

TOWN BOARD
OCTOBER 26, 1995

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
Doris M. Davis, Councilman
Freeman T. Putney, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: Good evening and welcome to the special meeting of the Bethlehem Town Board. Can't hear me back there.

AUDIENCE: No. Louder.

SUPERVISOR FULLER: Good evening and welcome, that means I have to hold this all night. I will ask the Clerk to call the meeting to order and read the notice of public hearing.

TOWN CLERK NEWKIRK:

RESOLUTION
SETTING PUBLIC HEARING DATE
PRICE CHOPPER PLAZA
APPLICATION TO ESTABLISH
A PLANNED COMMERCIAL DISTRICT

WHEREAS, the Town Board of the Town of Bethlehem has received an application from Windsor Development Group, Inc. to establish a Planned Commercial District pursuant to Chapter 128, Article V of the Code of the Town of Bethlehem; and

WHEREAS, establishment of the Planned Commercial District would amend the current zoning on a 21.6 acre parcel of land located at the northeast corner of NYS Route 85 and LaGrange Road from Residence A District and Residence AA District to Planned Commercial District; and

WHEREAS, the Town Board is considering adoption of a Local Law which would amend the Town Zoning Code and Zoning Map by rezoning the 21.6 acre parcel as noted above; and

WHEREAS, the proposed zoning amendment has been recommended by the Planning Board of the Town of Bethlehem; and

WHEREAS, the Town Board desires, and is required by applicable State and local laws to hold a public hearing on the proposed zoning amendment;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Town Board at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, New York on Oct. 26, 1995 at 7:30 o'clock p.m. to consider the proposed amendments; and,

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish notice of the hearing in the Spotlight, a newspaper of general circulation in the Town, no less than ten (10) days prior to the date of the hearing.

On a motion by Mr. Putney, seconded by Mr. Webster and a vote 5 for and 0 against and 0 absent, this RESOLUTION was adopted on September 27, 1995.

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State of New York)
County of Albany)

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher 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 11 day of October 1995.

/s/ Mary A. Ahlstrom

Public Hearing
zoning for a
planned commercial
district
Chapter 128
Article V
(Price Chopper)

Sworn to before me this 13th day of October 1995.
 /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 October 11, 1995, 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
 24th day of October 1995.
 /s/ Catherine T. Picarazzi
 Notary Public

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SUPERVISOR FULLER: May I have a motion to indent the notice of the public hearing.

The motion was made by Mr. Webster and seconded by Mr. Putney 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: For everyone here in the audience tonight, I welcome you and am very glad to see such an interest in our public hearing for the rezoning of the Slingerlands parcel. Before we begin I have Mr. Robert Miller from Windsor Development who will do a presentation. We have Mr. Neal Golub who will speak to everyone. We have Mr. Joseph Sporko from L.A. Group Landscape Architecture and Engineering. Mr. Gary Hansen, Creighton Manning, the transportation engineers. Need to know they will probably do their presentation -- it will be 20 to 30 minutes, then we will open it up for questions and then we will go with -- the format will be changed tonight, if you wish to speak come to the microphone whether you are for the proposal or against. Please just line up to the microphone and identify yourself. I ask that you limit your comments to 2 to 3 minutes and if possible, if you are simply here to say I am for it or against it, that will help also so that we can have everyone speak and allow enough time for all of us. We will stay until everyone has been heard. Welcome and we will try to move along.

AUDIENCE: Can't hear it back here.

SUPERVISOR FULLER: Mr. Miller.

COUNCILMAN PUTNEY: Somebody said something...

SUPERVISOR FULLER: They are out in the hall.

MR. MILLER: Members of the Town Board, ladies and gentlemen good evening. Can you all hear me?

AUDIENCE: No.

MR. MILLER: You have to come in. Who said no?

AUDIENCE: Can't get in.

MR. MILLER: Let me speak as loudly as I can and someone make room for whoever's out there yelling they need to get in. Some 3 years

ago we began this project with Price Chopper. The first thing we did was to review all the materials and news clippings and letters that related to a prior proposal on this site. In addition, we spoke to many residents of the community, some of whom are here tonight. Our interest in doing this was to find out exactly what the residents of this town wanted on that site, if anything, and what they would be willing to support. What we found out and what we heard clearly was what you wanted and what you could support was a community sized shopping center on that site. What you didn't want was a regional type center on that site. We heard that and subsequently in April of 1994 we submitted a plan to the Town Board for a shopping center which we believed is sized to the needs of this community. One that offers goods and services that the residents would use on a regular basis.

Over the past 18 months we have had numerous meetings with the Planning Board and the Department of Transportation and other agencies regarding the proposal that we submitted. The plan that we submitted as it was amended through that process received unanimous recommendation of the Planning Board to this Town Board for rezoning. Before I turn the microphone over to the professionals, there are a few issues I would like to discuss and some concerns that we have heard expressed.

First of all, what are we proposing. We are proposing essentially a 92,000 square foot retail complex and 7,000 feet of professional office. The principal building is 88,000 square feet and contains a 63,000 square foot Price Chopper super center. In addition there will be a pharmacy, a dry cleaner, a hair dresser, card shop perhaps, a wine store, similar types of tenants to service the needs of this community.

Another question we were asked is why this site. First of all, we recognize that site is going to be perfect and certainly no site will please every resident. We know this. But, this site was identified in the draft Master Plan as appropriate for development principally because it contained criteria that is important. It is near the population. It is at the junction of arterial highways. It is on the periphery of the town and it has existing commuter traffic. Also important, it meets the criteria of Price Chopper. It is available and it is under contract and there really are no other suitable sites that have been identified for Price Chopper.

A principal question tonight is going to be traffic and there is going to be much discussion on this issue and it can become complex and detailed. I would ask you to keep one thing in mind, all of you currently shop somewhere, you get in your car from your residence and you drive to the store, you shop and you return from the store on the very roads that we will be discussing tonight. By locating a food store at this site, we are not creating leaders in this town, we are not selling more food, virtually all the traffic that we are going to discuss tonight is currently on the roads in this community.

Another question we are asked frequently is how can a traffic study be trusted, I mean after all it was paid for by the developer. And, while it is true, we did pay for the traffic study, it is the combined wisdom of our traffic engineer, Town Planning Board, Town Planner, Department of Transportation and Albany County that is represented in this document and it stands as the best evidence of the traffic at this location and the impacts of this development. Incidentally, a letter was recently circulated which contained a couple errors I would like to point out. This project as proposed has a right-of-way set aside for the extension of Route 85, Cherry Avenue. The design of that right-of-way was reviewed and approved by the Department of Transportation and the intersection... preliminary intersection design was submitted to DOT and accepted by them also. Moreover the letter stated that there would be 8,000 new trips generated in the vicinity of the Toll Gate restaurant. It is factually incorrect. The study indicates it will be 700 trips not 8,000 trips. I think the 8,000 is the total number of trips on a 24 hour basis that currently exists in that area.

Another question we have seen raised in letters and comments, doesn't the approval of this development start a creeping commercialization

of the area? Or, asked a different way, haven't we got a hidden phase 2? We have been asked that a number of times. Isn't there really a phase 2 that we are not telling anyone about. The answer is no. We have asked the town to rezone the land that is needed for this development. Any additional development done, land that we own or on adjoining lands requires the approval of the town. Moreover the earliest meetings that we appeared before the town, we offered to restrict the additional lands that we own in order that the concern over future development be eliminated.

Another question is does this plan conform to the draft Master Plan, essentially in the areas of traffic and we believe it does. The size of this development which we are proposing is substantially less than the size development that is permissible on that site by analysis of the area. This reduction in size to the community standards which we believe the town residents are willing to support gives us the opportunity to mitigate much of the traffic impacts from this development. Are all the traffic impacts mitigated? The answer is no as you will hear later tonight we were not able to mitigate all the traffic impacts. The most noticeable impact, it is not mitigated we have identified as an 18 second, approximately 18 second additional delay in the intersection of Cherry Avenue and New Scotland in the morning rush hour and in the evening rush hour. We simply couldn't mitigate it. But, we believe that that impact is not substantial and that the benefits to this community if this development at this time are both substantial and real.

The last question is why not simply delay this development until Route 85 is extended. I think our studies indicate Route 85... the extension of Route 85 is not necessary for this development to function in this community given the size and scale of the development which we are proposing. Moreover, I believe it is the best use of this site -- that's the conclusion of the draft Master Plan. It also expands the tax base of the community now. And, there is no alternative sites in this community for Price Chopper but most importantly, I think, the need for alternate shopping exists in this community today. There is no reason to put it off for an improvement that we do not believe is necessary. I thank you for your attention and at this time what I would like to do is to introduce to you Mr. Neal Golub, President and Chief Operating Officer of the Price Chopper Corporation who would like to personally tell you the interest of Price Chopper in the site.

MR. GOLUB: Good evening everybody and I am very happy to see such a large crowd out tonight. There are a number of things that I would like to share with you. Approximately 30 years ago my dad and I drove the streets of this area trying to find a location so one would say that Price Chopper is very tenacious about trying to locate in the Bethlehem area. In my years in this business I don't think I have ever been asked a question more often than when are we going to build a Price Chopper in Delmar over and over and over again. In June of this year we opened our store at Westgate, 43 customers came up to me in the first 3 days to ask me -- it got to a point where I started to keep notes on that issue. Forty percent of the residents in this community are leaving the community and driving anywhere from 10 to 20 minutes to 20 mall, to Albany, to East Greenbush to do their shopping. Involved with that is cost, risk and a loss of taxes to this community. Our surveys in this community have clearly demonstrated that the overwhelming majority of residents and community citizens and we are talking well in excess of 70 percent, greatly, greatly see a need for another supermarket in this area. When we asked why shoppers were very clear, their tired of being limited to one store and the reputation of high prices in the community.

Our location at 85 and Cherry Avenue extension is what we think is the best and most convenient location in this community. Regarding the traffic issue, any of us who shop in the morning know that between the hours of 6 and 9, shopping at a supermarket is very light. And, if anybody doubts that they can come and look. I seriously doubt whether traffic into our store in the morning would be any less impactful than any other day of the week. Traffic during the day in the noon hour I think will be about the same. In the afternoon, rush hour traffic coming home -- many of you are driving

other places before you come home to do your shopping. We think that puts you at risk. We believe... I believe that pulling some 200 cars off the road for a period of a half hour to 45 minutes while some people do their shopping will, in fact, help traffic, not hinder traffic.

One thing we do promise, I promise you a great store. It will be a state of the art facility that will be every bit as good as our store at Westgate. For those of you who are looking for picture of the size of this facility, if you think of our store, our Price Chopper store at 20 mall, the entire complex everything is 92,000 square feet which is twice the size of our store at 20 mall. Think of the convenience for the community of having the post office, the supermarket, the drug store, the bank, a dry cleaner, a beauty parlor all within a short distance of travel. We think that is a benefit to the community. Convenience is a major issue for customers and this location is truly the most convenient location in the community. The Golubs and Price Chopper as you know are honorable people and we have been committed to all of our communities for all the entire years that we have been in business and one thing I promise you, is you will have a great store and your will have great community citizens who will help this community to be a better place in the future. Thank you.

Applause.

MR. MILLER: Let me now simply introduce Joe Sporko from the LA Group who will carry on with the presentation.

MR. SPORKO: Good evening, that was a tough one to follow. I am Joe Sporko with the LA Group, landscape architect. We have been involved with the planning and the environmental assessment for this project over the last 2 years or so. I would like to talk about the specifics of the project. I know some of you may not have actually seen the plan itself so... and if you can't see it, please come up later on and take a look at it. But, I am going to describe it for you in some detail.

The center site is located at the corner of New Scotland Road and LaGrange Road, opposite Cherry Avenue. The zoning currently is AA residential and A residential, most of the site being A residential. The size of the site is 21.6 acres. The site originally was larger. The Planning Board in our review process requested that we down-size the parcel to that which we only needed for the site and that's what we wound up with. What is proposed... as Bob outlined for you... fits the definition of community commercial as outlined in the draft Master Plan. 63,000 square feet will be a supermarket, 25,000 square feet of additional retail, 4,000 square feet bank in a separate building, and a 7,000 square foot office building in a separate building also.

We are providing 506 parking spaces which exceed the Town requirement which is about 400 spaces. The site as you can see a lot of green on that plan, the site will be preserving a lot of open space. 8.7 acres of the site will remain open space which is 50 percent of the site. Regarding access to the development, the plan has been coordinated carefully with the Department of Transportation and will accommodate the future extension of the bypass. We have reserved along the westerly boundary of the site about 4 acres for the eventual extension of the bypass which is on the regional transportation improvement plan slated for the year 2001. But, the site is designed to accommodate the bypass and as Bob said, work with or without the bypass. Initially before the bypass gets built, access will be from an improved LaGrange Road intersection. The intersection will be widened and improved. In addition, there will be an additional access located about 640 feet away which would be a right turn in, right turn out only access. Upon completion of the bypass and I will show you a plan. This is what the site will look like following completion of the bypass, at that point, the DOT is in their planning calling for a limited access highway to be brought in so the access to LaGrange Road will be closed. At that point, the access onto New Scotland would be improved and that would serve as the primary access.

So, as you can see, the site will be bounded on all sides by major highways and really won't be suited for residential development as currently zoned. So, we really believe that this is a good site for a commercial development.

Regarding set backs, we actually exceed all the required set backs as set forth in the Town zoning standards. The set back to a district boundary which would be the PCD boundary is 50 feet. We have a minimum of 70 feet. Set back to the center line of the highway on a corner lot is 60 feet, we have 115 feet to the bypass center line. Set back to a highway is 35 feet, we have 70 feet as a minimum to the closest building and, as a matter of fact, the main building itself the set back is about 400 feet. So you can see that the buildings sit quite a bit far back into the site.

I would like to talk for a minute about the design and how we arrived at the design. As I mentioned, we have been at this for close to 2 years working with the Town to arrive at what we felt would be the optimum design solution. We were aware that this will become a northern entrance or northern gateway, if you will, into the Town. So, we considered that and we oriented the buildings so that the rear of the buildings would be screened from view. The rear service side would be screened from view as you are driving into the bypass. So, there is a substantial amount of vegetation and earth mound to be left in place on the rear side of the building. In addition, we prepared a preliminary landscape plan which calls for extensive landscaping of the center on all sides. We recognize that the site should be well buffered from adjacent uses. As I mentioned, the site retains 50 percent of the open space and we also during the course of the review process prepared a visual impact study which actually looked at 13 computer simulated views from various viewpoints in the proposed condition so that it could be determined whether or not there is sufficient buffer. So, we used that during the review process. Regarding the utilities, storm water will be handled on site in storm water detention basins so that the outflow of storm water would be restricted to what the existing rate of runoff is.

The site lies within the water and sewer district and will be connected to both Town water and sewer. There will be an erosion control plan in place to prevent erosion during and following construction.

I would like to briefly talk about the environmental assessment. The Town in its... the Town Planning Board in its review has determined whether or not there are significant impacts associated with this project so during the course of working on this and preparing the environmental data, this is one of the pieces of information we submitted. This is in the form of what we are calling an expanded environmental assessment. It is really the equivalent of an environmental impact statement. This contains numerous reports -- a wetlands report, a water and sewage disposal report, storm water management plan, traffic reports, archeological reports, the visual study, as well as other information. The bottom line was that during the course of reviewing all this material, the Planning Board was able to make a determination that there would not be significant environmental impacts which cannot be mitigated associated with this project.

