

TOWN BOARD  
OCTOBER 19, 1994

A special 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: Sheila Fuller, Supervisor  
Frederick C. Webster, Councilman  
George Lenhardt, Councilman  
Freeman T. Putney, Councilman  
Doris M. Davis, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. The purpose of this evening's meeting is a public hearing on the draft Master Plan and also on the draft Generic Environmental Impact Statement. I will ask the clerk to read the call of the hearing.

Public  
Hearing  
Local Law  
No. 9, 1994  
Master Plan

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 19, 1994 at 7:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 9 of 1994 concerning the proposed Town Master Plan.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who 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

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State of New York)  
County of Albany )

CAROL STUART of the Town of Bethlehem, being duly sworn, says that she is the Advertising Coordinator 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 5 day of Oct 1994.

/s/ Carol Stuart

Sworn to before me this 7  
day of Oct 1994.  
/s/ Kathryn Olsen  
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on September 28, 1994, 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  
18th day of October 1994.  
/s/ Catherine T. Picarazzi  
Notary Public

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

Ayes: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney,  
Mrs. Davis.

Noes: None.

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SUPERVISOR FULLER: Before we begin the public hearing this evening, I would just like to take a moment to thank the LUMAC members who have been working very hard on this for 5 and 1/2 years. This comes this evening, we will have a presentation. Mr. Lipnicky has promised the presentation will be no longer than 1/2 hour. We will then take questions from the Board, questions from the audience and then I will ask in the audience those who wish to speak in favor to come forward to the microphone, identify yourself and those in opposition will be heard from after those that speak in favor. We are going to be here as late as it takes. We would like to hear from everyone so I would ask each of you when you speak in favor or opposition if you would keep your comments relatively brief so that everyone is heard from and then we can have time to go back to you if you have more to... you wish to say to the Board. The purpose of tonight's hearing, basically, is to for the Board to hear your opinions. Your opinions count, we welcome your input. I will now turn it over to Mr. Lipnicky who is our Planning Board Chairman.

MR. LIPNICKY: Thank you, Sheila. Before we get started, just very briefly, the purpose of tonight's hearing. Tonight's hearing is essentially a hearing on 2 subjects. One subject is the draft Master Plan or the proposed Local Law that would adopt the draft Master Plan and the other subject concerns the Draft Environmental Impact Statement. As part of the SEQR requirements and the SEQR regulations, we prepared a draft environmental impact statement on the draft Master Plan and the hearing is again on both of those topics.

With me tonight here is also from CDTC is Dave Jukins. David did a lot of work on the plan. CDTC was hired as a consultant by the Town to do the transportation portion of the plan and also here from CDTC is Ann Benware.

As I said, the meeting tonight is a hearing on adoption of a Local Law to adopt the plan. If enacted, the law would adopt the plan as a guide to future development in the Town of Bethlehem. I would like to emphasize that word guide. If the plan is adopted, it will not in itself change any zoning regulations in the Town. It will not change the Town's subdivision regulations nor would it insure that all of the recommendations that are currently in the plan will be implemented. Essentially it is written so that it acts as a guide. Just a few words about the process after tonight's meeting. Tonight's meeting, all the comments that we have here tonight are being taken verbatim. They will be put on a transcript. We also have at this point in time a public comment period that runs through November 28th. Through November 28th, the Town Board will receive public comment, written comments in addition to tonight's public hearing, again, on both the proposed plan and also on the Draft Environmental Impact Statement.

What will happen with those comments, is that those comments will be compiled in the form of a final environmental impact statement. So, what we will do, is we will take the comments, put them in the final environmental impact statement and under the SEQR regulations we will be required to respond to all the comments and questions that we receive. We would expect that the final environmental impact statement would be prepared and completed by about the middle to end

of January. After that final environmental impact statement is prepared, what then happens is that the Town Board would then accept the final environmental impact statement and afterwards it would be necessary for the Town Board to prepare and adopt SEQR findings. The Town Board cannot act to adopt the plan until those findings statements have been prepared. Now, the exact timing of all this, of course, will depend to some extent on the amount of public comment that we receive here and whether or not any major revisions in the plan are necessary as an outcome of the comments that we receive here.

With regard to the plan itself, just a little background information on the plan, LUMAC was formed in 1989 by the Town Board. The purpose of forming LUMAC was to develop this master plan. Among the duties that were given to LUMAC were to catalog and analyze existing conditions in the Town. If you walked around here today, you will see that there is a good deal of mapping along the wall there, that shows the extent of factors that we looked at in preparing the plan. It was also to identify issues with regard to development in the community. Issues related to conservation in the community, concerns of residents here in Town. Our duties were to recommend goals and objections for land use for development and for conservation, to recommend policies and techniques for implementing those goals and recommendations... goals and objectives, rather and also to provide a planning document for directing future growth.

The process included a lot of things, we went out and had a number of public meetings throughout Town. Early in about 1990 we did this. We also did it over the last year after we had a draft plan prepared. We did this in order to get feedback. We also did an objective analysis, again of a wide range of factors as you see here on the wall. We conducted a very in depth survey of Town residents where we mailed out over 3,000 questionnaires to residents and got something like 1,700 returns on those questionnaires.

The 2 principal parts of the plan concern land use and transportation and Lisa, if you can get the lights there for a minute. What we have here, this particular map shows the existing land use in the Town of Bethlehem. As you can see, most of the development in Town is concentrated around the tri-village area. We have here Delmar and Elsmere, Slingerlands in this area of Town over here, industrial development in Bethlehem is primarily concentrated along the northern Hudson River front and also along the Selkirk yards in this portion of Town through here, additional residential developments in North Bethlehem. We have a number of subdivisions, newer subdivisions in the Glenmont area, also the hamlet centers where we have some intricate residential development in Selkirk and also in the South Bethlehem area. The remaining areas that are shown in white on this map, are areas of Town that are currently undeveloped, areas that are currently in agricultural use. In total, there is about 34 percent of the land area in Bethlehem is currently developed. About 66 percent is currently undeveloped.

As part of the background analysis for the plan, we did some projections in terms of future growth in the community. We did this in the form of 3 different growth scenarios. This map here represents what we call the moderate growth scenario through the year 2010. The projections that we came up with include population growth over the next 20 years of about 33 percent over existing population about a 37 percent growth in households and housing units and about a 37 percent growth in the amount of nonresidential floor area in Town. Most of this growth we project, we see concentrated really along Route 9W for commercial development, industrial development in Selkirk yards, housing development in the central area near Glenmont, with also the northern area of Town in North Bethlehem. To deal with this growth, we have the existing zoning map of the Town, essentially the areas along the Hudson River in this area, along the Selkirk rail line. These areas are industrial areas of Town, they are colored orange on the map, the colors blue and yellow throughout the map are residential zoning districts and we also have a number of areas in Town that are currently classified rural unzoned which are in the southern portions of the community. What we have currently is a zoning scheme that allows a significant densities in some areas of Town. This particular map here shows the existing densities which

are permitted. In the rural zones, densities are not limited, in other words, there is no restriction on housing densities in the rural areas of the community. In the industrial zones, which are here and particularly here, the light industrial zones, densities are allowed in the range of about 11 units per acre and in the residential zones, we have densities generally that range... that are permitted that range between 4 and 9 units per acre. So, we have significant amounts of development potential that exist in the Town of Bethlehem particularly, in the industrial zones and in the rural zones where the density restrictions are quite limited. In terms of existing commercial and industrial areas, this map shows where those areas are located. Again, most of the industrial zoned land is along the Hudson River front. It is also located in the east central area of Town, essentially between Route 9W and River Road and again in the Selkirk rail yards area and also around the village of, or rather the hamlet of Selkirk.

Couple of concerns with regard to the industrial areas, as we said, the light industrial areas allow a mixture of land uses both industrial land uses, as well as, residential land uses. So, we have a great deal of potential for conflict in these industrial areas. I would also note that the areas in Town which allow the greatest densities and intensities of use such as the rural areas, such as the industrial areas, are also the areas which have the least amount of infrastructure and the least ability to support heavy densities. So, we kind of, to some extent, in terms of zoning having backwards rather than having the highest density areas in those areas where infrastructure is available in terms of zoning, the areas that are zoned for the highest densities are where infrastructure is not available. The rural areas of Town, as I said, allow residential use. The rural areas, essentially, do not have any type of density restrictions, any type of site plan review requirements. They allow all types of land uses including industrial, commercial and residential uses. About 21 percent of the Town's total land area is currently zoned for rural use. The industrial areas comprise about 19.6 percent of the Town's total land area again, we have areas that are poorly located, especially where most of the vacant land is with regard to access with regard to things such as topographic constraints and also with regard to infrastructure. So, we have a great deal of vacant industrial land and to some extent the questions becomes, especially in light of the fact that the industrial sector is one of the slowest growing sectors of the economy, whether or not we really need all this industrial land in Town and secondly, whether it is or is not appropriately located.

With regard to the commercial zones, the main commercial zone, as everybody knows, is along Delaware Avenue. The commercial district along Delaware Avenue consists mostly of relatively small parcels with minimum depth from Delaware Avenue. The zone is largely developed at the current time and there isn't much room for additional commercial expansion in this area. We also have existing commercial development in Bethlehem Center near the junction of Feura Bush Road and Route 9W. The upper portion of the corridor is zoned for commercial use. There are a number of large vacant parcels there. In the more southerly portions of the corridor, we also have land area that is zoned for commercial use again, generally larger parcels. One issue with regard to zoning, is that the same zoning regulations which apply along Delaware Avenue, also apply in the Route 9W corridor, okay. Those regulations were designed primarily for small lots. There are minimal set back requirements associated with them, minimal buffering requirements, minimal landscaping requirements, minimal signage requirements and we have to ask ourselves, given the large parcels along Route 9W, are those regulations also appropriate for the Route 9W area. The other thing that limited number of zoning classifications does, is it limits the locations where commercial land can be located here in Town because again, of those relatively minimal standards. Other commercial areas that we have here in Town are along western Delaware Avenue and also along the Slingerlands Bypass where the existing Blue Cross/Blue Shield building is. We also have a small commercial area in the center of Slingerlands and although not zoned commercial, there also are mixed commercial uses in a number of areas around Selkirk.

In terms of what currently is proposed in the plan, in the land use plan, in looking at the land use plan, what we tried to do was a couple of things primarily. One was to try to establish a more rational relationship between land uses so we don't have these zoning districts that allow land uses which may be inherently incompatible. We tried to bring the intensity of uses and densities allowed somewhat in line with existing environmental constraints here in Town. For example, more than half of the Town's land area or around half of the Town's land area currently does not have public water or sewer. Soils in Town are not adequate or not conducive really to the use of on site septic systems. Most of the residents in the rural areas draw water from private wells and we have this potential also for contamination of those wells. So, that is a concern. We also have a number of very deep and very steep ravines throughout the Town, the ravines are essentially land slide prone and, again, in these areas we are allowing densities of over 5 units per acre and in some instances 10 or more units per acre. So, we tried to get some type of compatibility between those constraints and the types of densities. The other types of things we tried to look at was to try to direct growth to areas of Town where infrastructure is available, where we have access to the transportation system, etc., etc.

Essentially, just very quickly, the areas that we are talking about, the areas along the ravines, which you see in green here, along the Normanskill, down along the Hudson River front where we have a significant habitat area, along the Vlomanskill and along a number of other stream corridors in Town, these areas were essentially recommended for low intensity use. We have recommended them essentially for conservation uses at densities of 1 unit per 5 acres. Other areas in Town which we are recommending rural densities are these areas that are cross-hatched in white. Essentially, most of these areas are without water or sewer. A number of them also contain some environmental constraints to development. The densities which are recommended in these areas are residential densities no greater than 1 unit per 3 acres. As we get closer to the hamlet centers, such as Delmar and Elsmere, Slingerlands, North Bethlehem, and Selkirk, where water, sewer are generally available or can easily be extended, the recommended densities start to increase. Essentially areas where there were topographic problems, we recommended for densities which were a little less in the range of about 1 unit per acre up to areas in the central area of Town where there is, again water and sewer available, and in these areas we are recommending densities of about 3 1/2 units per acre or in that particular range. In the cross-hatched areas on the map, are areas that are recommended for planned residence districts. The planned residence districts are recommended at residential densities of 4 units per acre for single family, 5 units per acre for multi-family and plus density bonuses of 1 or 2 units per acre in those instances where affordable housing is provided in these zones. In terms of the commercial and industrial areas along Delaware Avenue, in certain sections, where we currently have commercial C districts or CC districts rather, the commercial services district, we are basically recommending these areas for office/residence districts where similar uses to those currently allowed will continue. We also have a number of areas that we have identified for office park/research and development zones. These include in the area of the Thruway interchange near Selkirk and also in the vicinity of the Slingerlands Bypass entrance off of New Scotland Road. Basically these areas are recommended for office park type of uses with generous landscaping requirements on a scale of about 2 1/2 stories type of requirements, architectural type of review requirements would be applicable to these areas. Essentially, the location relates to the fact that access is good in these areas. Direct access to the Thruway and also direct access to the Slingerlands Bypass in the northern area.

In terms of commercial areas, commercial areas were developed with the thought of developing a hierarchy of commercial areas. Right now, commercial uses are concentrated along Delaware Avenue and Route 9W. It is our view that there should be some decentralization of commercial uses in Town so that we don't have all traffic and... which is out to get a loaf of bread or some milk having to drive to Delaware Avenue. Neighborhood commercial areas would be small scale commercial areas that allow convenience type uses. These areas we have identified along western Delaware Avenue, in North Bethlehem, in

areas near Selkirk and also in the vicinity of Dowerskill Village. Hamlet commercial areas are areas essentially that where there are existing hamlet commercial uses, principally in the Slingerlands area. Again, these types of areas would have enhanced site development standards, different than those that currently exist along Delaware Avenue. For example, along Delaware Avenue, current height limitations are now 60 feet or 6 stories. Certainly, those types of requirements in the current zone, if developed to their maximum would be out of character with that existing environment. We also have lot coverage requirements that allow essentially coverage of 90 percent of a lot by buildings along the commercial districts. Again, development at that intensity would totally change the existing character of Delaware Avenue commercial strip and are probably not appropriate in areas such as Slingerlands or along western Delaware Avenue.

Just real quickly, other highlights, in the center portion of Slingerlands... central portion of Delmar we have identified a land use category which we call the village commercial category. The intent of this is to try to, in the long run, create a more pedestrian oriented environment in the center of Town with the types of uses that would encourage pedestrian activity. One thing that we, as a committee, identified as something lacking in Town, is that here in Town we don't really have a true village core area in the community and this area of Town, again, around the 4 corners area is developed at that type of scale but currently has a number of types of uses which really are not conducive to encouraging pedestrian activity. We don't see this type of thing happening over night but we are seeing it as a gradual process that will happen over many years.

Community commercial areas are areas we identified for the types of retail uses and services which are geared more toward the community in general. Specifically, the areas that were identified for these types of uses were in the vicinity of the intersection of Cherry Avenue and New Scotland Road; in the northern Route 9W corridor; and also in the vicinity of Bethlehem Center. By community commercial, again, in the recommendations of the plan we are talking about the types of uses that are geared towards the community in general. We are not talking about the types of uses that would be geared to regional type of markets such as regional shopping centers.

Other areas that were identified for commercial uses are highway commercial uses where we are talking about more general commercial uses such as auto dealerships, such as lumber yards and things of that nature.

In the industrial areas, just real quickly, the northern Hudson River front is identified in the plan to continue in industrial uses. Right now this is a heavy industrial district, the recommendation in the plan is for river front industry in the area and by river front industry we mean those types of industries that relate to the river. They can relate to the river in terms of things like needing transportation access to the river, utilization of river water in processing, uses that need to be near the river to transfer goods, storage uses such as fuel storage farms that we currently have along the river, Niagara Mohawk would be an example and uses of those kind. In the Selkirk rail yards area, is the area that's identified primarily for more heavy industrial uses. In identifying the area for heavy industrial uses what we also were thinking in terms of was trying to create buffers outward from the heavy industrial area so that on the outskirts we have light industrial, light manufacturing type of uses proposed and as we move outward from that, we also have agricultural uses; agricultural type uses; rural type uses; which would begin to form buffers between the industrial area of Town and the residential areas.

In terms of transportation, there were 2 major considerations that we looked at in terms of transportation. One was congestion in the community and the other was land use traffic conflicts. By land use traffic conflicts we mean conflicts along roadways that carry heavy traffic volumes through areas that are primarily residential in nature. First map, just to give an idea of the kind of traffic volumes that we are currently talking about on the highway system.

