discuss the plan at a little more detail and our intention is to schedule these meetings toward the end of November and beginning of December. We would also be happy to come back to either the Town Board or to the Planning Board to make a detailed presentation of what went into putting the plan together discussing, again, the mapping and inventory that we did and the different conclusions that we came to in doing so.

On that note, I would like to thank everybody and will now take my place at the table over here for any questions from you that the Town Board or the Planning Board.

SUPERVISOR RINGLER: Okay. There is that mike there on that table and this one will be on this table for questions. I will play Phil Donohue, who wants to start? While you are thinking about who is going to start. The plan itself is available for public review, big thick document here in Town Hall. It is also at the library, there is a copy at the ARC in North Bethlehem. There is a copy of it at the Selkirk Post Office and I believe the South Bethlehem Post Office. So if any of you are looking for extended reading, that is where you can go for it. Questions -- Rich. Want to pass that mike down from here. That is the recorder mike, the other one is the PA.

Discussion
LUMAC
Presentation

MR. OLSEN: Thank you, Ken. I will start off -- I was at a meeting this morning with members of the South Albany Airport Tac Committee as they call it, looking at their master plan to use FAA monies down the road and I know a couple of the gentlemen at least 2 or 3 are from the airport are here tonight and they had specific inquiries about how South Albany Airport would fit into the overall Town master plan and how the 2 could be integrated between their master plan for the next 10, 15, 20 years and use of FAA funding and the Town Master Plan. So, I will throw that out to the LUMAC committee and let them... perhaps they can address it in a better manner than I was able to this morning.

CHAIRMAN LIPNICKY: We are aware of the fact that South Albany Airport is currently in the process of doing a master plan for its future, I believe as a reliever airport to the Albany Airport, and as a reliever airport I don't suspect that the master plan for that airport would include large commercial traffic in and out of the

airport but it would relatively remain at the scale that it currently is.

The land use plan that we have put together is currently drawn on the plan, keeps the airport in a -- what we call -- a transportation zone or transportation land use category. Surrounding the airport there are land uses that are light industrial in nature. I know there is a concern with regard to things such as crash zones and the like from airport development. You see the land use that is around the airport really is being supportive of the airport activities. In terms of residential development, there really isn't residential development right on top of the airport. On the other side of Route 55 is an area of ravines and like that we recommended be conservation... within the conservation classification. The maximum densities that would be allowed would be 1 unit per 5 acres. So, we don't see a large conflict between, for example, noise generated from the airport versus residential development in the immediate vicinity. The land use plan itself does not specifically address how South Albany Airport should develop and that is something, I assume, that is going to come out of their plan. But, we see the continuation of South Albany Airport there as being consistent with what we have in the plan and we believe the plan is supportive of that continued activity.

MR. OLSEN: Thank you.

SUPERVISOR RINGLER: Other questions? Doris. Pass the mike down please.

MRS. DAVIS: Before I go into ask my question or questions, congratulations, it is a lot of work. It was a monumental task. I admire you all for the amount of time you have invested in this and appreciate, very much the work you have done and will continue to do.

Several things that I would like to tell you agree wholeheartedly with are your comments on the planned residence areas. I think that we needed that particular input. The goals and objectives on page 6-22 are very clear and very good and I agree with those. As well as, your comments...

SUPERVISOR RINGLER: Excuse me, Doris, would you bring the microphone a little closer to you so the audience can hear you.

MRS. DAVIS: I am sorry. I wholeheartedly agree with your comment on, page 7-20, the section on transient lodging and surrogates. This is in the master plan itself particularly one statement which I would like to highlight which was a design study to assess potential visual benefits of a street planting program along Route 9W is also recommended. Thank you. Hopefully that will come to reality.

One of the questions that I have is related to something that you specifically referred to earlier, Jeff, and that is the retail commercial development aspect of 9W. You refer several times to retail commercial development beginning page 3-20 where you discuss the identification and rezoning of appropriate sites for community and neighborhood scale shopping which would greatly enhance the opportunity to attract another supermarket to the Town. On the same page you refer to the Town planning survey and that 68 percent of respondents indicated that there was no need for large shopping centers or malls in Town and that respondents indicated that such development should be discouraged. In the beginning of the master plan section on page 7-3, under retail commercial development, you... the section reads the scale of new retail commercial development should not be designed primarily to serve residents of the community or its subareas and not regional or subregional.

MR. PUTNEY: Should.

MRS. DAVIS: Should be designed, I am sorry, primarily to serve and not regional or subregional. I have a question. Can you define subregional first of all? I am not sure I know what subregional means.

