

TOWN BOARD
APRIL 9, 1997

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

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

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. There are some empty seats up near the front if you would like to come a little closer, you don't have to stand all night. Before we start our public hearing, I don't know if some of you have been here but since the first of the year we begin each meeting with the pledge of allegiance. We ask that each of you join us. (The pledge was recited)

I would ask the Clerk to read the call of the public hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on April 9, 1997 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 6 of 1997, regarding adoption of the LUMAC plan as land use planning reference resource.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk, CMC
TOWN CLERK

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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 26 day of March 1997.

/s/ Mary A. Ahlstrom

Sworn to before me this 28th day of March 1997.
/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 March 26, 1997, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town

Public Hearing
on Lumac as
a planning
reference
resource
consider
a proposed
law No. 6,
1997

maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
1st day of April 1997.

/s/ Catherine T. Picarazzi
Notary Public

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

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

Noes: None.

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SUPERVISOR FULLER: Before we begin this evening and a warm welcome to everyone, Jeff Lipnicky, our Town Planner, who is hidden behind all the charts and volumes and volumes of information.

MR. LIPNICKY: He is not sure whether he wants to stay here or not.

SUPERVISOR FULLER: I have asked him to give a very brief overview. As you know, the LUMAC committee has labored long and hard and Jeff Lipnicky over the past 8 years. Hopefully, everyone is aware of what this public hearing is all about tonight. Jeff will give a quick overview, we will take a little bit of time for questions and then I would like to have each of you have an opportunity to speak. We will do it simply by lining up to the microphone whether you are in favor or opposed to adopting it as a land use reference resource guide. I am not doing opposed or in favor separately, just line up. As you get to the microphone, I ask that you give your name and speak. The next request I have is if we can keep it to maybe 5 minutes so that everyone gets an opportunity to speak. And, you are more than welcome to speak for less than 5 minutes. Okay, Jeff, you have 30 seconds.

MR. LIPNICKY: Thank you, Sheila. I do want to try to keep my remarks relatively brief but we have had a presentation about the plan on a number of different occasions back in 1994. So, there is 2 things really that I would like to focus on. One is what the local law that is being proposed at this point says and the other is what changes have occurred in terms of LUMAC's recommendations since 1994.

Basically, as Sheila stated, the purpose of tonight's meeting is a hearing on the draft local law and basically that local law if approved would adopt the LUMAC plan as the land use planning reference resource in Town. There are basically 2 sections in the draft local law which are most relevant and they go a long way toward explaining what adoption of this local law would mean. The first section is the intent of the local law and that in here -- I would just like to read that section to begin with. It reads as follows: The intent of this local law is to adopt the draft master plan as amended as the land use planning reference resource of the Town of Bethlehem to serve as the principal reference resource for future development of the Town. Said reference resource shall be an advisory document. The adoption of which will neither change any zoning code requirements in the Town nor require the implementation of any specific proposal in the reference resource. And, the second section deals with actual adoption of the local law and this is how that section reads, and again this is in draft form and the Town Board has not adopted this yet: The Town Board in the Town of Bethlehem hereby adopts the LUMAC master plan, Town of Bethlehem, Albany County, New York dated August 1994 as amended by the Final Generic Environmental Impact Statement and supplemental LUMAC recommendations and as requested in the text the map revisions prepared by the Town Planning Department dated February 1997 as the land use planning reference resource of the Town of Bethlehem. The

effect of the adopted reference resource is that it shall become an advisory document which is designed and intended to be the principal reference resource for all public agencies, private individuals and organizations into making appropriate decisions for the orderly and attractive development of the Town. The reference resource shall also serve as the principal reference resource for future policy decisions with regard to land use, development, transportation and conservation matters in Town and shall be the principal reference resource for imminent future amendments to the Town's zoning, subdivision and other land use laws.

Out of that language, what I would like to emphasize is that the LUMAC plan under this local law would not be adopted as a comprehensive plan as that term is described in Section 272a of Town Law. Basically, at the last public hearing and since that time there has been much discussion about the implications of adopting the master plan under 272a of Town Law and essentially the primary concern is that language in 272a says that if it is adopted as a comprehensive plan, all future land use regulation must be in accordance with that plan. The concern has been that this might unreasonably tie the Town Board's hands and the Town's hands in terms of future land use regulations. And, basically, within the local law there is another section in here that would specifically supersede Section 272a of Town Law and basically adopt the draft plan under Municipal Law Home Rule provisions.

So, again in brief, adoption would not be as a comprehensive plan. Second, adoption in itself would not change any zoning in Town and third, adoption of the recommendations in the plan would not be binding on the Town.

Having said that, I would just like to go over what are the principal changes in the plan itself and there... I would note that in terms of the text of the plan, there was a lot of final editing of the document that was done since 1994 but most of those changes were not really of substantive nature. But, the ones that were basically are as follows: First, language was added in the introduction to the plan emphasizing the fact that it was a guide and that it was not a static document and shouldn't be taken as such and that basically that it should not be the sole basis for future land use decisions. Language is also added there emphasizing the fact that within the text of the plan we had various land use categories and listings of different land uses that are appropriate in those categories and language was added to emphasize the fact that those listings are illustrative and not any type of final listing of what we would consider appropriate uses. Second, major changes had to do with the areas on the plan itself and basically those as you have seen are primarily from where you are sitting probably the white areas... not the white areas but rather the dark green areas of the plan which were formerly referred to as conservation areas, one of the changes in the plan deleted that terminology and replaced it with the terminology environmentally sensitive lands. Second, the density recommendation in those areas was increased basically from 1 unit per 5 acres to 1 unit per 3 acres. And, language was also added to encourage things such as unit clustering and density averaging in these areas and also suggesting that density potential in the areas that are identified as environmentally sensitive should be transferable to other portions of a development parcel. Finally, there was also language added here that essentially noted that the boundaries of these areas are generalized in nature and essentially there may be land area within the areas identified as environmentally sensitive that are, in fact, developable at densities greater than those recommended in the plan. And, what we said was that on a case-by-case basis where that could be shown, the appropriate density would be the density that is recommended in the nearest adjoining land use category.

The second area of changes regarded the... what we formerly called the agricultural/residence areas and this time... those are the white areas that are shown on the map... again, the term agricultural/residence area was deleted and replaced with the term agricultural/business. The maximum average density recommended for these areas was changed from 1 unit per 3 acres to 1 unit per 1.5 acres. Language was also added to try and emphasize that uses which

are typically accessory to a farm operation would be permitted in these areas and we are trying to emphasize the point that nothing contained in the plan is trying to limit in these areas agriculture. So, things such as timber harvesting was also again added to this illustrated use. In addition to that, as with the previous area spoke about, language was also added emphasizing that lots of less than 1.5 acres should also be considered where essentially concepts such as density averaging and unit clustering are employed and where, basically, appropriate water and sanitary facilities are provided. In addition to that in terms of the other residential categories, there was a recommendation that was contained in the plan that said basically, where water and sewer are not available in the other residential areas that were recommended, at that point in time in 1994, the plan said that maximum densities where water and sewer were not available, should be 2 to 3 acres that too can remain consistent with the previous recommendation was amended to 1 unit per 1.5 acres. As I said, there was also miscellaneous text editing in the plan in the land use element of the plan similarly with the transportation element of the plan there was miscellaneous editing. The transportation aspect of the plan did not contain any... does not contain any substantive changes in recommendations and finally, the supporting recommendations section of the plan also contains a number of recommendations that were added. These include that the Town further explore conditions under which extractive uses such as mining might be allowed. That the Town further define the types of agricultural and related uses which should be permitted by right in the agricultural/business area. That essentially the zoning regulations should be supported of and designed in a way that is supportive of traditional farmstead design particularly in agricultural and rural areas. Another recommendation that was added was that the Town should explore the feasibility of extending the agricultural/business area to other rural sections of the Town. Another added recommendation was that with input from neighborhood residents the Town should further explore whether there are, in fact, other areas of Town where hamlet residents or hamlet commercial designation might be appropriate. In addition, another recommendation was that the Town further explore the potential for creating a river front development area in the Hudson River corridor and finally that the Town further explore the potential where appropriate and consistent with other goals and objectives of the plan, adding commercial and/or industrial areas to the land use map.

Now, ... in addition to the land use map itself, some changes and they are basically showing up here, the changes occurred both in the key of the map to reflect the change from conservation to environmentally sensitive and from agricultural/residence to agricultural/business and again a notation was added to the map indicating that the boundaries of the environmentally sensitive areas were generalized in nature. The mapping amendments in terms of change and recommendations from 1994 on a number of different parcels primarily involves changing the recommendation on these parcels to industrial/light industrial use and those recommendations came out of the Final Environmental Impact Statement where we received a number of comments concerning the amount of industrial area that was recommended in the plan and also in response to certain individual comments that we received. Basically, what this change does, is add approximately 450 acres, 435 acres somewhere in that range to the amount of land area recommended for industrial use.

And, with that, that is basically the highlights of the changes. There are essentially 2 steps left in this process and those 2 steps have to do with SEQR. One is... dealing with SEQR is that we have gone through the Draft Environmental Impact Statement. We have also gone through the process of the Final Environmental Impact Statement and the next step in the SEQR process would be to adopt a SEQR Finding Statement. And, finally the last step would be to vote on adoption of this local law one way or the other. And, with that, that basically is the end of my presentation.

SUPERVISOR FULLER: Thank you, Jeff. Are there any questions? Okay, I would ask everyone... I saw you running around back there, John, encouraging them to seat. There are some seats up in front.

Okay. We would ask you to start lining up, those wishing to speak in favor, in opposition, whatever order you would like. Just come to the microphone and give us your name, please.

MR. HEWITT: We can start now.

SUPERVISOR FULLER: Go right ahead.

MR. HEWITT: My name is Hugh Hewitt, a resident of Slingerlands and I want to add my voice to what I hope will be a large number of people in favor of the master plan because I think it will benefit the whole Town rather than merely a few or so special groups. Thank you.

SUPERVISOR FULLER: Thank you.