Slingerlands bypass carries volumes through this area of about 1,760 vehicles during peak hour. Peak hour is roughly 10 percent of total daily traffic volumes. Along roads like New Scotland Road north of Cherry, a little over 2,000 vehicles during peak hour. On New Scotland Road through Slingerlands, we are talking about 1,100 vehicles during peak hour. On Delaware Avenue near the Delaware Plaza we are talking about currently about 2,200 hours during peak hour. On Route 9W northern section, about 1,300 vehicles or so during peak hour. What we did was look at what the projections would be for the year 2010 in terms of traffic volumes throughout the highway system and again, just real quickly, the numbers increase substantially along the Slingerlands bypass -- we are now talking about 20 years from now, traffic volumes in the range of 2,900 vehicles during peak hour. New Scotland Road through Slingerlands, 1,500 vehicles during peak hour. Upper Route 9W, 2,600 vehicles during peak hour. Generally, with the projections that CDTC did, showed overall on the highway network during peak hour about a 73 percent increase in total traffic in the Town. At 73 percent increase in traffic, yet the projections for growth in terms of household in the community was only 35 percent. So, we have this great disparity occurring or projected to occur between traffic growth and growth in things like population and households here in Town.

Current congestion problems are really no secrets. They are basically shown on this map. Major congestion problems capacity... both intersection capacity and roadway capacity problems which were identified by CDTC are along Route 9W essentially from... from essentially Wemple Road to Delmar Bypass; along the northern section of Route 144; the Slingerlands Bypass area is currently over its theoretical capacity to carry traffic. These problems will intensify through the year 2010. Capacity problems begin to emerge through the center of Slingerlands and also being to emerge along Delaware Avenue between Kenwood Avenue and Hudson Avenue. Other problems that develop are intersection capacity problems along roads such as Feura Bush Road and also along Kenwood.

The other types of issues concern traffic land use conflicts. Again, after the year 2010, we see areas experiencing these conflicts such as through the center of Slingerlands; roadways such as Elsmere Avenue; Elm and Cherry Avenues; Kenwood Avenue; Murray Avenue; and we also see conflicts between driveway access and traffic volumes on streets such as Delaware Avenue through the commercial area and also along Route 9W. One major concern that we had here was excess amount of curb cuts along these roadways and how they influence the ability of a roadway to carry additional traffic.

In terms of major recommendations in the plan, I need to stress the fact in developing recommendations for transportation, we did not only look at and did not only consider capital improvements but we also considered what the effect of additional mass transit could have, what the effect of doing things such as commuter bikeways could do, what the effect of encouraging things such as carpooling could do but in the final analysis the amount of traffic growth in the community will in essence cause many problems that cannot be resolved by management types of issues or management types of strategies. So that we do need some capacity enhancements in Bethlehem.

Basically, the major improvements identified in the plan are a bypass road which would extend from the Slingerlands Bypass northward. The purpose of this road, essentially, is largely to solve intersection difficulties in the Krumkill Road area and also to provide a bypass around the residential sections of Blessing Road. The Slingerlands Bypass, currently on the regional transportation improvement plan is a proposal to increase or expand, extend the Slingerlands Bypass from its current terminus down to Cherry Avenue. The roadway as it currently is on the transportation improvement... regional transportation improvement program would also widen the roadway to 4 lanes, 2 lanes each direction. By doing this, would resolve most of the congestion problems through this particular area of Town. Another major proposal is to extend the Delmar Bypass, Fisher Boulevard in order to make a connection between the 2. Primary purpose of this connection is to try to begin to draw some of the traffic out of the center of Slingerlands and to divert that traffic

to the Delmar Bypass into Albany. In the very long term, we have also included a recommendation to extend the Delmar... or rather the Slingerlands Bypass outward to Route 85A, again with the major intent of bringing or getting a lot of the commuter traffic out of the central area of the hamlet of Slingerlands. In terms of the issue of capacity problems through Delaware Avenue and also, if you remember, one suggestion that was made here was that in the long run, we would like to see this area of Town become more pedestrian oriented is to get in the long term some of this traffic growth out of the 4 corners area. One way to do this, if the D & H railroad is abandoned is to begin to utilize the D & H railroad for a connection between Delaware Avenue and Cherry Avenue extension.

Other items that we have in here, Elsmere Avenue and the intersection of Elsmere Avenue, if we still had such things as the Rockefeller Road bridge in place, both across the railroad tracks and also across the Normanskill, improvements like that could help being to remove some of this traffic through the intersection of Elsmere Avenue and Delaware Avenue. One thing that we have identified which we could possibly do in the future, is to look towards constructing a roadway that connects Delaware with Rockefeller Road. Other improvements are along northern Route 9W, intersections improvements. One problem that we have identified both in the 9W study that we did a number of years ago and also in this study is the jug-handle issue at Route 9W. What we see as a solution to this problem is to make a connection between Route 32 and Route 9W so that vehicles traveling north and then west on the Bypass would be able to avoid that jug-handle area. 9W will also, in the long run, need improvements such as widening. We have also made a recommendation for essentially a service road between Wemple Road and Glenmont Road. The purpose of this, again, to service properties in this area and secondly, to draw some of the traffic off of 9W.

Other major item identified here involves an item again that is on the regional transportation plan and that is a bypass around the hamlet of Selkirk. The most significant problem in Selkirk now with regard to transportation is the amount of truck traffic that utilizes Maple Avenue through that area. In addition to those improvements, we have also identified some long term improvements for pedestrian facilities in Town. Most of these facilities are identified with the intent of linking residential neighborhoods with activity centers, such as parks, such as commercial areas in the community.

With that, that is the general overview of the plan and I will turn it back to the Supervisor.

SUPERVISOR FULLER: Thank you, Jeff. I would like to just take a second to introduce the members of the LUMAC committee that are here in the front row, Martin Barr, Mr. Sam Messina, and Mr. Jim Blendell, Mr. Putney and Mr. Jeff Lipnicky served as Chairman of LUMAC. Mr. Martin Barr is Chairman of the Planning Board.

MR. LIPNICKY: I wasn't going to correct the Supervisor.

SUPERVISOR FULLER: Right after I said it, I knew it. Are there any questions from the Board?

COUNCILMAN LENHARDT: Madam Supervisor, I would like to hold my questions until after we can hear from the public, if you don't mind. I don't want to take up their time.

SUPERVISOR FULLER: Okay. Questions from the audience, I would ask you to please stand, come to the microphone so that we can get it on the tape. Please identify yourself.

MR. STRONG: Bill Strong, Van Wies Point. My interest tonight rests mostly in the field of housing or land uses for senior citizens. There is a senior citizen residence district as a classification in the proposed zoning ordinance. I looked at your proposed land use map and I couldn't find any sites that had... that you are proposing the zone for senior citizen use. I am wondering if you can show me those that are.

MR. LIPNICKY: The proposed land use map doesn't contain senior citizen residence district as a proposed zone. The reason being, this, under the current zoning regulations in the Zoning Ordinance, senior citizens district is a floating zone, okay. Just like a planned residence district is under the existing regulations. Basically, what happens in a floating zone is that an applicant comes before the Town Board and proposes such a district somewhere in the community and the Town Board then reviews that application and determines whether or not it's appropriate in the location that it is proposed, okay. In that sense, it is a floating zone. Under what is proposed here in the Master Plan, the senior citizen residence district would remain a floating zone.

MR. STRONG: In other words, you are saying that if seniors... if someone wanted to live in a senior citizen zone or district, that they would have to pay the additional cost that is incurred in getting land rezoned for senior citizens.

MR. LIPNICKY: Well, there would certainly be some cost associated with that but in terms of any development application that comes before the Town there is costs associated with those development applications. Plans have to be prepared, plans have to be presented to the Town. Having the zone as a floating zone allows a great deal more flexibility in the sense that if we identify specific areas for senior citizens residence district, for example, what that means is that those are the areas where that is the land use, okay. And, it certainly ties the hands to a large extent of existing developers in going to try and acquire that property to build a senior citizens district, okay. If it is a floating zone, what happens is, it becomes a little easier for somebody who is interested in doing that type of project where as now, they are not limited to the land area that they can acquire to do that type of project, okay. What they do is they would have to go out and find land that is appropriate to their prospective to do the project and then come to the Town Board to find it rezoned. Setting it up as a floating zone is far more flexible than it would be in specifically defining an area and would serve, in our view, to encourage that type of housing more than having it as a fixed zone on the map.

MR. STRONG: I don't agree with that but I can bring that up later. I understand what he said but I am saying that I think that senior citizens play a major role in the tax base in this Town and that they deserve to have areas set aside for... that are convenient to public transportation, water and sewer and their special needs and not see that land go for other uses. Now, who knows, when someone will come in and propose that zone.

The other question I have has to do with making a number of properties non-conforming uses with this conservation district that you are proposing. Could you tell me what the impact on housing that falls within the district... what the impact will be by... because it becomes non-conforming use?

MR. LIPNICKY: It depends. What I can answer you, is it depends on how the zoning code is written, okay. Normally, what occurs is... or what happens is, that in a zoning code, a zoning code will be written in such a way that grandfathers existing uses, okay. So, if there, for example... if and again, I stress the point that we are not proposing a zoning code here, okay, what we have here is a land use map. In fact, I would suspect that by the time we translate this to a zoning map, you will not see a district called conservation district... conservation areas will, in fact, become most likely an overlay type of district, okay. They won't be established specifically on the map but that's again, we are not at that stage yet. But, to answer your question, what happens is that a zoning code will normally grandfather existing uses and realistically has to grandfather existing uses. What a code might normally do also, is that for example, if there is a lot... let's say hypothetically, that's half acre lot... an existing half acre lot, and the Town changes the zoning code to acre lot. What will happen is that a zoning code will normally be written in such a way as to allow some type of development on that half acre lot even though it might not meet the acre requirement. In other words, it is written in a way to grandfather that to allow some type of use. Typically what happens

is a zoning code will be written in a way that says... allows single family use on that type of lot. So, there will be provisions in the zoning code for grandfathering.

MR. STRONG: It is my recollection that a non-conforming use has to have a special approval in order to change the property... the dwelling or building that is on it. Isn't that correct?

MR. LIPNICKY: Again, it depends how your zoning code is written. Typically what happens is a non-conforming... if the non-conforming use is out there, okay, the non-conforming use can continue indefinitely, okay. So, if you have, let's say a sub shop, okay and the zoning was changed where that sub shop is located to residential and the code no longer allows a sub shop under the zoning, okay. What will typically happen is the code will be written in such a way that that property can continue to be a sub shop forever, essentially, okay. The way the codes are usually structured, is that once that use is discontinued for a specified period of time and normally in zoning codes that specified time is a year to 2 years, okay, once that use is discontinued for that period of time, then it can no longer be reused as a sub shop. Then it would have to comply with the existing zoning. In terms of expanding an existing non-conforming use, the way our zoning code is set up is it does allow a certain degree of expansion to an existing non-conforming use.

MR. STRONG: A number of the residential lots in the Town will be non-conforming use as a result of this district and I think that it behooves those of us that will become non-conforming use to know what the new code that he is talking about is going to say and what impact that has on us.

MR. LIPNICKY: I would just like to distinguish between 2 things also, here, okay. One is the concept of non-conforming use which basically means that the use isn't allowed in the district and the other concept is the concept of a noncomplying building, okay. The concept of a noncomplying building is that although it is a use that is allowed in the code, all right, it may not meet requirements such as minimum lot area and minimum set backs and things of that nature, okay. Codes are usually structured in a manner that they are not as severe in their treatment of noncomplying buildings. Usually they would be structured in a manner that says you can expand a noncomplying building, okay, as long as you don't increase the degree of nonconformity. So, in other words, if you are not complying with side yards, all right, you would be able to expand that building as long as you don't build closer to that side yard.

MR. STRONG: Well, that's where the problem is.

SUPERVISOR FULLER: Any other questions?

MR. SANDER: Irwin Sander, Elsmere. I don't see a transportation material. The roads that seem to have the problem, the Town doesn't have any control. Like 9W is a State road, the Delmar Bypass is a State road, how does the Town propose to take into account to alleviate these problems if the State doesn't give you any help?

MR. LIPNICKY: One of the reasons we hired CDTC which is... CDTC is the regional planning agency for transportation funding in the Capital District and maybe Dave can respond to that a little bit. Put him on the spot a little bit.

MR. JUKINS: To answer your question I guess, indirectly, let me dig in by saying it is not really up to the State of New York entirely... State DOT to make decisions regarding improvements to the regional highway network particularly when Federal funds are involved. It certainly has... make some decisions as to what improvements are made when it uses its own funds, State funds, but there is an opportunity here as there was with funding Slingerlands Bypass extension and the Selkirk bypass to realize Federal funds that are available to the region. When that occurs, it involves us, CDTC which is metropolitan planning organization for the Capital District and that MPO, as it is called, is made up of a number of elected officials across the region -- State DOT is represented, CDTA is represented, the NYS Thruway Authority is represented, as well as the cities, villages and towns

in the region. So, when it comes to any proposals to improvements to the roadway system or either transit improvements or in some cases pedestrian improvements that are region wide significance it is appropriate to come to the CDTC table, okay. What... let me speak to how this whole process can help that. One thing that we have been advocating within CDTC is efforts by communities to develop comprehensive plans for their municipalities and by doing so, it gives them that added leverage for us in that we ensure that they take the necessary steps to make sure that they cover the issues. To make sure that any capacity or any transportation improvements that we do provide are preserved or the integrity of those improvements are preserved to the comprehensive planning process. So, it is... the bottom line is that NY State DOT does not have the sole decision making power here that is entrusted to a regional agency when it comes to Federal funds. Some of the improvements here, you know, are best solved through the Federal planning process .... , others may be best served through the local planning process, roads being built through development that occurs in the road corridor, others are more appropriate for regional participation like the Slingerlands Bypass.

MR. SANDER: What about Delaware Avenue was mentioned from Hudson to Kenwood, how do you propose? Isn't that a State road and wouldn't that come under the authority of the State?

MR. JUKINS: Certainly anything that is done to the State, the State implements the plan and the program. The State implements the project. Decision making as to how funds are allocated is made, Federal funds are allocated is mainly by MPO. So, it is a collective decision making process that involves many different agencies, okay. If you were to go it alone, let's say and you were looking for a particular improvement to a State highway, and... let's say the Town was interested in making particular improvement and to be financed through Town funds, it certainly would have to proceed through the departments ... with all the process to make sure that all their issues are covered and so on and so forth. But, in terms of looking to how to implement... how to find the financing, it is a couple different avenues, DOT is one avenue but the MPO process is another one.

MR. LIPNICKY: Just to give a quick example, is the Selkirk bypass, the Selkirk bypass... funding for the Selkirk bypass is currently on the regional transportation plan. The reason it got on the plan was because of lobbying efforts here in the Town and also the Town working through the regional planning process with CDCT. It wasn't a project that DOT just decided to fund, it was a project that we lobbied very hard and did a lot of research on in order to get it. So, just because it is a State highway system, doesn't mean that there aren't other inputs to that process.

MRS. FULLER: Questions.

MR. HARDT: Bob Hardt, Slingerlands. I have one question for Mr. Lipnicky and then I have a highway question. Is Slingerlands the only site in Town where it is proposed that a residentially zoned parcel be rezoned or down-zoned to commercial?

MR. LIPNICKY: No, it is not. There are a number of areas where there is proposals for neighborhood commercial districts that are currently zoned residential. I believe if you look in the vicinity, for example, the thruway corridor the Selkirk interchange, there is also residential property in that area that is proposed to be rezoned office. There is some agricultural residence areas that are proposed for rezoning to office use. There are a number of single family zones that are proposed for rezoning to planned residence district. So, the answer to your question is no.

MR. HARDT: There is one...

MR. LIPNICKY: There are many other areas.

MR. HARDT: There is one in Selkirk. I ask specifically, down-zoning residential to commercial. I didn't ask about the other kinds of zoning.

MR. LIPNICKY: And, I answered your question. I said yes.

MR. HARDT: In Selkirk area?

MR. LIPNICKY: No, along... in the North Bethlehem area, along Route 9W we have a residence B zone that is being proposed for commercial office uses. So, the question was is there proposals for down-zoning other residential areas... I should say residential areas, I should say areas that are currently zoned residential and realistically, are currently undeveloped. And, the answer to that question is yes.

MR. HARDT: The highway question is, what is the time frame and the degree of certainty in regard to the LaGrange, Cherry Avenue extension that CDTC will be available? Both the time frame and the degree of certainty.

MR. JUKINS: You mean the piece that will connect Cherry Avenue to the existing Bypass and the proposed widening of the Bypass?

MR. HARDT: Yes.

MR. JUKINS: It is pretty certain. It is part of our regional transportation improvement program. So, by virtue of that, there is a commitment to the project from the Federal and State sources. There is quite a bit of work that needs to be done relative to satisfying various Federal regulations and requirements. But, if things go smoothly, we can see that project in place within 5 to 7 years. But, the funding is secure barring any unforeseen disasters to the economy that forces us to cut back the program but as it stands right now, it is a secure project as is the Selkirk bypass project.

SUPERVISOR FULLER: Are there any other questions? If you do have questions, to save time, if you would start lining up at the microphone and then we can...

MR. REILLY: Ed Reilly, Elsmere. When you were pointing out the potential for new road development, I noticed there is a road you didn't point out on the map that goes from -- it looks like from Delaware Avenue to connect with 85 in some way. Did you just skip over that or is that something that is real?