CHAIRMAN LIPNICKY: There is 2 aspects to this, I guess. A regional...

MR. BARR: Leave it flexible.

CHAIRMAN LIPNICKY: There are a number of different organizations that have definitions for what is meant by subregional, regional or community scale shopping areas. Some of that is defined in terms of size of the center and also some is defined in terms of the function of the center, okay. Basically, what we have in the Capital District if you think of the major malls, such as Colonie Center or the Crossgates Mall, are really malls that draw from all over the region in terms of persons coming into them. They have anchor tenants, really, that are very few in the region or one in the region, for example, so that it is a regional type of draw.

A subregional center is more towards probably the towers center type of development. Types of developments that contain something like a Building Square, okay, which will draw from a large geographic area and not really be focused on drawing from within the community itself. Delaware Plaza is a community center obviously, I mean there is no big anchor tenant. The K-Mart Plaza is a local center, okay. Glenmont Plaza is a local center. Both their, you know, the junior type of department stores that can be found all over the region that somebody is not going to drive a long distance to get through because chances are there is also one in their community.

So, the subregional centers are really those that draw... are really in the range, usually, of probably somewhere around 300,000 to maybe 600,000 square feet or so that have kind of a subregional attraction. You know, there is duplication elsewhere in the region but it is not as concentrated. Stuyvesant Plaza is probably one example even though they don't have a large anchor tenant but it is the type of atmosphere that draws people from a large area. I don't know if I did a good job answering your question or not.

MRS. DAVIS: Yes, you have helped. I just wasn't certain what the difference would be between regional and subregional and there was a reason why I felt that I wanted that clarification and needed it.

I guess my question then is, you deal with the fact that... or you say centers with the range of 100,000 to 250,000 square feet of floor area or less are most appropriate with the number of out parcels count to a minimum. And, my question then is, we all know that we have a proposal in the Town for a shopping center, referred to as Southgate Commons. If this is larger than 250,000 square feet, and perceived as a regional or subregional market, would this master plan then preclude its approval as proposed here?

CHAIRMAN LIPNICKY: Well, the master plan itself can't preclude its proposal obviously. The master plan...

MRS. DAVIS: If it were adopted.

CHAIRMAN LIPNICKY: It certainly would be inconsistent and again, that is a judgement that the Planning Board will have to make when that situation arises. Under the current zoning code, it is not inconsistent with the current zoning code and the other thing you have to bear in mind is that the way or the current zoning of the parcel is plain commercial which puts it kind of in a quasi legislative type of a decision making atmosphere because it is the Town Board that has the final decision on the center itself.

But, to answer your question, I think the center has to be investigated or looked into a little bit more to see if it meets that criteria. Right now I guess I am not prepared to say one way or another whether it does. Really, not having been involved in its review as well.

MR. ALESSI: I just wanted to add to Jeff's response that from a legal perspective, once a master plan is enacted zoning that occurs afterward has to demonstrate some consistency with the comprehensive plan. And, that is one of the items I would like everyone to keep an eye on both with regard to pending proposals, as well as, the fact of future zoning against this backdrop because this document, if it is adopted, ends up being the backdrop for planning decisions and zoning

decisions and if it can be shown that any proposal is inconsistent with the master plan, that is a basis for the proposal to be either denied or to be challenged. So, this document takes on importance because it will be the backdrop against which legislation and site plan and subdivision approval will be measured.

MR. HASBROUCK: I don't have a whole lot of questions, I have a couple of comments and let me preface my comments with 2 thoughts. First of all I echo Doris's thoughts about the work that has been put into this. It is evident from what is on the wall and what we have in front of us and I appreciate very much what that has meant in terms of your personal time and probably sweat and tears sometimes as well.

Also let me comment that, because I think it is relevant, I was born and brought up in a small town in the southern Catskill Mountains where the maximum population when I was in high school was about 400 people. I know what it is like to live in the rural area, to live in the great wilderness, to see the mountains and the trees and the forests and the streams and even clean water back in those days -- believe it or not. And, I appreciate all that a great deal.