MR. HAUS: I am Harold Haus, also from Slingerlands. Also wanting to speak in favor of the plan. I was one of the many who responded to the questionnaire. I thought it was a risky proposition to expect significant numbers of people to answer a 14 page survey which many of us did. I thought that was well organized. The response rate suggests that a lot of us felt it was important, 1700 give or take. I think the process of explaining and talking with groups. Jeff came to Slingerlands church and spoke with members of our church on a Sunday morning, 8 o'clock breakfast, just to help explain the significant aspects of the proposal. I thought that kind of explanation process was called for and very readily provided, very appreciatively received by me. My family has lived here for 40 years plus in the Town. We came because we wanted good schools and a very pleasant atmosphere in which to raise our children. I am very much in favor of maintaining as much of that as we can -- good schools and pleasant atmosphere for raising children. I think we need to do it with our eyes open and some of the needs for money industrial development of several sorts related to that need. But, I think we better continue the reputation for Bethlehem for being a quality area in the Capital District. Thank you.

SUPERVISOR FULLER: Thank you.

MR. KELLER: Supervisor Fuller and Members of the Town Board. My name is Scott Keller and I am the Associate Director of the Hudson River Valley Greenway. We are a State program involved in a voluntary regional planning process in the 12 counties of the Hudson River Valley ranging from Albany/Rensselaer to Manhattan and in the development of a regional trail system and tourism strategy. I represent both the Greenway community's counsel, our planning agency and the Greenway Conservancy, a public benefit corporation that helps implement local and regional plans. At the outset we want to stress the importance of simply having an updated master plan. In community after community up and down the Hudson River corridor, we have seen the bulk of available State and Federal project funds go to communities that have plans. The City of Troy, for example, converted a \$50,000 water front planning grant into a 1.5 million dollar grant under the Air Model Surface Transportation Efficiency Act, ISTEA. This is especially important to the greenway as we will be giving out millions of dollars to communities under both the Clean Water/Clean Air bond act and a new program, The Hudson Valley National Heritage area, of which Bethlehem is a part. Money, of course, is not the reason to do a community plan. It is to help guide you in the years ahead in a way that will ensure continued economic growth and maintenance of community character. You like many other communities in the Hudson River Valley are endanger of loosing the very things that give your community that character. Your plan, we think, represents a wonderful opportunity to ensure that does not happen. We are particularly encouraged by your emphasis on the continued development of river front park land and other park opportunities in the Town. Your concern about the disappearance of agriculture from the Town landscapes. Your emphasis on the significant historic properties in the Town is the impertinence of scenic landscapes. You set out a blueprint for balanced growth. The Hudson River Valley Greenway act of 1991 set out 5 general criteria for community planning the greenway area. Natural and cultural resource protection, regional planning, economic development including agriculture and tourism, public access to recreation areas, and heritage education. Your draft plan touches

all of these in a positive way. We are delighted to see that your long range vision calls for possible work with the greenway. In particular, we believe we can help you in the development of bicycle paths in the Town, and the development of the historic inventory called for in your plan. In working with the Town, County and State in the development of a more equitable tax structure for farms and in the marketing of agricultural products. We congratulate you on an excellent plan and offer our assistance, both technical and financial, if you should want it. Thank you.

SUPERVISOR FULLER: Thank you.

MR. SELKIRK: I guess I am the first bad boy. Ron Selkirk from Selkirk and I don't know, I think probably in your schooling you have heard of the 14th amendment of the Constitution which more or less states we have the right to own property and enjoy and use our property. Well, that's part of the Constitution and it sounds to me like you are taking the rights to use our property. Now, my own land, right adjacent to the Thruway entrance you decided it should be zoned residential. So, anybody who has the money can build a nice house and listen to the trucks get on the Thruway day and night. Trucks which you people have encouraged to come to Town through GE and Owens Corning and numerous other businesses. They all get on the Thruway there, day and night. Now, would you want to live there? I wouldn't want to live adjacent to it plus I have a propane gas line that goes one end to the other on my property, north and south. You can't build a house on propane gas lines, it is against the law, if anybody is even crazy enough to want to do it. So, why is my land residential? It should be a commercial piece of property for offices, warehousing, farming which I hope to do with it yet. But, why should it be residential? That is really ridiculous. Thank you.

SUPERVISOR FULLER: Thank you, Mr. Selkirk. I have to ask that we hold the applause until the end of the evening.

MR. TURNER: Good evening. I am Greg Turner, past chairman of the Board of the Bethlehem Chamber of Commerce. I am here tonight to speak on behalf of the Chamber Board and our membership. We encourage the Town Board to adopt LUMAC as a working model to implement future land use planning ordinances. Although there are aspects of this plan which neither our membership or the entire community will fully agree, it is still good. We need to encourage positive, economic development. This will broaden our tax base as well as provide necessary services. Unfortunately, Bethlehem has a reputation for subjecting new economic development to a long and drawn out review process. Special interest groups raise obstacles and claim there is no long term plan. With respect to this, the master plan will assist the decision makers. It will provide rules and regulations that we all understand. It will allow for growth while still maintaining our special and unique character. We realize that this is an ongoing process. It will be a work in progress refined as time goes on. At this point, we feel the document is a necessary tool to assist in the planning of our future. Thank you.

SUPERVISOR FULLER: Thank you, Greg.

MR. PECKHAM: Hi, my name is Mark Peckham. I reside at 9 Rural Place. I have been a resident of the Town of Bethlehem for about 38 years and my family longer than that. I support the master plan. I support because I think it speaks directly to the quality of life issues that make Bethlehem such a great place to live. I think we need to have a road map, a blueprint, whatever you want to call it, for balanced growth and I think this is the best way of doing it. And, again, I just support the effort. I hope the Board adopts it. Thank you very much.

SUPERVISOR FULLER: Thank you, Mark.

MS. BONVENTRE: Hello, I am Karen Bonventre. I am here to speak in favor of the LUMAC plan and urge you to adopt it. As other speakers have said, I believe it is essential that a community review what it is and how it wants to grow. We need to consider the impacts of possible future development, plan how and whether to accommodate such development. We must be guardians of our community and ensure its

attractiveness and viability not only for today but for the future and I believe that LUMAC does this. It will provide guidance on appropriate development that will enhance our community and protect our quality of life while allowing for reasonable growth. I especially support LUMAC provisions calling for future land use development that preserves our suburban/rural character and the provision that future commercial development should be in scale with the rest of the community, designed primarily to serve Town residents and not regional or subregional markets. This will I believe will allow development that provides services needed for our residents while protecting our quality of life. Thank you.

SUPERVISOR FULLER: Thank you.

MR. JENNINGS: My name is Ted Jennings. Live on the River Road in Selkirk. We are large, rural, unzoned land owners. We are very anxious to have the land use management plan adopted so that we and our family will be protected from unpredictable development whether it's a chemical plant or a gravel pit or a factory or some other kind of industry which is permitted in an unzoned area. And, so that our neighbors will be protected from whatever is planned or undertaken by the people who succeed us in our family some day in the land. I believe it is the responsibility of the Town to protect us from those who might want to do things that we would prefer they not do. Thank you.

SUPERVISOR FULLER: Thank you, Mr. Jennings.

MR. SMOLINSKY: Good evening. I am John Smolinsky. Before I read some comments here, I would like to thank the Town Board and past Town Boards and LUMAC and especially, Jeff and his Planning Department for getting this process to this point. I think it's a huge task. I think it has been an excellent job and I hope you adopt it.

It has been 11 years since I became interested in a master plan for the Town of Bethlehem. I am happy to have the opportunity to provide you support and encouragement in the adoption of such a plan. Your predecessors had the foresight to create a Planning Department and hire professional planners. They also launched a committee comprised of a broad cross section of citizenry to proceed with data collection, citizen input, as well as, development of goals and recommendations. LUMAC after 8 years of intense labor now brings its final product to you for approval. I have no hesitation in suggesting that you should do the right thing and approve it. In your deliberations I would like to suggest that you consider a tried and true philosophy. One of our great leaders founding father of our nation said we are not afraid to follow truth wherever it may lead nor to tolerate any error so long as reason is left free to combat it. When Thomas Jefferson wrote this, he was not only referring to the Declaration of Independence but also to a philosophy by which he lived. Let me take a minute and link his profound thought with the opportunity that is before you. You and your predecessors of the last 10 years have made their very best efforts to develop this plan. You have looked forward to the future and you have drawn a balanced blueprint to get there. You understand that such a plan may never be perfect in all eyes and you are reserving future Town Boards ability to reconsider and reformulate this plan as the circumstances and reason require. Such a foundation should give you great comfort in moving forward and approving this plan. It will lay the ground work for numerous steps to implementation. I specifically chosen to address you on what I consider to be the highest and most important level of discussion relative to this plan. The details of the plan have been exhaustively debated. You have heard many advocates who see advantages of the plan and you have heard from few opponents who believe their self interests are not served by the plan. I think all of these comments are important and on balance the comments are positive and none pose obstacles to adoption or in gender fear of fatal flaws. Many issues can be and should be considered in the implementation stages and can be best considered in the context of this plan which I hope you will approve. I tend to take a practical approach to government and planning. What I have concluded is that there is strong interest in adopting the Bethlehem master plan. This plan provides vision and guidance for the Town's future. It was

prepared by the Town's professionals, guided by a broad base advisory group and has considered the opinions of a multitude of your constituents. The plan's development and adoption is a fine example of government by the people, of the people and for the people. Adopting this plan should be a proud moment for you, it will be for me. Thank you very much.

SUPERVISOR FULLER: Thank you, John.

MR. DUCHETT: Good evening. My name is Louis Douchett. I have lived in this area for 47 years and I have seen many changes in the Hudson valley. I notice on the map there are some sections that are recreational and there have been some amendments already in your discussion that some of the outlines on the map have different... talked about. But, and it is necessary to have some planning in a community... and the Town is required to make these plans based on national requirements. Now, our government... Federal government has been working on Biodiversity Treaty with the United Nations and I have just about 7 steps I want to enlighten the public here. The Biodiversity Treaty eventually will reduce population of the world from 5.5 billion people to 1.2 billion; redistribute all resources and wealth to all earth's people; eliminate all property rights; reduce farm productivity by preventing use of artificial fertilizer and pesticides; establish international green taxes on all resources and use and violations of the Biodiversity Treaty; place 10 percent of the land mass of the United States into biosphere reserves and it is off limit to all human activity and your greenway would be part of it eventually; biosphere region will be governed by appointed non-elected and oversight authority; require humans to treat nature as sacred transforming all regions to focus upon nature... correction, transforming all religions to focus upon nature as being supreme; lower people's standards of living to an agrarian peasant status; and take society back to the futile system of living that promotes massive migration to escape dictatorship and the founding of America; treaties take precedence over our constitution. President Clinton signed this treaty but our Senate has not yet approved it. Now, I think we must be very careful how we pass laws in our local communities and people are chuckling to themselves about what I just said but you better get out and do some reading about what the United Nations objectives are in the United States and the world. Thank you very much.