MR. LIPNICKY: Well... no, yes... I can't go any further can I? Essentially what we have is the issue of how to involve future congestion at the 4 corners and also future growth in traffic through that area of Delmar between Hudson Avenue and Kenwood Avenue. And, there are 3 options that are presented in the plan. The first option is the preferred option which is to utilize the D & H right-of-way. There are 2 other options to deal with it, one is to make some major intersections improvements at the 4 corners and also to do some road widening along Delaware Avenue, again, through the center of Delmar. That is not an option that's desirable option both from the perspective of community disruption and secondly, from the perspective of being in conflict with what we would like to see that area of Town become in the long run. The other option is to try to find a corridor that connects Delaware Avenue with either Cherry Avenue or New Scotland Road which would utilize one of the ravines that runs in a kind of north/south direction. That is probably the least desirable of all the alternatives, okay. The ravines that would have to be crossed are pretty massive back there in order to build such a roadway but it is an option. The big purpose of doing this mapping was to identify the Town's options and to make sure that we don't foreclose them in the future, okay. The big purpose here was to identify what we may have to do and to make sure development doesn't take place in those potential corridors. And, that is the purpose of why it is shown here. It is an option. It is probably at the bottom of the list of desirable options.

MR. REILLY: And, my second question is, I didn't see a specific district for this but you probably addressed it in some other way, with the controversies around with the ANSWERS landfill and the potential in the future for the Town to go on our own and you know, people have thrown out the idea, well we will build our own landfill or some other form of solid waste management, is there anywhere in

the plan, has it been identified how that is going to be handled and where that might be?

MR. LIPNICKY: No, we did not identify an area. We did not identify an area where we said that a landfill site is appropriate, okay. The Town currently has a solid waste ordinance which deals with the siting of solid waste facilities. The Town also had a Solid Waste Management Task Force which worked on the issues of solid waste for a number of years and it wasn't an area that LUMAC got into.

MR. MERRILL: I am David Merrill from Glenmont. I was wondering -- this is another highway question -- as far as 9W, what is the potential of that being expanded and are your projections based on keeping it community or regional type of developmental growth on northern 9W?

MR. LIPNICKY: Basically, what is currently in the plan now, is that we foresee at some point in time there is going to be a need for widening route 9W to 4 lanes, okay. That is going to happen whether or not there is a regional center developed there, it would just affect the timing of when it is necessary. The projections are based on the year 2010 projections for a moderate growth scenario and to go into a discussion of what that means, would probably take half the night, okay. But, to answer the question, that scenario did consider a good deal of commercial development in the Route 9W corridor.

MR. MERRILL: Have you discussed with the State the potential of widening this road yet or has anyone?

MR. LIPNICKY: It has been done in the context of the Southgate project, okay. The State is certainly aware of what's in the plan here also. They have a copy of the plan and they are also aware through Capital District Transportation Committee. You know, but at this point in time, most of the improvements that are on here, I mean, there is no commitment to them because we haven't even gotten to the point yet where we have decided as a community that we want to adopt this plan.

MR. SCANLON: My name is Bill Scanlon and I am from Glenmont. I have a procedural question, I hope it is not out of order. I am very much in favor of the LUMAC plan because I think the Town badly needs a plan. I felt deceived and put this on poor Mrs. Davis the other night... the other day in my back yard that I felt deceived for a long time when the Town would say, oh yes, we have a plan but they did not add the little counsel at the end, but its not officially ever been approved. But, we have a plan, pull it out and show it to you. Now, we have all this new plan and here is my procedural question, if I am out of order I don't know who the Chairman is, Mrs. Fuller maybe -- how are we going to go about getting this plan approved or not approved? I assume it is going to be by vote of the Town Board. I find that very difficult because I don't know how these people are going to be able to make up their minds, the Town is so split on it. And, I guess what I am asking, is that the only way? Or, is it possible to get this off the dime and have a referendum in the Town about... of the Town plan? I read it, I read it. I find it very difficult to read. You have to study it, I don't understand it, I tried. I looked at it just the other day again. But, what seems to me, is we have got to... we can debate the details and our own individual preferences about where things ought to be and where they not ought to be but the big question to me is, is the Town going to have a plan and how are we going to get the plan passed or not passed? That is my procedural question. I will go away now.

SUPERVISOR FULLER: The Town Board will be the one to make the decision.

MR. SCANLON: Yes.

SUPERVISOR FULLER: And, Mr. Kaplowitz would like to address the question of referendum on this topic.

ATTORNEY KAPLOWITZ: That wasn't really what I wanted to talk about. We have called it a lot of names. First, before I go any further, sir. The plan is a difficult problem in New York State because New

York State for years required a comprehensive plan or a plan of zoning or a comprehensive plan. No one has ever required a master plan in the State of New York and 50 percent of the towns in New York still don't have a master plan. That is another argument that has nothing to do with this. But, we have talked for years about having a comprehensive plan because the courts have held that your zoning ordinance is a comprehensive plan when you decide that Delaware Avenue should be commercial and other areas should be residential, that is a comprehensive plan. The master plan came up 5 or 6 years ago and it is whole new development. I just want to make that clear. Long after the LUMAC committee was formed, as early as this July... this past July 1st, the Town Law was changed again by the Legislature. In some cases you could probably, if this plan intended to, set lot sizes, uses in different districts and all those things and adopt it in total. But, I don't think, in my humble opinion, that this document was intended to do that, number 1. Mr. Lipnicky prepared this in the form of a Local Law. He did that wisely because...

MR. SCANLON: Pardon me, in the form of a local law?

ATTORNEY KAPLOWITZ: What we call a local law. The reason he did that is it is the most formal way of doing it and required a public hearing under any circumstances. We wanted to go through all of that to find out what people had to say and what they thought. It does not have to be adopted as a local law and that is a decision the Town Board has to make and that can be a difficult one. It could be adopted by a resolution and said this is our master plan, put it up on the shelf, it is for future reference and a guide and used or not used depending upon what future generations do. That is a very distinct possibility whether or not again it becomes... I, personally, don't think it should become a local law because that gives it a connotation of something it is not. When the time comes and that is after this is adopted to talk about lot sizes, uses in different kinds of districts and all that, that means we have to start amending our zoning ordinance. Each of those changes are going to require additional local laws and we will have 5 times the crowd we have tonight, believe me. This is meant to be a guide and that is all it will do. I don't think it will be so hard to adopt...

MR. SCANLON: You mean this hearing is meant to be a guide or the plan.

ATTORNEY KAPLOWITZ: The plan is meant to be a guide for the future and that is what it should be, I think, that is the wisest way of going. I don't think it will be so difficult to adopt but that depends on how these 5 people decide which procedure to follow. If we are going to make it a local law, it would be very difficult I think. If we all agree that this is a guide to be used for planning, then I think it can be adopted without a great deal of difficulty. The preamble which I had nothing to do with, states that it is a guide and is meant to be only a guide for that purpose for future development of the Town. I can't believe that there is any town in the State of New York who now has the information about itself that we have thanks to Mr. Messina, Mr. Putney and the people who worked on it for 5 and 1/2 years. Nobody dreamed when this started that it would come back in the form that it did and it would take 5 years but it is a phenomenal document. It is not good to us until we do something with it, agreed.

MR. SCANLON: I guess, Mr. Kaplowitz, that's my question. It is a vote of the Town Board?

ATTORNEY KAPLOWITZ: It's the vote of the Town Board.

MR. SCANLON: Does it have to be?

ATTORNEY KAPLOWITZ: It is very difficult with referendum in New York.

MR. SCANLON: Nasty question, I am sorry.

ATTORNEY KAPLOWITZ: The general... that is fine. The general rule in New York is you cannot have a referendum unless you find specific authority in the law for it. We have been through, fluoride is a

classic example, the State Comptroller said you may not have a referendum on fluoride because there are no authority in the law for doing so and that's your job, Town Board Members, to make those decisions. However, there are areas, there are mandatory referendums which are very unusual. If we wanted to make the Town Board a 4 member Board or something like that, it would be a mandatory referendum. There are a lot of laws that require a referendum, not mandatory, if somebody files sufficient number of petitions after something is done by the Town Board requiring a referendum and then it has to go to a vote. Then there is Section 81 of the Town Law which lists many, many things that are the proper subject of referendum. I would have to go back and look at Section 81 to see if this was. I don't think it is, I would be very surprised. So, my first blush, I would say to you that it has to be a decision of the Town Board.

MR. SCANLON: So that the only way the decision on the LUMAC thing will be made is by vote of the Town Board.

ATTORNEY KAPLOWITZ: By these 5 people.

MR. SCANLON: Okay. And, I guess what I am saying is, it seems to me to be a very hard decision to make because... boy, you are getting a lot of varied opinion on it. God bless you, I hope you can do it.

ATTORNEY KAPLOWITZ: Well, we have been living with a lot of controversy lately.

MR. HASKINS: My name is Mark Haskins from Slingerlands. It is unfortunate that I have something negative to say because I think the vast majority of the work done on this plan is commendable and it is long overdue. My concern is with the development in Slingerlands. I think it was kind of unclear when Bob Hardt asked whether or not any other land was being rezoned from residential to commercial. I don't think there is much of a comparison to be made between a house being used for a dental office in the most restricted residential zoning which is AA being changed to the most commercial use for a 200,000 square foot shopping center. I think there is... this clearly.

SUPERVISOR FULLER: Mr. Haskins, would you please ask your question.

MR. HASKINS: Oh, is this the only time for questions?

SUPERVISOR FULLER: Yes and then we are going to...

MR. HASKINS: Is there a time for comments?

SUPERVISOR FULLER: Yes. I wanted to do the questions first and then those in favor and those opposed.

MR. HASKINS: Okay, let me ask a question. Is there anything else in Town proposed of this magnitude that changes the most restricted residential zoning to the most commercial?

MR. LIPNICKY: First, to clarify, residence AA is not the most restricted zoning district in Town, AAA residence is. Off the top of my head, I am just trying to look, off the top of my head... there is around North Bethlehem it is A residence to commercial so the answer is no in that area; along Route 9W it is B residence and also A residence to commercial, so the answer is no there; South Bethlehem, rather Selkirk area the answer is no there; in the vicinity of the Town park, the answer is no, it is A residence to commercial; generally it looks like... the question relates specifically to A residence... AA residence district to commercial, it does not look like there is another change of that nature, no.

MR. HASKINS: I mean it is not just a technical question, it is a question of magnitude too. It is a question of magnitude... the answer was correct but the question is one of magnitude. There is no other zoning change... use zoning change of this magnitude that affects a residential community as far as I can see in the whole master plan.

MR. LIPNICKY: Well, not... there are a couple of areas where there are changes that are recommended, again from single family residence districts to Planned Residence Districts which would allow multi-family housing. So, to say that there isn't down-zoning and, again, I hate to keep using the term zoning here because we are not talking about zoning, we are talking about a land use plan and not a change to the zoning map at this point in time. But, to say that there aren't any recommendations here for more intense use on existing parcels would be incorrect.

MR. HASKINS: Okay, thanks, Jeff. I will reserve my comments for later.

SUPERVISOR FULLER: Thank you.

MR. GANSLE: My name is Bernie Gansle. Could you tell me what the current status is of the Maria Rose Senior residence in North Bethlehem?

MR. LIPNICKY: It is currently, as far as I know and the Supervisor can correct me, they have been awarded the grant.

SUPERVISOR FULLER: The funding was granted by HUD but they have not come back in yet.

MR. LIPNICKY: We have gotten any further application from them at this point.

MR. GANSLE: Okay.

MS. SHIRK: My name is Margaret Shirk. I live on Hudson Avenue. I would like to know what the status, right now, is of the D & H rail line because your proposal said if this should become available? I recall several months ago there was an article in the local newspaper about this issue and I also recall from several years ago, I thought that the D & H had been sold to Conrail.

MR. JUKINS: The simple answer to your question is uncertain. D & H was sold to Canadian Pacific and Canadian Pacific has tried to... it appears that it has been somewhat success in revitalizing the line and has been... is being used more often now in the last year, last couple years than previous few years. They are, however, have applied to abandon the line out from Voorheesville to Delanson and that's the extent of, I think, their abandonment plans at the current time. As the D & H line, it seemed uncertain as to what status... what future that piece through Slingerlands and Bethlehem and the City of Albany would have. The current time, it looks like it's a vital line and it is being used. So, that proposal remains uncertain.

MR. CLEAVES: Earl Cleaves, Glenmont. I was wondering what consideration is being given to redesigning the junction of 9W and the Delmar Bypass which is rapidly becoming a point of congestion with the addition of a light which slows down the 9W traffic for the Niagara Mohawk trucks that come across and the Red Star, the trucking company that comes across but it is rapidly becoming a hindrance to traffic along 9W. Is there any thought of redesigning that? It was rather poorly designed in the first place, so it really is the fault of designers but has there been any thought to redesigning it?

COUNCILMAN PUTNEY: That is the jug-handle.

MR. LIPNICKY: That is what we call the jug-handle and the jug-handle has been an issue with regard to at least the planing studies we have done here in Town and it was an issue in regard... when we did the Route 9W corridor study as well. The Route 9W corridor study made a number of recommendations which range from everything from removing the currently fly over and turning it into an urban intersection with appropriate turn lanes and signalization to doing a traffic circle at the location. Again, taking down the existing fly over plus a couple of other alternatives. CDCT looked at this as part of this plan and essentially 2 items or 2 recommendations or 2 alternatives here. One concerns for north bound traffic to construct a connection road between Route 9W and Route 32 so that you would not have to utilize the jug-handle in order to get from Route 9W northbound to Route 32

westbound. The other alternative is to build a fly over going essentially from Route 9W northbound to again, the Delmar Bypass westbound. I don't know if... Dave, do you have anything to add to that?

MR. JUKINS: I guess there are a couple of points of view to that. One, some... one school of thought argues that as an urban intersection it is fine. Okay, so you stop traffic, you know, stop it for a little bit and the light turns green and you move through. You are right in that as increased delays on 9W and virtually is quite a pain in the neck. There is not a time, you know totally, that I go up there that I don't stop every single time and by virtue of that signal you probably added more delay to the whole regional delay time than you have taken away with some of our signalization and intersection improvements elsewhere in the region, perhaps, okay. So, the one point of view is said as an urban intersection it is okay. It lets a few cars through on minor approach and then everyone gets to go. There is another school of thought that says that really that is a high type interchange and it was never intended to service that great of traffic and then certainly some consideration should be given to changing the way that operates. And, you know, one option is, as Jeff mentioned, was to build... build a piece of the fly over which is somewhat expensive and visually intrusive or doing something else that provides some alternative path to 32 and allows traffic to turn. And, those are 2 different options and things we are considering within this broad plan here and something that, certainly, would have to pursue into the future as traffic on the 9W corridor grows and 32 corridor grows.

MR. BAKER: Dan Baker from Slingerlands. I think it is great that we have the master plan and everything. My question is how does this Town Board... how are they going to vote on this project when there are too many uncertainties and not any guaranteed funding as I have heard over here on this project. How do we vote on it when there is too many uncertainties as far as Federal funding for roads, other funding for projects. We heard it tonight, you know, there is no guarantee. DOT, the regional... I don't care who you are, there is no guarantee as far as funding on these roads like you said, if there is a catastrophe. Yesterday we had 28 inches of rain in Texas, why couldn't we have one here, a catastrophe and what happens then, you know as far as funding for a lot of these projects. Infrastructure, I mean you guys are talking major projects. How do you plan to vote on this with the uncertainties? Can you vote on a project that has so many uncertainties and funding? I don't understand how it can be done.

SUPERVISOR FULLER: Who is answering?

MR. BAKER: Town Board probably, I would say the Town Board. How do you plan to vote on this whole project when there are so many uncertainties? We have heard it tonight, there are uncertainties in funding. There is no concrete evidence that his funding will be here in 5 or 6 years, you know that.

SUPERVISOR FULLER: You do have to understand that this is not a project. This is not something the Town Board is making a decision on immediately. This is something the Town Board will have to consider as a guideline.

MR. BAKER: Eventually.

SUPERVISOR FULLER: And, then for actual implementation of it, will be years and years coming.

MR. BAKER: Is it a guideline that the Town, if they want to use it, they can and if they don't want to use it, they don't have to?

SUPERVISOR FULLER: Yes.

MR. BAKER: Is that what I am getting at?

SUPERVISOR FULLER: Yes.

MR. BAKER: So, there is no control right now, we are voting on something that might be used or might not be used.

SUPERVISOR FULLER: We are not voting on anything. This is basically a public hearing.

MR. BAKER: Well, I mean you are, I am sorry. You are adopting whatever, a master plan.

SUPERVISOR FULLER: We are not adopting anything right now. What we are doing here this evening is just hearing comments from everybody. So, everything that is said...

MR. BAKER: Well, okay, I am talking in the future then, you know, this would all be in the future. I am sorry, not tonight. It just seems to me that it would be hard to vote on with the uncertainties in it, you know what I mean, adopt a whatever.