And, certainly one of the things that this plan as it is written strives to do is to preserve as much of that as possible in this Town and I appreciate that as well. On the other side of that coin, though, I have to wonder whether in the long term sense this plan may be a bit restrictive. It appears to me that there is a great deal of language in here that talks about restriction, protection, preservation, limitation of impacts, all of which is certainly well intended within their own individual categories of information and so forth and I don't criticize that. But, I look at the plan and the compared maps up here and realize that the amount of space that would be allocated to commercial and industrial space is dramatically reduced in this plan. And, I think to myself, what would happen if all the surrounding towns at some point in time took a similar approach to long range planning -- where would the jobs be? We would all have nicely preserved forest and woodlands and whatever -- all of which we would all appreciate very much, as I do and I am sure you do -- but I am not sure where the jobs would be that would lead us to employment and give us the things we need to put on our table in our homes. And, I am just wondering whether this is too restrictive in that way. I don't think that the plan talks too much about the impact on potential employment. And, I don't know based on what we have seen recently with layoffs with all of our major employers. One major employer recently announcing they are moving out of Town or at least moving a major chunk of their employment out of Town. I don't think we can forever depend on downtown Albany and Schenectady and those big central corporations to employ or even State government for that matter to employ the numbers of people that we have seen historically. All of those organizations tend to be cutting back and yet our population is growing, gradually perhaps, but it is growing. And, our children are going to need a place to work. I am concerned about that, I think, more than anything else in the plan. Again, I thank you and appreciate the vast amount of work that has been done on this.

MR. PUTNEY: Doug, I would like to respond to the second part, if I may for just a moment. I don't recall the exact numbers but it goes something like this. If you take the present zoning map and build it up, that is you build everything that is permitted under the present plan, your population would be somewhere between 250 and 300,000 people and you would require Delaware Avenue to be 14 lanes wide in order to adequately take care of the traffic without other improvements. I don't think we have quantified what it is under the proposal yet. It would be something less. I understand what you are saying but I think when we get around to analyzing what the job production would be under the proposals for commercial and industrial development and what the density would permit as far as the residential development, I think you will find it would not be of a great concern in terms of realistic growths in area for the Town.

MR. MESSINA: I would like to add something to that if I may and also may be tag onto something Bob Alessi said, that is first of all, not only does a master plan or comprehensive plan give you the backdrop for what might be in a legal action and therefore, to view it and its

implementation with care, but the plan, indeed, provides the basis for sound legal action of the Town Board and Planning Board in their future decisions and, therefore, using the land in accordance with an adopted plan has a basis of -- if you will -- security and stability.

On the point of jobs and the use of land, I would like to say and maybe it has been said in the past, it may not be the amount of land available for the use but how it is used that is more important. We found in the community that there was a lot of fear and concern about unzoned or open land and what might happen to it particularly with respect to conflicting uses. What we are proposing for the Town Board's consideration is to be committed to various types of commercial uses in more specific areas of the Town but then getting behind the development and use for that purpose.

So, you really could come out with a greater utilization of commercial activities and increased jobs with even less land zoned for that type of purpose.

MR. BARR: I think the question, Doug, as raised is one that is going to be a theme of and I hope it is a theme, of the future discussion of this master plan. It suggests the basic tension and any plan such as this in planning and that is the tension between the need for economic development and the desire of residents to retain the village residential character of the Town. That's one of the fundamental tensions and one we have to come to grips with -- by we, I mean everybody in the Town and the political processes that will follow the master plan. The... Our discussion I think makes... should make it quite clear that we believe that a balance has to be struck. As we said at page 318, a key issue for the Town is to balance the economic benefits of industry and commerce with locational and site development controls to minimize their adverse effects. And, I think the basic approach of this plan as we have tried to evolve it is to locate... our concern is to locate business and industry properly and to encourage the Town to adopt site development standards so that the industry which we would want to encourage to come to Town, the business... the commercial that we would want to come to the Town would be in proper locations... appropriate locations and built according to appropriate site definitions. Now, the 2 desirable goals of preserving open space and green space and also developing jobs, economic activity, tax base and so on are both goals of this master plan. Are both... and we propose a number of objectives to reach both goals. I think the discussion ought to conclude that we can have both. And, that the 2 are not inconsistent with each other if we approach the problem wisely and if we approach the problem with intelligence and this... we proposed changes in the zoning ordinance, a number of things that should be changed in the zoning ordinance. But, one of the most important is our recommendation of a variety of commercial areas of different kinds. We do have it presently a C, a CC and a CCC and that is all basically in the Town of Bethlehem and we apply the same standards all over the Town. We think that is the wrong approach. We have proposed places for office park, research and development; neighborhood commercial areas which we define and we suggest neighborhood commercial areas in North Bethlehem, in western Delmar near Delmar Village. We here list the places where we think the neighborhood commercial -- we have... we recommend a hamlet commercial zone in the Town's outlying hamlets and offer a commercial... type of commercial developments that would be appropriate for that area. We have a... we suggest something called the village commercial land use which is primarily along Delaware Avenue where we think, for example, that Delaware Avenue from the railroad underpass to the 4 corners basically, is different from Delaware Avenue from the underpass to the entrance to the Town. And, it should... we should have different rules for those 2 Delaware Avenues. We also recommend something called community commercial and we suggest that the 2 places for that and... is along the northern US Route 9W corridor and the vicinity of Cherry Avenue and New Scotland Road. We define what we mean by community commercial and in that context we've suggest the... what Doris asked about, the less than subregional development and so on. We have highway commercial A and highway commercial B. The whole point, I think, to understand is that we want to... we tried to define different kinds of commercial