SUPERVISOR FULLER: Thank you very much, Mr. Douchett.

MR. CATALANO: Good evening, Supervisor Fuller and Town Board members. My name is Joe Catalano. I am an attorney in Albany. I am a Town Attorney in Rensselaerville and Counsel to the New York Planning Federation and I also worked with Jim Coon who I noted was a member of the LUMAC committee, which I was glad to see before he passed away. I am here tonight representing the Rural Landowners of Bethlehem. This is a membership organization consisting of over 50 owners of large parcels of land which constitute a majority of the pretty much undeveloped rural areas left in the Town of Bethlehem. The Rural Landowners of Bethlehem as an organization adamantly opposes the adoption of Local Law No. 6 on a variety of grounds and I am here tonight to address the legal issues that the Rural Landowners are concerned with.

First of all, it seems that the Town Board in the content of its proposed Local Law No. 6 is going through a number of legal gymnastics in order to try to back away from adopting this plan as a master plan or a comprehensive plan. Supervisor Fuller you mentioned at the outset of this public hearing that the LUMAC committee worked very hard for 8 years in this process and now at the eleventh hour after this work is done, the Town Board is obviously not satisfied that this document represents the future of the Town as far as a master plan or comprehensive plan goes. The Town Planner mentioned and emphasized that Local Law No. 6 will not bind the Town with respect to future zoning and will not bind the Town Board as far as future land use decisions. I totally disagree with that opinion. In fact, I believe the adoption of Local Law No. 6 will put the official stamp on this document as part of... at the very least, part of the Town's overall comprehensive plan. Even though the Town Board is superseding Section 272a of the Town Law, which is a comprehensive

plan statute that was recently enacted a few years ago, the Town Board is forgetting about Section 263 of the Town Law. Section 263 states that all zoning must be in accordance with the comprehensive plan. Court cases over the last several decades have consistently held that that language requires the courts to look at the totality of evidence, all of the documents, the policies and the objectives, as far as, land use goes in order to determine what is the Town's comprehensive plan. The Section 272a provides one method of adopting such a plan, however, it is completely voluntary. So, I am really quite confused as to why the Town is superseding a section which is purely voluntary. Section 263, however, is mandatory. And, in this respect, if the Town adopts this plan as a 'reference resource' and I don't know what the heck that really is, it will still be considered by the courts as part of the Town's comprehensive plan. It contains goals and objectives, it contains land use plan, it contains a transportation plan, in fact, it contains all the elements that is required in a comprehensive plan. So, I don't know... I don't care what you call it, if you adopt it and put the official Town stamp of approval on it, it is going to be your comprehensive plan. And, if I come in with a rezoning application that is consistent with this plan, however, it is inconsistent with the current zoning, I can guarantee you that a court is going to look at this plan for the most recent and official statement of the Town's land use policies and is going to go with the plan... what the plan says, not what your zoning says. So, in my opinion, this plan adoption idea is going to completely confuse the state of land use regulations in the Town. I believe it is a disservice to your Planning Board, Zoning Board, as well as, to any future development in the community because there is not going to be a clear statement of what are the true objectives and goals of the Town of Bethlehem. You are sending out a mixed signal. You are stating that the LUMAC committee did a wonderful job and was very successful in getting this plan done, however, you are not willing to accept this plan as a comprehensive plan. What the Rural Landowners of Bethlehem want you to do is to not vote affirmatively for the adoption of Local Law No. 6 but continue the planning process, use the work that the LUMAC committee worked so hard for and resolve the number of issues that is causing the Town Board to take a step back and insulate itself from this plan. Let's work a little harder, get the issues addressed that is stopping the Town Board from adopting this as a comprehensive plan. I believe that the concerns and the goals of the Rural Landowners of Bethlehem are not competing with many of the goals that the Town Board wishes to have for the future of this Town. However, the plan does not accurately address what these goals should be and does not provide the methodology in which to make the property of the Rural Landowners more effective for the future of the Town. For instance, most of this property that the Rural Landowners own has been passed on from generation to generation, there is no development pressure at this time for this land. It has existed in its present form for many, many years. Why put so much regulation on it, which this plan is requiring. Why not let these landowners be able to afford to hold onto their large parcels of property. In this way, you would have the conservation that is desired in the Town and at the same time the rural landowners will have the economic value of their land which the LUMAC plan is recommending to be taken away from them. The resource based use of the large lots of land in the rural areas of the Town is an effective planning method in which to conserve land and keep it in large parcels preserving open space, preserving rural character and aesthetic resources, as well as, preserving critical environmental resources such as aquifers and surface water. And, the Rural Landowners have in effect been doing this for generations without any zoning regulations which prohibit them from doing what they have been doing all along. The LUMAC plan proposes to drastically change that and provide conservation overlays with respect to a number of their operations on their land. I believe that what the LUMAC plan is recommending will, in fact, be more detrimental to saving this portion of the Town than it will be to promote conservation and agricultural business and economy which I believe the Town Board is for for the future of this Town. And, I believe that that enhances the mix of the more developed residential areas and it provides an asset that this Town has which is unique in an area so close to an urban environment such as the Capital District. So, the Rural Landowners implore you to not adopt Local Law No. 6 and instead take affirmative action to continue the planning process. You are almost

there, don't stop. If you put this as a reference resource, it will sit on a shelf. It will not be used and if it is used, it will be inconsistent with zoning law and how courts are going to construe what are the true objectives and goals of the Town. So, again, we wish that the Rural Landowners who want to work with the Town Board in developing this document to be a truly consensus based document which addresses all the needs of the different areas in the Town and the different property owners in the Town and not to stop at this point. Keep it going and keep the dialogue going for the future of the Town. Thank you. I also have a written statement I would like to give you.

SUPERVISOR FULLER: Thank you.

MR. KLEINKE: Good evening. My name is Ed Kleinke. I am a landscape architect in private practice with an office at 306 Delaware Avenue, Delmar. I am also a resident of the Town of Bethlehem living at 62 Maher Road, Slingerlands. This evening I am with and speaking on behalf of the Rural Landowners of Bethlehem. Before I go further into comments on the proposed Local Law No. 6, I would like to thank Supervisor Fuller for the opportunities given the rural landowners to address Town Board Members and the LUMAC group in June and September of 1996, for without her support I do not believe that the rural landowners would have been given a chance to express their concerns and opinions and to present the LUMAC group with a series of alternatives to this plan. Like all good landscape architects, I can't really speak without props, and I brought a couple with me tonight. The alternatives to the plan that we presented back in September are on the board now and in a minute I have a second drawing that I would like to display and to make a couple comments on.

You will get introduction to the Rural Landowners from a number of speakers tonight. Rural landowners are people who walk, talk, laugh and pray just like everyone else. They are not some strange group from the hinterlands who show up once in a while when they have been affected by an issue. They own and run agricultural businesses. They have families. They contribute, participate in their community's affairs. The thing that distinguishes them from most of the rest are that they are the true caretakers of the land, the dairy farmers, crop specialists, truck farmers, horticulturists, livestock farmers and residents to name a few. The goals of the rural landowners, a couple specifically: they seek to have the economically vital agricultural industry recognized and accommodated in any land use plan adopted by the Town; they seek to preserve the economic, aesthetic, and environmental values of their property; they seek to retain the freedom from excessive governmental regulation in maintaining their roles as caretakers of the land; and they work to retain and maintain property ownership in general and specifically ownership for farms and farmlands. You also have had a discussion of our legal position from Joe Catalano. I am in complete agreement with the position Mr. Catalano has presented to you tonight and as such some of my comments will relate to why this comprehensive plan, call it what you would like, should not be adopted. I would reiterate what Mr. Catalano has said, that you should vote no on Local Law No. 6 and furthermore, there should be no adoption of this plan in its present form in any way, no matter what it is called. I would like to speak to you about a number of issues related to the proposed LUMAC plan which Local Law No. 6 proposes to call a reference resource. Such issues relate to the very foundation elements of comprehensive plans and their preparation. I would also like to present for your record of this hearing tonight, several materials prepared by this office for the Rural Landowners which were previously directed to you, the Town Board, and the LUMAC group itself. By the end of this hearing, I think it will be clear from comments people are making that there is a great variety of opinion and a huge gap between where we are tonight and where we should be in order to even consider a plan that may be adoptable. This alone should be cause for the Town Board to vote no on this local law. I would suggest that the most realistic solution at this time, would be to simply receive the LUMAC plan, no adoption, no local law. Thank the LUMAC group for their service and establish a new task force for resolving outstanding issues. Comprehensive planning mandates public input into the process and this plan is no exception, as evidenced by

public meetings. This hearing and early on a survey as a foundation element to any comprehensive plan, public input via a survey should, in my professional opinion, offer the opportunity for all resident households to respond. Tonight Mr. Testarorio will discuss the LUMAC survey of residents and offer his professional opinion on that element. I would like to add that as a practicing professional, it has been my experience that surveys which prove most successful and useful are those that are short with non-bias questions and which are provided to every household in the community. I can't find any reason, practical or professional, why the LUMAC group opted to survey less than 30 percent of the households in the Town, can you?

Sheila Powers later will discuss several issues related to the early years of the LUMAC organization and the start of the process and will appropriately point out how the comprehensive planning process has failed the community through LUMAC's own internal efforts to follow preconceived and personal agendas. I would like to add an additional perspective to the issues she will raise.

The Town of Bethlehem has long been a leader of Capital District municipalities in the area of municipal water and sewage treatment systems and zoning. We have had zoning since 1945 and municipal services for years prior to that. These are primary to the way we have developed for decades and decades. We are an urban/suburban and we are rural. It is very clear land use pattern and that goes to the heart of the reasons why the LUMAC process has failed and their plan cannot be adopted. To think that a community with such a history and diversity to be molded into one single plan without clear direction and participation of both urban/suburban and rural is simply hypocritical.