MR. JUKINS: Let me just say this, I think that with the development, whether the plan is adopted or not, with the development of this comprehensive plan, we are several major steps ahead of everybody else, which puts us in a good position, okay, with regard to funding for the transportation improvements or any other kind of action within the master plan. But, you know, from my perspective particularly with respect to transportation... all right, because we are at this point years ago where anyone who thought they could say there is a identifying need whether it was in Niskayuna on Ball Town Road or in Slingerlands on Slingerlands Bypass, what did we do, we needed to make an improvement and everyone throws up their hands saying we have no money, we have no money. All right, but we have positioned ourselves pretty well in these last few years to take advantage of recent Federal program that was passed in 1991, I guess, all right, and you know, as I mentioned to a gentleman before, it is all in this comprehensive planning process, you know, did its job. It positioned the Town well to take advantage with respect to the Slingerlands Bypass and the Selkirk Bypass issue with regard to the truck traffic on 396. So, you are right, life is full of uncertainties, who knows but, we are much... we feel much more secure today that we have a master plan and comprehensive plan on the table that we have commitments on the TIP for a vast array of projects not only in Slingerlands or in Bethlehem but elsewhere. So, we are several giant steps ahead.

MR. BAKER: Right.

MR. JUKINS: And, it is good.

MR. BAKER: Yes, I agree with you, it's a great idea and everything. It's all... I am just wondering how much its going to effect as far as the Slingerlands bypass. I have been there in Slingerlands for 40 years. I have heard about the Slingerlands bypass for 20 years. I have never seen it. You know, it's good to talk, but talk is cheap, you know what I mean. To really actually do a project, you are talking major money, major infrastructure. You are talking that you are not guaranteeing funding for these. You can't guarantee funding for these. I know you can't, you know you can't, you admitted it so I just... it is hard for them to vote on something that is... all the uncertainties in it. It really bothers me. I have to agree with the other man, that it bothers me that 10 people are going to control destiny for the Town for the next 20 years. But, if that's the way it has to be, that's the way it has to be. But, it just bothers me that that's the way it is. You know what I mean. When you have taxpaying citizens that, you know, where would you be. So, I think you ought to listen to them a little more that is all, thank you.

MR. LIPNICKY: One point here is, you have to start some where.

MR. BAKER: Oh, I agree with you.

MR. LIPNICKY: And, the purpose of this is to have that starting point, okay. To identify the needs, to document the needs so that you have the ability to go somewhere, such as to the Regional Planning Commission and put it on the table as a possible project.

If you don't do this, you are going to be much worse off because you haven't even started.

MR. BAKER: Right.

MR. LIPNICKY: This is the starting point.

MR. BAKER: Oh, yea, I think it is right.

MR. KNOX: Hi, Robert Knox. I live in Elm Estates. I had a question in the plan you refer to cluster developments in a few different places but you don't at any point really define what your idea of a cluster development is and I would like to know in terms of housing density, number of units and set asides for green space, just what your definition is.

MR. LIPNICKY: First, again, as we have said throughout here, what we have here is a general plan. Anything that before it takes effect in that plan would have to be translated into zoning code changes and the cluster ordinance can take many different forms, okay. By definition what cluster zoning is, is essentially, this, okay, hypothetically you have a 100 acre parcel, all right and under a typical zoning code, what the parcel might say is that under the... for this 100 acres, what you can build are 100 units and each one of the units has to be 1 acre area or sit on a lot that is 1 acre in area. Okay, what cluster zoning says is that okay, you still can only get 100 units but they no longer each have to sit on an individual acre lot. All right. They might be 1/2 acre lots. They might be on 1/4 acre lots. They might be in the form of a townhouse development or some other form. But, the point being that instead of spreading development out over a parcel, the development would be clustered on one particular portion of the parcel so that remaining portions can be kept in open space or in recreation use or something similar. The idea of clustering does not refer to increasing the overall density that is permitted. It has to do with the arrangement of individual housing units on a parcel.

MR. KNOX: I guess it depends on how you look at your measurement then. I am not... I don't see it as necessarily an improvement to take 100 units and put them onto 1 acre and it seems like without some suggestion in the plan since in several places you indicate that stuff should be taken to encourage clustering, what you are suggesting in terms of clustering -- I am not eager to see some of our downtown Delmar type areas moved out into the countryside since most people that are buying homes today are looking to move into the country not into another city in the country. And, since this plan is supposed to provide some kind of guidance, I think if you are going to encourage clustering, you need to define what your encouraging, not just clustering per se.

MR. LIPNICKY: As I said, as it is currently presented, it doesn't contain those types of regulations. It is a plan, it is not a zoning ordinance. The intent of the cluster regulations is that, again, are to allow for the clustering of units on a parcel. They are intended to maintain and preserve open space in the Town. Exactly how that will be done, exactly what those regulations would be, we are not at that point.

MRS. PICARAZZI: My name is Marilyn Picarazzi and I live in Selkirk. First of all I want to say that I am very pleased for the study and I am extra specially pleased that you are giving Selkirk some consideration with the Bypass which we DEFINITELY need before the trucks knock our houses down. My other question is, what is the status, of course, I am very interested in Southgate and I am also interested in the status with Price Chopper -- if we are going to get it or what's going on guys.

MR. LIPNICKY: These questions don't necessary relate to what we are doing here tonight but just real briefly. Where the proposal with regard to Price Chopper is right now, is that the proposal that came in here had some difficulties with regard to where the structures were located. There was concern that if it proceeded as it was designed at that point in time, it could foreclose the ability to extend the Slingerlands Bypass to Cherry Avenue. So, what has

happened is that the State has given the developer a theoretical alignment for the Slingerlands Bypass extension and the ball is, at this point in time, in the developer's court in terms of redesigning the layout. That is where that is.

With regard to the Southgate project, Southgate was required... the developers of Southgate were required to prepare a draft environmental impact statement on the proposal. They submitted that DEIS, the Town had hired a consulting firm in order to review the DEIS, there were a number outstanding questions that were not addressed in that document that we had asked the developers to address so, what has happened at this point is that the Town has determined that the DEIS is incomplete, so again the ball is in the developers court to answer the questions that were asked of them.

MR. PECKHAM: Hello, my name is Mark Peckham. I am an Elsmere resident and I had a question about the bypass which you label as G2 on the transportation plan, this is the bypass which would roughly go from Tool's Restaurant at Delaware Avenue over to Blue Cross/Blue Shield. And, I just wondered to what extent the environmental consequences of that kind of construction had been considered at this level as part of the master plan?

MR. LIPNICKY: As part of this, again... we have to bear in mind a couple of things with regard to these corridors that are shown on the transportation map. First, that they are intended to be conceptual in nature, okay. They are not intended to show an exact alignment to the road. Much, much more work needs to be done in a number of these areas to come up with alignments that 1. least impact on the environment; 2. least impact on adjoining uses, whether they be commercial or residential. They are intended to be conceptual in nature. As such, at this point in time, there has not been an environmental impact statement on that roadway. For example as the process proceeds, if in fact, that particular roadway is feasible, if in fact, it is necessary, again, it is the least desirable option because we know we have very deep ravines we have to cross in order to do it. We know that it would involve a tremendous amount of fill to cross it, we know that that would result in a great deal of destruction of vegetation and also wildlife habitat. So, it is not the best and most desirable option out there. Before a project like that could proceed, there would need to be subsequent environmental reviews of something like that and also with mitigation attached to it. But, again, we are at conceptual stage here. We are not at the design stage.

MR. PECKHAM: Thank you.

MR. ISACHSEN: First of all, I will say I am mightily impressed by tens and tens of maps giving tremendous base line information on Delmar. I didn't realize that so much information would be placed in this manner. My question concerns coming back to the remark made by the first gentleman here from Van Wies Point who suggested that some consideration be given to recommending areas that would be suitable, I presume, he meant senior citizen housing or something of that sort. And, the suggestion was, rather than restrict the recommendation to certain areas, leave it floating so that they can be constructed anywhere. Is there any reason why several areas couldn't be recommended for that use but that the matter could be a floating one as well?

MR. LIPNICKY: Let me try to address that in this way. To some extent, the problem is this, can or should the Town identify a parcel of land, okay, that is held in private hands to allow only one use on that parcel, okay. That could be difficult first of all. Secondly, the floating zone, essentially, as I said before is intended to take care of the problem or intended to encourage senior citizen housing. What the zone... the current regulations that we have in the current zoning ordinance with regard to senior citizen residence districts allow densities up to 10 units per acre, for example, okay which are densities which are quite a bit higher than are allowed in current single family residential zoning districts. So, to some extent, there is some kind of building incentive for that, okay. This district is intended to provide affordable housing for senior citizens, okay. It is not intended to be utilized for a senior

citizen project, for example such as Beverwyck... which certainly is not within that range of what most people would define as what affordable is. By giving a density bonus, okay, we hope that it would encourage the private sector to do some work. The private sector building moderate priced housing in Bethlehem, we haven't seen much of that in recent years. I haven't seen any of it since I have been here, to be perfectly honest. It is a difficult thing to do. And, to on top of that tie it to a particular parcel, you know, put so many constraints on that parcel that it is probably unjustified, especially when it can be handled in the manner of a floating zone. Again, the way the zoning is set up also in the code, there is criteria in there, okay, that say these are types of places, these are types of circumstances where a senior citizens district is appropriate. I don't know that there would be much gain by identifying specific areas at this point in time because the reality is it is not going to be built unless the market decides it is going to be built.

MR. BERGAN: Mike Bergan. I live in Elsmere and while I was waiting, part of the question I had was answered. Basically, generically the impact... if this plan were implemented as it has been presented, what would the impact be on residential development? Would it be motivated, would it be retarded, particularly with respect to affordable housing, not just for senior citizens? What would be the impact with respect to the future development of commercial uses? Would it impede or would it encourage another Southgate? And, generally, what are the impacts in terms of either encouraging future development in the several uses or discouraging development?

MR. LIPNICKY: Those are difficult questions and to some extent I am not so sure there are real answers because, again, it is a question of, you know, what the market will decide in the end. But, I would say this, first with regard to commercial development and I will take that one first. One of the things here that we have heard a lot here in Town from lots of residents is really, when we did this planning survey, something like 3/4 of residents in Town said we desperately need another supermarket in Town. I have gotten many visits in my office by supermarket chains trying to find a parcel or location for a commercial site, to do a commercial development, okay. Well, and what I tell them, I tell them well, you know, we have all this land along Route 9W that is zoned either commercial, light industrial and just look at all this land area that is zoned for commercial use, okay. You know what they tell me, they tell me there is no way we are ever building there, okay. And, the reason why is because there aren't... there isn't much in the way of traffic volume there, okay. Somebody who is building a shopping center is looking for traffic volume. They want to draw off the roadway, get that pass by traffic, okay, it is incentive. So, a lot of this land, really, even though it is zoned commercial, there is really not much demand for it for commercial use. What we have tried to do is relocate the commercial zoning districts in Town to areas where there will be demand for it. Areas where commercial developers can take advantage of traffic that is on the roadway system. So, in that respect, even though maybe in total the amount of commercial land has decreased a little bit, okay, that land that is eliminated, is again, land some of it that doesn't have infrastructure, some of it, for example down on Delaware Avenue here very large commercial zone but the commercial zone the whole zone sits, you know, in a ravine. Okay, the site development costs to do something like that don't justify doing development and second, you only have about 4,000 cars a day going by the site and that doesn't justify from the developer's perspective. So, hopefully, what we have done, would encourage, you know, meeting our objectives here with regard to commercial development.

With regard to affordable housing, affordable housing is another one of those issues that is a very difficult issue, you know, I have been here, again, for 7 years as the Town Planner here and I really haven't seen 1, what I would consider affordable housing project done in Bethlehem. You know, you get some arguments well, the lot sizes are too big or this type of thing, you know, we have... our zoning code allows 1/4 acre lots right now, allows 1/5 of an acre lots, allows 10 for 2 family units, some zones allow 17 units per acre, okay, nobody is coming in and building that type of development even though the zoning allows it. They are coming in with, you know,

2,000, 3,000 square foot homes sitting on 1/5 of an acre, 1/4 of an acre, 1/3 of an acre lots, all right. So, there is not much of a relationship that I have seen between lot size requirements and what a developer will build. It depends what the market wants him to build. In terms of what we have tried to do, is we have tried to provide some degree at least in these areas that we have identified for planned residence district, density bonuses in those of the 2 units per acre for units that are built as affordable housing. So, we hope that that will provide some encouragement, all right. But, the reality is can a developer really build affordable housing and still make a profit.

MR. BERGAN: I did make the assumption that there was a vision of what LUMAC wanted and the Town wanted the Town to become as we march to the future and implicit in my question was, a request for an expression of vision in whether or not this plan, if implemented, would enable us to accomplish that vision. That vision having included in it, certain kinds of housing -- probably distributed across a broad spectrum but also including affordable housing. Whether or not that vision includes the capacity to build another Southgate, regardless of where it happens on the appropriate place to locate, does Bethlehem want another Southgate? That had to be included in your planning, in your vision of the Town, before you put that plan together.

MR. LIPNICKY: To answer those questions directly then, the answer to the first one is both through survey research and through our meetings that we held around Town, there was a great deal of concern expressed in the community about the fact that housing prices are pricing a lot of residents out of the housing market, okay. So, yes the answer is we have a very real concern about that. We should be doing as much as we can to provide affordable housing in the community and to provide a diversity of housing, okay, not just single family homes but also other types of units -- condominiums, town houses, and what have you -- and the plan does take that into account and the answer is yes particularly in these districts we identify as planned districts. And, again, those areas also giving density bonuses to try to encourage affordable housing on top of it.

In answer, directly to your second question, and I assume the question refers to the scale of shopping centers, clearly when we did our survey research when we did the Route 9W study a number of years ago, when we did a number of community meetings around Town, there was a concern with regard to Route 9W that scale of development be appropriate for the community, okay. What we kept hearing were things like we don't want another Wolf Road. In our definition what we found through the survey research is, people in Town... the majority of people in Town, again through the survey research that we did, want additional local scale shopping opportunities. All right, but, by and large they do not appear to want an additional regional or a regional type of shopping center. The recommendation for community scale shopping and community scale centers that we have at a number of these locations is that idea that it should be... commercial development should be at a scale that primarily serves the residents of the Town of Bethlehem. Okay, obviously any type of commercial development you are going to build, also draws from outside of the community but the focus on what we have recommended is community scale shopping.

MR. BERGAN: Thank you.

MR. LIPNICKY: That was an awful long time to answer a question.

MS. GALLAGHER: My name is Janice Gallagher. I am president and elected representative of Students For Peace and Survival which is a social awareness and action group at the high school. Our group has discussed the master plan and its effects for the past month and everything I will say is the consensus of the 25 members of the group and most of the people sitting over here with me. I don't know...

SUPERVISOR FULLER: Janice, do you have a question?

MS. GALLAGHER: Yes, I do. I don't know if LUMAC or anyone can answer these questions but with the increase in population and

development, in the classroom, how will the student/teacher ratio be affected? And, secondly, how will a larger population change the overall atmosphere in the schools?

SUPERVISOR FULLER: I am sure the school district could answer the question, immediately.

MS. GALLAGHER: Okay, well, LUMAC said it was answering the question with community concern. This is it.

MR. LIPNICKY: With regard to the impact on community facilities such as schools and what have you, we did not do detailed research on that, okay. Our job... our charge was primarily to develop a land use plan and to develop a transportation plan. We did to some extent consider what the impacts would be with regard to projected population growth in Town, projected demographic changes through the year 2010. By and large in terms of at least the demographics that were shown through the year 2010, what we are going to see is a certain degree of growth in the student population over the next 10 years or so, particularly with regard to elementary school kids getting older and moving both through junior high and senior high. So, there will be a greater demand in those areas. In the long run, we see, though, that the elementary school age population will stabilize. In the long run so will the high school and junior high school populations. In terms of answering the specific question like this, I don't know that I can. We really don't have much to do with staffing policy with regard to the high school, etc. We didn't get into that type of detail.

MR. SUTER: Jeff, I would like to take on just another side.

SUPERVISOR FULLER: May we have your name, please.

MR. SUTER: Glenn Suter. It seems to me that as we look at this plan that your group has put together it is an impressive plan but as we have observed tonight we are more worried about the details and the transportation and shopping seems to be the 2 that we have had, but the young lady just brings up a very good point. Whenever you are talking about land, school is tied to land use taxes, property taxes. And, a balance between property taxes from commercialization and industry and offices and other uses besides residences must balance the needs for children that are being educated. In the Times Union, recently, we saw where the average students costs, what, \$7500-\$8000 a piece. And, this takes \$300,000-\$400,000 home and up to support one child in that particular residence and where they have multiple children, it requires other income for taxation to cover it -- has there been any consideration by the committee as it looks at this plan as to how the tax rates would balance out with this population growth and with this balance between commercial areas and residential areas in the future near 2010?