I would like to point a couple more things regarding land use in the vicinity. The vicinity, as you know, you are all aware of it, there is low density residential area, however, there are commercial uses along New Scotland Road already. There is the Blue Shield office building, the insurance office, the ice cream stand, a restaurant, gas station and of course the post office right next door.

Regarding wetlands on the site, there are no State regulated wetlands on the site, however, there were Federal regulated wetlands on the site. This was another factor that we took into consideration in the design of this project. On the 21 acres, there is about 3 acres of Federal wetland. So, that really dictated where we should place the buildings on the site. The wetlands were predominately on the eastern part of the site, that is why the structures are where they are to avoid any impacts to the wetlands.

There was an archeological and historic resources study done for the project site. There was no significant archeological findings, however, there are 2 historic structures nearby. One being the Breeze home on LaGrange and the other being the Rielly-McCutchen home which is an abandoned structure to the rear of the property. Both of these are actually off of the property but we contacted the State Historic Preservation office and in fact, we received a letter from them saying that there would be no impact to those structures associated with this project.

In closing, I just would like to say, the plan for this has really been a carefully thought out plan and we have been at this a while. And, it is consistent with the draft Master Plan. We provided generous set backs to all the buildings on the site. We have landscaped grounds which will buffer the adjacent land uses and the development will have minimal impact to the environment.

I would like to turn it over to Gary Hansen who is going to discuss the traffic.

MR. HANSEN: Thank you, Joe. My name is Gary Hansen. I am Vice President of Creighton Manning Inc., located at 500 Kenwood Avenue, Delmar. We are a transportation consulting firm. As Bob Miller had indicated earlier, the report, traffic study that is contained in the EEF is a result of an extensive 16 month process where we have worked closely with the Town, the Department of Transportation, Albany County and the Capital District Transportation Committee to ensure that they have a clear understanding and acceptance of our procedures, our methodologies and the findings that came out in our study. To do this we spent a lot of time in meetings with these parties. We prepared a number of different revisions and submittals of our draft documents and through this process of interaction and coordination, we've come up with a traffic study that we believe is thorough, is comprehensive and it adequately represents potential impacts of this project. What I would like to do is just spend a few minutes to walk through the actual study itself.

When we began the roads that we are looking at are really DOT roads and so they control really how we measure and they direct how we measure traffic impacts on their facilities. We met with them and they asked us to look at 4 intersections that met their criteria. These intersections were on Route 85... the intersection of Route 85 and Blessing Road; intersection of Route 85 and New Scotland Road; the intersection of New Scotland Road and Cherry Avenue extension; and the 4th was the intersection of the Cherry Avenue extension and Kenwood Avenue. They also requested that we look at these impacts during 3 periods. The first would be morning peak hour, morning commute hour; second was the evening commute hour weekday; and the third was a Saturday afternoon peak hour. So, with this in mind, we performed some data collection. We took traffic counts at these intersections for all 3 periods and then analyzed the existing conditions that are out there today. We did that by calculating a level of service. A level of service is what is a measure of how those intersections operate and it is basically a ranking of A to F where A is very good operations and F is very poor operations. What we found was I think something that is obvious to everyone who drives through that corridor, there are levels of congestion currently. Right now the worst level is at Blessing Road/Route 85 intersection which in the pm peak hour operates at a level E. In the morning the most impacted location is at the New Scotland Road/Cherry Avenue extension intersection which operates at a level of service D.

Once we had collected the existing conditions data that we needed to do the study, the next step was to generate trips from this project, distribute them to the origins and destinations and then assign them to the street system and actually calculate what the impacts of the additional traffic is. The first step of that process was trip generation. There are basically different methods for estimating the trips from a project like this. There is a range of procedures that are considered acceptable within the engineering and transportation planning profession. The direction of the County of Albany and the Department of Transportation we used the high end of those ranges. We used high trip generation rates to explore the impacts of this project. By comparison, information provided to us by Price Chopper

shows that actual customer counts at 2 similar size facilities in this region indicate the trip generation would be or is at those stores roughly half of what we have used in the study. So, we may be looking at the high end in our evaluation of impacts.

There is also another fourth component to take in mind... keep in mind in talking about trip generation for a project like this. There are basically 2 types of trips that these projects generate. One is a primary trip or new trip wherein someone is at home and decides I am going to the store and that is the only purpose of their trip. They get in their car and drive to the store. The other trip component to these centers is what we call a pass-by trip and those are trips that are already on the road for different purpose that will stop into a facility like this because it has easy access and is convenient. An example of this for this site would be someone who commutes home on New Scotland Road every day from work and pull into this project to pick up groceries and then continue home on that work trip. Those types of trip can be very substantial to the project of this type. They are located on a high commute arterial with a lot of commute trips in the peak hours and these numbers can form substantial portion of the peak hour trips associated with a project like this. The other thing to note about a project like this and trip generation is that the peak generating hours of a supermarket are different from the peak hours of adjacent street traffic. As we looked at the numbers provided to us by Price Chopper, the traffic generated by their facility in the morning peak and the evening peak only represents about 12 percent of their total daily trips. Their peak hours really occur in the middle of the week day from 11 to 3:30 and then after the peak hour in the evening, at approximately 7 to 10. Their other peak periods are on Saturdays and weekends. So, their generation does not really coincide... their peak generation does not coincide with the peak hours of traffic on this facility. Once we have generated trips, just to give you an idea of what the facility is projected to generate in terms of new trips, in the morning peak hour, it is estimated at 170 trips. In the evening peak hour it is 642 and on a Saturday afternoon peak 786. Also, just to give you an order of magnitude on what occurs on a daily basis, the estimated total 24 hour traffic generation from this project is about 4700 trips.

Once we have trip generation, the next process in doing a study like this is the distribution of trips. Based on information as provided to us by the Capital District Transportation Committee and DOT, we have an estimated trip distribution that goes something like this... to Albany is about 21 percent of the trips are expected to come down New Scotland Road from the North Bethlehem/Krumkill Road/Blessing Road areas about 9 percent of the traffic. From the Slingerlands area approximately 15 percent of the traffic and the bulk of the traffic or about 55 percent would come from the Delmar/Elsmere area. Just to give you an order of magnitude feel of what that means for increases on the various roads that lead to the site, on New Scotland Road heading towards Albany away from the site, it would translate into about a 7 percent increase in total daily traffic. That same percentage increase would occur in the opposite direction on New Scotland Road towards Slingerlands 7 percent increase in daily traffic and on Cherry Avenue Extension heading into Delmar, the average increase on a daily basis would be 20 percent.

Once we have added or gone through the process of the generation and distribution, the final or not the final but the next step is really assigning these trips to the street system. We look at the origins, we look at the paths available in terms of streets and speeds that it takes to get their and we assign the traffic through the street system based on those paths. Once we do that then we go back to our level of service evaluation taking into account the new project trips that are on the street system and we are also taking into account some of the improvements that this project will make to the street system. John spoke to those a little bit. I would like to reiterate them.

At the intersection of New Scotland Road and Cherry Avenue extension the project will put in a second left bound turn lane heading onto the extension from New Scotland Road. It will add another through lane on the Cherry Avenue extension to provide access across into the

site and it will provide, I believe, 3 approach lanes on LaGrange to allow traffic to exit. It will also redo the signal and redo the timing of the signal so that it will function more effectively. This improvement spacing from LaGrange is also being designed so that it would dove tail into the bypass when the bypass is constructed. The bypass will basically be built up to this point and these improvements would fit right in. Also, in relationship to this intersection in the project itself, developer is committed to extend the current sidewalk on New Scotland Road from the post office to the intersection, provide for a pedestrian crossing across LaGrange frontage and provide extended sidewalks then into the site. At the driveway again, as Joe mentioned, there will be right turn in, right turn out only. It is spaced such that when the bypass is constructed this could become the main access and this access would no longer be in place. This would be the bypass. Again, when I am talking about spacing it is primarily so there is enough room that the cars don't back up into each other between these 2 intersections.

So, those improvements were taken into account and their level of service calculations with the width project condition. And, also as Bob mentioned, really what it gets down to there are incremental increases in traffic throughout the system but the level of service over all only changes at the Cherry Avenue extension/New Scotland Road intersection and it does drop in each of the peak period studied. And, what does that mean to a motorist going through that intersection, basically it means on an average either in the morning or in the evening peak, there would be about an additional 18 seconds of delay to travel through that intersection.

There are some other issues that we have covered in there and I will touch a little bit on those. There is also included in the traffic study, an assessment of the segment impacts of the project. Basically what that means is the road segments between the intersections although the intersections really determine how well it functions, we took a look at those capacities and made some assessment of that. We also looked at an assessment of what happens when the bypass is built. Basically what will be the resulting traffic conditions, we did that for the New Scotland/Cherry Avenue extension intersection and when it is built there will be an improvement over existing conditions at each intersection that... along Route 85 that we studied. We also looked at comparison of the volumes from the study to the Town's criteria for streets. We included that in the study and finally we included an assessment of potential circulation alternatives once the bypass is in place and how it relates to this project. There have been some discussions of it. The road in front of Blue Cross would close when the bypass is in place or if there should be another road connecting New Scotland Road to the bypass somewhere adjacent to this property.

All those items are covered in the traffic study and our conclusion and it is the conclusions that are shared by the Town Planning Board and the Department of Transportation is that with these improvements and given the existing traffic volumes on this facility, now that these impacts are less than significant. And, I would like to now turn it over to Dan Ruzow who will continue the presentation.

MR. RUZOW: I will wrap up the presentation. My name is Daniel Ruzow, I am the managing partner of Whiteman, Osterman and Hanna and we serve as environmental counsel to Windsor Development Group for this project. I want to focus on 2 issues and very briefly. This project is undergoing a review under the Planned Development District portions of the Code. That is a very forward thinking process that puts an applicant in close contact with first the Town Board, but then more importantly the Planning Board to design a project in a cooperative way so that it is the kind of zone change that can be recommended and considered by the Town Board and hopefully accepted by the community. We have worked for some 16 months with the Planning Board. We have been back and forth answering questions, questions being raised, making certain that each and every potential impact, each and every issue that affects land use and how people relate and in their homes and on the roads to this project can be answered and answered clearly and very carefully and very thoroughly. We had 6 public meetings with the Planning Board. We had surprisingly very few members of the public attend those but not

withstanding that any questions that were asked, we were there to help answer and try to explain and equally important gain input in the design of this project.

In accordance with the Code, the Planning Board and planning staff provided input on what they knew the community needed and wanted us to consider and we took that into account. This plan that you see in front of you is only preliminary. Under the Town Code, if the Town Board rezones the parcel, there is another planning process that occurs before the Planning Board, a building development project plan has to be... come back before the Planning Board. Another public hearing before the Planning Board and then and only then a decision by the Town Board regarding acceptability of the project. These plans are preliminary. The input that you provide tonight, the further input that you will provide if the Town Board rezones the project at the Planning Board stage is what we and the developer need to hear and understand so that when the final design is made, it is very much the project that everyone would want to embrace. The environmental assessment report -- that rather large volume that Joe shared with you before -- is, in my judgement, the equivalent of an environmental impact statement. We have attempted to address and I think thoroughly, and certainly with the very careful attention of the planning staff and the Planning Board, every conceivable impact. Every environmental criterion that the State Environmental Quality Review Act asks any applicant and any lead agency -- the Town Board in this case -- to consider in determining the environmental significance of a project. The review by the Town has been very careful and thorough. We have been asked to recast the way we explain things in plain language. The traffic report went through several revisions in terms of just making certain that every potential way of looking at the traffic flow was considered. We had input from the County, from DOT, as well as the Town in developing those data. We are very proud of the data that we have collected and we are very certain that it represents a fair assessment of what is likely to occur here.

SEQR requires that the lead agency, the Town Board, and in this case the Planning Board has acted as sort of an agent -- an advisor to the Town Board -- that in order to determine environmental significance you have to identify in the first instance all of the potential significant effects. You have secondly take a very hard look at it. That means to thoroughly analyze them. And, the last thing that you have to do is, in making your decision, you have to make a written reasoned elaboration for the basis for your determination. The Planning Board has done... has provided advice to the Town Board in that regard and we think they have done a very good job in identifying all of the issues and calling it as they see it. One of the reasons why we think a negative declaration -- and that means no environmental impact statement needs to be prepared here -- is simply that this site is both so large and our project is so small and it is in the right place. The draft Master Plan... all of the work of that study group for the many years that it has worked, has done a lot of the work for this developer. Why, because it has assessed what the community needs are and where the best place to site this type of store is. This is a small community center. In my experience in the last 15 years, this is the smallest commercial shopping center that I have been involved in and I look at it in terms of the kinds of impacts that it has and the flexibility that this developer because its needs are limited, this is the size project it needs, and this tenant -- Price Chopper's needs -- they mesh. There is an integration in terms of what the Town wants here in terms of small scale and what this project development team would like to place here. And, when you have that and when you have as much land as you have here and you can preserve the resources that are on it and try to avoid things and minimize, you have the basis for the kind of planning that SEQR intended that there be and that affords you the basis to issue a negative declaration. An environmental impact statement doesn't provide, in my judgement and in our judgement, any more additional information than this document has been provided. And, in terms of what the Town has asked and considered. It adds another layer of additional process and process that we don't see leads to any further information than... than what we have in front of us and the purpose of an EIS is if there are the potential for impact to find new ways in which you can avoid them or minimize

them. We don't believe that that extra layer of process would serve the Town in this instance.

We are here tonight, as I said before, to listen to the comments. If there are issues that we have missed, we don't want to move ahead with a project that is going to cause an impact that we failed to consider. We will listen very carefully. We have done that in the past with the Town Planning Board. We have enjoyed a cooperative working relationship with the professionals there and that is the way in which, we as a project team want this to continue. Your constructive comments are welcome and I thank you.

Applause.

SUPERVISOR FULLER: Doug Hasbrouck, the Chairman of the Planning Board, will take less than 30 seconds to tell what the Planning Board has done. Thank you, Doug.

MR. HASBROUCK: The day I take less than 30 seconds to do anything you will know I am sick. Actually I started off with 2 pages of notes but there has been so much said by so many people there is not a lot left to say and that's one of the advantages of going last. So, I have scratched this up quite a bit and what I am going to do is just take a couple of minutes here to concentrate on the process that we go through, some of which you have already heard but not all of it. But, I want you to understand as long as this many people are here it is a good opportunity for this project and other projects to follow, perhaps, to let you know a little bit about what the process is and that is what I am going to emphasize here very briefly.

As you heard earlier, this process first came to the Town in 1994 in April, it was in June of 1994 that the Town referred this project... excuse me, July of 1994 that they referred it to the Planning Board for recommendations after going through the process of declaring themselves lead agency for the State Environmental Quality Review process and so forth. Things that had to precede that referral.

You have also heard a lot about what happened between July of 1994 and this spring. There were many informal meetings, many informal discussions, much preparation material by many people. There were a number of agencies involved most of which have been mentioned and it is a long intensive process. And, all that happens before the Planning Board, itself, ever gets a look at this project. There is a lot done for us by professionals here and other agencies all of which is a part of the review before the applicant ever gets to talk to us directly.