With all of these things said, what I would like to address simply is this, how did we get here this evening after 8 years, hundreds if not thousands of man hours, several if not more hundreds of thousands of dollars to find ourselves discussing the adoption of a comprehensive plan that we don't really want to call a comprehensive plan because we believe the plan to be inappropriate and don't want the plan to have any effect on future land uses, zoning decision making. In my opinion, it is really quite simple and it relates to another foundation element critical to the preparation of any comprehensive plan. As I related minutes ago, the vision of any comprehensive plan must relate to ourselves as a community, where we have been, who we are and where we are going.

Let me tell you a little bit about our community, the Town of Bethlehem community. We have approximately 28,000 residents, we have about 31,000 plus acres of land area, we have approximately 11,500 households of which nearly 9,000 or 23 percent are not single family homes but 2 families, 3 and 4 families and apartment units. According to the Capital District Regional Planning Commission, we are estimated to have a population of approximately 33,000 persons by the year 2010. These demographics should be guiding us in determining where we want to go in the future. To that end, the LUMAC group has presented a plan that paints a picture of a future that includes 85,000 households, 217,000 residents, overcrowded schools and gridlocked highways. And, it is in the rural areas of the Town where that is going to happen or so they say. They went even so far as to enlist the Superintendent of the Bethlehem School District to help find 'some feasible approach to limiting future residential development'. However, if you look at a map -- Joe, if you would please -- if you look at a map with school district boundaries on it, you will find that the majority of rural land in the Town is in the Ravena-Coeymans School District. And, on this map, that red line that runs about through the middle is approximately where the school district lies. The truth is, we the residents of the Town of Bethlehem, have been subjected to a theory of deception by the LUMAC group that would have us believe that there is an impending development crisis which will pressure schools and highways and destroy our environment and that such development will occur in the rural areas of Town. I would state, in no uncertain terms, that there is no impending development crisis, and most certainly not in the rural areas of Town. The Rural Landowners have objected to this for over a year and I have correspondences to that effect that I will present to you later, but, the deception

continues. Several examples are as follows: It started with the LUMAC draft plan, it continued with a statement made to the Spotlight by Mr. Lipnicky in June of 1996 regarding the need to curtail development in the rural areas of the Town and most recently in letters to the Spotlight by LUMAC's members themselves. Here are some facts, the Planning Department prepared for LUMAC, the LUMAC group several unpublished studies which examined build out scenarios -- the purpose of these studies was to provide growth projection for use in preparation of the land use plan itself. As stated in our correspondence to you dated June 7, 1996, these growth scenarios are based upon zoning densities which have been superseded by the Town's interim development density law, which has been in effect since 1989 prior to the preparation of these reports. The densities calculated on merely gross acreage versus net acreages where road, etc. were subtracted. As a result a false picture of growth if presented which is inflated by 40 to 100 percent. From my professional perspective, this is very troubling and raises several questions. Why would these be unpublished reports? Why would the techniques used to determine land areas not be the professional norm? Why would it take a special request to view such reports? In 1996 the Town of Bethlehem Planning Department issued permits for 99 single family dwellings. Of the 99 single family homes, several were for homes outside of the Bethlehem School District leaving 95 or 96 permits or 97 percent of the total for single family homes within the Bethlehem Sewer District. In addition, 26 non-single family residential dwelling units were issued permits also within the Bethlehem Sewer District. When totaled, 3 of the 125 dwelling units were in, what I consider, the rural areas of Town. That is approximately 2.4 percent of the total 125 units, leaving 97.6 percent within the Sewer District area itself. So, I ask you, where is the development crisis? Maybe here in close to the urban/suburban area but certainly not in the rural areas of the Town of Bethlehem. And, I point to that map and I show you a list... it has a list on it of ongoing projects issued, tallied by the Building Department and if you note closely on that map, almost every one of those developments are above that red line that crosses the middle. That red line that crosses the middle is the line of the Bethlehem Sewer District, to the north is generally in the district, to the south is generally out of the district. So, the facts that are verified by building permits, are also verified by a map.

With all of this said, I would tell you, it is my professional opinion that the adoption of Local Law No. 6 will give status to the LUMAC plan. It will diminish the Rural Landowners ability to continue being keepers of the land and will, in effect, significantly impact rural landowners ability to continue the economically vital agricultural industry as part of the Town's economy, preserve the economic, aesthetic, and environmental values of the property, to retain the freedom from excessive government regulations and maintain the role as caretakers of the land and will inhibit their work to retain property ownership and the ability to maintain ownership for farms and farmland. Finally, I think it is going to be a fact of life that if Local Law No. 6 is adopted, any future effort by the Town Board to amend zoning which varies from this plan will be thwarted because it does not conform to the plan. Like it or not a plan given status will forever be thrust into the forefront of every decision you consider that relates to land. As such, I urge you simply to accept this plan without benefit of local law. Thank you.

SUPERVISOR FULLER: Thank you, Ed.

MR. KLEINKE: For the record, I would like to also present in addition to comments from this evening, correspondences of January 1997, September 1996, August 1996 and a couple for June 1996.

SUPERVISOR FULLER: Thank you.

MR. TESARARIO: Hello, my name is Jim Tesarario. I live at 209 Hampton Avenue, East Greenbush and I have been retained by the Rural Landowners of Bethlehem to speak to you about the 1990 LUMAC survey. I have been asked to assess its methodology. I will just briefly give you an idea of my credentials. I have been working as a New York State Evaluation Specialist with the Department of Health for the past 5 years. Prior to that, I taught statistics and research methods at Northeastern University. I hold 2 masters degrees and

will be receiving my PhD from SUNY Albany this summer. All of those degrees have concentration in research and methodology.

I am neither in support nor in opposition to the plan, I simply want to tell you about the survey and some things I think are very important that you know about it.

After having reviewed the survey, I can say 2 things without hesitation. The first is that the survey does not represent or is not representative of the people of Bethlehem... Town of Bethlehem. It over emphasizes the views of certain groups and under-represents the view of other groups. The second thing I can say is that it cannot be used to assign relative priority to issues of environmental conservation, growth and development, and the rights of personal property holders. I will briefly discuss both of those things in a little bit more detail.

The survey is not representative of Town of Bethlehem residents for several reasons. First of all, 20 percent of the Town was excluded from the sampling frame because they were not registered voters at the time of the survey. New residents and those who had recently moved between election districts were probably, therefore, under-represented in the survey. The effect of this is unknown since again, we know nothing about that 20 percent of the population. The potential bias represented by this pails, however, in comparison to the response rate which was only 52 percent. Again, there is no problem with a response rate of 52 percent if the people who responded were no different than the people who didn't respond, perfectly acceptable. However, there is evidence that there were 2 major differences between the people who responded to the survey and the people who didn't. One of the differences was clearly age. Over 44 percent of the people who responded to this survey were over 60 years of age, yet this group represented only 25 percent of the voting age population at the time of the survey. Likewise, retired individuals were probably also over-represented since retirement was the single largest occupation responded to by the survey respondents, accounting for 25 percent of all respondents. On the other hand, younger residents were under-represented by a factor of nearly 5 to 1. There were only 37 people between the ages of 18 and 34 represented in the survey, however, they counted... which represents 2 percent of the survey population, however, they represented 10 percent of the residents of the voting age residents of Bethlehem at the time of the survey. Age is clearly one of the reasons that this survey is bias.

The other reason is election district. Response rates vary greatly by election district. Residents from rural election districts were under-represented by a factor of as much as 2 to 1 depending on the particular district. Again, response rates range from 28.8 percent to 65 percent depending on what particular election district was analyzed.

Now, it has led to the confusion of opinions regarding the future direction of the Town of Bethlehem will vary greatly based on respondents age, occupational status, election districts, as well as many other factors. And, since the residents were not sampled equally from these groups and since non-registered voters were complete excluded from the survey, this survey cannot be considered a representative sample of the Town of Bethlehem residents. What is more disturbing is that no efforts were taken to control for these known biases despite the fact that several things could have been done. Now, it is traditional when you know that age is over represented and election district is under represented in certain cases that you analyze results within categories of those factors. You present the survey results for people over 60, you compare them to people under... between the ages of 18 and 25 and etc. That may have required a lot more work on the part of the LUMAC commission, so there are other things that you could do that wouldn't require any more paper be generated. One of them would be simply weigh more heavily the responses of the under represented groups. So, for example, people who responded in the 18 to 24 age category would be given 5 times the relative weight of somebody who was in the 60 plus age category because it is standard social science practices that is usually adopted. And, again, even if these things had been done, I

would encourage that before anything is adopted, the Board... you, in fact, do these type of things because responses could, in fact, vary and probably will vary greatly by these factors. Even if these things had been done, there is still a potential for unknown biases that we simply don't know about. The people who responded to the survey may possess very different attitudes and beliefs than people who didn't and those things we don't know about. The cover letter to the survey was clearly very much couched in environmental terms. People may have picked it up, saw that that wasn't of particular interest to them and simply set it down and never returned it. These are things we are never going to know about but clearly there are some things that can be done to better assess the usefulness of this survey.

Now, you may say, that's tough, everybody had a chance except for the 20 percent that were excluded... had a chance to respond and they didn't. Maybe they were too busy, in my opinion, that is probably what happened judging from the characteristics of the people who responded. It was a 14 page survey and it was done through the mail. That takes a substantial amount of time to complete and it is likely that people who had the time on their hands to do it, were the ones who, in fact, completed the survey. And, you may say, well everybody had their chance and we are going to go with what we have. Well, even if that is your point of view, there is still one other problem that I don't understand and that is how the LUMAC survey can be used to assign relative priorities to things like environmental issues versus growth and development versus property owner rights and that is because respondents in the survey were never asked to assign relative priority to these things. The results clearly indicate several things, respondents think the condition of their existing environment is good or very good; they have concern for environmental issues; and they believe in the need for developmental regulations. The results also clearly indicate support for small scale commercial areas, the need for several types of consumer establishments, however, issues concerning property rights of Town residents were not adequately addressed in the survey. So, there seems to be support for everything, so how do you get from here to the fact that relative priorities being assigned and that these zoning issues are being considered, I am not sure. Perhaps, because 85 to 90 percent of the people said they were in favor of a particular environmental issues which is natural if it is not couched in terms of asking people to sacrifice things in terms... and, maybe that is why and maybe only 75 percent were in favor of a large supermarket and therefore, because one percentage was higher than the other, it was assumed that more people support environmental issues than developmental issues. This clearly cannot be done. It would be equivalent of me saying... taking the survey and saying that 95 percent of Americans feel that it is important to be tough on crime and as such people are very much in favor of keeping prisoners locked up and that the issue of over crowding and letting people... violent criminals out early due to over crowding is something that we don't want to have. Those type of surveys exist all the time. I can't necessarily take that fact and then assume that the people in the Town would want a prison built in this Town and that appeared to be what was happening. The only way this could have been valid is that people were forced to choose the relative priority of these things in the survey, which is more important and that clearly was not done.