MR. LIPNICKY: To answer your question, we did not get into a fiscal analysis of that. Doing something like that, is certainly highly speculative, you know, as I am sure you would agree -- even though our population projections have a certain degree of speculation involved with them, there is no certain way to project the future. We didn't get into the detailed fiscal analysis, okay. What I can say though, is that in putting this plan together, we did try to consider the fact and did consider the fact that there is a need for industrial development in Town, there is a need for commercial development in Town and there is a need for other rateables in Town that would help generate taxes to help offset the cost of schools and help offset the cost of government but we did not get into a detailed fiscal analysis where I could specifically answer your question.

MR. SHERMAN: John Sherman, I am from Slingerlands.

SUPERVISOR FULLER: John, if you would use the mike, the silver one, please.

MR. SHERMAN: John Sherman, I am from Slingerlands. Jeff, I was wondering, what protection is there for the residential section of Slingerlands that the commercial groups that have been lobbying for commercial access to what's now residential zoned but undeveloped

land in Slingerlands, are not going to get that commercial development until such time as there is an improvement of the transportation infrastructure so as to avoid wiping out the residential section via too much traffic. I mean, we are already on the... at a point where I think it's above what is recommended for a residential section. The projection is, that without any further development, there is going to be an increase in the number of trips per day -- what is to protect us from having the market create a large commercial section and increase the traffic before or without there being any future highway bypass to assist.

MR. LIPNICKY: I am not totally -- there is a lot of thoughts in there -- so, I am not totally sure that I understand the question but maybe you can clarify it for me. I think what you are asking essentially is... has to do with the current proposal that's been submitted with regard to the zone change in Slingerlands?

MR. SHERMAN: Yes.

MR. LIPNICKY: Just.. let me...

MR. SHERMAN: Just to encapsulate it, I am sorry if it was too confusing. I guess what I want to find out is, how does this proposal protect us from having a commercial development but no bypass extension out to Voorheesville to protect the part that is residential at this time.

MR. LIPNICKY: Okay, you are talking about the proposal here in the plan then. Essentially, what is proposed here in the plan is for a commercial area that is located at the intersection of Cherry Avenue extension and New Scotland Road. What we have in the plan here is a recommendation and I think to some extent it also has to be considered in this context, is that the plan is a future forwarding looking document in terms of what needs to be done in the future, okay. It doesn't necessarily mean that you run out tomorrow and do everything that is proposed here, okay, because certainly I think that there are some areas where changes are recommended in terms of land use where there may not be, currently, sufficient infrastructure to support those changes in land use. What the plan has recommended with respect to that area is that the zoning change essentially not take place to office park, research and development to community commercial until such time that there is sufficient transportation infrastructure in place to support that development. That is the recommendation that is in the plan.

MR. SHERMAN: Thank you.

SUPERVISOR FULLER: Are there any other questions?

COUNCILMAN LENHARDT: Can I ask mine yet?

MS. RUTKOWSKI: Hi, I am Nan Rutkowski from Glenmont. And, I have a question, it is procedural I would say, assuming the master plan is passed by the Board, how are the recommendations facilitated?

MR. LIPNICKY: In terms of the land use, in order for really... for the recommendations with regard to land use to really have effect, requires that the current zoning ordinance be amended, okay, which means revisions to the ordinance itself, which means revisions to the current zoning map, which means an additional local law or laws being drafted which means additional public hearings, okay, which could mean an additional environmental impact statement, okay. So, you know, by... even if the Board was to adopt this now, it certainly is something that would take a little while to implement. With regards to the transportation recommendations that are in here, again, it would be a process of really going to the regional planning agency and making one's case for the need to make these improvements, all right. In terms of protecting these corridors, one option for example for implementation is to develop an official map for the Town, okay. What an official map would do, would be in the event the construction or construction in a mapped right-of-way, all right -- that is one way that we might go about protecting the corridors here. Others that are under pressure for development, we might look towards means of obtaining funds for right-of-way acquisition at this

point in time. You know, there is a lot in here that is going to take a while to implement at all and to some extent we also have to consider this point and that is, at least, in terms of the LUMAC committee, we don't view this as a static document, okay. We don't view this as a snapshot in terms of that this is what the Town will become and we can't ever amend this plan, okay. Changing conditions, changing circumstances, will require changes in the plan and to a large extent it is our view that, you know, this plan should be revisited time and time again to make sure it remains relevant. So, it is an ongoing process.

MS. RUTKOWSKI: Thank you.

MS. BURTIS: My name is Sarah Burtis and I was just wondering what... you said before about building industry along the Hudson River and I just wondered what that was going to do to the proposed water project and also to the wildlife along there.

MR. LIPNICKY: Without a specific proposal for an industrial development, I don't know that it is possible to really answer that question. What I would say is this, however, currently the area along the Hudson River is zoned Heavy Industrial and it allows a very wide variety of uses, industrial uses, commercial uses, well, Niagara Mohawk Power plant is there, we have all of the bulk storage facilities, oil storage facilities and those types of things. What we are saying in terms of the riverfront or recommending in terms of the riverfront, is that riverfront land is kind of a precious commodity, okay. That by the same token even though it is a precious commodity, even though that there a number of environmental concerns along the riverfront, there is also a need for human access to the river, okay. There is a need for access for transportation purposes. There is a need for access for use of the river that assist in industrial processing. What the State has in place now, and the Hudson has been the source of extensive study, State Coastal Zone management plan, Federal Coastal Zone management plan, there is currently a process -- the Greenway Process -- that's under way here in New York State and all relate to how we best manage the river, okay. What we have proposed and again, is not inconsistent... and is consistent with those types of State and Federal programs and the eye and the objective of those types of programs is really proper management of the river, recognizing that yes there are sensitive environmental resources but also recognizing that there is a need for human use of the river also.

MS. BURTIS: But, if you build industry, doesn't that destroy the environment around there and the water... I mean...

COUNCILMAN PUTNEY: It is only north of VanWies Point where the industrial zone is proposed. Everything else south of that is either conservation or something non-industrial.

MR. ISACHSEN: Yngvar Isachsen, Elsmere. The last question made by realize that I didn't see any proposal for land acquisition or public open space or such things as for example a boat launch on the river, no recreational plans -- none of those... since this is a long term wish list, why does that whole category excluded?

MR. LIPNICKY: Well, we did talk about open space and recreational although it is not identified specifically on the map. We didn't want to identify specific sites to acquire at this point in time. It takes a great deal more study plus if we start identifying sites we want to acquire, I am sure it is going to affect the value of that land and probably wind up in us paying more than we might otherwise pay for it, okay. There are a couple of things that are talked about in the plan, one has to do with what is called, park land exactions, payment in lieu of type ordinances. Basically, in New York State a municipality is allowed to require when there is a subdivision of land, that portion of that land being subdivided is dedicated to the Town for park use or alternatively that the developer pay as a fee to the Town to be used for the acquisition of park land for the provision of recreation facilities, all right. We don't have something like that here in Bethlehem now, okay. One of our recommendations is we do that. It is very common in New York State and we should be doing something like that. We have also identified

a number of areas where we think that there is a future need for park land. One such area is basically in the central area of Bethlehem south of Feura Bush Road where there is a good deal of distance from park facilities where access to those facilities is along basically major roads. So, children or someone prohibited or limited in their access. Also in Selkirk, there is a need for some additional recreation facilities in the Selkirk area and probably some also in the Slingerlands area. We have also identified areas for example, that we feel should be looked at in terms of more conservation oriented park land, if you will, particularly along the Normanskill with those ravines along the Normanskill, as well as, additional land perhaps along the Hudson River front. So, although it don't specifically identify sites, we did talk about it in the plan.

SUPERVISOR FULLER: There also is in the Town budget for this year, money put aside for a boat launch at the Hudson River down near the Hudson River park.

COUNCILMAN LENHARDT: Hopefully, we will have some support from the State.

SUPERVISOR FULLER: Did you have a question?

MR. RUNION: I am Terry Runion, I live in Delmar. Actually, it was very similar to the previous gentleman's question, my concern for open spaces, and park land. I recently moved to Delmar from Albany and in Albany we had 2 small children and there is a park on almost every corner. Here, you have to take your child to a school playground to have the same recreational possibilities and most cities I have lived in do have parks. I find, as much as I like the Town, I find us to be lacking in parks -- except for the huge Town park and Slingerlands has a common space I have noticed similar to a New England common space so I think that is kind of an anomaly and I would like, as a person with kids, to have more parks.

SUPERVISOR FULLER: Are there any other questions? Mr. Lenhardt.

COUNCILMAN LENHARDT: Okay. I have 2 actually. They are... one asks for a legal interpretation and I believe, Bernie answered it somewhat, one gentleman asked here about if we pass this document as a referendum as opposed to a local law...

ATTORNEY KAPLOWITZ: As a resolution.

COUNCILMAN LENHARDT: As a resolution, I am sorry... thank you, as a resolution, when it comes time to discuss specific zoning changes, let's say an interested party petitions for a zoning change and a significant number of the residents are opposed to it, have we backed ourselves into a corner using.. passing it as a local law as opposed to a resolution in a court room? Well, if they say well you are opposed to the plan that you adopted.

ATTORNEY KAPLOWITZ: I am not sure, George, that I have the answer but I think regardless of which way you handle it, whether it is adopted as a local law or resolution, the Town is leaving itself open to anyone who doesn't agree with it to argue in court that look, your honor, they have a plan and now they are doing something wrong with it... something contrary to it. You are always going to have that possibility. There is no reason why you can't however, amend the master plan any time you want, if you feel its called for. I am sure there are going to be a lot of cases, lot of times when it is going to have to be amended. The 5 of you, Town Board Members are going to find things in there you don't agree on. But, when someone comes in and requests, or when we decide... the Board decides to rezone and you hold public hearings and people come in and speak pro and con, that's when it is going to get difficult and they are going to have to make some tough decisions.

COUNCILMAN LENHARDT: My point is would we by adopting the general overall concept would we be backing ourselves into the corner to argue against a specific item in that concept.

ATTORNEY KAPLOWITZ: There is always that possibility. We have done everything we can do, I think, the document itself is very clear that

it is meant to be nothing more than a guide and it is not binding, it is conceptual or hypothetical in nature and a reading of it, it clearly gives you that... so, there is always that possibility, but again, if worse comes to worse you could always go and amend the document if you want to.

COUNCILMAN LENHARDT: Okay, thank you, Bernie. My other question regards community commercial zones. Jeff, in this plan, what is the largest acreage zone that is proposed for community commercial? Just... I am not asking for specifics.

MR. LIPNICKY: George, off the top of my head, I don't have an answer.

COUNCILMAN LENHARDT: That is not the purpose of the question. Let me just give you a hypothetical... I am looking at the Southgate for example, approximately 75 acres of that is in a commercial zone now and conceivably could be planned community commercial. The residents have indicated no greater density than a 250,000 square foot unit. Now, taking in... if you just did some simple division, discounting parking and landscaping and all those other factors that eat away at this, you come up with approximately 13 units of this nature. But, let's take in... there is more than one potential there, is this plan adopting something to the effect that within this area of commercial zone you could put one 250,000 square foot development and preclude any other development of that nature?

MR. LIPNICKY: Okay. I guess the best way to answer this question is first to address the specific question of Southgate, okay, which I probably don't want to get into addressing but...

COUNCILMAN LENHARDT: Well, that's what...

MR. LIPNICKY: With regard to Southgate, what we have now, is a portion of property, okay, that goes back to the right-of-way line which is zoned or the public utility line that runs through there that is zoned PCD, okay. What we have in our plan with regard to the specific Southgate property is an area much less than they own, which we are recommending for planned commercial district. As you know, a good portion of the property lies in ravines that are 100 feet deep, okay. Those areas are largely recommended for conservation in our plan. So, we start out with the proposition and hypothesis that if you were to adopt the zoning ordinance at some point in time that is similar to what we have here, the amount of commercial land... zoned land... zoned commercial on that property, would decrease a good deal. And, again, I don't have any exact numbers off the top of my head but to get into the second portion of the question, is this... okay... the range that is given in the plan, okay, that says 100,000 to 250,000 is a recommendation of a range that we consider to be in the scale of what could be considered for community shopping centers. How one controls how much development takes on or occurs on a particular parcel is a difficult question to address under zoning, okay. Normally the way to address it is through 4 area ratios, okay. By saying that for every acre of land that a particular parcel owner might have, okay, he can develop "x" amount of square feet of commercial floor area. So that, now, in doing it in the zoning code, it won't necessarily be a zoning code that says you can't build a shopping center more than 250,000 square feet. But, more likely it will be a zoning code that says for each acre of land you are allowed "x" amount of square feet of commercial space, okay. Now, the intent in this whole area, northern portion of Town is not to limit all total commercial development in this northern area of Town to 250,000 square feet. That is not the intent to, okay. So that eventually if, in fact, hypothetically Southgate developed at 250,000 square feet, it is also possible that somebody might come across the street with a 200,000 square foot center or somebody might come next door with 120,000 square foot center. I don't know if...

COUNCILMAN LENHARDT: Okay. That is my concern. Thank you.

MR. JASINSKI: Jeff, Robert Jasinski. I am sorry and I apologize for coming to the meeting late but my question was, originally when you had these areas that you were meeting at, you stated something to the effect that into the area that is rural/agricultural and such that

the building lots would be a 5 acre lot. Has that been changed at all or is that still on the recommendation?

MR. LIPNICKY: The recommendation as it currently is in the plan, is that the areas that we have identified for conservation, okay, which are really the most severely restricted land in terms of development potential -- the ravines, areas that are State regulated wetlands and really you are not going to be able to develop anyway -- these are the types of areas that we have recommended that density of 1 unit for 5 acres, okay. The areas that are shown on the plan in white with cross-hatching, we are recommended at densities of 1 unit per 3 acres. So, essentially the best way to answer that is that those areas are recommended at those densities and also other areas in Town that do not have public water or sewer, okay, where densities in that type of range is also suggested until such time that water and sewer are extended to those areas.

MR. JASINSKI: All right. Another question, then, you said if water or sewer -- so in other words, if water is available then this would cause a variation in this and if there is a variation, how would you approach... let's say a landowner to build on an area that he would have less acreage than required under the plan but have either water or sewer, either one but not both.

MR. LIPNICKY: If he had less than acreage than is recommended on the plan?

MR. JASINSKI: Right.

MR. LIPNICKY: We are recommending 3 acres and he owns a 2 acre lot.

MR. JASINSKI: Correct.

MR. LIPNICKY: Well, that... something like that would be addressed in the zoning where... we can't say you can't do anything with your land, okay.

MR. JASINSKI: Well, that is my concern.

MR. LIPNICKY: Right. So, the way that that is typically handled in a zoning code is that the zoning code is written in such a way that grandfathers undersized lots in. Okay, in other words, again, let's say the thing... the code is rewritten and the code says you need 3 acres and you only have 2 acres, okay. The code will be written in such a way that because your lot existed prior to changes in the zoning code, you would be able to develop your parcel for whatever uses are likely allowed in that zone even though we recognize that you don't meet the minimum lot area requirements.

MR. JASINSKI: Okay, this would be from the date its enacted as... and...

MR. LIPNICKY: As the zoning code.

MR. JASINSKI: As the zoning code, okay, fine. Thank you.

SUPERVISOR FULLER: I will now ask those who wish to speak in favor to please come to the microphone and identify yourself. If you will hold up just a minute, we are going to change the tape. I want to remind everyone who is here this evening, the comment period does not end this evening when the Town Board leaves the building, the comment period does not end until November 18th. So, please feel free to send your comments in writing. They are all part of this public hearing.

MR. SAMPSON: My name is Dave Sampson. I am Executive Director of the Hudson River Greenway Council. We are a State agency working on a voluntary regional planning process. I just wanted to echo what your Planner said about the vision that is espoused in your plan being very consistent with what the Greenway legislation is all about. I think that the comment about not wanting to be another Wolf Road is extremely apt if you stand on Wolf Road, you could be anywhere in this country and not know where you are. If you don't know where you are, you don't know who you are and I think that going

toward the character of Bethlehem with your plan is extremely important. The Greenway offers assistance to you if you want it in terms of bicycle trail development and terms of river access and anything we can do along those lines. We are extremely supportive and we will work to help you get money for your dock and boat launch site down on the river.

SUPERVISOR FULLER: That is very important.

MR. SAMPSON: We would be happy to work with you in trying to create a better climate for agriculture. Zoning will not save agriculture, the saving agriculture as an industry will save agriculture and if there is anything we can do along those lines, working with the State, we will do it. I will hand in my statement but I want to congratulate you on an extremely thorough and visionary plan.

The following statement was presented:

October 19, 1994

Supervisor Fuller and Members of the Town Board:

My name is David Sampson and I am the Executive Director of the Hudson River Valley Greenway Communities Council. We are a state agency involved in a voluntary regional planning process in the 10 counties of the Hudson Valley ranging from Albany=Rensselaer to Westchester-Rockland.

We are pleased to be able to comment on your Draft Master Plan and we commend you for the thorough and visionary look you have taken.

Someone once wrote that if you don't know where you are, you don't know who you are. Your report pays special attention to the importance of community character in the life of Bethlehem, and to the projected population increase of 32% through the year 2010.