activity and different kinds... in different areas of the Town and... But, we also tried to encourage and pinpoint or at least suggest areas where we think this commercial activity can take place that will be consistent with everything else that we want to do in Town.

MR. HASBROUCK: I didn't mean to provoke such a long response.

MR. BARR: And should be encouraged. No, it is...

SUPERVISOR RINGLER: Did anyone answer your question?

MR. HASBROUCK: I would add just one thought and that was that I think put another way -- I don't argue with anything you said in response certainly -- but, I think we have to be very careful here that we don't... in balancing these constraints or in balancing these tensions -- as you referred to them -- between the needs of the community and the needs of industry, we make sure we take into consideration in full measure what the needs or desires of potential employers may be, not just what the needs of residents may be. Because, they may, in fact, be in conflict and if you expect to attract good, major employers into this Town over a long period of time then you have to have something that is attractive to them, as well as, to the residents. That is the point I want to make.

CHAIRMAN LIPNICKY: If I might just add one thing to the comments, I think Martin hits on really the most relevant one and that is location, okay, and site characteristics is the other. Okay. Right now, almost 20 percent of the Town's total land area, for example, is zoned industrial. Okay. And, that encompasses almost 4,700 odd acres of industrial zoned land. Under our proposal that is reduced to 3,351 acres. Now, it is a bit of a reduction but still 20 percent of the total land area of the community being devoted to industrial development when industry is not a growing sector of the economy in the Capital District, seems to be way out of proportion to what is necessary. The second thing is where is that land located that is currently zoned industrial. Well, if you look at the current zoning map, it is located in areas that do not have flat sites, that do not have good access, etc. What we have done is taken that land and put it in places where there are large flat sites, access to water, currently most of the industrial land in Town isn't even accessible to water. So, of what real value is it? It is my feeling that my relocating it where access is good, where there are utilities, flat large parcels that if it does anything, the change even though it is a reduction in land area, will actually attract industry rather than close the door on it. There are still very large areas of Town, thousands of acres, okay, well maybe not thousands of acres... and I can quantify it if you would like me to... that is vacant land under this plan that would be allowed for industrial use. The other thing when we talk about commercial areas, again, we have the situation, yes we have a lot of land zoned commercial. Okay but my experience here as the Town Planner has been with a lot of developers who have come into the community looking to locate a supermarket, for example, they say okay where is the commercial land in Town, I want to build a shopping center. And, I say well, it is on Route 9W south of Feura Bush Road, it is on Delaware Avenue west of Delaware Avenue... west of Cherry Avenue rather, and they say to me, I don't want to be there. Where can I get a rezoning where I am in the center of where things are happening or where the traffic is. So, the fact is, essentially that we relocated some of this land, again to flat sites where it is more appropriate and easier to develop. The locations where there is traffic on the roadway and so, if anything, again -- and my feeling is that -- it will attract that type of development rather than what we have now which is a lot of commercial rezoned land but nobody wanting to develop it.

SUPERVISOR RINGLER: Charlie.

COUNCILMAN GUNNER: Thank you, I guess I concur with Doug quite a bit. I am concerned that in all these... where we go from what was it 8 or 10 different variations to about 35 to 40 that there may be some restrictions that are placed unnecessarily. I have concern on that. I heard what you said and I will have to wait to see what happens.

It is hard to see on the map for me, I don't think I am any different than most ordinary citizens, certainly it isn't for you people who work on it for a long time or those who work in planning perhaps but I really think that if we are going to sell this plan, we have to see something that is a lot clearer. They are beautiful maps and everything. They are good for planning. They are good for looking at it in a micro situation but people don't start that way. I think you... someplace before you go on the road with your 6 locations, I would like to make a suggestion that you get an abstract of this report, which is a total to go through, which I know you have all said that yourselves, there is a lot of work in it -- I think that would be helpful to let people understand it better, more quickly. Otherwise, I am afraid we will be at the end of it and everybody will say but I am not sure what that means. That is my only suggestion. Thank you.