Following that extensive first look, the proposal came before the Planning Board for the first time in March of 1995 and there has been, I think, 5 meetings of the Planning Board since that time, the most recent being September 15th at which time we made our recommendations to the Town Board. And, those recommendations take 2 forms. The first one is a recommendation as to the State Environmental Quality Review process and our recommendation there is that the Town Board make a decision of negative environmental impact. And the second recommendation is on the rezoning itself and, of course, our recommendation there was that the Town Board approve the zone change request and keep in mind that the SEQR process has to proceed that decision. The SEQR process has to end before a vote can be made on the zone change itself.

The public hearing tonight is a part, a mandatory part of the zone change process. And, following this meeting, the Town Board will then make its own independent judgements as to whether to accept or reject the Planning Board's recommendations. During our reviews with this applicant we have considered the potential impact on wetlands, vegetation, wildlife, historic and archeological resources, ground water resources, air quality, noise, visual impact, traffic and some things I probably forgot.

And, I want to comment just briefly on 3 or 4 of those factors. First of all with respect to wetlands, again, it is an informational point I want to make. There are 2 different agencies that have jurisdiction with respect to wetlands. One is the State Department

of Environmental Conservation and the other is the Federal Government through the Army Corps of Engineers. On most projects the extent of land that constitute designated wetlands are too small for the State agency to become involved because they don't come into play until we have something in the range of 12 acres of wetlands, which is much more than we have on this site. Army Corps comes into play basically with any wetlands and the applicant must demonstrate to them that they satisfy Army Corps requirements with respect to how they treat those wetlands. And, I want to point out that the Town Planning Board, the Town Board itself, Planning Board, no one in the Town has any jurisdiction whatsoever over what happens with the wetlands decisions, as far as the Federal wetlands is concerned. That is strictly an Army Corps of Engineer determination and the applicant works directly with them in making that determination.

You have heard some comments about traffic and I won't go into a lot of detail there except to say that we did look at an awful lot of data and that the data was revised 2 or 3 times and amended with additional information at our request with regards to the Department of Transportation, at the request of the Albany County Engineer's office and it was also reviewed by the Capital District Transportation Authority as part of the long process. We know and we would be kidding ourselves if we said otherwise and kidding you, we know the traffic out in that area is already a problem at certain times of the day. And, we know that this project sits right in the middle of that problem. And, as the experts here have told you already, we have taken a very close look at that and basically, it is our determination that even though there will be a project there that will draw some new traffic that the extent of that impact will not be a significant impact in the context of the SEQR requirements. And, that is the basis on which we have made our recommendation among other things, the basis on which we have made our recommendation of a negative impact to the Town Board.

During this first phase, we have also looked at the visual impact. It was pointed out before that we have had a number of perspectives that were put together using the aid of computers and, in fact, in some cases even using the aid of computers combined with photographs to show us pretty closely what this project will look like from various points on Route 85 and Cherry Avenue. So, we have a pretty good idea of what we are looking at and we will continue, if we get the opportunity to, to work with the applicant in that regard when we go to the Building Project Approval phase if this zone change is approved. And, we are looking at a number of things there including grading, lighting, signage, access points, setback limits, and the use of various plants, trees and whatever to screen the impact... screen the facility from the streets as much as we can and still leave it so that it is accessible.

With regard to our SEQR determination or recommendation, we have received essentially all the information from the applicant which we would expect to see if we had full environmental impact statement in front of us. And, based on our review of that information, it has been the Planning Board's judgement that there will be no significant impact from this project on the environment. If the Town Board approves our recommendation and acts in its independent judgement to declare a negative declaration that would end the SEQR process and we would then go to the Building Project Approval phase where the project would come back for planning review in detail. On the other hand, if the Town Board independently determines that this project may have a significant impact on the environment, it may then -- if it chooses -- require a full environmental impact statement of the applicant, in which case nothing further would happen until that is done and we get through that process of review before we go to the Building Project Approval.

I think that summarizes the process pretty much without getting into a lot of detail. I will add one comment and I am not a person to hand out accolades where they are not warranted. I understand that Price Chopper likes to pride itself on its community relations and being a good neighbor and so forth and I have to tell you that this applicant as a team of professionals and investors, basically, so far have lived with that reputation pretty well. Their philosophy of being cooperative has certainly shown up in what they have done in

terms of response to our review and the questions that we have raised and many others have raised as this process has gone by. I hope that continues. Thanks very much.

Applause.

SUPERVISOR FULLER: Thank you very much. We will now open it up first to any questions and if so, you can try and stand where you are but I prefer you come to the microphone and identify yourself, and ask your question.

MRS. COLES: My name is Jan Coles. I am from Slingerlands. Everyone has done a good job of exploring the impact on the wetlands and the historical properties on the site, the archeological artifacts, the impact of traffic -- no one has talked about the impact on the neighbors. And, I would like someone to address that.

Applause.

MRS. TICE: Hi, I am Donna Tice. I live at 1362 New Scotland Road and I have lived there all my life. Can you hear me?

AUDIENCE: No.

MRS. TICE: Right there, closer.

SUPERVISOR FULLER: Yes.

MRS. TICE: I am Donna Tice, I live at 1362 New Scotland Road. I have lived there all my life. Years ago the only commercial development was Ross's, the Hess station and my former parents restaurant which is now the Gold Coin. And, trying to get out in the morning on New Scotland is terrible. Trying to get home in the afternoon is terrible and I do not foresee that Price Chopper should go across the street from my driveway.

Applause.

MR. SMOLINSKY: This one seems to work. John Smolinsky from the Slingerlands area. A question that I probably asked 6 or 7 or 8 years ago but I will ask again because I think it is pertinent to this project is what is the status of the various highway solutions... highway and traffic solutions we have heard and heard recognition of traffic problems and over the several years we have heard of the bypass... Slingerlands bypass extension to Cherry Avenue as one solution, a bypass extension to 85A as another Slingerlands traffic solution and a Delmar bypass extension to 85 as yet another solution, none of which have ever surfaced again or... that's the question I am asking, what is the status? What has the Town done to move any of those traffic solutions forward and what are the risks to the traffic problem getting more unacceptable if those solutions don't come about?

MR. ALBA: Hi, I am Richard Alba. I also live in Slingerlands. I would like to ask a question...

AUDIENCE: Can't hear you.

MR. ALBA: This one? Hi, I guess you can hear me. I would like to ask a question about accidents. It has been my observation that accidents are quite common at the intersection of New Scotland and Cherry Avenue Extension and also quite common at the intersection of Cherry and Kenwood. And, I would like to know whether in the traffic studies there was any examination of the accident rate at these intersections and how that might be impacted by these developments and by the additional traffic. Thank you.

Applause.

MRS. BRAGLE: My name is Kathleen Bragle. I live at 1575 New Scotland Road in a house built by John Slingerland in 1790. He was in Congress with Abraham Lincoln. I love my home and I am proud of the hamlet that I live in but this is more than an issue of pride and love. We have been billed by, we have been accused of being elitist,

about being narrow minded, about only thinking about Slingerlands... sorry folks. Seven hundred, 7 percent, 700 all the figures in the world are simply not acceptable to me in terms of increase in traffic and the gentleman just preceded me what brought out a very poignant and painful issue in our household. We experienced a fatality in front of my house a year ago December and no one, no one has mentioned that impact. We have a big fat book talking about environmental impact. No one has talked about the impact on our community. No one has talked about the humane humanity of this whole project -- the people in the neighborhood, the people involved. Our family lives with the impact of that fatality and I am not just saying that to sensationalize, it is a real cheap shot if I were. I am just simply standing here as a citizen of this Town whose... I have experienced, my children have experienced, my son has experienced an impact on the traffic on New Scotland Road. This is simply unacceptable. I appreciate the effort, I appreciate the professionalism, the time, I appreciate Price Chopper's motives in trying to service this community but this is simply unacceptable. And, my last question is to Mr. Golub, when are you going to build a Price Chopper in Delmar?

Applause.

MR. SHERMAN: Hi, I am John Sherman and I live at 1583 New Scotland Road and I have an answer to some of the points that were made by the presenters earlier this evening. First, there was a question of where the 8,000 figure came from -- we are talking about traffic increase per day in front of the Toll Gate restaurant in that section between Kenwood's intersection with New Scotland Road and Fisher Boulevard. And, that figure came from Mr. Ruzow at one of the presentations that Price Chopper or the developer made earlier when this thing was going along. And, the way it came up was, that very carefully they were eliminating any reference to any impact whatsoever at the... on the section of New Scotland Road between Cherry Avenue and the Town of New Scotland. And, I pointed this up and I pointed out that the Creighton group when they were analyzing the impact of the first proposal that was made -- this was back in 1988 -- had said that they expected there would be an 8,000 trip per day increase along that route. And, up to that point I guess Mr. Ruzow had said something about it being just a minimal impact, as has been said tonight. And, at that point, he indicated that yes it would be minimal and you know a mere 8,000 trips. Well, that is not minimal... I mean its already to the point where you are afraid to send your child across the street in the Town. The school buses won't pick you up on the wrong side of the street, you have to wait for them to turn around and pick you up on your side of the street. This is ridiculous and it is not that I am opposed to Price Chopper or I think that Grand Union is all that we should have in this Town, but for Pete's sake, if you are going to have a development you have to have a development that makes sense. And, we have spent a lot of time, we have spent years on this LUMAC process and, you know, LUMAC came up with a report which one could argue with. One could discuss the different issues and everything but it at least made some sense. It said yes, turn this area into a commercial zone after you have the infrastructure. After you've got the highways to take care of the traffic.

Applause.

And, you know, they had 3 different requirements... 3 different conditions and we haven't got any of those conditions yet. The only response we have again, and this is responding to the presentation earlier, was that well one of them is being provided for in the proposal here. They are going to leave the land for the extension of 85 to the Cherry Avenue extension. Well, that's great, but let's take care of the extension out to New Scotland -- I am talking about 85A where we have another commercial development that's going to just cream the hamlet of Slingerlands. You know, there is no need at this point for Slingerlands to go the way of Delaware Avenue which as I understand in mythological times, was a 2 lane residential area. You would never believe it now and I don't think it is a credit to the Town that we let Delaware Avenue go that way but...

Applause.

but, at the very least, let's take care of what the Town still has... and I am not... you know... I have had people say well you elitist in Slingerlands you know, you just want it anywhere but in Slingerlands. That is not the case. If I...

Laughter.

I would have to check... if I...

SUPERVISOR FULLER: I think your time is up, we need to move on. This is a big crowd with a lot of questions and we can take some time later to...

MR. SHERMAN: Well, okay. I would like some answers to these things but my point is, let's get ourselves a Town plan and then let's follow it. Let's not get ourselves into this think where we nickel away at things because even as Mr. Hasbrouck pointed out, this is just the first of the projects. There are going to be more that follow once this one goes through, mark my words, in fact, the land's being bought up with that intention. So, let's get the plan, let's get the infrastructure and then let's develop. Thank you.

Applause.

MR. MC DOWELL: This sign here is sort of giving it away but I live in Slingerlands. I live at Woodbine which is one down from Orchard on Kenwood.

SUPERVISOR FULLER: Sir, if you would please give us your name for the record.

MR. MC DOWELL: What's that?

SUPERVISOR FULLER: May we have your name.

MR. MC DOWELL: Bill McDowell.

SUPERVISOR FULLER: Thank you.

MR. MC DOWELL: Woodbine Road, Delmar and Slingerlands. Delmar Post Office but actually live in Slingerlands. I think that it will affect my area somewhat not as much as some of these other people. But, I am willing to give up a little temporarily to take care of the taxes that keep skyrocketing.

Applause.

I really don't think that putting Price Chopper in there is going to add too many children to the schools. Applause. Private residents are at a point now that they cannot support the schools unless we want to have a 50 percent increase in our taxes. I am willing to put up with that little inconvenience. We go out of town and shop and I think we really need it. I think they are a good community organization. They have proven it in the past with other locations plus additional taxes and I think there is more pluses than minus. Maybe if it was right across the street, I might have a different thought but it will affect me where I live and I am willing to put up with that for a short period of time due to the advantages. Thank you.

Applause.

MRS. SPINDLER: Eunice Spindler, Glenmont, New York, formerly Delmar in Birchwood Acres. And, my comment is that I can see no more difficulty with a Price Chopper in Slingerlands than the Grand Union on the Delaware Plaza. It hasn't impacted Birchwood Acres, Kenholm or anything, it's simply a place to shop and I ask you this -- if the community had responded as many of our Slingerlands neighbors do now to the Grand Union going into the Delaware Plaza, we probably would not have the Delaware Plaza today.

Applause.

MR. WESTERVELT: My name is Harvey Westervelt and I live in the hamlet of Slingerlands on Bridge Street. There is no question in my mind that we need a second store, everybody in the place will agree with that. I am sure that all of us will agree too, or everybody that I know has said so, that Neal Golub and his operation have been a credit wherever they have gone. There is no question in my mind about that at all. I have watched them since they first started and I am completely in agreement with what they say they mean and they will do. However, there are several things that have been overlooked here. First of all you can't put the cart before the horse. This regionalization business with regard to our highway must be resolved to come up with an intelligent answer.

Applause.

Another thing that bothers me is the fact that Mr. Golub's operation has been scattered in the Western Avenue sections -- there's 2 of them over there, one at the mall, the 20 mall and another one only a couple blocks away this way toward the City. There is the big one, of course, over on Central Avenue. I visited all of these. Now, I have often wondered why he never started it somewhere around St. Peter's Hospital and got a hold of Mayor Jennings and said, hey how about putting something in the city before you get to the city line out New Scotland Avenue. That I think would have helped a lot right in that area and I think it should be looked at, it should be addressed. We should have answers on that before we just give them a cart blanc with regard to coming out and being next door to us.

Other viable options I haven't heard brought up -- first of all, we gotta take care of this road structure so we know who's going where and what. And, then we will know the really intelligent place to put this market. I must commend Mr. Golub and his team for what they have done. They have certainly done a professional job and I give them all the credit in the world, nobody could have done any better.

Applause.

MR. SCHEMERHORN: Good evening. I am Alfred Schemerhorn. I have lived in the Town of Bethlehem, and in Delmar for 38 years. I think it is one of the finest towns in the State of New York, in fact, the country. How I feel about this is this -- to those who would object to having it, my wife and I drive more in Slingerlands now than we did before -- why? Because we do not shop in Delaware Avenue. You go in there, you can't get the hell out of the store and you have to fight to get out and if anyone is coming in Town, I have great respect for the Golub Corporation.

Applause.

I honest and truly do. My belief -- I love my town and I think any of you here that know me know I love my town and I am sure you all do too and I am sure we will all have difference of opinion. But, as I say, we go out of town and shop more now. I drive more now, my wife and I do to shop than we would if that store were in the area that is proposed. I am in favor of it. Thank you.

MR. BRYANT: My name is Charles Bryant. I live at 2 Douglas Road in Delmar. I have been a resident in the Town of Bethlehem for 42 years. I have seen a lot of growth. I am also a property owner and a partner in the insurance agency that is at the intersection of 85 and New Scotland Road. I know what the traffic is all about. However, we are all citizens of the Town of Bethlehem. That's where we pay our taxes. There is a Slingerlands post office but we have to realize that this program of a Price Chopper at the intersection of Cherry Avenue extension and LaGrange Road. It is for all of the people in Bethlehem. We are not picking on the citizens of Slingerlands. We want to have a shopping center that serves the whole community. I am in favor of the project.