So, in closing, I would say that to the extent that it is important, that the... make the plan be a reflection of the opinions of the Town residents of Bethlehem, I can say that probably has not occurred here. And, I have materials that are much more formal in a detailed way reflect my statements here tonight that I will pass out.

SUPERVISOR FULLER: Leave them here, I will pass them out to the Board, thank you.

MR. DAMBROWSKI: Hi. I wish I thought I would get that applause.

SUPERVISOR FULLER: Once, again I would ask to hold the applause.

MR. DAMBROWSKI: My name is Jim Dambrowski. I am a real estate appraiser and I am a resident of Glenmont and I am going to give you the documentation for what I am going to say before I drop it. There

are several copies of what I have to say. You know, as I listen to people tonight, before I start, it becomes almost painfully evident what you have to govern and especially with this issue. You have 2 groups and both are right about their quality of life. You have 1 group that is experiencing the pressures of development and you have another group that, has yet to experience it. I happen to be in the former.

I strongly support the adoption of the LUMAC master plan as it is currently written. I believe the plan represents a real effort to protect the interests of all Bethlehem residents and not the particular agenda of any specific special interest groups. It offers a clear understanding of the Town's existing land use along with the reasonable vision of the Town's future. I think the plan should be adopted for many reasons. First the Town faces significant growth pressures in the residential sector. It is absolutely necessary Bethlehem understands what type of development is desirable and where its location should be placed. Second the Town needs to be more clear regarding which types of commercial development it desires and where that development should be placed. It is not reasonable to continue the mind set that all or most commercial development is undesirable. Suitable commercial projects should be embraced and the approval process expedited. It is costly, ineffective, unreasonable and perhaps illegal to regularly depend on citizen groups, environmental impact feasibility, traffic studies and other stalling techniques to delay projects into withdrawal in the absence of a workable, published and easily understood land use plan. Third, the Town needs a frame work for planning decisions that promotes a balance between existing property use, current and future development, vacant developable land, agricultural land and open space. Fourth, the Town needs to have a bench mark that discourages and ultimately prohibits undesirable land uses. Like it or not, some projects simply are not desirable in the broader scheme of preserving property values and the integrity of our quality of life in this community. Finally, and perhaps most importantly to you, a land use plan is necessary to promote efficient and accurate government infrastructure and school district need and growth projections. Planning the pattern of Town growth is critical to efficient, cost effective, community leadership. The master plan that LUMAC presents would achieve all these objectives and it would encourage intelligent development, consistent with the existing pattern of land use. I urge you not to delay your approval any further, our community needs this plan. It deserves this plan and it should embrace this plan without further delay. This is simply good business from a quality of life standpoint, from the standpoint of healthy competition in commerce and from the standpoint of encouraging a diversified property tax base to support quality schools and public services.

As a final point, I would like to express my displeasure with the rhetoric both pro and con regarding this LUMAC plan that has appeared in the Spotlight recently. Most of the statistics and that is the pile of paper you have got that I did research on, greatly exaggerate the ultimate build out and/or potential land value loss or gain that would occur because of the land use plan. The plan will not dictate or deter growth, rather the desirability of our community wealth. This plan does nothing but ensure that development will follow a coherent, logical, well considered pattern of growth and that we will be prepared with the necessary resources to address the demands associated with that growth.

I also wish to take issue with -- and I do have a lot of respect for them but in this issue I am concerned -- with the large land owner claims that property tax shifts would occur as a result of implementing the land use plan. As some of you know, I spent 16 years at the Office of Real Property Services so I have a little handle on property tax although I am not usually proud to admit that, this position is simply not true. By reducing the recommended minimum lot sizes for real land from 5 to 1.5 acres, LUMAC has allowed room for any rationally foreseeable development to occur. I do think the gentleman who spoke about the property in particular along the Thruway, may have some valid points and that is an issue that is separate from the broad plan and adopting it. I have studied the ... of all of the vacant land and agricultural sales in Bethlehem since 1990 to current. In nearly every case the vacant land sales

outside of the more suburbanized areas of Town have far exceeded the 1.5 acres minimum size compromised minimum size acreage that is in the LUMAC study. In fact, if you were to look at the median size during that time frame of all sales in rural areas and there are only 34 between 1990 and 97 according to E & A 5217 sales reporting forms, the median size was almost 6 acres, that is for developable lot -- that is not for the large acres, that is a developable lot. Not 1.5, not 3, not 5, almost 6, okay. This has occurred not because of the pending plan but rather for other more logical reasons. The desirability and the development of rural Town locations is based on privacy. The pristine rural setting, the absence of adequate infrastructure to support more dense development, the less developable topography that makes development in many cases cost prohibitive and the relatively low cost of rural land in comparison to more developed areas of Town and also not to mention the lesser of accessibility of rural acreage in comparison to the more suburbanized areas of the Town. The plan will not impact most property values contrary to some of the rhetoric that we have read and it will preserve both the security and the investment of most Bethlehem property owners without choking off suitable development that is equally important to our continued growth and development in the future. Also since the assessment of agricultural land is protected through ag exemptions, true farm land will experience no assessment value shift as a regard to this land study because it is most of the ag land in this Town is in an ag assessment program. And, therefore, it will not impact the assessments of any other properties in the community. I have attached a summary of my analysis of the vacant land sales of building permits for the last 20 years and any kind of research and analysis I have done on that stuff because I don't want to bore people with statistics, the rhetoric is bad enough. And, I am confident based on the available sales information that land values and large land tract use densities will not shift in the foreseeable future and won't result in a value lost like has been implied in some of the fliers that are flying around Town right now. Please do the right thing, do the courageous thing, okay and vote unanimously to adopt the LUMAC plan. Some of the folks who have spoke before me tonight have talked about the fact that we haven't tied this firmly to zoning changes. I am dismayed by that too but for the opposite reason. I think if you are going to spend 8 years developing a plan, if you are going to reach out with surveys, public hearings, if you are going to spend the time and effort that was put into this plan, it should also go toward zoning and what we are going to do in the future and we should close some of the loop holes. I remember when we got involved with Southgate, there were issues there where we might be sued because we didn't have a decent idea in this Town of what we wanted to do with that site. And, I don't think we should allow that to happen with Southgate. I don't think that should happen with chemical plants and I don't think it should happen with other uses that might be undesirable for all the property owners in this Town and not just a few. And, you can go back a couple years and look at a regional dump site that was planned possibly for this Town by outsiders and I think some of the folks in the rural area at that point in time were as concerned as we are with some of the development that we are put upon on a regular basis here in the more suburbanized areas of Bethlehem. Please refuse to be intimidated by selfish, special interest groups regarding this issue and avoid the temptation to do nothing at all rather than provide guidance and leadership. Thank you for letting me speak and don't get too bored with the facts and the details that I put down. Thanks.

SUPERVISOR FULLER: Thank you.

MRS. HENRICKSON: Hi. I am Karin Henrickson and I am from Elsmere. I was born and grew up on Long Island first in Nassau and then in Suffolk County. For many years, all of Long Island was just potato fields for as far as you can see and then gradually over a period of years without any planning, whatsoever, those potato fields turned into super highways, dump sites, warehouse, heavy industry, air pollution, huge developments like Levittown and I could go on and on but it's really a mess on Long Island. You can't get to it, you can't get away from... get out of it because you take your life in your hands. There was just simply no planning done on Long Island. My parents lived there for many years and then 8 years ago they left Long Island because contrary to what some people think about industry

and development creating a really great tax base so that taxes stay low, that simply was not the case on Long Island and in Suffolk County where my folks lived. They were forced, really, out of their small community because their taxes had reached almost \$8,000. The quality of life was not great but their taxes were very high. They were on fixed incomes and they simply could not afford to live in their home any longer so they moved to the Town of Bethlehem where the taxes, they thought, were very low and lived in this community until several years ago when they both passed away. I see other city's where there are plans in place that have a very high quality of life where the taxes have not gone sky high. I think of places like Minneapolis, which has a wonderful park system right in this huge city, and it is well used by all the people in the city because it is very accessible. There is lots of green space but it is a city and there is industry and all sort of other stuff going on but they have had a plan in place to guide the city in the development and it really shows. The other city I think of, there was a program on public television the other night called imaging America, and they talked about the city of Portland, Oregon which has had a master plan in place for 20 years and the guideline for the city said that all the development... the urban development had to be within a 20 mile radius of the city limits and then beyond the city everything had to be more rural. And, there are bike trails and hiking trails and lots of green space which humans really need. We don't do well when we are just all bunched up together like little caged animals. We fight with each other and we don't... we are not happy campers. So, I think a plan is important. I don't think we should have a plan that's written in stone and I don't think that this is what the master plan intends to do. It is a guideline for our future and I kind of disagree with the attorney from Rensselaerville who thinks that we should have community consensus on this plan. Its... I don't think that Americans ever have consensus on anything that's part of the human condition. We have disagreements with each other, we will continue to do that over the master plan and just about everything else in the community. That's healthy, that's a sign of a very positive, healthy growing, thriving community. And, I hope that it does continue. But, we must have some guideline for how we are going to... what our community is going to be like in 20 years. I think that's imperative. So, I urge adoption of the master plan as soon as possible and thank you everyone who worked on the plan on LUMAC. I think you have done a great job and volunteered an awful lot of your time on our behalf. So, thanks again.

SUPERVISOR FULLER: Thank you.