SUPERVISOR RINGLER: You are going to do something like that, aren't you?

CHAIRMAN LIPNICKY: We had discussed doing that, yes.

SUPERVISOR RINGLER: Okay, good.

MR. ALESSI: Executive summary or something like that.

SUPERVISOR RINGLER: Executive summary or overview or something that you can hand out.

COUNCILWOMAN FULLER: Plus how it relates to each area in the Town as you go through.

MR. BARR: Well, then you don't have an executive summary. I mean, either you have an overview or you have something that relates to every area in the Town.

COUNCILWOMAN FULLER: Be very specific in every area of Town when you go in to sell the plan. I think that is required.

SUPERVISOR RINGLER: In addition to selling it, I think they are going to be looking for input to make sure that they are on track here with what the people want in this Town too.

CHAIRMAN LIPNICKY: But, when we go...

MR. BARR: Well, we are trying to sell it to you but we will get input from the rest of the community.

COUNCILWOMAN FULLER: I realize that.

SUPERVISOR RINGLER: Who is next, Gary.

MR. SWAN: Three questions, Jeff.

SUPERVISOR RINGLER: I hope the answers are quicker.

MR. SWAN: First, with respect to the agricultural land. It was noted in the report that a good portion of it is already under agriculture value assessment and, you know, the State is obviously approved that program over the years. Do you have a sense as... on an economic basis, whether that land is going to be economically viable under ag value assessment or is the Town going to need or have you thought about longer term other options that are going on elsewhere and purchase of development rights and those kinds of things? Do you have a sense of where that is going to wind up in the longer term?

CHAIRMAN LIPNICKY: The Assessor would probably be... the Town Assessor would probably, obviously, be better able to answer your question directly. One of the things about the agricultural assessment program is really the amount of tax burden that is relieved through the program is really related to the soils, okay. So that the better or more agriculturally productive soil, the higher the amount of tax relief that is given to you.

One thing that is happening is, this year the agricultural district in Albany County is up for recertification and we only have a relatively small area in the Waldenmaier Road area that is currently within the ag district. During that recertification, everybody I talked to from Cornell Cooperative Extension to SCS seems to feel that a good deal of the farmers who are currently under the ag assessment program will try to get into the ag district program also. It is not only an economic thing again from the research that I have done. The assessment program does give quite a substantial relief on taxes but there are other things that go along with it. Once you are in the ag district program there are limits that are placed on such things as ad valorem taxes that can be assessed against the parcel, because obviously if the sewer line runs by your parcel and you are charged on a front footage type basis and you are a farmer and you have lots of acreage, that could be a substantial increase in property taxes. While, if you are in an ag district, they can only base that assessment, really, on the buildings that benefit from the assessment and also, I believe, half acre around the homestead or the farm parcel. So, there are those type of things. The other things that are really of concern to farmers also again from the people I talked to are also things like land use conflicts in agricultural areas, residential development and the land use conflicts that that forms between running machinery at night, putting down pesticides and fertilizers and things like that and law suits, nuisance law suits that might erupt. Well if you are in an ag district, you have protection against those types of things. So, the ag districts have a great deal of benefits that go beyond just the economics of it. Whether or not the ag district provide enough economic incentive to remain, I don't know. When you look at the CD... CDRPC Capital District Regional Planning Commission study that was done on agriculture in the Capital District, from the last agricultural census which was in like 1987, it was like 55 percent of all farms in the Capital District were losing money. So, whether this is enough I really don't know.

MR. SWAN: Second question, when you get the rest of the transportation overlay to this, do you have any sense as to whether that and the additional information we are going to get is going to have any kind of a bearing upon amending what we see right now?

CHAIRMAN LIPNICKY: That is a possibility. In putting together the land use map, again, a great deal of concern and a great deal of thought when into locating land uses and densities where there is available traffic capacity on the road, okay. The problem is that when you go out to the year 2010, okay, we come up with 3 different growth scenarios -- a low growth, a moderate and a high growth -- you start getting into the high growth territory. I mean, there is a lot of dysfunctions that occur on the transportation system, you know and if it is going to occur in 2010, eventually it is going to occur somewhere further out. But, we tried to give a lot of thought to that. We also knew areas where we are obviously going to need some type of solutions such as Route 85 through Slingerlands and I don't think that there is anybody that can argue that the long term solution to that or at least something that will help because it is really not a solution but it will help, is running the Bypass out to 85A. We all know that something needs to be done in the long term to help relieve traffic growth on Elsmere Avenue, on upper Kenwood Avenue, on Elm Avenue, on Route 9W and some other areas of Town. So, we went into this knowing what the long term growth is going to be in traffic and try to really divide this accordingly.