Applause.

MR. RUSO: My name is Charles Ruso and I live on Cherry Avenue in Delmar. And, I have heard a lot of discussion about the impact through Slingerlands and on New Scotland Road and yes that will be

significant. As a matter of fact a few years ago Ross's wanted to increase the size of their ice cream stand and the Town Board denied that because of the traffic situation there.

Applause.

You know, very small... but, nobody has considered... or nobody has talks about what is going to happen to Cherry Avenue, and Kenwood Avenue. Both of those roads carry all the traffic from Glenmont, from Ravena, from Clarksville, from Delmar through those 2 little roads and there are a lot of people who live on those streets and the surrounding areas. On the question of taxes, we all need more commercial tax base but that is pretty insignificant, that amount of money. That will pay for less than 20 children in our schools. You know, over a period of time, yes we do need to put places where the highways are in better position to handle the traffic. In the morning it is the commuters nightmare. I don't feel that... I think this will change the intersection. We all have to think about how the traffic light pattern is going to be different. Us people who travel into Albany or Colonie won't be able to take that right turn as readily as we want to because we will have traffic that is on coming that will want to take a left in front of us. So, all those things are significant and I would just like to say I am opposed to the project for that. I'd love Price Chopper to be in this town. We drive to Price Chopper now and go shopping out of town but I just don't believe it belongs there on planned residential area. An area that is zoned residential and that is what we have to keep in mind. Thank you.

Applause.

MRS. WOODGATE: Good evening, hello, my name is Lila Woodgate and my husband and I are owners of Del Mare restaurant on Delaware Avenue in Delmar in the Main Square. And, I am here to issue... make an issue of a point that has been neglected at this point. Small businesses in the area that have gone out of business and I think it would be very, very detrimental to the area if we don't bring someone like the Golub Company into this area... bring children, young youth into the area to have jobs, bring people into the area to shop in our shops and keep us alive because we are dying.

Applause.

MRS. BAKER: I am Mimi Baker. I live on New Scotland between Cherry Avenue and Blue Cross. They say only peak times... I invite anybody in this room to come and sit in my driveway and try to come out now, any time during the day. It is a well known fact you can call the bus garage, the bus drivers hate coming down this way. They have rearranged bus routes. The middle school kids get the bus the same time as the high school. One wintery morning, last year, a middle school bus driver refused to come down our way to pick up 4 middle schoolers because of the traffic. It wasn't until I called the bus garage several times.

Yes, we do need another supermarket but if Price Chopper looked, they could see where the need is. In Slingerlands with 7 minutes or less, we can go to Convenient Express, Stonewell, the new supermarket in Voorheesville, the new Price Chopper Super Center, Shop 'n' Save and Grand Union. What does Glenmont have. They only have the Grand Union. There is vacant commercial property in... by 9W that they could refurbish -- they say this is going to be small Price Chopper, why don't they take the vacant commercial property refurbish it and put a Price Chopper where it is really needed.

Applause.

MR. HOFFMEISTER: My name is Bob Hoffmeister. I am from Slingerlands. I have lived there for 21 years. My wife has lived there all her life. Every 2 weeks we get in our car, we drive on the same roads that would lead to the proposed site of Price Chopper and shop in Albany or Guilderland at a Price Chopper store. In fact, tonight, my wife would be here but she is at Price Chopper shopping.

I promise that if this Price Chopper is built, I won't go to Price Chopper any more than I do now so I will not impact the traffic on New Scotland Road. I will be traveling at non-peak hours. I will be a good neighbor but we need this store.

Applause.

MRS. PICARAZZI: My name is Marilyn Picarazzi. I will not be affected whatsoever with the traffic impact because I live in Selkirk. I have been living there for 40 years. Wrote many editorials in the paper and I am sure everybody knows that I am definitely, deeply and lovingly in favor of Price Chopper coming to our Town. Thank you.

Applause.

MRS. REMSKI: My name is Ann Remski. I am from Slingerlands. I go down that road passed the proposed site to go shopping and I am not sure how you would get to the Albany site in 7 minutes -- the speed limit is only 55 on 85. I waste a lot of time and gas -- if anyone realizes we have possibly get out from underneath the pollution of citation from the EPA, however, I can tell you right now that all these little extra trips have not made the air quality any better in 30 years.

Price Chopper has a history of helping our young people get started on jobs. My daughter faced the prospect of trying to find a part time job in this community and it was very tough to get your first job. Okay. Price Chopper gives those kids their first job. It gives them meaningful employment. Our senior citizens can have employment and those who need part time jobs to fill in their regular income can work and when you are working at a supermarket you don't want to travel a distance because you eat up your profit from your work if you travel too far. This is the kind of community center that brings people back to the community to shop. It helps us with our taxes and if we put houses on that property, how are we going to pay for those kids in the school district. We can't afford to have big increases, influxes. We can't afford the school taxes because the school taxes have to go up. We have a lot of needs here and we need someone else to help us with it. And, I sure would like to see Price Chopper come because on my way home from work -- because I stop at the post office -- I could run in and get my groceries and I don't have to come back out again and drive by that spot several miles -- quite a few miles sometimes -- just to get my groceries. Thank you.

Applause.

MR. HASKINS: My name is Mark Haskins, I am with the Slingerlands Homeowners Association. This may take at least the 3 full minutes. It's interesting that the developers have contracted with this company and they have come up with planning that says that this is not going to make an impact. One thing you can be sure of... you can take to the bank... is that any developer in the history of development that has hired a contractor to look at the traffic system, will never say that it shouldn't be built. I can guarantee you that. I have been looking at traffic studies for 6 years and it is absolutely absurd to think that overburdened roads like we have in Slingerlands that if you took... if you levitated Elsmere Plaza and plopped it on a 2 lane road in Slingerlands there would be no impact. There is no logic, it doesn't make sense to the people who live here.

Another point is that we talked about the community... not a community, commercial development but a planned district in LUMAC. I have to cite LUMAC because LUMAC is the only study, I think, that we have had that we can consider to be objective. LUMAC on page 112 says that a planned district has these certain disadvantages, minimal site development standards -- I am quoting from LUMAC, I am not an expert -- it lacks a sunset provision and requires no linkage between to protect the project proposed at the time of the zone change and eventual site development. It requires little in the way of site amenities in return for the zoning change. So, we are making it pretty easy for the developers in this case. The traffic projections -- and you can go back and forth on this in LUMAC -- page 617 the

traffic projections indicate between 21 and 59 percent increase. This is the moderate level, the moderate level, not the top level between 21 and 59 percent increase in this area -- the moderate growth scenario. Of this between 11 and 46 percent, this is a quote from LUMAC, will be from a shopping center of this size. On LUMAC 628, we are looking at 738 new trips per hour from a shopping center of this size that is 428 new trips per hour. That is 1 additional car every 7 seconds, we got in in those terms. On page 629 of LUMAC, I quote this -- not all recommendations in the plan are intended to be implemented immediately. Zoning changes which require support of infrastructure such as this one, should await necessary improvements. LUMAC recommends that these zoning changes not occur until it can be shown that sufficient highway improvements are in place to mitigate the traffic impact of commercial development in the location. This is a study that cost hundreds of thousand of dollars, it took 4 years to do -- it seems as though we ought to give it some consideration. And, those mitigating conditions are the 3 that John mentioned earlier. The 4 lane connection from the Thruway to 140, the 2 lane connection to 85 out past Stonewell and the connection from the Delmar Bypass through VanDyke through Fisher. Those are... under those conditions and those conditions alone does LUMAC recommend this change.

Another thing is, when you talk to DOT about traffic... about road changes that are going to happen, you know the condition of the State and Federal government is such that there will be no changes in the near future. I mean we have danced around this but there isn't going to be money for that change so what we are going to do is make some modest changes to the turns and expect that to ameliorate the conditions. It will not do that. LUMAC 6.5 they state that it must be noted that even with a well constructed zoning code, there are no absolute guarantees that a shopping center or a commercial zone will not be expanded in the future. Any land owner has the right to petition either to the Town Board for the zoning change or the Zoning Board for a variance. Ultimately the control of future expansion will depend on continued determinations by these boards to follow necessary recommendations. So, anybody abutting this you got commercial development right there... the most commercial and the most residential "AA". Do you have grounds for a variance or a zoning change? I would say you do. This is what planning is all about. This is why we have a master plan, gradations between the most commercial to the most residential, not the most commercial and the most residential. It doesn't make sense, that is what we have been fighting against for 5 years. That's what John Smolinsky is all about.

Other developments, I have talked to people in New Scotland yesterday, recently rezoned commercial. The land from the driving range to Long Lumber out 85A to where LeVie's is, Hilton Road down to the railroad track, zoned commercial. You know what is going to happen there? You can guarantee that that will happen, the people on the board out there have acknowledged it kind of off the record that yes, this is going to happen you can count on it. In addition to that, across the street, right over there -- there is a proposal on the books, it has been presented to the Board -- for multiple cluster housing around common court yard. I think the figure is something like 60 or 80 units of cluster housing plus another 10 or 15 single family houses directly across the street behind Ross's. We have a development going on Daniel, I think it is something like 40 houses. We have Bethlehem Village that is still on the books on the other side of Orchard Street -- I don't know how many that is. It is humongous. So, what is happening... what's happening is that Slingerlands is being squashed and all these things are on the books.

AUDIENCE: Oh... Oh...Oh...

MR. HASKINS: Also I have had a conversation with the people at Shop 'n' Save -- we are not talking about them but in the past 6 years, they have had conversations with this Town Board, the number of times you can count on one hand if you are missing a couple of fingers. I don't believe that that is actively pursuing alternatives. The other thing is that the timing of this. Why do you think after 6 years...

SUPERVISOR FULLER: Mr. Haskins.

MR. HASKINS: You have a hearing 3 days before the election with a vote to be taken after the election.

SUPERVISOR FULLER: Mr. Haskins, your time is up.

MR. HASKINS: Are we avoiding the consequences of this decision by the Town Board? We require...

SUPERVISOR FULLER: Your time is up, Mr. Haskins.

MR. HASKINS: We require... we are suggesting...

AUDIENCE: That's it...

MR. HASKINS: ... that the Town Board make the position on this now before the election and let the vote not take place until after the new Board is in place.

AUDIENCE: Sit down...

MR. HASKINS: Thank you.

Applause and boos.

MR. SEELEY: Can you hear me okay?

AUDIENCE: Yes.

MR. SEELEY: What I would like to do, I would like to see what may be the last world series game tonight...

Laughter.

I am Don Seeley. I live at 29 Albert Drive, North Bethlehem. I have been there for the past 40 years. I thought maybe it might be time for a little history lesson because the people that talking about building infrastructure first, may not remember that at one time there was an open corridor between the Slingerlands bypass and the Delmar bypass that would not impact anyone's driveway and it was shut down by the Slingerlands residents.

Applause and yeas.

Number 2, you talk about changing the character of the neighborhood, when I moved to North Bethlehem, we had... or even 20 years ago, there was over 600 acres of land undeveloped. Now it is totally developed. Those people need a place to shop and when LUMAC was over there, there were only a few of us at the fire house -- as a matter of fact the Committee almost outnumbered us. But, we were asked that question, what do you think of some commercial, some shopping and to a person -- no we have no objection matter of fact we feel it is needed. So, I would like to remind you to that that the applicant here has got a great community record. Thank you.

Applause.

MR. WALSH: My name is John Walsh and I live on McCormack Road, I believe it is north now, I think we changed the signs in the last couple years. And, I am affected by the traffic already. I would like to thank all those that are in the room that have let me get out of my road to turn right to go to New Scotland Avenue in the morning. Those that haven't... I will leave well enough alone.

I think in most projects you have to look at the pros and the cons. We are talking the possibility of 350 jobs, at least that's what one of the earlier meetings had told us. We are talking about a bank in the town of Slingerlands. A possibility of stopping at the bank, cashing your check, going over and getting a hair cut, picking up your dry cleaners and then going to the store and get your groceries for the evening. All in one trip, park your car and get it all done at once.

We are also talking about Golub Corporation, who probably a lot of people wouldn't think that I would be up here talking about them. I

am the President of a Union but I can honestly tell you, many of the different grocery stores that I have dealt with through union functions, none of them are as community oriented as the Golub Corporation.

Applause.

Also, did a little research on the developer. If you wanted to go up Washington Avenue extension and take a look at probably the nicest development of commercial property, you will notice that all the flowers are changed often, very clean atmosphere -- so I am talking about a reputable developer, community oriented Price Chopper and the one thing that really annoys me more than anything is the idea that we have to go through another process here. I was hoping that tonight would be it, we wouldn't have to go any further than this. But, I definitely stop at my corner each for 18 seconds more and ask you please to let me out.

Applause.

MR. SILVER: My name is Rubin Silver and I live on Huron Road in Delmar. Perhaps if I lived at Slingerlands, I might be opposed but I live in Delmar. Let me just say that the Price Chopper... a new Price Chopper is not going to solve the traffic problem. It seems to me that most people are talking about a traffic problem that exists. I assure you that a grocery store is not going to solve a traffic problem but what has been presented and data are presented that say that the delay will be 18 seconds. Okay, that is a mean -- that is an average. So, let's say that they are wrong -- let's say they are wrong 5 times -- so, that means that the delay is going to be 90 seconds. If you can't delay 90 seconds to have another store in town, vote no.

Applause.

MR. GIACONE: My name is Jim Giaccone. I am a lifetime resident of the community of Bethlehem. For a short time I lived in downtown Albany. I just have a few questions and was wondering has anything been looked at on what the effect it would have on the existing Delaware Avenue which is already a diminishing business climate. Some questions I have concerns from down in Long Island where I spent many summers there are a lot of towns where the old town gets older and new towns come in. I also think it could be and have thoughts on the areas of, you know, future planning. We live in a great town and in the past we have learned by our mistakes. Back a few years ago and perhaps, and the people that were there did a great job although it was a learning experience, the school boards working with the Town Boards if we have a problem with the school system. I am wondering if this Town could handle the 3 zone commercial town with Glenmont, Delmar, Delaware Avenue business district, as well as, the new proposed beautiful facility by a quality organization. I wonder if it might be an idea to possibly think of regionalization and work with... have Bethlehem be pro-active and work with adjoining communities -- Voorheesville and New Scotland and maybe develop it up in Stonewell right where that whole place is. Still easily accessible, leave Slingerlands with good integrity and could be a new roll we could look at into the future. The tax gain and jobs is a wonderful thing. For a short time I lived in and had investment property after I graduated in downtown Albany -- and recently in the Elsmere area/Delmar area, the property in real estate value has been declining with businesses going out, as well as, some residential. You know, my affect, is yes we get a nice tax gain in the Slingerlands area -- you know \$200,000 but if we are loosing and make the Delaware Avenue area lower, what is the overall impact. I see decline from the Albany downtown area, it is slowly moving out to Second Avenue, Southern Boulevard and coming across the bridge. I definitely and no doubt we need another supermarket in the area closer proximity and this is a beautiful plan. That is all I have to comment. I wish you luck. I know we need it. I just... you know, maybe Stonewell would be a better spot for it. Thank you.