MRS. CARKNER: Hi. My name is Barbara Leonard Carkner and I am a life long resident of the Town of Bethlehem and I just wanted to say, I really, really sincerely appreciate the Town Board and everyone that has given ear to the concerns of the people of the Town of Bethlehem regarding the decision to adopt this LUMAC plan as law. I had to write my concerns because I wasn't sure I could say it. So, I am going to read what I have written. I do have concerns regarding my family's 96 acre farm parcel in the Town of Bethlehem and how this property is going to be affected by the primary reference resource document for the Town and how this is going to impact my family in my life. I object to the zoning designation that was called conservation and now is called environmentally sensitive. I object to that application on my family's farm land. The LUMAC plan states its objectives that originally conservation areas are intended to protect the most significant natural resources. We already have Federally mandated criteria for conservation areas, such as flood plains, wetlands and State mandated criteria also protecting our environment, wildlife and vegetation. Do we need a Town zoning classification also? The area proposed for the environmentally sensitive zoning is almost 1/2 of our family farm. I have noted areas such as Fisher Boulevard and McCormick Road and others that have similar topography but are proposed for a different zoning type. This appears to me to be unfair and inconsistent. And, then also for our future, our wooded slopes and ravines will once again be ready for harvesting of timber. This is done in accordance to New York State forestry procedures by a reputable company. There is so much language in the proposed plan about tree preservation, will my family in the future need to get a permit from the Town to cut wood? I worry about that. We have done this for generations, harvesting

wood on the land. Does this mean that my Town wants to manage my land? I am the 8th generation living in the Town of Bethlehem. My ancestors settled this Town and I love it. I just really love Bethlehem. All that is left of the old Groesbeck/Salisbury/Vanderhyden/LaGrange and Leonard farms businesses and hotel is our jointly owned farms. That is all we have left. This is our inheritance. It is not stocks and bonds but lands that our grandparents and those before them managed and worked. An environmentally sensitive zoning, I believe, will devalue my land. Who would pay the current market value if half our land is zoned with that category and, its uses are limited by Town ordinance? We don't know what is going to happen in the future. We don't know how the interpretation of this document is going to legally affect the landowners in our Town. If my taxes go down, and I believe they would, who is going to pick up the difference? The LUMAC plan overview states that land use and intensity of development should respect the natural constraints. Isn't it more in line with this overview and practical to let the natural constraints of the land dictate what can and cannot be developed on the land rather than a restrictive zoning? I am not asking... I am asking that the Board vote no on adoption as law of this proposed comprehensive plan. At a point representative to the committee, who will speak to the concerns of large land owners and rural citizens of Bethlehem and fine tune this document. It has a lot of wonderful, wonderful points in it and a lot of things that we really need to look at at the Town. Bethlehem needs a plan but it should be fair and representative of all its citizens not just suburbanite homeowners who enjoy looking at but not walking on my land. Thank you.

SUPERVISOR FULLER: Thank you.

MR. MEAD: Mrs. Fuller, Board Members, friends and neighbors. My name is John Mead and I'm the President of the Rural Landowners of Bethlehem. The Rural Landowners of Bethlehem were founded 3 years ago in response to the land use plans of LUMAC which when becoming aware of the proposals contained in the plan, many concerns were raised. We then met with LUMAC to address these concerns and a few of the several concerns of the issue are included here. We express our concern that there never has been representation on the Land Management Advisory Committee from the rural land owners in the Town. Response to this was that we sent out a Town planning survey and no land owners came forward to join the committee. This is not surprising to us for to this date we have not found 1 rural land owner who received a survey form. Representation of the rural land owners on this committee is vital to the overall impact on the community. When we met with LUMAC to express our concerns with the term agricultural residence, as this implies that the business of agriculture is in a residential area, when in actuality residences are located in the agricultural business areas. At first the committee said they wouldn't have a problem changing their agricultural residence to agricultural business, however, our feeling is though the plan would not have tight enough control over agriculture business, the committee refused to use the agriculture business definition. As a result, only lip service was given to our objections to the agriculture residence by the committee. And, I am happy to hear tonight that they have changed this from agriculture residence to agriculture business. It's kind of the 11th hour thing, though, because we didn't know about it.

Another one of our concerns is the term conservation. While we recognize environmentally sensitive lands must be protected, most of these lands are already protected under New York State and Federal programs. Under the LUMAC plan, approximately 800 acres in the Town of Bethlehem would be included in the conservation areas. Most of the forests and all of the streams in the Town are designated conservation. Many questions and concerns were expressed by the rural land owners about the term conservation. For instance, would there be a restriction in the harvesting of timber? How would the designation affect Riparian (water) rights? Will the local government be creating departments with permits and inspectors to regulate the property? The committee answered these questions by saying they would change the name conservation to the more restrictive environmentally sensitive zones.

Lot sizes are another concern of the rural landowners with respect to the zoning plan. The plan started with 3 acre lot minimums reduced to 2 acre and then finally to 1.5 acres in an attempt to get us to agree to the plan. This is on agricultural residence property. We think there is a better alternative, a resource based methodology to determine residential lot size requirements outside the water/sewer district is a far better plan. This is determined by the area required for the septic field and well separation distance which is in part determined by the soil type and which is protecting environmentally sensitive lands.

Soil extraction was one other concern of the rural land owners. The only area of the Town that has been designated for soil extraction under the plan is on Rupert Road. One area now owned by the Town of Bethlehem and another owned by the International Mining Company. The rural land owners believe the extraction of natural resources such as timber, top soil, sand, gravel, clay and stone should be permitted in other areas of the Town.

After we raised these concerns regarding the LUMAC plan, we presented the Town with a comprehensive plan of our own. In our plan, we addressed these concerns as well as some others. Of all the concerns we raised, the only concession the committee gave us was to reduce the lot size to 1.5 acres. This is an inadequate concession on the broad scheme of how the plan affects our properties. That is 2 down now.

We the rural land owners own a vast amount of land in the Town of Bethlehem and will be significantly affected by the master plan if the master plan is adopted. We, therefore, urge you not to adopt this plan in its present form. Also, we the land owners are more than willing to work with the Town to address the issues raised and come up with a plan that can satisfy the needs of the whole Town.

In considering your decision regarding the LUMAC plan, Mr. Putney due to your conflict of interest of being on the LUMAC committee, you should abstain from the vote. Thank you very much.

SUPERVISOR FULLER: Thank you, John. Sam, the silver mike, please. John kept moving away from it so I wasn't sure if she was picking him up.

MR. MESSINA: Thank you.

SUPERVISOR FULLER: Thank you.

MR. MESSINA: My name is Sam Messina. I am a member of the LUMAC. I live at 9 Bradstreet Court in Delmar. And, it is a pleasure to be here tonight. I guess maybe I have shifted gears over the past couple of weeks and moved from working on the plan to perhaps advocating more for the plan. But, I have been proud to do that because I believe in it. Eight years ago when I volunteered to be the first member of LUMAC, I didn't know this process was going to take 8 years but it seemed to me that the end result, the comprehensive plans for this Town was worth it. You know, I would like to say tonight that it is sort of too bad that this has, in a way, lined up large land owners or rural land owners against others in the Town because that is not the way it should be. The large land owners, the rural land owners, have an interest. They are valuable members of this Town. I believe they have been hurt. My concern is that what is past in the plan is a plan for the entire Town and what I would like to do is take about 1 minute per point to make 5 points that if I were on the Town Board I would ask questions about in this final analysis.

The first is what you have heard, does Bethlehem need a master plan? I have searched that question. That is why we have all worked for 8 years and I get a resounding yes to that so that the Town can govern where it goes and not be blown around by winds of change and development pressures and other happenings that we don't plan for. So, the reference to road map was used. I think that is very characteristic of what this plan can be for this Town.

The second point, do residents and businesses of Bethlehem want a master plan? I have seen an overwhelming yes to that. We had dozens

of public meetings well attended. We have worked 8 years on the process. 3200 surveys were sent out, 1700 responses -- 53 percent rate. And, frankly, I have been involved in local governments and planning issues for many years. I have never seen a more active public involvement process than I have seen on a plan for Town... Town of Bethlehem. With respect to the survey, there is some comments about its comprehensiveness. You should know that we had expert volunteer advice from SUNY, professors have helped us. We worked 6 months for the development of a plan and we sent it to 3200+ people. That is a huge sample for the Town of Bethlehem. It is a valid survey and I would just cite one recent Times Union article that talks about a survey that was done by John Hopkins School of Public Health and the University of Chicago which telephone polled 1200 Americans to do a major public relations splash on how people feel about firearms. We polled more than that... many more than that in the Town of Bethlehem to find out about planning and our Town's goals.

The next point I would like to make, is the master plan a professional and complete document worthy of adoption? That record that Jeff Lipnicky has before him is a part of our master plan. I would tell you that speaking for the members of LUMAC, if we felt that wasn't a professional document, we would have walked away from it a long time ago. It has been reviewed by other people. It has been reviewed by experts in planning for the Department of State. We looked at dozens of other planning documents and surveys and then tried to do better. And, I think we did.

It is easy to throw around words, we call that a plan. What has been referred to by some folks tonight as the alternative plan for the Town of Bethlehem of the rural land owners is this -- let's make no mistake, this is not a plan. This is a memorandum, this is a letter, it is some ideas, these are thoughts and these are valuable but this is not a plan or an alternative to what we did.

Fourth question, does the master plan give the Town the flexibility, the discretion that you will need as a decision maker? That is absolutely yes. When Jim Coon worked with us and Jim Coon has passed on now as you know, but he was prominent land use attorney in certainly New York State, maybe in the United States. We had the assistance of Bob Alessi, who worked with us on LUMAC efforts and we took that guidance to heart and we developed a plan that would be a guide for development that could be effectively used by the Town to encourage development and yet to maintain the quality of life. And, that is exactly what it is, you will have flexibility.

There is some concern about boundaries and what this plan really means. We have said many times that we didn't get to the point of metes and bounds in the plan. It is a guide. There could be various adjustments made to the plan that would correct certain issues and we know that exists.