Now, in terms of the plan itself, there, obviously, are a couple of things that can't happen unless traffic improvements are made, okay. The Slingerlands area, for example, there is a proposal for community commercial there. There is also a proposal for office, okay. Well, given the current situation with traffic in that area, that is just adding fuel to the fire. So, you know, a rezoning in that area really can't occur, in my view, until such time as traffic improvements are in place. And, there are some other areas in Town like that. So, in the final analysis, when or if they... a zoning map to implement this plan is drawn up, it may not follow this exactly because there are also transportation improvements that need to supplement that. It could be a process of zoning amendment over a period of time, not just an initial, once we have gotten started.

MR. SWAN: Finally, at the outset or near the outset of this process, we headed into a moratorium to hold in place certain things while the process proceeded, has the committee... is the committee... or will the committee make any recommendations with respect to this transitional period and the kinds of things that may have to be considered during that period?

CHAIRMAN LIPNICKY: One... it is obviously a concern because we don't know how long it would take first of all, for the plan to be accepted and secondly, if the plan is accepted and adopted, it will also take some time to prepare zoning code amendments. In terms of a moratorium, I don't think any of us is ready to recommend a moratorium. We, however, do have in our transmittal letter to the Town Board, that the Town Board begin to investigate or look at whether there are some other alternatives that fall short of a moratorium. I think, from our perspective, the best thing that could happen would be if we can find some type of interim regulation, for example, that would allow development to proceed and go ahead if it is conformance with the plan but would call into question that development if it wasn't in conformance with the plan. Now, that might be pretty difficult to do because we have some areas, obviously, where the zoning or the proposed land use is completely different from the zoning. And, whether or not that can be achieved, I don't know. I would leave that to the people with more legal expertise than myself.

SUPERVISOR RINGLER: Who is next? Anyone who hasn't asked a question? Anyone who has, who would like to ask another one? Okay. I will open it up for a few questions, we have some time for the audience if anyone has any questions. If you could, please come to the microphone up here. Sir, your name for the record.

MR. DAMBROWSKI: My name is Jim Dambrowski. My background is in appraisal, I am also a resident in the Town. I have had an opportunity to read this report at length. I wanted to compliment you. This report does, in my mind, for this community what any good public servants would do and that is that it serves the community and it doesn't do anything more or anything less.

When I read this report it was very interesting if you referred back to 68 percent of the respondents suggesting that a community center was as large as they would like to see in this area. They wanted to see community services handled and really nothing beyond our community. Can you elaborate on why a subregional or super regional mall wouldn't fit here? I mean, what was stated before, the mall that they are talking about about 45,000 square foot, 4 out parcels, 3,000 parking spots, something -- I think 75 acres is the parcel, 45 acres would be developed. Why... what reasons would make that not fit in here in your mind when you developed the plan and said community is as far as you want to go?

CHAIRMAN LIPNICKY: Anybody want to take that or?

MR. BARR: My own impression and correct me if I am wrong, is that recommendation comes from the fact that the questionnaire and the response of the people. We tried to be as responsive as possible to the desires of the residents in the development of this master plan. There is some... there are some things that were reflected in the questionnaire, frankly, that reflect a split in the mind of a lot of people -- that is some ambiguities. They want certain things but they are not willing to pay for the things that they want and that's a very common response of a lot of people in a lot of situations as you know. As far as I am concerned, as far as I am concerned, that recommendation is a reflection of what was perceived to be a rather substantial expression of opinion by a substantial majority of the people that answered our questionnaire. I have no other planning justification for it at the moment.

MR. PUTNEY: It also reflects our willingness to be inconvenienced or a desire to be inconvenienced to go shopping for major things something like 5 or 10 miles rather than having the traffic problems locally that a subregional or regional shopping center would bring.

MR. MESSINA: Jim, I would like to just add, one thing to that and that is as we looked at the survey and other data that was available, we saw it as our job to incorporate in our thought process what the residents felt, what the inspirations were, what the perspectives were but beyond that we did consider traffic input. We did consider things like what would it do to that character of our community which was difficult or maybe even impossible to define yet important to people. And, when we looked at all of the information, we felt that going with a scaled shopping center of subregional or regional was not what the community needed and wanted.