Applause.

MRS. PETERSON-HART: I am Sandy Peterson-Hart. I live on Font Grove Road in Slingerlands. But, first and foremost I am a citizen of the Town of Bethlehem and I like to think that in my town, we not only get together to air our differences and our points of agreement but we also plan rationally. And, in the beginning there was LUMAC and LUMAC put out a voluminous report and if I may -- I would just like to quote for the record some of the things that are in that report and other reports and then Bob and I have a lengthily statement that we just like to read with you but I want to read a few excerpts. I think it is important.

First from LUMAC draft master plan, August 1993, 7-3, land use densities should be compatible with the capacity of the highway networks. And, again they say, opportunities for new commercial development should be provided in locations that will minimize traffic impacts on the community. LUMAC then asked the CDTA to do a transportation study and in their report -- and this should be read by everybody on this Board -- they noted in a general level, the town's current zoning scheme is inconsistent with the capacity of its highway networks. In the long term, transportation improvements in the form of additional travel lanes, intersection improvements and new highway corridors cannot resolve all future transportation deficiencies. The cost in terms of public expenditure, induced growth and disruption in community character, are far too high. Design a land use pattern which recognize these are constraints in the town's road system and which seeks to minimize future costs of improvements is the principal transportation issue facing the community. Then they went on to identify the problem areas. First New York State Route 85 and New Scotland Road -- you have heard a lot of testimony about that. Second Cherry Avenue and New Scotland Road and what about the future. They packed a lot of scenarios but this is a conservative one and this is what they say, I quote -- analysis indicated that traffic volumes on the following highway links exceed roadway capacity in the pm peak hours and then they list where, to... the first NYS Route 85 between Font Grove Road and the Albany city line and the second which was not in this general area. Now, did LUMAC pay any attention to this? They certainly did. And, their conclusion and recommendations are contained in the final version of their Master Plan dated August 1994 and you heard a previous person state this but it bears repeating -- in brief, and this is a quote, -- LUMAC recognizes that implementation of the community commercial and office park land use proposals without highway improvements, would exacerbate existing traffic deficiencies in the Route 85 corridor. The draft master plan is a long range plan which seeks to set a future direction for the Town. Not all recommendations in the plan are intended to be implemented immediately. Zoning changes which require supporting infrastructures, such as the community commercial and office park proposals, should await necessary improvements. LUMAC recommends that these zoning changes not occur until it can be shown that sufficient highway improvements are in place to mitigate the traffic impacts from commercial development at the location.

One last comment, who were the LUMAC members who made this recommendation of August 94, it seemed to me they were very sensible people. Who were they? Mr. Lipnicky, please raise your hand, he is the Town Planner and he was the Chair of LUMAC. Mr. Blendell, I know you are out there, a member of the Town Planning Board. Mr. Putney, thank you, a member of the Town Board. I want to know did any of them vote against this very wise recommendation. I am going to assume they did not vote against it but I am wondering what has caused these people to abandon their 94 recommendation. I certainly hope it was not the Price Chopper proposal in which they talk about the future extension of NYS Route 85 to Voorheesville being immanent. I don't know what planet they are on, it hasn't been immanent for quite a long time. Also in the proposal and this really bothered me, they said that 37 percent of survey...

SUPERVISOR FULLER: Mrs. Hart, if you...

MRS. HART: And, then I will end... rated the site area as favorable for new commercial development neglecting to inform all of us that 46 percent said it would not be an appropriate site. Obviously, I like

rational planning and I don't think the plan is rational so I would urge you to vote against it.

Applause.

SUPERVISOR FULLER: Thank you.

MRS. SULLIVAN: My name is Connie Sullivan and I am a resident of Delmar. I am also a home economist and so I have some economic kinds of things that I would like to share with you. I make choices every week when I do my grocery shopping and I make those choices based on prices and if I choose to go to Albany, I am already on those roads. When I go to Central Avenue to take my grocery shopping dollars, I take my dry cleaning dollars with me, I have lunch on Central Avenue. I do other things on Central Avenue. I am already on that road. I want to keep my Bethlehem dollars in Bethlehem and I want to support my own community. Let's keep Price Chopper in and let's get them in here and let's keep our dollars here in our own community. Thank you.

Applause.

SUPERVISOR FULLER: We will alternate at the microphones. Mr. Alba, I have to ask, that I cannot recognize you yet. I want to get everyone heard at least once before we come back for the second time.

MR. ALBA: I thought there was a question session and then an opinion session. Are we not in the opinion session?

SUPERVISOR FULLER: Well, it appears to me that there were questions, few and then opinions and then back to questions and I want to have everyone heard as quickly as we can so we can get some answers to the questions that have been raised here tonight to give everyone an opportunity to speak.

MR. NEWLAND: I am Charles Newland. I live in Slingerlands. I need to give a little background just to let you know from whence I am coming. In addition to having a bias from Slingerlands, I have about 45 years of fairly extensive real estate experience across the country and most recently as a resident of the Albany Local Development Corporation involved directly in several hundred billions of dollars of development in Albany -- including, if you will, a Price Chopper grocery store. In my experience the Price Chopper family is an outstanding group of businessmen and I cannot but recommend them most heartily.

My problem and the problem which I present to the Board is simply this -- and I am going to make judgements hopefully as objectively as I can living in Slingerlands but based upon my experience of sales across the country -- in my humble judgement, the Town of Bethlehem has 2 particularly distinguishing assets and attributes and it happens to be the hamlet of Slingerlands and the fact that this is the only community in the region that still boasts an unfettered major highway transiting the Town from border to border. This is extremely unique. We typically have wanted to create ... and funnel all of our population and traffic into the trap and get them into a business situation because it makes good business sense. The fact is that Slingerlands is an outstanding example of a 19 century rural village that's still working. It is not being supported in any special way by the town. The people who live in Slingerlands respect its history and support it intelligently. We do not look for grants and funding in order to maintain it.

My sense is that with the beginning of this development that this is the death now of a village that's close today of several thousands of people coming into the village on a weekend in order to restore houses. Frequently there are garden tours. I do not know of another community in this town where this happens on an ongoing basis. This is an important asset to the Town of Bethlehem and to the extent that this project could jeopardize these special virtues to that degree I strongly recommend that you do not approve this. Let us join together in finding a more suitable site for a very outstanding business improvement. Thank you.

MS. RADLIFF: My name is Cindy Radliff. I live in Selkirk. I am for a Price Chopper. I live very close to 9W and when Stewart's came in, I was highly opposed to it. I was afraid of more traffic. I have seen a lot of accidents on 9W. Well, let me tell you, one month after Stewart's came in, I called them up and thanked them for coming there. I go over there all the time. Traffic is still a pain. There is still accidents but that is part of what you have to put up for. I know 90 percent of the people in Bethlehem want another grocery store to shop in and I hope everybody votes for this. Thank you.

Applause.

MR. ABBOTT: My name is Herb Abbott from Slingerlands and I guess you won't be surprised that I am against the Price Chopper commercial development for several reasons. The first one, I think it is unanimous that traffic is going to increase. I was surprised that Cherry Avenue was going to take the brunt of that traffic but I think you know, us in Bethlehem seem to think that this ... at the Bethlehem Price Chopper on it but actually it looks more like an Atlantic Braves old tomahawk above there and I think that if you build this, they will come. And, I see this as being closer to Albany than to Elsmere, Delmar and Glenmont. As a matter of fact, closer to Albany than parts of Slingerlands itself. So, I think traffic is definitely going to increase. I suspect it is going to be a little bit more than what they say.

The second one is, I mean... it was touched on by the previous speaker, I mean, let's not fool ourselves -- I mean, we have all seen what has happened to everywhere. This I see as the beginning of the commercialization of Slingerlands. It is not the end of the commercialization. And, I mean, people just have to deal with that and if you are from Delmar -- you say, well they come to us. This brings us a 3rd attitude, people from other parts of town don't seem to believe me, when I say we do most of our shopping in Voorheesville. I mean, I am not just making that up. I go into Delmar more to go to the town park and that brings me to the 3rd thing. The last thing, this business about town taxes. I have not heard of the impact of this commercialization on Police staffing, accidents... police coming to accidents and on the response time of the Police Department to residential properties. And, I wonder what impact that will have and I think you have to assume that the real estate value around it will decrease. In New York City, the real estate value is highest around Central Park. So, if you want me to drive to Delmar less and you want real estate values to go up, build a park here in Slingerlands and not a ...

Applause.

MS. ERTEL: Theresa Ertel and I... can you hear me? Theresa Ertel, 15 Yale Avenue, Slingerlands, New York. I have lived there for 47 years and I approve of the Golub Corporation Plaza. Thank you.

Applause.

MRS. FINLEY: My name is Sue Ann Finley. I live on South Helderberg Parkway in Slingerlands and with all due respect to you, Mr. Golub, you chose your neighborhood and I chose mine. I have lived there for 17 years. I have always driven away to buy my groceries, many times it has been at Price Choppers, but I really don't appreciate being told what I need near my house. I have... I don't need to live by it, I would rather drive to it. And, please don't pretend to be concerned with the convenience and safety, because trying to get through the intersection of New Scotland Road at 7:45 is already a 5 to 15 minute wait. So, maybe 90 seconds doesn't seem like... I drive it every day, don't shake your head. In fact, one lovely winter weekend, it took me 30 minutes to go from my house on South Helderberg, which is 3 roads from Toll Gate, to Blue Cross/Blue Shield. That's no joke.

Any extra traffic will not be appreciated and more traffic at all times of day isn't tolerable. It doesn't help to hear that it is going to be not just in the morning or at night but it is going to be all day and all weekend. That's just great. It is really the

beginning of the end of our community as we have enjoyed it, just like Fisher Boulevard was. Please don't start a trend of rezoning residential and I am not just for Slingerlands, I don't want it in your backyard either. I don't want it in Glenmont, I don't want it in Delmar, I don't want it anywhere.

AUDIENCE: Where you going to buy your...

MRS. ERTEL: Excuse me, we gave our approval to the town the way it was over 20 years ago.

SUPERVISOR FULLER: Excuse me...

MRS. ERTEL: It is discouraging to continually beg to leave our community a residential place. Many things were considered, wetlands, wild life, visual impact, traffic but one important factor was ignored -- the people who call this a neighborhood.

Applause.

MR. DIETZEL: My name is Robert Dietzel. I reside in Slingerlands. I am very much in favor of the Price Chopper being built here in Slingerlands. I wish to read a letter from a friend of mine who resides -- his name is Frederick T. VanHoesen. He resides at 67 Adams Place, Delmar. Dear Supervisor Fuller and Members of the Town Board. My wife, Janie, and I purchased our home at 67 Adams Place in 1942. We enjoyed residing here in the Town of Bethlehem for many years. I became a widower in 1984. I now find myself at the age of 80 alone and in poor health. It has been most difficult for me to obtain the groceries I need. I have had to drive into Albany often in inclement weather in order to locate many food items which are unavailable to me in our one and only food market. I am very much in favor of having a much needed supermarket in our town. My deceased wife was Janie Adams who was a direct descendant of the Adams family who were the founders of Adamsville which is now known as Delmar. Janie was a very progressive type of person and I know if she were still here, she would want the town to successfully forge ahead. I believe the proposed site is an ideal location for most of the residents. I am, therefore, asking our Bethlehem Town Board to approve the site for a Price Chopper Market. Sincerely, Frederick T. VanHoesen.

Applause.

MR. MC HARGE: My name is Donald McHarge and I live in Mayfair Drive, Slingerlands and I have only a couple of things to say. I think that LUMAC is, of course, for the whole community, not just for Slingerlands. I think it should be adhered to. My other concern is the I have seen a town in New England which was a beautiful town spoiled on the environment because of a shopping center that grew into it. The same thing can happen to Slingerlands and it can happen to any part of the town if you don't adhere to LUMAC. That is my speech and I hope you vote against it. I want to keep Bethlehem great, too. I have always wanted to keep it that way. I like the way its been run so I'll bring apology into it to that extent. But, I do believe we should stay with LUMAC.

Applause.

MR. GREENWALDT: My name is Bill Greenwaldt. I live on Orchard Street and as for the traffic studies, I don't think you went quite far enough. If you go another 100 yards from the intersection of Kenwood and Cherry, you hit the intersection of Orchard and Cherry and essentially all the traffic that goes through the Kenwood/Cherry intersection in the north/south direction also goes through this unprotected 2 way stop sign intersection with poor sight distance. In fact, it is so poor sight distance that most of the people who drive through that intersection on Orchard Street crossing Cherry are extremely polite to one another in waiting and in signalling what is coming down Cherry because you can't see what is coming down Cherry when you are on Orchard. Thank goodness they are polite. There are accidents there just the same. I do not have a record of the same. I hope that you have looked into finding them. I have heard them from my home. I have seen them. I know it is a dangerous

intersection. If nothing else comes out of this and as you can see in a moment, I frankly am opposed to the supermarket but if nothing else comes out of this, I think serious consideration should be given to improving that intersection either by improving the sight distance or by improving the manner in which the traffic is controlled through the intersection, probably both. The reason that Delmar is a very successful community in which to live -- and I am not talking about Slingerlands now, I am talking about Delmar -- is that it was developed with a very careful segregation between the commercial development and the residential development. Some of that segregation has eroded as you go along Delaware Avenue and people down there are very sensitive to that. That kind of erosion has not yet happened in Slingerlands and I would rather not see it at all. Slingerlands does not have as big a concentration of residential area as does Delmar and as a result of it -- and what I mean by that is blockiness, there is not a big dense block of residential development in Slingerlands as there is in Delmar -- as a result of it, the character of the community is much more sensitive to any kind of commercial development. The small commercial development which has come along, has been reasonable. Some question about the gas station, if there weren't the history behind it, I would say some question about Ross's. I happen to like Ross's. I think you are seriously changing the character of the neighborhood. You are seriously changing the reasons which attracted people there to begin with. If I were sure that the kind of careful segregation between the residences which occur in Delmar and the commercial were to be maintained, I would be much less frightened about this. I don't believe it. I don't see how you can do it. Once the development is in there it is going to be very difficult to resist further development.

The last thing I would like to comment on is the note that the Department of Transportation seems to have approved the traffic arrangement which was designed here and I am sure it was designed very carefully but I also know that the Department of Transportation and entire State government, is very hard up for cash and that apparently they are going to get a substantial change in this intersection which will save them money if and when this extension of 85 is finally made to the end of Cherry Avenue. And, I have to wonder if some of their enthusiasm for this design isn't occasioned by the fact that the State of New York is going to be relieved of a substantial amount of development cost there. That's all I have to say. I am not in favor of this proposal.

Applause.

MR. CLAYTON: My name is Howard Clayton and I live in the heart of downtown Slingerlands. I have lived there for awful long time maybe 40, 50 years, well 40 anyway. And, I have been a lot... here to a lot of these meetings from time to time. We think that Slingerlands is -- I don't want to sound elitist or anything -- but Slingerlands is a little bit different than any place else on earth and that is why we live there. And, maybe some of us are a little nutty but we have a feeling for our home. It is a little place. It is a hamlet, that's what it is -- a lot of hams there too actually but there is a flavor there that is going to be lost if you start commercializing. Now, we have a plan in the town and it is a good plan and we should stick to it and play by the rules and not try to bend it when it shouldn't be bent. I think at this point that it would be bent. Now, let me say this about Price Chopper. I've got a... I've got my Price Chopper... I am a card carrying Price Chopper customer and we go out to the 20 Mall almost every weekend. It is a beautiful drive down Font Grove Road. It is good for the soul. We... my problem is, that if you put this in, it's going to be just like putting a little cancer somewhere and it is going to grow and grow and grow and it is going to kill us.