You, like many other communities in the Hudson River Valley, are in danger of losing the very things that give your community character, that let you know "who you are".

Your draft plan, I think, represents a wonderful opportunity to ensure that does not happen. We are particularly encouraged by your emphasis on the continued development of riverfront parkland and other park opportunities in the Town; your concern about the disappearance of agriculture from the town landscape; your emphasis on the significance of historic properties in the town, as well as the importance of scenic landscapes.

The Hudson River Valley Greenway Act of 1991 set out five general criteria for community planning in the greenway area: Natural and Cultural Resource Protection; Regional Planning; Economic Development including Agriculture and Tourism; Public Access to recreation areas; and Heritage Education.

Your draft plan touches all of these in a positive way. We would like to offer our assistance to you in achieving one or all of these criteria if you would like it.

In particular, we believe we could help you in the development of bicycle paths in the Town; in the development of the historic inventory called for in your draft; in working with the Town, County and State in the development of a more equitable tax structure for farms and in the marketing of agricultural products.

We would also be interested in working with you in intermunicipal cooperation, not just with New Scotland as you suggest in your plan, but also with Coeymans, Albany and, perhaps most importantly, with communities across the river. Cross river cooperation is one of the highest Greenway priorities.

I should also note that we strongly support your application to the Hudson River Improvement Fund for a boat launch in Henry Hudson Park. Maggie Vinciguerra of the Greenway Conservancy, in fact, was

able to show a member of the Improvement Fund the site at a coincidental meeting yesterday.

As you know, the Greenway has voted to work with Albany County waterfront communities who wish to, by giving them technical and financial assistance up to a total of \$50,000.

We congratulate you on an excellent draft and offer our assistance -- both technical and financial -- if you would want it.

SUPERVISOR FULLER: Thank you.

MS. BONVENTRE: Hi, Karen Bonventre. I also would like to commend the LUMAC committee for their plan. I would like to speak for Citizens Monitoring Southgate, as a member. We particularly support the limit on commercial development to community scale and not to regional shopping centers. We think it is appropriate for the scale. We believe it will preserve the existing character of our community. It is the reason we all live here. We like to see reasonable growth and economic development in Town. We are not NIMBYs that we don't want anything there, we are just talking about reasonable growth. We believe the master plan does this. We don't want to see regional shopping centers. We think it will bring excessive traffic congestion, pollution, crime and noise to the area. And, a general disruption to our quality of life.

I would also like to speak for the Glenmont PTA, who also has taken this position to support the master plan. They had their PTA meeting tonight so I am speaking for that. I know there are a lot of people here who support this, I encourage them all to come up and speak and say that. And, for those who don't to also write to the Town Board and say that.

In general, I would like to speak for myself and say that I really do support the plan. We have all seen what happens to communities that don't plan. We don't want to live there and I would urge the Town Board to adopt the plan.

SUPERVISOR FULLER: Thank you, Karen.

MR. SMOLINSKY: I am John Smolinsky, Orchard Street in Slingerlands. I would like to say a few things. If I had a... if I could limit myself to a short comment I would certainly say go for it. But, I have a few additional things to say.

From my perspective, this is a truly historic occasion. This master plan was crafted from our opinions and sensitive to many of our concerns and put together is a product of a tireless effort of Jeff and his staff, devoted LUMAC members which I will remind everyone, really represented a cross section of our community and a cross section of a lot of different expertise. And, it represents the support of our present and past Town officials and recommendations from many of our neighborhood groups and individuals. All of these people, participants in the process had something in common, they care about the future of Bethlehem. And, an important point after listening to many of the questions and kind of the tone of many of them, I would like to say this master plan may not satisfy every individual and certainly doesn't accommodate every self-interest but it clearly is a step toward a better future and a better future compared to one that is unplanned. One of the speakers talked about uncertainties. We have uncertainties today. We are going to have them tomorrow and we are going to have them next year and we can better face those uncertainties with a plan than we can without it. There is no doubt, in my mind, that your adoption of the plan should be expedient and its better to adopt it sooner rather than later. When you consider that some of the protections this plan offers and some of the goals relate to things that are not renewable resources you might be able to change a sign next year when someone adopts a new ordinance but if you have an important habitat or a character of our Town that once it is destroyed you are never going to recapture. So, it is important to really implement this plan as soon as you can. And, I think although you have talked about it as a guideline and you sometimes added a little softness to that term, in terms of what it means to us, I think it can mean and can be used in several

different ways. I know parts of it will require zoning changes, new laws, new rules, new regulations, whatever, those take time. You will want to get input from the public and it may be a while before you implement them but, there are 2 other aspects of this plan that I think once you adopt you, you and your other Town officials can take under consideration. First of all is the amount of information that has been gathered that heretofore, people whether they be Planning Boards, developers or opponents of development really haven't had access to such great collection of information. They can access that now, today, it doesn't take your adoption of information to make it available to all of the parties interested in the development or protection in Bethlehem. I think also reviewing the goals and objectives, there are many of them that don't require laws and rules and regulation. Some require simply an attitude change. Some require a more... greater sensitivity to the things that the citizens of Bethlehem have brought to your attention or the Planing Board's attention. We don't need laws to be more sensitive. Those things can be implemented immediately.

Let me conclude with one idea that I didn't see in the master plan although Jeff may have alluded to it earlier, I think that the process should also include some sort of annual review of where do we stand with the master plan. What did we accomplish, what do we need to change, what has changed in our world that causes us to change the master plan. I think when you adopt this plan, you should also make the commitment to make... to have that annual review or some periodic review so that you can be able to ask yourself and ask us how are we doing in implementing our master plan. Thank you.

SUPERVISOR FULLER: Thank you, John.

MR. MERRILL: Hi, I am David Merrill from Glenmont. I am here representing myself, my spouse and a player to be announced in about 7 months.

SUPERVISOR FULLER: Congratulations.

MR. MERRILL: And, thank you. What I would like to say is that we are very much, all 2 1/2 of us, for LUMAC and opposed to the mega-mall swallowing up the mini-malls. Thank you.

SUPERVISOR FULLER: Thank you.

MS. ROONEY: Good evening, I am Christine Rooney from Glenmont. I don't have a planned statement, I thought I could just come here and go Rah Rah. My husband and I recently had a house built in Glenmont, we built it from the ground. We put as much thought into the Town that we picked to live in as we did the floor coverings and everything else you have to do when you do a stick built house. Glenmont represented everything that we wanted and I think it would be a real sin to let it go down hill and turn it into another Wolf Road. Thank you.

SUPERVISOR FULLER: Thank you.

MR. ROONEY: My name is Mike Rooney from Glenmont and I am certainly not going to disagree with my wife. However, I am also a member of the Citizens Monitoring Southgate. I grew up in Latham right by Hoffman's Playland and Route 9. And, I don't want to see Glenmont turn into that or Route 9W anyway do that. I applaud the efforts of the LUMAC committee and the plan they put together and also our view in taking into consideration what the residents of the Town of Bethlehem want. And, that is all I ask you, just to keep in mind what we want and what our children want to grow up to. Thank you very much.

SUPERVISOR FULLER: Thank you.

MR. WILLIAMS: Hi folks, I am Jim Williams from over on Magee Drive, Glenmont. And, I applaud the LUMAC plan. But, I need for you to take serious consideration to Magee Drive. As I look at the plan, I see that my back and my face are surrounded by commercial development as it is proposed. I don't like that idea. I don't like that idea at all. I don't think any of the neighbors on Magee Drive who have

very difficult time getting in and out of there drive -- as you well know, we had a big fatal accident down there 2 years ago -- we need a light at the end of Magee Drive more than anything else in the whole world so that we can stop having accidents for the folks on Magee Drive. It is a very serious situation for them. When you decide to put all of this commercial development where you are putting it, particularly in regard to Southgate or the proposal for Southgate, or whatever you do to that, I want you not to isolate, please, myself and the people on Magee Drive. They got a serious problem there and you need to take a look at Magee Drive a lot, please, a lot more closer than you have. That's serious for them and I would ask you with all due respect to give them as much serious consideration in this planning situation and not isolate them and not think well we have this commercial development going here and we are not worried about you. I want you to be worried about them, please, because I had planned to come down here and yell at you only because I felt trapped by this commercial development that is being suggested here on Route 9W. It is very close to me. There is a heck of a lot of traffic that is going to be generated from that. Traffic is bad now. I go to work at 6:30 in the morning and you know what, I have to sneak behind Alteri's there because I have too many big trees coming around a big wide corner from the Petrol station and that is where all the crashes take place. So, I have to ask you do something about that, do something about that consider that in your proposal would you please. Don't make it too big that we can't even get out of our driveways and our streets there, please. It is very important and the people on Magee... several of my friends have left there, sold their houses, because they knew what the handwriting on the wall was going to be like there. So, I am not going to yell at you, but I am going to plead with you to use your good sense, please, to be thoughtful and considerate of the people who already have had tragedy in some cases, expense in some cases, just because they live on Magee Drive on a very bad 9W. So, I would ask you for that consideration and I think the plan is a very good idea and I thank you so much.

SUPERVISOR FULLER: Thank you.

MR. DAMBROWSKI: My name is Jim Dambrowski. I would identify myself as a resident of the Town of Bethlehem and also as a real estate appraiser. I think by the time I am done, you are going to wish I had said just go for it like John was going to say. I guess the Spotlight tonight would also identify me as a NIMBY, although I am beginning to find that a compliment around here these days. I spoke to you folks on numerous occasions and as I think you know, I am a strong advocate for the adoption of this plan. Tonight I am here really to address the why of that. First, I have reviewed the plan many, many times. I have a copy of it myself and I have read it in its entirety on at least 3 occasions. Each time I read it, I keep seeing something new that I like and it keeps getting better and better. I think I either have to improve my reading skills or give the copy to somebody else. Second, I think it is an absolute necessity in this day and age for our Town to have some logical, publicly known and understood approach to land use and planning in place so that we can understand development and anticipate it. Third, I think, as I have read recently, we tried to have a plan in this Town in the mid 60's and we were unsuccessful in that era. That was a nice time, you could get away with that. If we ignored that plan in this day and age, there are many fine local examples that we can look at to see what will happen. All you need to do is look at the Town of Colonie and what it was 25 or 30 years ago. All you need to do is look at the Town of Clifton Park and where it was 10 to 15 years ago. The Town of Guilderland, 5 to 10 years ago and the Town of East and North Greenbush, 5 years ago. If we are not next for strong retail development, we are getting very, very close. Just compare those areas to our Town and decide where you would want to live. We are a rural hamlet community and your questionnaire that was included as part of the LUMAC study and planning process, I think the questionnaire went out in 90 or 91, our residents identified the fact 1700 of the 3000 as I heard that responded, the fact that they wanted the Town to remain a rural small town character and they felt that it should stay in place. I believe that this plan adequately captures the vast number of issues that our Town faces both now and in the future. As you know, it has logical answers to both the natural resource, the cultural resource, the human resource, the

community services, infrastructure and public facilities, and zoning land use control issues that we face. It seems to me that anyone, and those who oppose it, or oppose your plan, could only do so because 1. of misinformation; 2. of unfamiliarity with the plan; or 3. as someone suggested tonight, because of perhaps singular or selfish goals focused more on the betterment of their own initiatives rather than the future of our community as a whole. The plan is viable, we need to face it for that fact. Capital District Business Review about a month ago, actually less than that, October 10 and the 16th had an article Bethlehem writing a blueprint for development. If you read the article, it doesn't say anything there about denying development, in fact, it suggests that we are encouraging it in a controlled fashion. Your plan identifies the obvious need to mitigate and avoid conflicting land uses through buffers and transition zones. Not a person in this room can suggest they want undesirable or non-conforming use located next to them or near them. I think that goes along with my role as a NIMBY. Your plan allows attractive, well planned growth in all property uses in all Town areas where the presence of compatible land uses and supporting community sewer and water supplies are available. Focus on growth that will accommodate both our current and our long range goals. And, it maintains the ever more unique nature of our Town. It does allow growth, there is this myth out there that it doesn't. Right now we have about 11,000 tax parcels in this Town and about 30,000 residents. Your plan addresses 3 growth scenarios. Those growth scenarios will allow up to 4700 households and 11,000 new residents over the next 20 years. And, your plan appears to accommodate whichever of the 3 low, moderate or high growth scenarios might occur. I stretch your plan allows viable alternatives to avoid chaos. It doesn't slam the door shut on any new growth. It does not deny access for any residential, commercial office or industrial warehousing uses and perhaps, best of all, it doesn't represent incoherent ramblings of a NIMBY like myself. What it does do, is it allows logical growth that makes sense and is consistent in concert with the existing surrounding land uses. Secondly, what it does do, is it maintains our unique small town character. Third, what it does do, is eliminate to a degree at least the threat of commercial land uses and other even less desirable land uses such as dumps, burn plants, that may serve interest that stretch beyond the borders of our Town, community and the interest we have in this Town and community. What it also does do, is it encourages enough growth -- and this came up tonight and my background is in tax appraisal -- it encourages enough growth to support and maintain the tax base of real property in this Town to finance both our public needs and to support our public school needs. You are to be commended -- the LUMAC team, the Town Planning Board, the Town Planning Office and the Town Board in general -- for having the diligence to pursue this huge task and for having the vision to complete it in such a comprehensive and accurate fashion.

I would add, I hope you adopt this master plan in entirety and I also hope that you consider 3 things that I think are vitally important to its success. 1. I would hope that you don't fall into the temptation of grandfathering uses and applications that don't make sense within the concept of this plan to satisfy someone that put a proposal out there before you have a chance to adopt it; 2. I would hope that you don't deviate from the plan in areas where you might compromise in any way or shape the community and small town hamlet, rural character of our area; and 3. Finally, I would hope you build room in your plan, and I think John suggested it, for at least revisiting this plan on a macro level every 5 to 7 years. I think he suggested 1 year, I was thinking how many years you have already put into it and how long I have already spoken. You might not want to do it as frequently as every 1 year but I don't think we can project much further out than 5 to 7 years accurately, so you need to revisit it.

Quickly, putting on my true NIMBY hat, I hope that this plan can be developed in its fullest nature because anyone who feels that we can maintain the integrity of our Town character without a master plan, probably also believes that if we approve a project the size of Southgate which has been on the agenda tonight a few times, that we aren't going to have the rampant commercial development that follows it. And, now with my NIMBY hat fully off, thank you for listening to

me. Thank you all for putting up with this at this late hour. No plan can truly please every Town resident in its entirety, I think maybe even in a town of 1, with that said, thank you for proposing such a high quality master plan product that truly captures the desires of the majority of Town residents and I base that on the fact that you did do a survey. You asked for the responses, you have held numerous public hearings and made access more than reasonably available and I think what you have heard in general and what I hope you hear, is adopt the plan it makes sense and it will protect and preserve our future. Thank you, very, very much.

SUPERVISOR FULLER: Thank you.

MR. OLINZOCK: Hi, I am Wayne Oldenzock. I live in Glenmont and I also support the plan. I want to see the semi-rural character of the Town preserved and I think limiting the size of a commercial development goes a long way to preserving the character of our Town. I came from New York City, attempting to escape the craziness down there and I don't want to see this place turned into another New York City -- I don't think that will ever happen -- but at least I don't want it to see it turned into another Long Island or another colony. Thank you.

SUPERVISOR FULLER: Thank you.

MR. FEEDORE: Good evening, I am Jerome Feedore, also from Glenmont. I am not sure how I am going to follow what I have had in front of me. Let me keep it very brief. In order for a town or any other living entity to survive and evolve, it has to have a vision. The master plan and the LUMAC plan that you have in front of you gives you that vision to work with. As a parent and also as a taxpayer, I highly endorse them both and thank you for the opportunity.

SUPERVISOR FULLER: Thank you.

MS. D'AMICO: Joanne D'Amico, I am from Glenmont. I am also a member of Citizens Monitoring Southgate. In my recent letter to the editor of the Spotlight, I did indicate that we are custodians for the future. I believe that the Town Board and LUMAC committee have acknowledged that we are custodians for the future in drafting such a document. I believe this document will provide a tool for the Planning Board and the Town Board when they are reviewing such difficult proposals as have come up in recent years in the form of commercial development and other development. And, I do urge that you consider this document in one form or another, if not as a local law then as a resolution so that it can be provided as a tool and not be shelved as happened with the Route 9 corridor study. Thank you.

SUPERVISOR FULLER: Thank you.