SUPERVISOR RINGLER: Any other questions? You can use the microphone right up there.

MR. BARR: If we are wrong in that conclusion, the people will let us know about it.

SUPERVISOR RINGLER: And us.

MR. SAXE: Hi, my name is Dan Saxe, I am a resident in Town. My question is very specific. It is relating to the construction and demolition debris dump proposal for Wemple Road, Bask Road area. I know Jeff is familiar with that. How would this affect that? And the reason why I am asking that is because my parents live on that road and I am wondering how that is going to affect their... I am really against that, I am just wondering if that is going to keep them from coming in.

CHAIRMAN LIPNICKY: Well, it certainly is not a land use that's... it is certainly not a land use that is within the plan over in that area. I don't know how to answer that question because I don't believe that under our existing zoning code -- off the top of my head, unless John can correct me -- it is a land use that is permitted in that area either.

MR. FLANIGAN: No it is not, have other restraints in other parts of the code.

SUPERVISOR RINGLER: It is not something we are encouraging.

MR. SAXE: Okay. That sounds good to me, that is what I wanted to hear.

SUPERVISOR RINGLER: Any other questions?

MRS. ALLGIER: I would like to know specifically, what they would like to have over on that Cherry Avenue extension -- you know where all the vacant land is?

SUPERVISOR RINGLER: Are you talking about the commercial piece that they are talking about for over there?

MRS. ALLGIER: Yes.

SUPERVISOR RINGLER: Jeff, could you go into a little detail about what would be allowed in something like that under your thinking now?

CHAIRMAN LIPNICKY: In the community commercial area?

SUPERVISOR RINGLER: Yes.

CHAIRMAN LIPNICKY: Basically, again, what we are talking about is a... something that is smaller than 250,000 square feet or so. In that particular area of Town, obviously, there was a proposal for a small city in the area. There was certainly a great deal of opposition to that proposal but it was interesting that about half the people who came out were in favor and half were opposed. In that particular area of Town, what we see as most appropriate is really a shopping center probably somewhere in the area of 100 to 150,000 square feet or so with really the primary tenants or anchors being supermarket and maybe a junior department store or something like that.

It is very difficult to answer the question in terms of, obviously, specific sites because I am not here or the purpose of our doing the plan isn't to proposal specific development proposals. But, what you have to think about at that location is really 2 things, okay, 1. is the land itself. Right now there is on the Capital District Transportation Committee's transportation improvement plan there is funding for the preliminary work or study to extend the Slingerlands bypass to Cherry Avenue and to turn it into a 4 lane work from the Albany city line to the Cherry Avenue extension, okay. That particular location is on one side you got the bypass or you are going to have the bypass and on the other New Scotland Road with relatively heavy traffic volumes on both sides of the parcel. And, you have to think in terms of what is the most appropriate use or what land use really makes sense at a location like that. It certainly is not single family residential where you have, again, traffic volumes on both sides. Again, also, it was one of those locations where traffic volumes were high enough to be able to entice somebody to come in and want to do a supermarket, small scale type of shopping center. It has been the interest... a parcel of interest to a number of different supermarket developers in the past and again, one of the things we have to bear in mind is one of the things in the survey where almost everybody agreed in the Town was that we need another supermarket in the Town. And, that was a location really where, at least in our view, it was an appropriate location and one that a developer would be interested in developing for that purpose.

SUPERVISOR RINGLER: Anything else?

COUNCILMAN GUNNER: Somebody earlier had spoken about the impact -- when we get the traffic study back -- there will be tremendous impact on that conceivably, on the plan. Because, for example, if in some visionary way they have a bypass for Slingerlands which is... has been proposed many years ago in other peoples' visions, then you may want a larger shopping center over there on the far side. A little different than just playing in the area you are in, that residential. There could be changes. Then the same thing could happen as you come across the western part of the Town. So, I think that... I really am holding everything back until I see that and I guess, you say it is coming soon.

MR. PUTNEY: We think we have anticipated most what they are going to say. But, we too want to wait and see.

COUNCILMAN GUNNER: So, do I, that makes 2 of us.

CHAIRMAN LIPNICKY: Let me just let you know where they are at right now, okay. What they have done is, they put together preliminary recommendations in terms of different travel corridors, okay, in the Town. And, have run it through their model again for year 2010 growth to solve the major congestion problems, not the turn problems which are more in line with really relatively inexpensive intersection improvements but the big problems, the capacity type problems. They have run a number of... again the whole scenario of a number of different improvements through the model and what they are doing now is running through to test the individual importance of each one of those and how it contributes. And also, a couple of alternatives that we have discussed with them that we also wanted them to take a look at. So, they should be ready pretty soon with their final recommendations.