Applause.

I am for preservation... preservation of Slingerlands. Thank you.

MRS. DIETZEL: I was hoping this mike. Pull it up.

MR. GOLUB: Hold it right next to your mouth.

MRS. DIETZEL: All right. Maybe I would be better off if I can do it like this. Okay. I am from Slingerlands. My name is Olga Dietzel. Can you hear me all right?

AUDIENCE: No.

MRS. DIETZEL: I am from Slingerlands. My family came to Elsmere in 1942 at which time I was a clerk at the Delmar Post Office. We only had one store in the tri-village area in 1942 and that was the A & P on Delaware Avenue. I don't know if we have enough of the older residents, they would remember that. Now, the other stores were only the ma and pa stores and there were several of those. Now, that was 43 years ago. Recently my husband and I purchased a home in Slingerlands and I was quite shocked to learn that 53 years later, over a half century of time has gone by, and we still have in the tri-village area, one grocery market. Don't you think it is time to sort of wake up and keep in with the times?

Applause.

Now, take note that our population as of 1990 was 27,552. We grew approximately 3 times in number, here it is 1995. I have heard complaints from a great many residents that they are unhappy with the burden of having to drive into Albany and elsewhere for groceries and produce. This should not be necessary. It exposes many of the elderly residents to unnecessary hazards and inconveniences. This is especially so during the icy cold months of the winter, extreme cold temperatures. Why should we have to do this? This new market will benefit the residents by providing them an up-scale, well stocked grocery, meat and produce market and right in town. This will save our residents time, gas, expense, wear and tear on their cars. It will benefit the proposed site. It will tie in with the post office location. It will not be conspicuous or out of place. It will benefit our town. The Golub Corporation has a superior track record for giving back to the community a considerable amount of what it takes in. The reputation of giving is well established.

I have heard an awful lot of arguing about the traffic. I was reading about it, before we bought our home here. The argument of increased traffic on Route 85 is not a valid one. The site proposed for this market is not on a residential street. Route 85 is a major route. It is a State road. It is not a side street. I repeat... it is a public road and not private property. All residents pay taxes to use Route 85. You cannot restrict its use. I believe those who are opposed to this project are really looking a gift horse in the mouth. I would like to ask them what they would do if the one and only store in town were to close its doors tomorrow morning, would you bail us out? We need this market. We want it and as soon as possible. Thank you.

Applause.

MR. CUSHING: Good evening. My name is Bill Cushing and I am very much in favor of the Price Chopper proposal coming into the Town of Bethlehem. I would like to make a point. I am going to try and do it less than 3 minutes. The first point I would like to make is Slingerlands is a unique neighborhood but it is also a neighborhood that puts kids into the Slingerlands Elementary School, the Bethlehem Middle School, the Bethlehem High School which the Town of Bethlehem residents pay for. Residential development is not covering the cost of our school systems. To those of you who also go to school board meetings, you will know that there has been a definite issue of diminishing quality within our schools. We are also not seeing the funding from the State level. We are going to have to pick carefully the commercial developers that come into this town. That's my one point.

My second point, my understanding of the process tonight, is to give our elected officials, the Town Board an indication of how we, the voters of the town feel. I think I am only up to a minute and a half. It is a little dramatic but could I ask everyone who supports the Price Chopper proposal to stand and applaud for 5 seconds to let the Town Board know where we are.

Applause and standing of residents.

Thank you.

Audience yelled comments regarding Price Chopper and Slingerlands.

MR. GINSBERG: My name is Bruce Ginsberg and I am from Slingerlands. I live in Surrey Mall which the entrance to is 7/10s of a mile away from the proposed Price Chopper and one of the things that brought us to the unique hamlet of Slingerlands was the quality of life. But, I was really surprised at the lack of services available in the hamlet and in Slingerlands so I have to say that I am wholeheartedly in support of this Price Chopper project.

Applause.

MRS. STINE: My name is Esther Stine. I live in Delmar. I live off of Bender Lane. My family and I moved into this community a little bit over a year and a half ago and we were drawn to this area because we think that Delmar, Bethlehem is a very good place to live. As a matter of fact, it is a great place. It has good schools, it reaches out to all its citizens whether they are the elderly, whether they are the young, whether they are 20 something, 40 something, 60 something, 80 something or any place in between. I would like to say I am in favor of having the Price Chopper move into this area and it is for 3 reasons. First, because of all the people that I have talked to, every single one goes out to do their shopping some place else. And, I think that that is a shame because I think that our community really should be supported. The second reason is because I think that Price Chopper is, has been and will be a good community citizen. It has also reached out to the young, to the old and to the in betweens. And, the 3rd reason is because I am concerned about taxes. I think the Price Chopper will add, will strengthen the tax base of this community and I am looking out at the audience tonight and I see a lot of people who have children in the school system and I do too. And, I would like to have our schools remain at the high level of quality that they are. And, I also look out and I see a lot of senior citizens here and I do a lot in my spare time in behalf of the senior citizens. And, I'm just concerned that perhaps 10 years from now, and 20 years from now when perhaps you get a little bit older and frailer and when you need more of the wonderful services that this town offers to its elderly citizens that you will not be able to have them because people will not... the town will not have the revenue coming in to provide for you. Those are the reasons why I support Price Chopper and I would very heartily welcome Price Chopper in this community. Thank you all very much.

Applause.

MRS. OLMSTEAD: My name is Linda Olmstead. I live at 439 Wellington Road in Delmar. And, I am one of the silent majority that would like to have Price Chopper here. Thank you.

MRS. RIEDEL: My name is Amy Riedel and I moved here 2 1/2 years ago and bought a house in Slingerlands. I work in the schools in Voorheesville and I grew up in Flushing, Queens which is quite a big difference. And, there is 2 things I want to say -- the first thing is just sitting here, I wasn't planning on coming up but it saddens me that people are prejudice against Slingerlands just thinking that everyone who lives there is elitist. I will tell you, I am not. And, also having grown up in Flushing, Queens I think you should be really aware that what's going to happen, is it's going to become Flushing, Queens and it's a sociological fact -- suburbs become cities and it circles out and the farms in Voorheesville where there is nobody there is going to be developments and if you are okay with that, you know, go for the Price Chopper. I was really confused about whether I wanted it or not having grown up in the city. But, I am really worried -- not just Slingerlands and the lovely little hamlet but the whole town is really going to turn into a city. Thanks.

Applause.

MRS. YEARA: My name is Marilyn Yeara and I live in the Kenholm section of Elsmere. I just want to say, I knew somebody had mentioned the quality of life in Delmar. I have lived here for 28 years. I have found the quality of life to be living in my car to shop elsewhere and I am really tired of it. And, that is about all I want to say and I hope Price Chopper comes in.

Applause.

MR. BAKER: Hello, my name is Daniel Baker. I live at 1328 New Scotland Road and pretty close proximity to the Price Chopper plan. I have a few points to make. I will make them quick and get out of here. The one point is the traffic, everyone says its no big deal, everybody is talking about percentages. Nobody is throwing out any figures. I have done some research. Department of Transportation between Blue Cross and 140 there are 19,997 cars a day, daily. They are on the records. There is research, it is documented. Going over the 140 bypass there are 13,764 cars daily that go over that bypass. 6,000 go straight toward Toll Gate. Another little research I did on this was accidents. We all talk about accidents. Nobody has thrown out figures. We have had architects -- we have had Creighton Manning -- we have had all kinds of people up here giving us percentages, what do those numbers turn into. Well, I did a little research into that too. From 1990 to 1993 beginning of 90 to August of 93, there were 78 accidents at the 2 intersections, 140 and 85 and Blessing Road and 85. This LUMAC plan has addressed the traffic issues. There should be no further development in this area until this traffic problem is resolved. This road is overcrowded, it wasn't built for that traffic. The accident ratio is there. The traffic flow is there. I have a big question, why -- I know why Price Chopper wants to be there -- all the needs are there. I hear a lot tonight about people from Delmar, Elsmere, you hear about the people from Slingerlands that don't want it. Is there any alternative to building this site on acres and acres of commercial land that haven't been used in this town in the last 20 years that I have lived in this town. It is not attractable to them, so it often seems that this plan is more suitable to Price Chopper than the people in the whole community as a whole. I think we ought to get together as a community -- Delmar and Slingerlands, Elsmere -- and come up with a plan that is good for all. I don't think we should shove it down one person or shove it down another person's throat, it is not right.

Another problem is this bypass. We all talk about this bypass, it has a date of 2001. The funding for this is not on solid grounds, obviously, we have a new governor. DOT right now has no budget. Federal Department of Transportation has no budget. I would hate to sit up here and guarantee the people in this room that that bypass is going to go through and I think without that bypass I can't understand how this Town Board at all can think about granting a zoning change when I have been before these same Town Board to get a zoning change for a 6 foot stockade fence and I had to dump through hoops and I never did get that fence. I will tell you right now. And, it just doesn't seem right. It seems like it has been a closed deal here.

Two other questions I do have is for Neil Golub -- I would like to know how many people in this room tonight at one point were employees of yours and I would like to know the closest Price Chopper is to your house in mileage.

Applause.

Thank you. Obviously, I am opposed.

SUPERVISOR FULLER: If I may interrupt for one minute. Mr. Hansen, we have had repeatedly, questions on the traffic. Do you want to respond to some of these concerns on the highways.

MR. HANSEN: I will attempt to respond, I do not have a lot.

SUPERVISOR FULLER: They seem to be getting repetitious. Perhaps if we can answer them a little bit.

COUNCILWOMAN DAVIS: They can't hear you.

MR. HANSEN: Some of the comments I have heard, questions I have heard.

SUPERVISOR FULLER: They will hear him.

MR. HANSEN: Regarding the traffic I will try to address right now, maybe that will defuse some of the concern. In terms of the 8,000 number, that is entirely incorrect. More than happy to invite anyone to my office, go through the calculations, show exactly how the numbers were derived, show people in reports where they are in reports and be more than happy to do any more information spreading that is necessary.

In terms of what the volumes are on the roads, yes, I discussed percentages. If you look in the report, the same numbers are in the report. We have not done an accident analysis. It was not brought to our attention that there was a problem. We will check with DOT.

AUDIENCE: Why?

MR. HANSEN: Typically, DOT will tell us if there is a problem. We will make the effort to ask them specifically.

AUDIENCE: Don't the Town Police know there is a problem -- the Town Board -- somebody should know, not DOT.

GENTLEMAN IN AUDIENCE: It is not a secret in this Town, we have a major problem at those intersections. The Town knows and everybody in this room knows it.

MR. HANSEN: All I am saying is the Department of Transportation keeps the accident records that...

GENTLEMAN IN AUDIENCE: Here they are right here, documented right here. If you want to see them, here they are.

MR. HANSEN: We will collect those. We will take a look at it. Again, we will address the accident situation. In terms of the traffic through the hamlet of Slingerlands, there is not going... we are not projecting a lot of through traffic in through the traffic of Slingerlands. Most of the traffic, that 15 percent, we were estimating are people from Slingerlands going to the site. There will be very little amount of traffic from beyond Slingerlands, such as New Scotland that we would project to go to the site. So, those are trips that are already on the road. Those are trips made by Slingerlands residents to other places and we don't think there is going to be a major impact on the Town.

GENTLEMAN: Why don't you build out by Stonewell? They cross through there eventually...

SUPERVISOR FULLER: Excuse me. Excuse me.

GENTLEMAN: That has been on the market for over 50 years and I will swear to it... that I have been there.

MR. HANSEN: The only other issue that I heard that we did not address was the Orchard intersection and again, there is some information in our report that shows what the volume of traffic would be going on Cherry Avenue, along that stretch of road. So, I think there is a lot of information that's in the document that we were unable to describe every piece of it here but is in there and available if people will take the time and look into it. And, we are happy to answer phone calls and help them find the information and provide it.

SUPERVISOR FULLER: Okay.

MR. SHANHOLTZ: My name is James Shanholtz. I live at 31 Bridge Street and I have lived there for 31 years. My wife and I are against this market.

Applause.

MR. BRAGLE: I am going to be awfully quick. My name is John Bragle. I am a 14 year old and I am a freshman in Bethlehem Central High School. I live at 1575 New Scotland Road. At present the traffic situation at my house is intolerable to say the least. Although I appreciate Price Chopper's attempt to serve the community, the site they have planned is unacceptable to me. Now, 10 minutes to get out of my driveway is unmanageable. I invite any one of you here to sit in my driveway and wait for a place to get out of my driveway. It is ridiculous. Now, crossing the street is not an option. It is dangerous.

Our community is so separated by a barrier of traffic, the danger of biking looms before every child who lives on New Scotland Road. We don't have a community anymore. What we have is 2 sides of a street. Last year a child was killed and you dare say that it isn't a problem. I am offended, deeply, and hurt. Thank you for your time.

Applause.

MR. COOK: I am Bob Cook. I live on Font Grove Road. Slingerlands has been my hometown for 70 years. I have watched it change from a one horse town, and that was Mr. Miner's horse -- he had the last one in Town, if I remember correctly, I know he had the last wagon because it was borrowed to get firewood for election bonfires. It is now a 1 and 1/2 horse town and it's still a wonderful town but I have to point out to you that the changes that have taken place in the 70 years that I have lived there, haven't hurt Slingerlands. Mayfair didn't hurt Slingerlands, Southwood didn't hurt Slingerlands, Deerfield hasn't hurt Slingerlands, there are people who probably would have preferred Slingerlands without that additional development but I don't remember anyone fighting it. I personally do not think that this small shopping center is going to hurt Slingerlands. I am in favor of it, I hope you will approve it right away. Thank you.

Applause.

MR. MEMLINOWSKI: Good evening, my name is Steve Memlinowski and I have been a resident of Delmar for 15 years. Since that time, we have seen the Albany Public market close, the A & P close. At the same time, we have seen such residential subdivisions like Adams Station and Chadwick Square have developed. You don't need to be a rocket scientist to know why you can't find a parking place at the Delaware Plaza. What we need here is just a balance, a balance of the growth in the commercial development along with the residential development. We need this shopping center. We need the taxes. We need the community support that I am sure Price Chopper will provide. Thank you.

Applause.

MR. O'TOOL: I am Dan O'Tool and I live in the Woodgate condominium project in Delmar. I have lived in Delmar for 30 years and right now we are living fairly close to the proximity of where Price Chopper is scheduled to be erected. I have been listening to the pros and cons for all this evening and I must say that I am strongly in favor of Price Chopper moving into the area. I think the pluses far outweigh the minuses. Yes, there are minuses and pluses to everything but in my opinion, the pluses far outweigh the minuses and I would like to go on record as welcoming Price Chopper to the area. Thank you.

Applause.

MS. FURLONG: My name is Sue Furlong and I have been a lifetime resident of Delmar also. I have also been a lifetime Price Chopper customer and I would rather be a lifetime Price Chopper customer in Delmar.