Should I vote to adopt the plan even though there are some that oppose it? My guess is that there are people in Town that oppose this plan that are not rural land owners, that are not large land owners. There are people that, I am sure, live in my development or near me where we proposed land use of a certain residential type that wanted to keep that land open. They are not happy about that, you may not have heard from them. But, by and large we developed a plan that is strongly supported by this Town. And, I would just conclude by saying sometimes the folks that you haven't heard from are as important as those that you have. And, I couldn't get all of the petitions but I found 1,000 signatures that we gathered 7 years ago and these petitions talked about -- which was submitted to the Town Board then -- the petition asks the Town Board to employ a full time Planner to develop a master plan for the Town of Bethlehem. Three years ago when you had your draft environmental impact statement, I mentioned that I thought the Town Board had the courage to develop a master plan and then adopt it. I still believe you have that courage and I would ask you to do so. Thanks very much.

SUPERVISOR FULLER: Thank you, Sam.

MR. BRAUN: Good evening, my name is Brian Braun. I live on Beaver Dam Road in Selkirk. My wife and I purchased 78 acres of green space for ourselves and I want to urge the Town Board to vote against this for numerous reason. The property that we bought was the proposed ANSWERS D6 landfill site, just to give you an idea where it is. Previously I was informed that the Town would address all of my concerns about the master plan. Over the last 3 years I have submitted 5 letters. Four of them over a year ago, I have received 1 response. I have copies of those, I will submit them again. The one response that I received from the Town indicated that the property's largest obstruction to development would be Federal wetlands. I wanted to get clear that my intent is not to develop the property. My family has been tree farmers out west for years. I would like to raise Christmas trees and do timber production. Possibly have a horse for my kids, something like that. As it appears currently, timber harvesting, as was stated in conservation may be allowable. That means it may not be allowable. I think that the master plan should identify when things are definitely allowable and identify them. I have been told by Jeff that if you are a rural land owner and you have access to public water and public sewer or just public water or just public sewer, that there would be deviations in how the lot sizes... I think that should be identified in the master plan. I am afraid that problems could arise like what has happened recently with the nursery down the road where they were told 40 years ago that it is no problem you will be able to do what you want and now all of a sudden it is a big problem. Additionally, the property is currently zoned "A" residential, it is proposed to be low density residential which is 1.5 acres per unit. The other thing is, if I ever was allowed to have horses there, having barbed wire to keep them in would be currently illegal, I think that's interesting. The other thing is that wanting to have a Christmas tree farm would be most beneficial to me to be able to have people come and cut the trees down on site, that's the way that you would make the most money. And, currently that would not be allowed. The way it was written was... or the potential exists that would not be allowed. I think that kind of thing should be addressed so that my problems... my concerns go away. Last year I talked to Jeff about the possibility of having my property changed to rural agricultural. He couldn't understand why I wanted to do that because he said it was more restrictive. This year I wrote a letter to him stating that and he told me now that it is less restrictive and therefore he does not want to change it because there could be conflicts with agricultural business, meat packing houses or something like that. The other thing is there was some talk previously about the reduction of the tax base when land use is changed. I don't see how anyone could conceivably think that if you change property from light industrial zoning to agricultural residence that is not going to impact the value of the land. I mean that's absurd. And, the point I want to make about that is that most of that property is not in the Bethlehem School District, it is in the Ravena-Selkirk School District and that would impact the revenues that that school district sees. And, I was wondering if that was considered in the SEQ process because it is already a very poor school district and I am sure that they would not want to be negatively impacted by something that happened up here.

Last thing that I wanted to talk about was -- last May 8th I wrote a letter on inconsistency in the planning. Is that microphone over there still on? Could I use that microphone?

TOWN CLERK NEWKIRK: Yes, the silver one over there is on.

MR. BRAUN: My concern was that there are 2 sections of the Town that are being designated as low density, one is my property here and the other is up here by the Normanskill and the other is over here some place. All the rest is the yellow section, either moderate or other designation. That may be worth looking into how the Town or how the LUMAC commission made some of these decisions and some of the things I noticed were over here off of Route 144, there is a neighborhood residential area of about 10 acres -- currently a corn field. I talked last year about this and the hearing was in April I think, and neighborhood residential... neighborhood commercial I guess the point of having that is supposed to be small stores to service the neighborhoods. The plan says 100,000 to 250,000 square feet. This place here is over 500,000 square feet and its about 1 residence

nearby. I asked Ted why that was zoned neighborhood residential and he told me in front of all the rural land owners that the reason was because this owner asked him to zone it that way. When I asked him to zone my property that way, he said he couldn't do that.

The next point I would like to make is the area just east of that is low to moderate, less restrictive than mine is, low density. This property when I checked the soils map is about 1 foot of soil there, steep slopes going down to the river, there is not public sewer, there is no public water. My property has public water on one side, public sewer on the other and a natural gas line running right down in front of my house. The other thing is the steep slopes over here going down to the Hudson River for some reason they are not conservation, where in my backyard they are. Also, the houses along the Hudson River down here are zoned residential, my neighborhood is zoned hamlet. I don't know how the designation was made between those but in this residential neighborhood there is no public sewer, no public water, it is built on fill but the residential designation will allow them to do an in-fill between the houses at what they call the current density of existing houses. I think that that should not be that... that should be hamlet of something that is more restrictive for a number of reasons -- there is no sewer, there is no public water sitting on the Hudson River, sitting on fill which is unstable ... the soil map in detail is soil ... whenever anything is done on that type of property. The other area that I had a concern with up here, is the new Price Chopper on New Scotland Avenue is an area where if you look at the topographical map it shows these ravines running right up to New Scotland Avenue. Here it is proposed to be office r and d. And, I was wondering why this here on New Scotland Avenue is office r and d when in my yard it is environmentally sensitive.

I have a couple copies of the letters here that haven't been responded to. They are all stapled together. I just sent over a bunch of them.

SUPERVISOR FULLER: Thank you, Brian.

MR. BRAUN: Thank you.

MRS. D'AMICO: Good evening. My name is Joanne D'Amico. I live on Retreat House Road in Glenmont. My family -- I co-own 10 acres. We have been here since 1957. I am a rural land owner who supports adoption of the proposed Local Law No. 6 and the master plan. My family stopped farming in 1976 and have allowed nature to reclaim her own. The proposed master plan is a comprehensive document which will be a valuable tool for the Town decision makers, namely the Zoning, Planning and Town Boards. Balanced growth cannot be achieved if the Boards respond only to special interest groups to the detriment of the community as a whole. Eight years from concept and planning survey to this night is far from hasty. The master plan should be adopted and revisited at appropriate intervals to ensure that it continues to be a relevant planning tool. Thank you.

SUPERVISOR FULLER: Thank you.

MR. DAVIES: My names is Sherwood Davies. I am a resident of the tri-village area. I have some more detailed comments. May I submit them later on and I will just summarize, time is getting late.

SUPERVISOR FULLER: Sure, good man, I appreciate that.

MR. DAVIES: We are witnessing urban sprawl in the tri-village area and all the associated problems of an urban versus a rural community. The argument that LUMAC will control growth and to suggest that by approving the plan we will remain a rural community is a fallacious argument. At our present rate of land development, the city of Albany will have more green areas with its parks and publicly held land than the tri-village area. The LUMAC plan may reduce the number of homes per acre of land but it will not resolve the increasing problems in the tri-village area relating to traffic safety, water and sewer services, surface drainage, and, of course, the increasing problems of taxes. I have some specific comments that I will include in a submittal that I will make but let me just jump

over to what I consider are 2 important items and I would urge that the Town Board, 1. recognize that approval of the LUMAC plan will not resolve the urban sprawl problem which we are now facing the tri-village area. Let's look for some other solutions and I would suggest 2. that the Board take steps to control urban sprawl by limiting the expansion of our water and sewer services for lands presently held by land speculators who presently pay an insignificant part of the total cost. Thank you.

SUPERVISOR FULLER: Thank you.

MR. JASINSKI: My name is Robert Jasinski. I live on Bender Lane. I have a couple problems with this plan. I am totally against it, number one. That seems to be the one problem. The second problem is I think the Board and the Planning Board has done a very good job so far. I don't know why you have to straddle yourself with more legalities that may be will be stumbling blocks actually to you. The second... one of the things I have a little problem with and I don't know, maybe I am a little bit of a dinosaur. Like maybe I should be standing here chewing tobacco and looking for the spittoon. But, I am used to going out and cutting a tree. Now, I can picture myself now either cutting a tree on my son's land, my daughter's land or my own land somebody running out with a badge and a bunch of citations in the other hand and saying, wow, I got you, you've cut the tree. All I want to do is cut the tree and burn firewood. But, that may become a thing of the past. You know, the Adirondack agency up there has an awful nice park and everything and I enjoy using it an everything but you know, sometimes it breaks my heart when I go up there and I see some of the poor people because they can't build a pd out there if they want to. They can't cut a tree out there. They can't do anything with their land because some of the rules and regulations say no. Matter of fact, the Conservation Department comes along and tears down these nice cabins that they have built back when the CCCs were there in the early '30s, now you can't use it. Now, they are talking they don't even want you to go on the mountains, too many people. We don't you to travel that mountain but it's public land. We paid for it. Talking about paying for it, someday or other money seems to make me go around a little bit. Now I am saying to my daughter, you know, if they pass this and you have this conservation zone and you got 50 acres in back that you can't use, why don't you break it off and then abandon that deed. Let you people have it. Let you pay the taxes on it, why should she pay the taxes. She can still walk on it. She can still use it. It is land locked. She owns the frontage. You are not going to be able to do anything with it. You can't sell it at least to a person in their right mind unless you get somebody like me and maybe I am a nut and buy it. But, that is all I got to say. I am totally against this. Thank you.

SUPERVISOR FULLER: Thank you.

MR. NORTHRUP: Hi. My name is Dennis Northrup. I am from Selkirk, New York and I am also opposed to the plan in its current form. I understand the Town's concern for not wanting uncontrolled growth, however, I don't understand some of the proposed changes and I am just going to speak specifically to a few.