COUNCILMAN GUNNER: Jeff, I am not sure I guess, my concern is the way you are speaking, they are looking at existing travel routes. Is that true? Are they trying to be visionary about bypasses and so on?

CHAIRMAN LIPNICKY: Well, it is...

COUNCILMAN GUNNER: I know that they are expensive to build but, if you don't make the vision, you never get the...

CHAIRMAN LIPNICKY: In some respects they are looking at the existing travel routes but there are 2 things that need to be kept in mind here. 1. is that a lot of the roads that we have congestion on or will have congestion on, there aren't good alternatives, okay. In

other words, the only real alternative is to divert traffic from that road onto somebody else's street which...

COUNCILMAN GUNNER: Could you give me an example?

CHAIRMAN LIPNICKY: Elsmere Avenue is one example, okay, development is on both sides of the road and there isn't any place to put a new corridor, okay. So that if you are going to solve the problem of Elsmere Avenue to a large extent it could mean diverting traffic onto somebody else's street in the long term, okay. Kenwood Avenue, upper Kenwood Avenue is another example. There really are only 2 alternatives to get around upper Kenwood Avenue and one is to run a roadway from Delaware Avenue through all those monstrous ravines in the northern portion of Town to somewhere out near the Slingerlands Bypass. The expense of such a road would be pretty astronomical where 2. is hope that the Hudson... D & H railroad abandons the track and then run a road up that abandoned track. Either way there is going to be problems. If you do it with the D & H, there is likely to be opposition in that area of Town from it because of all the homes that front on Hudson Avenue. Alternatively, again, going through the back means hitting all the ravines. I mean, those are the only 2 places that you can get around that really. But, in terms of new bypass roads, yes they are looking into it. They are looking into somehow finding a connection between Delaware Avenue and Kenwood, for example, to help relieve some of the congestion off of upper Elsmere Avenue. Route 32 bypass they are looking into what would an expansion of that do. Slingerlands bypass what would an extension of that do.

MR. BARR: Selkirk bypass.

CHAIRMAN LIPNICKY: The Selkirk bypass, so yes, I mean -- bypasses are realistic in some areas, in other areas the cost would, just really, be prohibitive. There is limited amount of funding out there and you have to remember that the Federal funds are going to go to really the projects that are the highest priority in terms of congestion.

COUNCILMAN GUNNER: I guess my concern is, if we don't have a vision and some reservation for the lands that are going to be built on, we would like to see them built on, if not for us, for our children -- and we are never going to get them.

CHAIRMAN LIPNICKY: Reserve the land...

COUNCILMAN GUNNER: It will be worse off and I just hope you reserved the land.

MR. PUTNEY: Reserve the land in advance.

COUNCILMAN GUNNER: Right.

SUPERVISOR RINGLER: Anything else? Doris.

MRS. DAVIS: Not a substance question, but I am curious -- can you explain your design, your cover?

CHAIRMAN LIPNICKY: Everybody asks that.

MRS. DAVIS: Everyone may have asked it but I haven't heard the answer yet.

CHAIRMAN LIPNICKY: It is basically...

SUPERVISOR RINGLER: It looks like somebody is doodling in your office.

MRS. DAVIS: Maybe you can show the audience, because the audience probably hasn't seen the design.

CHAIRMAN LIPNICKY: If changing the cover would get the plan adopted, we will be happy to do that.

Basically, what the cover is is simply an aerial view of the area near the intersection of Kenwood Avenue and Elsmere Avenue, that is the junior high that is located there.

MR. MESSINA: Traffic corridors are not shown on this.

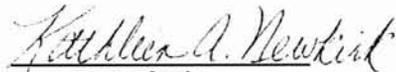
SUPERVISOR RINGLER: I want to echo the thanks of everyone in our community for your work up to this point. I am not going to say you are finished yet and we look forward to your continuing work and look forward to the public input on this as this report gets out and people better understand and I echo what Charlie said before -- I really think we ought to put some kind of an executive summary together that is understandable and easy to be read by our people. Again, thank you all very, very much. Thank the Planning Board for being here and the Town Board.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to adjourn the regular Town Board meeting at 9:35 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.

Noes: None.

Absent: Ms. Galvin.


Town Clerk