Applause.

MR. HAHN: I am Kenneth Hahn and I come from North Bethlehem. I am anxious to get out of this meeting as soon as you are so I am simply

going to say that I am in favor of the zoning change. We have waited for this Price Chopper for a long time. It is overdue. I am for it.

Applause.

MRS. NEDLESKOWSKI: I am Julie Nedleskowski. I live on New Scotland Road in Slingerlands. At this point I don't know if I am for or against the Price Chopper. I would like one but at the same time, the traffic on New Scotland is terrible in Slingerlands and we do have a long range plan that says we shouldn't build it. I would like Price Chopper to address the impacts on Slingerlands. And, give it a fair assessment of what impact it will have. I would also like the Town Board to consider that if the bypass were not built, would they still approve the Price Chopper and give an honest assessment to that. And, that is all I have for now. I do believe in private enterprise and if anyone can come up with the solution, I hope Price Chopper can and consider other alternatives.

Applause.

MR. FREEMAN: Sam Freeman and I live in Slingerlands. I have lived here for 40 years approximately and I see this as a cancer as Howard Clayton said in the town of Slingerlands. It is the only exit from Albany which is unspoiled at this point. If you want another Central Avenue or another Delaware Avenue in Slingerlands I feel it is going to destroy our community. There is... not really a strong reason why the Price Chopper needs to locate in Slingerlands. I think there is a very good opportunity for the Price Chopper to locate in some area of the Town of Bethlehem which would be convenient to the majority of the Town of Bethlehem residents. And, I think Slingerlands is actually not a very convenient place for that majority of people. So, why pick on Slingerlands as a location for a supermarket when most of the residents are located much closer to Delmar. I think that it would be a matter of money. I think this property was acquired relatively cheaply and it might cost a bit more money for the Price Chopper to acquire a parcel of land which would be much more convenient to the Delmar residents and to the majority of the Town's people. But, they have picked this location because of money. It is a shame that it is going to destroy our community I feel and the residents in Slingerlands do not want them there and I think if they made a poll of the Slingerlands residents, as a whole, they would find it really is not wanted in Slingerlands. We all travel to supermarkets. I travel to the Price Chopper regularly and I travel over to Westgate or I travel up to the 20 mall. It is not necessary that it be in Slingerlands. And, if it really wants to be convenient, Delmar is the place for it and it will require a little more money for acquiring a parcel there and it would be really much better location.

Applause.

MS. MURPHY: My name is Maureen Murphy. I live in Slingerlands. I am a resident that's very much in favor of it because we do have a desperate need for another supermarket in that Town. I am also a Price Chopper associate and that may offend some of you but I am very proud of the fact that I am a Price Chopper Associate. I know what this company is made of and we desperately need a Price Chopper in this Town. I am a working parent and maybe some Slingerlands residents don't mind traveling outside of the Town to shop but I do. Time is valuable. Thank you.

Applause.

MRS. LARAWAY: My name is Diane Laraway. I live on Kenwood Avenue near Cherry and 140. We have lived at this house for 23 years. It was built by my husband's great uncle, 5 generations have lived there. I have pictures when it was a beautiful place to live. They widened Kenwood Avenue in front of our home. They took down 150 year old trees that no one cared about. We have a highway you can't cross. I can't get out now. I love Price Chopper. I too have a card. I have been a member since '83, okay. As I said, I have lived there so long, I do love Price Chopper. 9W has the accessibility for the traffic. We have the Delmar bypass which is accessible to the majority of Delmar people. People who do need rides to facilities,

such as our seniors, call the Town Hall. We have a senior van that will be more than happy to bring you there. Price Chopper also does have buses. I don't know if they sponsor them but they know how to get people there. There are alternatives. As I said, I have lived there so long, the only time that is quiet at my street is Sunday morning from about 6 o'clock til 8, maybe 8:30. That is the only time you can hear the birds sing or you can hear the leaves in the trees. Enough is enough. I don't know how much more traffic Delmar can handle.

Applause.

MRS. STANTON: My name is Tracy Stanton and I come to you from 3 sides of this issue. 1. I am a life long resident of Delmar. 2. I am a Price Chopper employee, 16 years tomorrow. 3. I live on a road, Kenwood Avenue, which can be impacted by this. What I came up here to say is that when my parents moved to this community, we grew up on a dead end street. That dead end street is now the Delmar bypass. There are 3 developments now where the woods once stood where I played. Progress is here. I believe the apple orchards where we went to pick apples as children, Haswell's farm at the end of this year will be another development. Change is here. We go with it. I came back to this community to raise my children because of what I had when I was growing up. I see the Price Chopper is coming, it is going to offer us everything we need as a grocery store -- prices, part time jobs for our children as they grow up, the taxes we need for our schools. I welcome Price Chopper, I support Price Chopper and as a resident of this Town I hope you do too. Thank you.

Applause.

MR. LENHARDT: My name is Earl Lenhardt and I live on New Scotland Road in Slingerlands. And, my first thing, I am against spot zoning which as far as I am concerned, this whole plan is. It hasn't addressed the area totally. There is a 60 acre parcel north of this area that is already being advertised as future commercial land. Another thing, everybody is worried about a tax base, I've got an article in my pocket by the August 14th Times Union, 1994 that states and employee of Mr. Golub's states that they have challenged their assessment in 20 communities and challenging an assessment is a good business practice. So, are we going to have... if this goes through, are we going to have to deal with the yearly assessment challenge by the Golub Corporation on this property?

And, I am opposed for another reason, as right now the Slingerlands Post Office has had enough access as it is. If you have left hand turns coming off of New Scotland going into LaGrange Road or right hand turns coming off, it is going to make access to this post office almost impossible. And, those are my reasons for being opposed to the Price Chopper.

Applause.

MS. DAUBNEY: My name is Carmela Daubney and I am a resident of the Town of Bethlehem. It seems to me like everyone has their own private reason why they don't want a supermarket. But, the majority of people do and they do because there is no place to shop except Grand Union. We need competition is wonderful. We need another supermarket and Price Chopper is a great location where they are going to put it. People say put it in Delmar, where in Delmar? Why don't we knock some houses down.

AUDIENCE: Remarks inaudible.

SUPERVISOR FULLER: Mrs. Daubney...

MS. DAUBNEY: Yes.

SUPERVISOR FULLER: Just address the Board.

MS. DAUBNEY: Well, that is a good idea, then you can put both but in the mean time we need one now, not tomorrow, as soon as possible so we can have a choice of where to shop. Thank you.

SUPERVISOR FULLER: Mr. Ruzow, there have been several questions on the why you are going to this location, why not to somewhere else in our town? Does someone want to answer that question that has been repeated several times?

MR. HART: Am I the last person?

SUPERVISOR FULLER: No, I am coming back to you.

MR. MILLER: The question is why this location versus another location.

AUDIENCE: Can't hear you.

TOWN CLERK NEWKIRK: Please pick up the microphone.

MR. MILLER: The question is why this location versus another location. It is this location primarily because for 10 or 15 years Price Chopper has looked the four corners of this town looking for a location. It is one thing to say, go look somewhere else, there is bound to be a spot but the fact is, there isn't a spot. And, there are many businesses that would like to locate in this town but they are unable to locate in this town because there simply isn't the land to do it. This particular location is one that fits in the draft master plan. It has been recommended for this type of development principally because it's on the periphery of the town near the population and with good access. This is why the Town master plan recommends it and this is why Price Chopper selects it. It is the most appropriate site we've been able to find. And, I really tell you that we have looked, I think I have looked at every possible site that exists in this town over a 5 to 10 year period personally, and I know that the Golub family and the real estate representatives have looked all over this town for a location.

The question... another question I just like to respond to is this question about the draft master plan prohibiting or recommending that no development occur in this site until all road improvements are made. This is not my understanding of the draft master plan. The draft master plan and it has been quoted but it's... I guess we are looking at... I believe it says... it recommends that no zoning change be made until sufficient highway improvements are in place to mitigate traffic impacts. I think that is the quote that people are using and...

AUDIENCE: The page before that... what page is that?

MR. MILLER: These are my notes, so that if you have the page you can bring it up.

AUDIENCE: Do your homework.

MR. MILLER: I've got it, I have my notes but the point is... we are not here to debate. But, I will suggest to you that I believe...

SUPERVISOR FULLER: First of all, we are not here for a debate and this plan has not been adopted. Please continue.

AUDIENCE: Those are the mitigating conditions.

MR. MILLER: The master plan speaks of sufficient highway improvements. The master plan speaks of this area being appropriate for up to 200,000 or 250,000 square feet of development. When we approached the site and met with the representatives of the community and the town, we asked them what they felt was appropriate and what they could support. What we are bringing back to the town is not 250,000 square feet. It's 92,000 square feet. The impacts of 92,000 square feet are obviously less than the impacts of 250,000 square feet. The impacts that we have identified are impacts that we can mitigate but for the 18 second additional delay. I think that is documented and I believe that DOT and the Town Planning Department and the Town Planning Board and the Albany County Engineers have done their job in evaluating the study.

SUPERVISOR FULLER: Thank you.

Applause.

MR. HART: Bob Hart, Font Grove Road, Slingerlands. We heard tonight an hour presentation by the proponents of the plan. Here we get little 3 minute shots. When I decided to speak at this hearing, I had mixed feelings about whether I wished to present an argument or a sorrowful lament. Knowledgeable friends told me, save your energy from the history of this project, you must know the fix is in. The bulldozers are already set to roll next month and if you express your concerns, you will only be called hysterical like other critics of the current town leadership. They said can't you read the message in Price Chopper's full ads, as well as, the support of Spotlight editorials. Don't you know the developer has brought in the seven member professional staff to advance his case. Don't you know that the staff of the Bethlehem Planning Board has already spent a great deal of time with the developer's dream team to help them strengthen their case for a zoning change. I was wondering who represents the citizens. I had hoped that the Planning Board would start looking at the data, some of the data that members of the group have brought up. Obviously, I was quite disappointed. I had the illusion the planning review process would give as much weight to the concerns of citizens as they do to the interest of the developer. Instead, it appears that more time was spent on issues of mitigation than of citizen aggravation. I became particularly concerned... I even became more concerned tonight when I heard all the mutual back scratching and patting on the back of the Planning Board and the developer. I particularly became concerned when I read a recent statement of the Planning Board Chairman that maybe Price Chopper will give the bypass extension a little more impetus. In these days of fiscal stringency, and tightened highway spending, it seems hardly responsible to suggest to outside public funding sources. We know this is a preventable disaster but please save us from ourselves. It seems to me that the victims of a self-inflicted wound should hardly expect much sympathy for support when this wound will begin to fester. This hardly seems to reflect the type of reasoning that I had hoped to see the Planning Board use -- a rational planning process. I hope the Board will take a close and independent review of the issues which are at stake. Supporting rezoning before infrastructure improvements are in place is certain to guarantee two outcomes both of them momentable.

First, the death of the Slingerlands community as we know it. Unfortunately, as in death, the effects of a bad decision are irreversible, Mr. Golub, and your foundation did a nice job at the Albany Institute in sponsoring a show which was a special place and there were special places in the Capital District and I hope you take a little bit more seriously the comments of people in Slingerlands.

Secondly, the result will produce a further erosion in citizens' belief about the openness and responsiveness of town government. Was the LUMAC planning process a smoke screen for a fraudulent outcome? Or in contrast, will our Town Board Members -- even in a one party government -- will they deliberate carefully and remind themselves of the words proclaimed at the founding of our nation -- that governments derive their just powers from the consent of the government.

And, I would like to share one final thought. As I was going to work the other morning, I noticed many local lawns were decorated with political placards reminding us of next month's election. And, I am sure that some of you who are on the Planning Board are familiar with particularly appealing slogan on many of these signs -- it's keep Bethlehem great -- now to keep Bethlehem great, I hope the Board fully appreciates it is necessary to help make the various neighborhoods great -- make Delmar great, Elsmere great, and Glenmont great. Now, we challenge you, help us to make sure that Slingerlands remains Slingerlands and that Slingerlands remains great and turn aside this poorly justified disastrous down zoning proposal. Thank you.

Applause.

MR. RIEDEL YOUNG: My name is Ken Riedel Young and I am a resident of Bridge Street in Slingerlands. I moved there because I like old

hamlets, I like old houses. I choice this as a place to live specifically because of the charm of the area. If I wanted to live in suburbia, no offense, I would have moved into an area with newer homes, maybe even a different town that has lots of development. And, I basically those that place to live because of the characteristics and I hate to see it change 2 years after I move in. I know a lot of people think that Price Chopper won't have a big effect on the area but basically I like going for walks in the evening and I was walking down New Scotland today probably about 5:30 or 6 and none stop cars going by. None stop, just one after another. Even the side streets now, we get a lot of traffic going down McCormack Road and there are no sidewalks... you can't walk down McCormack Road without worrying about getting hit and basically, you know, people in Slingerlands chose it as a place to live because it's because of the things that are there. And, I just hope everyone respects that, that we realize we have to drive to grocery stores. We realize that there is not a lot of commercial development there. That's why we live there. And, I would love to see it kept that way because I would hate to have to move out into the middle of no where and have to waste more fossil fuel to drive to work everyday because I am trying to get away from the sound of cars, pollution and things like that. So, I am against Price Chopper. Thank you.

Applause.

MR. PLACE: I am Alfred Place. I live at 10 Norge Road in Delmar. I have lived there 30 some years and I just want to say that I don't have any eloquent speech written and if I did it wouldn't be a very eloquent delivery. I want to also say that many of the people who have spoken tonight and who are here are my friends and some of my very best friends and they live in Slingerlands. And, I understand where they come from and they understand where I come from. And, the tragic accident on New Scotland Road is not much different than tragic accidents on Delaware Avenue. So, I will urge the Board not to forget those of us who aren't fortunate enough to live in Slingerlands and the town is divided by the street as the young gentleman so... spoke so well told us. It is divided as someone told us before partly because it is busy, partly because in the days when it was almost the land of milk and money in the Rockefeller years, when they could build highways. The Slingerlands residents effective prevented the road, the bypass from going out through way out to New Scotland as they called it in those days. So, change has a price and going without change has a price and I guess that's what we are all here to decide about. I support the proposal.

Applause.

MRS. HEWETT: It says in the good book and the last shall be first. My name is Rowena Hewett and I live at 1592 New Scotland Road which is in Slingerlands and I am a senior citizen but I can walk and I can talk and I can read and I can write. But, when the day comes that I am going to be sitting in a corner drooling and sucking my thumb, I hope that Mr. Golub's wonderful buses are going to take me to his store and then Nervana will come and I will be 16 again. That's what I have heard tonight is going to happen. Some how or other I don't really believe it because there is one question here that has not been answered and I want the actual facts. I want to know how many cars have gone by my house in 1592 in the last 10 years and how many accidents have happened. How many cars have slid up on my front lawn... I started to say jump the curb but we don't have a curb and slithered on around the tree in my neighbor's house. Time after time after time and I don't do well with percentages. I really don't. I want actual numbers. We have accident after accident. 3 o'clock in the morning I am up at the window peering out into is it an ambulance, is he dead and what has happened. Time after time. True, the stores aren't the fault of all of this. It would be a help if we kept to the speed limit there. That would be a help as they go barreling down through the highway... New Scotland. The hardest thing I have to do every day is cross my street. That's the hardest thing and there are only certain times that I can do it. I would love to be able to have my grandchildren play in the front yard, and they can't. I would love to be able to turn my dog loose, you can't because we have had 2 dogs killed out there and a half a dozen others up and down the street. What we want is safety. We need money. I

know that, that's why we want this to go...people want this to go through. But, money doesn't help if you don't have young people. Right, these people need entry level jobs but in order to apply for a job, you have to be alive. Thank you.