MR. FIESINGER: Good evening, my name is Tom Fiesinger. I am President of the Dowerskill Village Homeowners Association. I can't say I am speaking for the whole association tonight, we are busy doing our budget and things and have to focus on a few things at a time. But, having been President for 7 years in addition to being a glutton for punishment, I guess I have gotten to know my neighbors and I think I can say with confidence a couple of parts of the plan that they would like very much, particularly the change in the zoning near us from the planned commercial district which would allow a very high density to a planned residential district. That is more in keeping with our recreational facilities there. We have enough trouble keeping some of our youngsters from hopping the fence let alone kids from a parking lot or something from a Grand Union facility that might go in there under the current zoning. The other thing that I believe would be generally supported would be the change... to look at the change for the planned residential areas to see if some encouragement or requirement can't be given for developers in new areas to provide recreational facilities in addition to those that are already there taking pressure off of them. Speaking for myself, I guess I would echo John's sentiments of go for it. It is a good plan. I have written my share against the regulations and plans and seen some of the good ones and the bad ones and what things didn't work and this is a very good document. I especially like the part in the back about the supporting

recommendations where it says what the Town hopes to do over the next 0-2 years, 2-5 years, that not only gives a land use plan map in there but a plan of action for the Town to take. I guess I would make just 2 suggestions in terms of giving the plan, maybe not some teeth, but maybe a baby tooth or some strong gums -- you could pass an ordinance or a resolution that said all Town activities have to be consistent with the plan but I think that would be too rigid and too strong, too unworkable also set of teeth. But, perhaps, you might consider the State Environmental Quality Review Act model which pretty much requires the State agencies to consider a number of factors. You could require the Town in its action to consider the plan to evaluate whether the actions are going to be consistent with the plan and how they relate to it. They wouldn't actually have to be but at least that would make sure that this is an issue -- the plan is an issue for decisions and not something that would be shelved or not considered at all. And, some also mentioned the concept of updating the plan and I think it should not be updated lightly given the long amount of public hearings and public input and thought that has gone into this and perhaps the adopting resolution could spell out some procedures in terms of hearings, Planning Board review -- things that could take place before that would be reviewed. So, I congratulate everyone who has worked on the plan. There is a lot of work to be done in the specific recommendations and from my personal point of view, it is time to think about passing what we have here and getting on with the good stuff -- the better stuff, this is good too. Thank you.

SUPERVISOR FULLER: Thank you.

MS. PRAKKEN: My name is Ellie Prakken and I was one of the founding members of Bethlehem Citizens for Responsible Planning, who started in 1986 lobbying for the Town to come up with a master plan. LUMAC has done a magnificent job and I really want to see this thing come to be and put into use. I think it is a wonderful plan and I really am excited about it and I would like to see it approved. I would also like the Town though to include into it a little bit more of how it all affects the school district and what's happening with new housing and how we are going to bring all the new school kids into the plan. Thanks.

SUPERVISOR FULLER: Thank you.

MR. FITZPATRICK: My name is Mike Fitzpatrick and I am from Glenmont and the first thing I want to say is that I know there is... I have talked to a lot of people about this plan, people who are for it, people who are against it. And, it is not the perfect plan and I don't think the perfect plan can ever exist. Okay. I was pleased to see Mr. Lenhardt ask questions regarding is it going to really be a very rigid document because I don't think we need a rigid document because of the fact that we happen to be human beings and we have brains and we can think about these things as general guidelines. I think it is important that we look at the future of Bethlehem and look at what Bethlehem is today. And, I think we need to look at the fact of why we live here. I grew up here as a child and I couldn't wait to leave but then I came back. As I have aged so gracefully and wisdom has come my way, I realize that what a wonderful place it is and I think back to 25 years ago or so someone came up with this concept of the Town park and what a wonderful place it is for our kids. And, I am not sure that a concept like that would fly today in terms of the economics that we have in a day like today. And, I thank past generations for creating that and there is an opportunity here today to create a scenario where future generations will thank us. And, I would hope that some day if my son decided to consider an area to live around here and he looks around as I did because I looked at Guilderland, Colonie -- I work in Guilderland but the place I decided to live was the place that I thought was the best community. And, I think it is because of the foresight that some of the people in past generations had and I think we should continue with that and I think it says a lot when I see a lot of my friends who have moved to this community as we all said we couldn't wait to get out of here. But, we all couldn't wait to come back either. Thank you.

SUPERVISOR FULLER: Thank you.

MR. GANSLE: Hi, my name is Bernie Gansle and I live on Clifton Way and I would like to ask the Board if there will be a meeting on the approval of the Maria Rose residence in the future -- will that be discussed at any future Board meetings?

SUPERVISOR FULLER: Is that back at the Planning Board?

MR. LIPNICKY: That goes... that doesn't come back to the Town Board, that is a matter for the Planning Board only.

MR. GANSLE: Will that be addressed at a Planning Board meeting then?

SUPERVISOR FULLER: Yes.

MR. LIPNICKY: At some point in time, if we ever get an application. Right now we don't have any application.

MR. BARR: They need Building Project Approval.

MR. GANSLE: Okay.

MR. BARR: That would have to go for... or is it site plan approval?

MR. LIPNICKY: No, it is site plan approval comes directly to the Planning Board.

MR. GANSLE: Okay because no one in our development knew about the project til about 2 and 1/2 months ago. I just was trying to make sure that we had the ability to voice our concerns about the project.

SUPERVISOR FULLER: Thank you.

MR. BAKER: Hi, my name is Dan Baker. I commend the Town and the LUMAC committee for the vision we have. I got to say I am opposed to the change in the zoning in Slingerlands as far as the supermarket on the fact that first off, it seems that the demands of the developer come before the people of the Town. The developer does not like the sites we have available now, as far as site selection and traffic flow, so we are going to rezone residential to commercial to suit their needs. I disagree highly on that, especially when a new supermarket, Price Chopper, is being built 2 miles down the road on 85. I can't see the justification in building this market in the Town. Anybody who have to go to it would most likely would drive. The people that live near it wouldn't even go it so if you are going to drive, I can't see 2 mile... what's a 2 mile distance to go to a brand new supermarket on Colvin and Central Avenue right now or your choice of Shop 'n' Save or Price Chopper. It is just hard to justify that fact. Thank you.

SUPERVISOR FULLER: Thank you.

MR. RHODES: I am Dave Rhodes. I am from Delmar and I would like to urge the Town Board to adopt the master plan. I think that in addition to being a resource for the Town, I think it will also serve to be a valuable resource and reference for the citizens of the Town and I think it will also aid in the communication that frequently takes place between the citizens of the Town and the Town government and I think it will make Town government more accessible to the typical citizen of the Town. And, I think it will also facilitate and move the Town forward in the direction that it is going which to me is in the right direction. I have been associated with various volunteer organizations, neighborhood associations and citizen support organizations over the years in Delmar and in the Town of Bethlehem. And, I have encountered situations where the Town was not as accessible as it should have been and I think that this is the right step for the Town to take and I think it is a continuation of the direction that the Town started to take a number of years ago. Thank you.

SUPERVISOR FULLER: Thank you.

MR. MESSINA: My name is Sam Messina. I live on Bradstreet Court in Delmar and you know, I thought I would break stride here tonight a little bit. A member of LUMAC I have worked on this plan but unless

Bernie can point out any reasons why I can't speak for the plan, I intend to do it.

ATTORNEY KAPLOWITZ: Go right ahead, Sam.

MR. MESSINA: In 1989 I actually sought out the Town Supervisor, then Bob Hendrick, and said I would like to work on this plan. I would like to work with this group. I think if I knew it was going to take 5 years, I might have had second thoughts just like a couple extra degrees, you know. But, it is kind of nice to see it come full circle. I would echo what Ellie said in terms of 5 years ago, 6 years ago we didn't have a plan. I don't think we had the citizen awareness of what a plan could do and what it could be. I think we had a lot of interest in getting a Planning Department or at least a Planner. We now have both and its, I think, terrific that both there is a supportive Town government, as well as, a supportive community of the comprehensive plan.

You know, plans are only as good as the process and perhaps my LUMAC associates here are wondering what I am going to say about that process. What I would like to say is that it couldn't have been better because there was honest communications, dialogue, debate, disagreement, and I think I feel good about what happened. I am comfortable with the product that our process brought about, support from Jeff and his staff was great. Jeff did not mention that in looking at plans, we looked at more than 15 from other governments... local governments that were held as models. The best that the State had to offer and we tried to do better than that both in terms of its complexity; in terms of its sophistication; its comprehensiveness; and its particular, public involvement. And, I feel that we accomplished that. Another point I would like to make about the plan is, if it is not adopted and taken seriously it is a guarantee that things get worse, not better. So, by its very nature, it is more than a static document. I always felt that the theme of the plan was one of balance and sort of what I mean by that is, it is held together because all of the parts are important. And, while there are pieces of this plan that I do not like and I am part of the design of it, I think held together it is about the best statement that we could have made.

We didn't use a consultant to do this plan. We did it and beyond the monetary savings involved in that, and Dave, this is not a shot at consultants -- wherever Dave is now -- but you know, there is a lot of ownership in this because this is the Town's document. We have a responsibility of following up on it. It just wasn't handed to us after paying \$300,000 or \$400,000 to get it done.

Last or next to last I realize by adopting a plan either by local law or through some sort of resolution that there may be those situations where someone could point at the plan when the Town Board wants to take a different path, which by the way I think should be documented and justified, if you move away from this plan, but more than that and there could be a legal challenge there, more than that it gives the Town government and the residents of this Town the legal protection and basis of having a plan, which it does not now. My feeling is that it does more to protect the Town in terms of the Town's rightful discretion than anything else.

And, last, I would commend to you the courage to adopt this. I would hope you would adopt this as a local law because it has more teeth and enforce it as much as possible. So thanks very much.

SUPERVISOR FULLER: Thank you. I would ask those who would like to speak in opposition to the plan, come up to the microphone and please identify yourself.

MR. STRONG: Bill Strong again. I came here tonight with the intention of giving you a yes but vote. But, as I sat here tonight, I thought... and heard all those others ahead of me saying yes but... I thought I would give you a no because vote. And, the no because vote is based, basically, on this... that plan has cost us in excess of 1/4 of a million dollars. And, it is still leaves the Planning Board with all kinds of problems from groups that come in against, if nothing else, than these floating requirements that Jeff tells us we

have. The people in this community do not know, today, for sure whether there is going to be an apartment down the street or not. They don't know whether there is going to be senior citizen housing, at all. The problem basically with this plan is that it has still leaves us up in the air and leaves Bethlehem in the category and the whole Capital District for being one of the toughest places to get any zoning change for multi-family housing, senior citizen housing -- all of those floating items in there. The people here tonight on 9W don't know whether they are going to get a 1/4 million square foot shopping center or 1/2 million square foot shopping center. To me, a floating zone is another name for put it off til tomorrow and if this is going to be a recommendation of what ought to be in these different areas -- and I think, basically, that is what you have to do because things keep changing from year to year -- at least have the guts to take the position of what you think ought to be there. Take that position and eliminate a lot of this controversy that takes place at Planning Boards. I have experienced it for 25 years and if I had to come in with a piece of property for development tomorrow, I would go through the same darn thing.

SUPERVISOR FULLER: Thank you.

MR. HASKINS: I am Mark Haskins from Slingerlands. I am with the Slingerlands Home Owners Association and I think one of the problems that a lot of people in Slingerlands have is that we do appreciate the process and approve the process in the general plan but it is like pruning an apple tree but not wanting to eat that one bad apple on the tree. I think Slingerlands folks are being ask to eat that one bad apple. If anyone had attended -- I know a lot of you have been involved for a number of years -- the LUMAC meetings in Slingerlands, you would know the depth of resentment in Slingerlands about this proposal and it is hard to separate the LUMAC proposal from what has happened in the past but I think that when LUMAC says that they feel that the aesthetic considerations and the community character of Slingerlands won't be changed by the proposal, they feel that way -- it is a subjective opinion, people in Slingerlands do not feel that way. We feel it will significantly and drastically change the character of life in the town. In fact, one of the things they said is that there are only 2 of 11 sites that were recommended for commercial development that were approved by over 50 percent of the people and neither of these was in Slingerlands which in fact, means that over 50 percent of the people who responded to the survey said that they did not think Slingerlands was an appropriate place for a commercial site. That's...

AUDIENCE: Please speak a little louder.

MR. HASKINS: My voice is not that loud but I will try. Another point, it should be clear that the recommendation that LUMAC had after a lot of deliberation, I think careful thought, if commercial development happened that it should not happen until the road improvements are made and we keep saying that but what that means is road improvement to connect 85 to both 140, which is the connection we are talking about and the connection from 85 to 85A past Stonewell because by their own figures, the traffic will increase by 60 percent through the center of Slingerlands with that shopping center without the connection to 85A. The connection to 140 will not do anything to ameliorate the increase of traffic in Slingerlands. So, if that shopping center is built with only the connection to 140, traffic which is already clearly one of the worst areas in Town, will increase by 60 percent so the recommendation of LUMAC is that the center not be built until both of those connections are made. We would support that. I think one of the things that has happened with Price Chopper at this point, this is not in the realm of LUMAC but it is clear that if this is a proposal that LUMAC is making that 85 be connected to both 140 and 85A, it seems real obvious that Price Chopper is saying, let's try to jump the gun, move in here before LUMAC makes it recommendation, before the Board adopts it so that we can have our shopping center because if we have to wait until the money is available for those 2 connections, it might be a long wait. So, I urge the Board to take that into consideration what that motivation behind that move. The plan also says that there is no guarantee that commercial development won't expand. Of course, the plan can't guarantee the future actions of the Board, but in the

plan, abutting the commercial land in Slingerlands is... what is described as low, moderate density housing which is 3/4 to a full acre. And, I believe that any property owner in the future with land abutting the Price Chopper open 24 hours a day or looking over a dumpster would be crazy not to come to the Board and say, this is an economic hardship for me. And, it is very clear, there is nothing to prevent that. That is grounds for variance, that is grounds for zoning change. And, I hate to keep beating up on Wolf Road, but everybody talks about that as the model for disaster, I suspect probably the Wolf Road map looked pretty much like that at one point -- at least in my lifetime. And, I think you have to do is realize that once we open the door... once we open the door, we can't close it and this is something that will not stop with 150,000 square foot shopping center. Thank you.

SUPERVISOR FULLER: Thank you.

MR. LONGLEY: Hi, I am Robert Longley, I live in Delmar. I have lived in the area on and off for just about 44 years and I applaud that we are doing something to plan here and I think that there has been a enormous and very thoughtful effort put into all of this. I come down commenting against this, just on the basis of feeling that it is not quite visionary enough. There is a saying that goes around right now, think globally-act locally. I think we could be acting a little bit more locally with the plan. Particularly, one area that concerns me is the environmental issue surrounding transportation -- is one of the issues that brought me here -- we seem to be projecting an unlimited access to fossil fuels over the years. All of the transportation plans are saying, well, let's do this to allow more people to get in and out of Albany; let's do this to get more people over to Crossgates; let's do this to get more people over to Wolf Road; but all of this is being done by saying let's get more people in their cars to go to Crossgates; let's get more people in their cars to go to downtown Albany; and let's get more people in their cars to go to Wolf Road. Maybe there is something else that really should be explored a little bit more thoroughly. The gentleman who was talking earlier, said well there were some managerial plans, I believe was the phrase he used, that we have explored but they really don't go far enough. Well, they are going to have to go far enough someday because one of these days we are going to run out. And, it may not be all that far in the future. Right now, for instance, it is a short term thing. I don't know how many of you have to work on Wolf Road, I did along with Mel for a long... seemed like ages, period of time and there was no way to conveniently get from here to Wolf Road. Because of the nature of the job that I had at the time, I also was required to drive but to get there in public transportation was to take a bus into Albany and then wait for a bus there to go all the way out to Wolf Road. I suspect the situation is the same getting to Crossgates, anywhere else. Just in a short term basis, addressing that problem might be a good idea. Why can't we put our kids on a bus and go directly to Crossgates. I know a lot of kids from Delmar want to go to Crossgates but they drive. I am sure there aren't that many who are getting on a bus going downtown and taking a bus out. So, I think that in some of those areas a lot more thought really has to be put into a vision for the future. Beyond that, the school issues concern me a little bit. It seems to me we are standing now in a monument to a little bit poor planning on the part of the Town a number of years ago when this school was shut down. I believe they were saying well, the population is going down, we don't need additional schools. That may have been so at the time. I would hate to see more and more problems coming up in the future with school, with school space and I don't think that has been sufficiently addressed in all of this. But, finally I am glad it is not a static document. If the whole thing is approved and like I said, I am in favor of the plan, keep it not static. I like that and I think everybody else approves of that. Thank you very much.

SUPERVISOR FULLER: Thank you.