Applause.

Oh, did I say I was against it.

MR. BURKE: My name is Stuart Burke and I live on Daniel Street in Slingerlands. There are a couple of issues that have not been answered here tonight and I guess I would like to put them onto the table. First of all we have heard a lot of talk about the town only have 1 supermarket. There are in fact 2 supermarkets in the town. Both of them are, forgive me Mr. Golub, Grand Unions and I understand that there is going to be a 3rd supermarket in this town, an alternative, a Super KMart down in the hamlet of Glenmont. So, there will be an alternative for those residents of the Town of Bethlehem to shop within the Town of Bethlehem at a competitor to the Grand Union.

Secondly, we have heard from the developer that there is no other suitable alternative site for a Price Chopper. No one has raised the issue as to the suitability of the Town Square shopping center that is already a commercial shopping center and with some major renovations would probably be an extremely suitable site for Price Chopper which I think would be a wonderful thing... a wonderful resource to have in the Town of Bethlehem.

Lastly, I want to talk about responsible planning because I have been through this process with the Planning Board and with Mrs. Fuller and some of the other town officials. Adjoining the development that I live in, is a development that is on the table called Fisher Hollow, 60 lots, residential development. We appeared... my neighbors and I appeared at a public hearing in August of '94 in which we were not opposed to the development but were opposed to the traffic plan that the developer and the Town Board... Town Planning Board had in mind. And, we presented some very significant evidence as to why the traffic plan was unacceptable to us. As a result of that hearing -- and there were probably 50 or 60 people who testified, well 30 or 40 people there, 60 pages of testimony -- not one person was in favor of this particular development, not one. Check your records Mr. Hasbrouck. And, as a result, the developer was asked to hire Creighton Manning Associates -- a very credible traffic engineering firm -- to do a traffic study. That traffic study produced evidence there was going to be a 350 percent increase on the streets in my development but it was insignificant because it still met the residential threshold for traffic. But, it had no impact even though it was a 350 percent increase. We can talk about all kinds of numbers and how you play the numbers has different meaning. But, the traffic... one of the conclusions that the traffic engineers came to was that the traffic plan that the Town Planning Board wanted was not the optimal traffic plan. That is almost a direct quote. I have the traffic study here if you want me to quote it for you. And, we went back... in spite of that, in spite of the traffic engineer's study...

AUDIENCE: Are we on Price Chopper here or what?

MR. BURKE: I am just saying that I think this process is weighted. The Town is looking for public input. I went through a process where public input was given and the public input was rejected in total in spite of some analysis from a reputable traffic engineering firm. And, I would like to know who's interest is the Planning Board and the Town Board behind here? Behind the developers or behind the residents of the Town of Bethlehem when there are clearly some alternatives -- Town Squire and the Super KMart. I am sorry.

MRS. RAPPOCHIO: My name is Arlene Rappochio. I live in the hamlet of Glenmont. I am sorry that you are not coming to my hamlet. I would love all you people that live in the Town of Slingerlands to not shop in my hamlet of Glenmont at the Grand Union and leave my roads safer for my children.

SUPERVISOR FULLER: Arlene... speak to the Board please.

MRS. RAPPOCHIO: I am sorry. I would like the people in the hamlet of Slingerlands to not travel to the hamlet of Glenmont where my children walk the roads. You all have been talking about a Super KMart on... off of 9W, you have been talking about the Town Square off of 9W. We would love to have it. Unfortunately, it is not the area they pick. I would love to see it come to the Town.

SUPERVISOR FULLER: Thank you.

Applause.

MR. RUKTERSTAHL MALITA: Hello, my name is Darryl Ruckterstahl Malita and I have lived all my life in Slingerlands which is 35 years. A little emotional and I just want to say that I recently attended a neighborhood meeting at the Bethlehem Public Library where many of the people who I grew up with were complaining about major traffic problems that put our children at risk and said that they have been trying to resolve these problems for 20 years and that they still have not been resolved and I have 2 small children and so the traffic concern is a major issue to me. I also hope that people realize that these are peoples' homes here... these are peoples' homes, I mean you see a beautiful Price Chopper there but these are people's homes and I think if you could put yourself, just for a moment, in one of these houses and think about how you would feel having bought a home in this area as it is and to have a Price Chopper, no matter what size, move in on you. I am very concerned, too, about the... this process. This building, for anyone who doesn't know, used to be an elementary school and now we don't have room for our kindergarteners. And, I think this is a very important decision, not just for Slingerlands, but for the whole Town of Bethlehem and if it's not obvious, I am very much opposed to the Price Chopper -- but, no offense to you Mr. Golub.

MR. DIELY: My name is Robert Diely and I think... we are thinking too much of the stress today. What worries me the most...

AUDIENCE: Can't hear him.

MR. GOLUB: Why don't you go use the other mike which is bigger and people can hear you.

MR. DIELY: Okay. My name is Robert Diely and I happen to live in Slingerlands but the thing that bothers me the most is not of our immediate concern. What worries me is the camel getting into the tent. I think all past precedents show that once something like this starts there is a gradual deterioration. Now, I am 86 years old, I won't be around long but I am thinking of the future of Slingerlands. And, I will just bet you a cookie that once this starts it is going to be Delaware Avenue. It's going to be Wolf Road, it's going to be almost anything that you can imagine. And, in all, it's a sorry situation a few years hence and I think... don't think of your convenience of going to a store but think of New Scotland Road as another of these dreadful looking places and in addition to that, with the development west of Slingerlands, the additional traffic is just going to add to the whole problem. So, think about the future a little bit too.

Applause.

MR. BELLNIER: Hi, I am Mike Bellnier. I live in Glenmont and I just moved here about 3 months ago and I used to live here in Selkirk area. I like the town. I moved back to the town. A lot of questions have been brought up about traffic. I traveled these highways every day this week, during the week. As far as traffic is concerned, the major reasons you have accidents is because of people, it is not the cars, it is not traffic, it's inconsiderate people towards other drivers. Okay. If you can't give up 30 seconds and wait for somebody to pull out of a driveway or a parking lot, then you should park your car someplace else because you don't belong on the road. Okay. As far as the Price Chopper is concerned, I am tired of having to travel 15 miles. When I get done work Thursday night, I go to do my shopping. I get home at 9-10 o'clock at night. I am done for the rest of the week but still in all, I am out there at 9 o'clock at night. You are talking about traffic problems, okay,

5-6 o'clock at night. Yes, there is a lot of traffic out there but the people that are going to do the shopping, they are going to go in, do their shopping -- spend an hour there, whatever it takes -- come back out on the road. By that time, the congestion is gone. They are already home so what are you worrying about a whole bunch of traffic that's not even there. That's all I got to say.

Applause.

MR. OTT: My name is Dave Ott, I live in Glenmont. I look every week in the Spotlight -- I wait for it to come -- to look and see if maybe Price Chopper is going to come. If the KMart is going to come on 9W. It has been years and nothing happens. I am getting older, I would like to see it happen while I am still alive.

Laughter and applause.

And, as far as, Slingerlands is concerned on traffic. Whether the Price Chopper comes or not, that traffic is going to grow each week, each month, each year. It is going to get terrible, consider what it is now and it is bad now but it is going to get worse. And, if a Price Chopper comes I think it is going to help because you won't have to go so far. You have to go in and out. I just hope in the near future when I see something in the Spotlight that will say these things are happening. I am going to still look for it. Thank you.

Applause.

SUPERVISOR FULLER: Is there anyone else who would like to address the Board this evening?

MRS. STANTON: I have one question.

TOWN CLERK NEWKIRK: Mike, please.

MRS. STANTON: Microphone?

SUPERVISOR FULLER: Yes.

MRS. STANTON: I have hear the proposal of the Town Squire being where Price Chopper should be. I think we all have to consider internally what that would do to the traffic in Delmar. There is no other way to get to that Town Squire shopping center except through the center of Delmar. If we think we have problems now, let's put it down there and see what we have in the future. That's all I have to say.

AUDIENCE: It will go down Cherry Avenue.

SUPERVISOR FULLER: Everyone has been heard that wanted to speak to the Board this evening? Okay. Go ahead, John and your next.

MR. SMOLINSKY: John Smolinsky and I guess I was hoping to get some answer to my questions to formulate a position but I didn't get them.

SUPERVISOR FULLER: You will get them, John, as soon we finish up here.

MR. SMOLINSKY: But, I will make an observation. I think the Town Board has an extremely unique and important future decision to make. It is really a 2 part decision because you can please virtually everyone in this room. But, it is a 2 part decision and it is tied together. Solve some traffic problems and solve a supermarket problem. How many times has the Planning Board or the Town Board considered a project, looked at a traffic study and said this traffic study doesn't have any impact or not enough impact to be concerned about. It wasn't until LUMAC looked at the bigger picture and came up with some bigger solutions and bigger conditions that planning started to make sense in this town. I think it is a mistake to take 1 project aside and again take 1 traffic study and -- although its numbers may not be so large, you really need to look at the whole. It seems silly to take traffic problems that you have now and make them worse. I can't think of a more irrational planning approach to things. I think -- I will make a comment with respect to the

environmental review and the potential negative declaration that you may make. When you do that, you are also cutting off public participation and public notice. Many discussions have gone on, either behind closed doors or unpublic noticed meetings and if you neg dec it, you are really cutting off a future public opportunity. I think that is important. It doesn't need to take a lot of time but it is an important consideration to the process by which you review projects. I can say that I am opposed to the Price Chopper project because I think its... the timing is not in the right sequence. You need to solve infrastructure problems first. You have sat here -- some of you have sat here for 8 years, 10 years, looking at the traffic problem growing worse and not reaching any closer solution. You have LUMAC which is a little bit of a plan but now you seem willing to set that aside. And, I think that is inappropriate. I think you need to take that LUMAC plan, turn it into some action steps that will make development in this area and other areas more feasible in the future. Thank you.

Applause.

MRS. RIMSKI: Hi, my name is Ann Rinski. I was up here before but I have a suggestion for the folks that are here, their neighbors, the Town Board, Mr. Golub and your company -- I remember by stories what was going to happen in 1966 when the bypass was going to come through -- the people have told me that it was going to destroy the heart of Slingerlands and I think people rightfully fought it. I remember in 1977 when they were going to take down all the trees, widen the road and really make it a speedway. I personally opposed that. And, I think the State probably put us on the back burner. I mean, why wouldn't they you know. We weren't very cooperative, why not put us on the back burner. The administration at that time, certainly would have wanted to put Bethlehem on the back burner. We have a new administration -- you seem to have a crystal ball -- do they know that we really need these roads. We Assemblymen and we have Senators, some of us are different Assembly districts, I have a feeling, I can't remember where the lines are -- but let's get them on the line. Let's call them. Let's get our Legislature aware of our needs out here and let them also exert the pressure. And, it doesn't hurt town residents to write DOT and say that we have traffic problems and your extension of that Slingerlands bypass would allow the town of Slingerlands to return to a more country like environment. I don't appreciate the traffic coming through on New Scotland Road when I have to leave in the morning, but what alternative do these people have. If they had a good alternative, a lot of our traffic problems would cease and it would not be at all detrimental to have Price Chopper down there at Cherry Avenue. Let's get the bypass through. Let's get just as vocal about having that get started and get it done as we are up here about arguing over this situation. Okay. The State does listen to its people. If you sit silently they will do just what they want to do. But, get out there and say to Mr. Faso, I want that bypass and I intend to call his office tomorrow morning.

Applause.

SUPERVISOR FULLER: Is there anyone else.

MRS. MURPHY: I just want to say we have a list here of probably a good 100 people or more that could not get in the room this evening and they have signed in support of the project. We also gave out about 300 of those buttons. Thank you.

Applause.

SUPERVISOR FULLER: For the record, for this evening, whoever she is. We need that turned in for our record here.

COUNCILMAN WEBSTER: Maureen Murphy.

SUPERVISOR FULLER: We have 25 letters in favor, 11 letters opposed, 2 petitions with 173 signatures in favor of Price Chopper.

Applause.

AUDIENCE: Are those circulated by the Price Chopper, just like this woman here who works for Price Chopper?

SUPERVISOR FULLER: No. There is no more.

AUDIENCE: Discussion between audience and Mrs. Murphy.

MRS. MURPHY: I am a tax payer and a resident. That's right.

SUPERVISOR FULLER: Doug.

MR. HASBROUCK: I just want to make one comment that hasn't been made tonight and that I don't take sides again. I make it only for informational purposes and I notice there are a lot fewer faces here than the last time I turned around and looked behind me. The World Series must be getting along I guess.

We have heard a couple people tonight comment about options and from Mr. Golub's point of view or any other developer coming into this town, indeed there may be at point in time options. They can look at different pieces of land. They can decide to try to purchase or use a piece of land for their purposes or not, as they choose. But, when it comes to this Planning Board or this Town Board, those options don't exist in the same sense. When a project comes to our table, we have to respond to that project in the context of the laws and statutes and regulations that we are bound by. And, that goes a lot deeper in detail than just the feelings of individual residents. It is very difficult to sit in any of these positions and satisfy everybody. It is impossible. Whatever happens with this project, a lot of people in this room are going to be unhappy. And, I am sorry about that, because I like people to be happy. I like to be happy and like you to be happy. But, when it comes to the Planning Board table what we are bound to do is to look at the regulations and the statutes tell us what we have to do. And, to do that the best way we can based on the judgements we can make given the information in front of us. Sometimes that information is very accurate, sometimes it is not so accurate. We try to get it as accurate as we can. But, we are bound to make a decision based on that information and the statutes that guide us. It is not a perfect system. We don't always wind up with exactly the right answer and, as a matter of fact, we probably wouldn't recognize the right answer if we saw it in front of us, sometimes. But, that is what we have to do and when the Town Board makes its judgement on this project, they have to essentially do the same thing. It is not a matter of being in favor of one neighborhood or not in favor of that neighborhood or trying to put neighborhoods against each other. That's not the point. What we have to do is follow the law as closely as we can. That is exactly what we try to do and I hope for the most part you appreciate that. Thank you.

Applause.

SUPERVISOR FULLER: On behalf of the Town Board, I thank each and every one of you that took the time out of your busy schedules to be here this evening. I appreciate the letters, phone calls and petitions that have been sent in for or against the proposal.

Our job, as you can see, is a difficult job. We were here tonight to hear from all of you and we certainly have heard quite a bit this evening. We thank you. Certainly there will be ample notice before the Town Board discusses this again. We have heard a great deal tonight. We have a great deal of reading material. You will be notified before the decision is reached.

We want to do a thorough job and study the rezoning of this intersection. We are not avoiding making any decisions at this point. We need time to study this completely. We thank you very much for your input. Thank you.

Applause.

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to adjourn the special Town Board meeting at 10:47 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney,
Mrs. Davis.
Noes: None.

Kathleen A. Newkirk
Town Clerk