MR. HARDT: I am Bob Hardt from Slingerlands. I find it a little difficult to say yes and no. I guess and I hate to see the polarization, are you for the plan or are you against the plan and I am standing with people who are against it. I think the Board or the LUMAC group should be commended for the comprehensiveness of the plan

and the effort to obtain public input and I hope that that is instructive to other agencies of the Town including the Town Board. Mr. Putney recently said, at least according to the Spotlight -- now, that is a reliable source, isn't it -- that this is the most important document that we could have in terms of what ultimately happens to all of the land in the Town. So, I think we should take the plan seriously. We know its recommendations. We know it's a guide but it is more than just something that emerged after groups were talking for 5 years. It is a guide, it is a proposal. The committee has completed an exhaustive and I guess, LUMAC group would say an exhausting process. It has produced a massive document which gives its vision of the Town's future, as well as, its perception of the Town's current problems. While its efforts and the expenditure of energy must be commended, like so many ambitious and large scale undertakings, however glorious the grand view, the devil is frequently found in the details. So, I speak specifically to the committee's recommendation to create a commercial zone on New Scotland at the entrance to Slingerlands. The commercial zone would be created by down zoning of mostly vacant land now designated as residential "A" or double "A" and that was accomplished around 1970s with Ruth Bickel and other people's input. I don't want to spend a lot of time arguing about the relative attractiveness of a 24 hour mall with its bright lights and asphalt parking lots of 500 to 1000 cars compared to the development of a residential neighborhood of single family homes, perhaps a Deerfield II. Perhaps this is a matter of aesthetics and a difference in taste or in visual appreciation between the members of the committee and many residents of our community. I would point out that some guide to citizen perceptions is provided by the various surveys. For example, and many of the people are talking about what the people of the community said and these are documented and I will get these written and the notes and the pages. For example... citizens volunteered that the leading factor contributing to the unique character of the Bethlehem community was "the small town village atmosphere". When they were asked to volunteer their descriptions of sites in Town they considered particularly attractive, 2 out of the 10 sites were located in Slingerlands. Again, something like 85 percent of residents felt that there was a need to maintain open, undeveloped land. I recognize the Town faces limits in maintaining or obtaining open land but it seems to me that a movement of land use from residential to community commercial is moving in a direction opposite to that of the desires of the citizens of the community. Since the proposed community commercial zone is to be located near the junction of major arterial highways, I would urge the Board to review very carefully the various traffic studies conducted by the CDTC in conjunction with LUMAC. These appear in a very vital appendix. They are not in the main document so if you think you have the master plan and you have only one document, you should look for the rest of them -- there are more than one appendix and the traffic appendix is an important document. Citizens in the 1989 survey or... I guess the 1989 or 1990 survey noted that the perceived problems related to traffic was there number 1 concern. Certainly, the situation has worsened since that time, this is not specifically Slingerlands, residents of Bethlehem in general. While mall developers would argue that they would like to be where the traffic is, Mr. Lipnicky mentioned that, Town planners need to have a somewhat broader perspective. In the master plan, 7.3, LUMAC recognized that there is a direct relationship between the pattern and intensity of land use and the amount of traffic generated to the roadway system. Land use and density should be compatible with the capacity of the highway development and that is continuing quotes. Also, opportunities for new commercial development should be provided in locations that will minimize traffic impacts. In discussions with LUMAC over the past year, it has been suggested that the proposed LaGrange/Cherry Avenue extension will help alleviate some of these problems. However, it might be considered hypocritical to urge CDTC to spend public money to help address an existing problem while LUMAC proposal for commercial zoning is going to further add to the traffic congestion. I do, however, commend LUMAC for recommending in a subsequent 1994 report that commercial construction on the New Scotland parcel should only be allowed after the bypass is extended to Cherry Avenue extension. And, that recommendation is not... was not a recommendation of Mr. Lipnicky, it was a recommendation of the LUMAC committee and it is located in sort of a fugitive place. It is not

in the master plan document, again it is a recommendation that's in one of the appendix. I suggested to Mr. Lipnicky that if there are further recommendations in those appendix, that are so clearly stated, they should be gathered together so that citizens and the Town Board will know what those recommendations are. I... tonight, looking for that, I could not find that because it is not part of the main document. In closing, I ask the Board to consider the desirability... to consider whether it is desirable to create a commercial zone at this time from an existing residential zone. I hope they'll consider the impact of this change on the present character of Slingerlands and on an important entrance to the entire Town of Bethlehem. Secondly, I hope that they will study carefully the traffic problems which are present and projected for the New Scotland Avenue area. Thank you.

SUPERVISOR FULLER: Thank you.

MS. SHIRK: My name is Margaret Shirk and I like the idea of a plan because it seems that in this Town projects are sometimes initiated quietly and then when citizens protest our government officials sometimes incredulously respond, why didn't you speak up earlier. So, I think this plan can mitigate against that. But, I am not so sure that this plan really does contend with that problem because there are lots of contradictions in it and these leave us open to conflicting interpretations and developments. There are contradictions in this vision, I think, that compromise the citizens who live here already and have chosen to live here because of the existing character of the Town. For example, in the LUMAC transportation plan under recommended improvements to the Delaware Avenue/Kenwood Avenue corridor, there are proposals to deal with increasing traffic in the center of Delmar. And, the option identified as the preferred one, is to acquire the D & H railroad right-of-way, if it becomes available, and build a connecting highway between Delaware Avenue to the Cherry Avenue Extension. I think this is a backward looking and unenlightened view of how to use this property. It disregards current, informed and progressive environmental and social concerns being addressed by local governments elsewhere. All over the nation, there is a well documented and powerful movement to turn rails to trails, to create recreational paths and greenways. This plan sacrifices a unique opportunity by building more roads. In addition, such a conversion would irrevocably destroy the character of the neighborhoods through which the tracks would run and yet the plan, also, calls for pedestrian development in the center of Town. These two propositions seem to be completely contradictory. The Town and Planning Board seem to be accommodating many new housing developments at the outer edges of the Town. Some of us have read with interest in the Spotlight recently how studies show that the tax income that derives from new houses is less than the cost of providing services to those new families. In other words, taxpayers bear a financial burden from new development. It seems that this proposal represents a similar kind of burden shifting in the field of transportation. New developments mean more automotive traffic and the proposed solution to this traffic is to put the older neighborhoods in central Delmar on the chopping block and to sacrifice our homes and established neighborhoods to accommodate those who are commuting to and from new homes. This is not a cause for which I care to make sacrifices. I also trust that when and if the D & H property becomes available, our elected officials will inform the public of any offers and that we will have a say in how to use this potentially wonderful resource and I hope that all the plans that this LUMAC proposal puts forward do become public issues that we would have the chance to offer our input into as well.

SUPERVISOR FULLER: Thank you.

MR. KNOX: My name is Robert Knox and again, like most of the people tonight I support a plan, but I don't necessarily support this one. Basically, I feel it is not finished yet. Not that it would ever be completely finished, I just feel it still has much more that needs to be done before it should be approved. Basically, I feel that it has missed the mark in the sense of what is exactly the problem. The problem is we seem to have a lot of people who want to live here and very few who want to work in the Town. The result is every morning

and every evening we have the traffic problem because they are all leaving or coming home. The solution that has been proposed is to build more roads and widen the ones we already have which doesn't seem exactly in keeping with the character of Bethlehem of the past 200 years. Rather it seems more in keeping with the character of Clifton Park. So, I feel that if we pursue this particular plan, 20 years from now is what we will have is mostly a Town full of houses, no cows which we have plenty of right now and very few jobs. In terms of developing jobs, no I don't believe we should have mega-malls or more heavy industry, what we need is more low impact but well paying jobs in terms of schools such as trade schools or a community college, things like some high tech companies, perhaps, some software companies or some manufacturers who don't produce a lot of waste.

Also the plan misses the point in the sense of with all this development, where is the trash going to go. Again, that is a major impact that is ignored. Another problem also is, again, we need more cost effective shopping and a bunch of convenient stores is certainly not cost effective. What I don't want is a 711 down the street, I want the dairy farm to stay there, thank you. And, also the problem is our schools. The way the things are proceeding, yes, we are going to end up building more schools and we are going to wind up paying more taxes to build the schools and to educate our children. We need businesses in here to provide the tax money and not provide more children. I don't want to have to leave the Town. I moved here specifically to live in Bethlehem. If I wanted to live in a place that was nothing but houses, I could move back to Chicago. Thank you.

SUPERVISOR FULLER: Thank you.

MS. POWERS: Which one of these is the mike?

TOWN CLERK NEWKIRK: The silver one, just tip it down.

MS. POWERS: Okay. Thank you. My name is Sheila Powers. I am President of Albany County Farm Bureau and I don't suppose you are surprised to see me here. I listened to all of tonight and I was to all but 1 of the LUMAC public sessions. We held one of our own, although one would not have noticed that many public commentaries since and it sounds like it won't be the last.

I end up with a particular point, that I want to go on record as stating, also our opinions about it, there are many considerations that we have and many points but the primary one, I think, needs to come up. And, then the next to primary one which I will put first. We frequently heard the statement about the lack of zoning or teeth in this plan. I guess I am bothered by the missing pieces in that statement because the adoption of a master plan by a Town Board is actually -- and you will forgive me, Mr. Kaplowitz, for my non-lawyer description of this -- but in my mind a prejudicial step to the extent that adoption of a Planning Board by a Town... adoption of a comprehensive master plan by a Town Board is, as a matter of fact, the piece upon which the Court of Appeals will finally rest when later cases are referred to them. Cases that will come up, if they come up, over unhappiness with zoning or any other land use regulations you have made that someone thinks restricts their rights or their activities. So, I am offended at the statement continually, don't worry about this; it is only a plan; it doesn't have any teeth in it; we can't do anything with it; nothing like this could happen until there were infrastructure. I don't like it because it sounds as if you are also saying and you don't ever need to worry about it which I am going on record right now as saying that isn't the case. You certainly do need to worry about, it is the very language or the spirit of the master plan that counts. Therefore, every statement in it is of enormous importance, certainly to me and to the people I represent. Enough said.

I think point second, let's... so, the language is important. Now, when the language decreases density potential for development on farm land... let's take farm land as opposed to open land, obviously, I am better at that. The land value decreases markedly. That is the potential value of your development rights dramatically drop. Okay. Now, if you didn't attend our meeting at the Grange, you as a group

of people, may not be aware of the opinions out there of the land owners. If you attended, what you know is, that we only touched a very small portion of them, unfortunately. We will be reaching many more of them but they are anything but happy with this. They are unhappy. They are angry and they are upset. They are worried and they are loosing what little faith they have left in local government. Now, Mr. Putney came, Jeff came, I appreciate the fact that they did come but it sufficed to you to say as a Town Board, and I am saying, LUMAC knows what we think about that because they were there, okay. What this stacks up to be in our minds is this, the Town of Bethlehem land owners who chose to keep their land instead of selling it for development, are not many in number. They farmed and paid their taxes and did whatever land use they did but it was all relatively benign. It seems now that they are to be rewarded for their constancy by decreased land values for themselves and their descendants. When land has been made into agricultural/residential rather than industrial/commercial, the... it no longer has the same high value in terms of potential, again, development rights -- what you can do with it, what you can realize from it. These people have the same right you know to be able to realize a profit from their, many times, investment as does anybody else, okay. Farmers and other land owners will have to sell 3 times as much land, at least, to receive a set amount of dollars. Those who borrow on their land for cash flow will find their equity has decreased. In fact, 2 years ago, I listened to a whole number of stories over the ability to obtain residential private mortgages if you were on the 9W corridor. You probably listened to them too. They were educational to me because they just brought back a point the Federal land bank made and that was that getting money to borrow and using that land as a base is going to be something you are not going to like the results of. When acreage... mandatory acreage sizes have increased. And, what they are saying is... the owner will have to sell that much more land or charge that much more for the land he does sell. Now, we have heard lots of disclaimers about this. We have heard all kinds of things about how really over a number of years your land will be more valuable. If you wait for it all to roll around and equalize kind of like water finding its true level, everything will come out fine. Well, unfortunately, the current owners of the property, however, take that very much on the chin.

Ag buffers, let's go to them. Now, those who... those ag buffers will buffer and give an aesthetic quality of life to the non-farming, non-farmland owning residents. They will buffer them from the unniceness, if there is any, of business/commerce/industry. I guess I want to ask the Town Board, if you adopt this language as is, with that stuff in there, number 1 I want you to understand that... or see if you can tell me why I shouldn't think this. It looks to me like you're providing something very lovely for the people who will be in Town who don't own that land at the expense of the people who do. We want you to think that is unfortunate. We think it is unfair. So far reduction in taxes to ag value certainly isn't going to equalize that loss. In fact, I would ask you, what makes you think the farming land owners would remain? What makes you think they will stay? For what? Okay. If the plan is adopted with its present language unfortunately, they and I see a Board willing to hide in majority, numbers rather than taking care to be more fair to the minority. And, I have heard all kinds of stuff about how no plan ever pleases anybody -- of course, that is true. Nothing ever pleases everybody, of course that is true, however, there is some discussion about whether... or there should be, some discussion about just how much should come off the backs of a particular number to please a much larger number without some kind of decent, fair compensation for it. And, I haven't listened to much of that and that language hasn't improved... I am not a drop happy about that, okay. Although the gentlemen assured us that they reacted to our concerns. They clustered housing in as a concept. Well, I am not happy about it. And, you don't leave me any choice. In the first place, I will say to begin with, we take the responsibility of being the minority very, very seriously. The minority in any society is important because it expresses things that the rest of the people don't and it makes for a broader and better discussion. So, aside from anything else, we have a responsibility there. We have taken it before and we will do it again and in this case, we think that what

we are about to do is embark on a public energetic display of our opinions and present them to you on a regular basis publicly. Thank you.

SUPERVISOR FULLER: Thank you.

MR. LAVELLE: Hi, I am John Lavelle from Slingerlands. I think the master plan is terrific. It should be adopted immediately; it is terrific; it is well thought out; it is sensible; it doesn't gore to many oxes; it is just what the Town needs. However, saying that, I am against it. It doesn't mean much of anything. Let me tell you why I am against it and I haven't heard this yet. My biggest concern is... it is 10:40 at night, I haven't been home yet. I would like to get some fast food on my way home and I can't do it in my own Town. Okay. I don't happen to like McDonalds and they are probably closed now. I think we could spare a couple of more fast food restaurants around here.

AUDIENCE: Try chicken.

MR. LAVELLE: I don't like chicken either. I want a variety. I think the master plan is terrific, it's what the Town needs. But, there is no statement in there about affordable housing. We really should be doing more in affordable housing. You can afford to build housing in Bethlehem that is affordable. I don't know if we have an opinion from counsel that our proposed residential land use planning will pass constitutional muster. I don't know enough about it, that is not my field but you can't be too exclusionary in your land use planning. We don't have much multi-family housing here. I am not suggesting we build any but when you have an exclusionary residential plan, the next thing that happens is a Federal court orders subsidized low income housing in the middle of the Normanside Country Club and that's not good for a plan. So, I think we should do more in affordable housing.

I hear a lot about congestion. I have lived in a lot of places and I really like Slingerlands but we have one of the most congested towns I have ever lived in. It is hard to get anywhere. Fortunately, when I go to work I go the back way and I don't see it but on the rare occasions when I have to go the front way, you get locked at the Delmar... what's that called, the Delmar Bypass. You can wait there for 10-15 minutes in a little town like this. What I think people underemphasized here is proper intelligent growth which I think we are all in favor of, can improve, not hurt traffic congestion. There is no money out there to build roads. There is no money out there to widen roads. But, if some developer wants to come in with an intelligent project, we may use his money to fix the problems we already have. And, if that can be done intelligently, I think we should look at all development regardless of scale. We have the northeast corner of our township which is a bunch of truck stops and vacant land, no reason a regional mall can't go there. Nobody is going to drive through Bethlehem to get it when 787 is right there. I think that needs to be considered. And, I think the bias against business in Bethlehem which is apparently a fact, lot of my clients... you talk about doing something in Bethlehem -- they go no, anywhere but there. We don't want to do business in Bethlehem. We have such a bias against business that I think we are missing intelligent commercial development and I think that can solve a lot of our problems which we ourselves as taxpayers cannot afford to solve. So, I think we need to get this plan adopted immediately, get working on the details, get this discussion over with because it is an intelligent plan and what is the alternative, no plan. This is a good starting point and then let's concentrate on intelligent commercial development in the appropriate places and leave it to our elected officials -- who no one seems to be giving any credit to tonight -- to make sure we don't get unintelligent growth. Thank you very much.

SUPERVISOR FULLER: Thank you. Is there anyone else who would like to address the Board this evening? There were none. One letter has been handed in from Eleanor Kirchner.

10/19/94

Bethlehem Town Board  
445 Delaware Avenue  
Bethlehem Town Hall  
Delmar, NY 12054

To whom it concerns - I attended the public hearing of 10/19/94 and I wish to state my support of the LUMAC Master Plan.

I'm to the age point of probably not seeing a lot of what will come out of this. But I'm sure if the plan sticks to the provision of limiting retail development to community scale shopping centers rather than large regional shopping centers, the Town of Bethlehem will maintain its nice urban atmosphere. I hope future Board Members will be as dedicated toward this as tonight indicated.

As I looked around the audience tonite and saw so many in the age brackets of 20's, 30's and 40's and older, but especially the younger ones -- I hope they see for many years to come -- the development of what is being endeavored for their future.

Eleanor L. Kirchner

May I have a motion to adjourn the public hearing.

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to adjourn the special meeting of the Bethlehem Town Board at 11:40 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney,  
Mrs. Davis.

Noes: None.

I would like to thank all of you for being here this evening and please spread the word, comment is accepted up until November 28th. Thank you.

*Kathleen A. Newkirk*  
Town Clerk