For example, there is a parcel on Rupert Road in South Bethlehem and it borders the Town of Bethlehem dump and it is also within smelling distance of the Metz dump and I am sure many people know about that. Some of you may know as a former runner, I probably run on Rupert Road maybe 45,000 times so I think I got a pretty good idea of what it smells like down there on some days and I am not exaggerating, it is 45,000. Be that as it may, this property is presently unzoned now it is going to go over to, I believe, residential agricultural. I can't imagine anyone wanting to live down there. I live 3 miles away but still that particular road I just don't see it. The Metz dump was a problem. The Town of Bethlehem dump although they are not bringing in a lot of new waste, there is garbage and things and it's still pretty... still pretty potent odor in that area. I think that land would be better if you were to do anything if it was light commercial. It is bordering on, I believe, a railroad bed that the Town may own or may own some rights to that goes right out through 32 and Feura Bush. It would be easy access in and out. There is some

development on the other end of that road near -- I am trying to think of the name of it now, there is a couple of warehouses -- in any event, I think it would be an easy tie in if anything but I just don't see that as making sense to make that into any sort of residential property. Staying right on that old railroad bed, I will call it, down around Bell Crossing, there is some property there that is unzoned. It has been for sale, 10 or 12 years, no takers. It borders the railroad, it borders Conrail. We are going to restrict that further. Right now, nobody has bought it as is, what is going to happen if you make that into residential or, you know, again I think that is something that should be like light commercial, if anything.

There is another piece of land that is caught in between South Albany Road and Conrail. Another parcel 135, 140 acres, I believe, has been on the market for some time unzoned, no takers. I don't see anybody buying this property up the way it is now. If you restrict it further, make it residential first of all you are bordering up against Conrail. Probably would be a good idea to allow maybe somebody to build a side track in there and bring in some light industry. There is also a small piece on Waldenmaier Road, that I understand, I don't know all the details on all of these pieces but it is near Owens Corning Fiberglass. Again, one particular piece is going to go from, I believe it is maybe unzoned, it is going to go over to residential -- real close to Owens Corning Fiberglass. I am not sure that it makes sense.

Having said that, I could get into a lot of details but I won't. But, I am requesting that the Board reject the plan in its current form. And, finally I urge anyone who is in favor of the plan to visit the Rupert Road location, okay, while you are there, change your hat from that of a Town Board Member or a Town resident to that of a land owner. Take a deep breath and then imagine calling a realtor and asking them to list the property for you. I am sure then you would understand where the rural landowners or as we are affectionately called the special interest groups are coming from. Thank you.

SUPERVISOR FULLER: Thank you.

MR. MC CORMACK: Good evening, my name is Neal McCormack. I have been a resident of the Town for 20 years. I am not sure I should be up here because according to one of the experts who testified earlier, the concern about the fact that 44 percent of the survey respondents were over 60 years of age and I deny when anyone asks me if I am a senior citizen -- but, in fact, at age 65 I am. Nevertheless, I hope that... I was rather bothered by this... by that analysis by the way. It is a means of dividing people again. It says nothing about the people between the ages of 34 and 60 who, what did they say about the project. I am going to make this very fast. I have lived here for 20 years. I have trekked in hundreds of thousands of dollars through the Town by just working. And, I am sure a lot of people here are the same. They have brought hundreds of thousands of dollars through the Town, dropped it off here, dropped it off in the tax office, dropped it off in the Water District and the Grand Union, God help us. And, in Hilchie's when it was Hilchie's. But, anyway, we are... we talk about special interest, we are all special interests. We have... we are an economic force, we are an environmental force, we are a political force, for sure -- as I discovered one day when I went with the last person to vote and my candidate won by 1 vote, don't point fingers at me, please -- but anyway, we are all special interests and I want to make the point that whether you are a large land owner or a half acre land owner or a quarter acre land owner, we have a vested interest in this Town. I would not have trekked that hundreds of thousands of dollars to Bethlehem if I had not decided for myself as many of us did that it is a first class community where life is as it should be in the Town but it could be a lot better. We don't go to Clifton Park, again, God help us, we don't go to Saratoga Springs, we don't go to Rensselaer or East Greenbush, we are here in Bethlehem. Please adopt this plan because it is the way we will see forward to what we want this place to be. The problems which, I am sure, exists at all levels probably the land behind my house on Brockley Drive which is presently unbuilt, when it starts to be reappraised for wetlands, I

think the Corps of Engineers has designated it as special wetlands area. But, when that changes, I will be out there fighting as well. Right now the mosquitos are very bad and I want someone to do something about that but please adopt this plan, it has to be adopted put it on the shelf, forget it, it's an old phrase in government. Oh, just put it on the shelf and forget about it. The Town needs this document to move forward in a way which will benefit all of the people. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. MINSHELL: My name is Carolyn Minshell and I live in the Town of Bethlehem in Glenmont. My family has been a resident of this Town for over 150 years. My grandfather once owned a farm on Elm Avenue for which he relied on the land to provide a living for him and his family. I wonder where some of the people in this community would be if my grandfather had not sold off some of his property. He had reached a point in his life where he was unable to keep up with his farm chores and had no choice but to sell due to ill health. About 5 years ago, my husband and I and son purchased 60 acres of land in the Town of Bethlehem on Clapper Road. When we purchased this property it was zoned residence "A". This zoning already has constraints which limit the development potential to very low densities. Soil or other subsurface conditions which pose severe constraints for septic and similar on site sewage disposal systems of which I might add the main trunk line runs right through our property and also through the Vlomanskill Creek and other restraints such as remoteness from public water. With the new LUMAC plan, you have proposed to rezone our property to the category of conservation which puts further restraints on our property. The word conservation is to definitive. Why would we want any more restrictions on our property? You are subjecting it to possible natural open space such as a proposed greenway project which provides secondary visual and recreation benefits to others. These areas are protected from development activity which devalues my property. We did not buy our property to be a nature study or a passive public area. We do not want public bike paths through our property. We originally bought this property to get away from the close proximity of cul-de-sac living. To be able to walk out of our house without worrying about a neighbor within 50 feet if you decided to make some noise. We want to return to that peace and quiet of rural farm living. To be able to live off the land and to provide our family and ancestors an income, if for some reason they may need it. With the economy today and big companies down sizing, no one can foresee the future and not being sure if we have a pension for which to retire on, the purchase of this property was what we thought to be a good investment and asset. I am sure there isn't a person in this room who hasn't invested their life savings into a house or piece of property that wants to sell it at a loss, then why should we have to. In the present plan you have proposed over 7,000 acres to conservation. You will be taking away the tax base we need to keep our taxes from skyrocketing to the point that we may have to sell our property at a loss just to be able to survive.

I would like to make a point about the terminology that you changed the conservation to environmentally sensitive. This does not change any of the definitive restrictions on our land. It still limits the use of our property. My property was valued at 100 percent in accordance with the reevaluation requirements a few years ago. My property taxes are based on the figure which is supposed to represent a fair market value. Now we have a master plan proposal which takes a different look at my property. It restricts any future use by limiting my choices in accordance with the plan rather than the economics of my situation. Perhaps, say in the future, I may need to timber harvest my property just to support myself or pay the taxes, my rezoning my property conservation, you will be taking that right away. I know my obligations are to pay property taxes but do I have to agree to a decrease in value because a different governmental agency says the full market value would change. I feel the Town needs more input in getting more businesses in to relieve the tax burden on the residential property owners. I think the Town should focus more on dropping taxes and less focus on preserving the land for green space. We as tax payers worked hard for this. I think we as home and land owners know the needs and proper use of our property

through the upbringing of our grandparents and parents to respect the uses that land can give us, such as food on the table, wood for heat and work the land for profit for income if necessary. We know that there are parts of our property that are not buildable. We did not buy this property for the sake of selling it to a developer. However, no one, not even you people sitting on the Board can predict what the future will bring. However, you will be doing so by putting this proposed LUMAC plan into effect. Who is going to pay for all the green space that you have allocated? I fear the tax payers. I wish you would take a good look at this plan as it stands and understand how we feel as rural land owners that if you were large land owners how would you feel if someone was taking away your assets for generations to come. I am sure you wouldn't like it either. We hope in some way that you will take some considerations in redesigning this plan and put some other people on the committee so that we can come to some agreement in the future on some particular changes that need to be addressed.

As a part of the record I strongly urge the Board to vote no and not adopt this plan and I am opposed to the Local Law No. 6. I also would like to make a note that I feel that Mr. Putney as an elected Town Board Member should abstain from voting on this issue because it is a direct conflict of interest. I am sure this may be controversial issue with Mr. Putney. I thank you.

SUPERVISOR FULLER: Thank you.

MR. STARR: Hi. I am Ray Starr, Jr., 881 Bridge Street, Ravena. It is not Ravena, it is Callanan Corners. It is a mile and a half west of the village of South Bethlehem. Since we got Ravena address we do not... we are cut off from the Bethlehem due to our mailing address. We do not... I had a hard time with my kids trying to get into the Town Park because we did not have anything from Bethlehem. We had to fight to get our kids to use the park because we had a Ravena address.

Now, on behalf of my forefathers and the future fathers who succeed me on this land, this land has been and still is worked by my family for many generations. I feel it is unjust for the Town to dictate what should be done with our land. Also feel that the people who think large land owners are narrow, self-interest is unfair. In fact, the LUMAC's committee that has been... land has already restricted by Federal, State and County regulations. We had enough. If zoning is going to be restricted, farm is to be... whether that farm has to be done and the possibility of selling a piece of land or even do a little mining which will affect the borrowing power and the operation of that farm. If this happens, there is also as the master plan now reads, then our taxes should go down and the value of our land will also go down and also our borrowing power will decrease. The Town Board needs to vote no and let's work together. This will affect the future of our income of all land owners for a very long time. Just remember, this Town is unique. We have industry and many different types of farming in our Town and we have a lot of history in our Town. Please keep in mind that food does not grow in grocery stores, it comes from farms which some of us are local. Thank you very much.

SUPERVISOR FULLER: Thank you.

MRS. EBERLE: Hi. My name is Debbie Eberle and I have been a resident of the Town of Bethlehem for almost 30 years. I live on Cherry Avenue in Delmar. I own a small home on about 1/2 acre but I also have since purchased about 6 years ago 150 acres of land across the street from the Jericho Drive-in with my parents and my husband who has since passed away. We purchased this property as an investment for my children and myself and I am opposed to LUMAC as it stands now. I agree with Ed, I believe a plan is a good thing but I think the plan should take into account everyone who will be affected as drastically as I would be affected. I like green space and I have some for sale if anyone would like to purchase any. It is not cheap and we did purchase it and that is one of my assets and I do not expect it to be taken away or adversely affected by the decisions of this Town and I hope that you all can understand that as parents. And, me being a single parent at this time, I would hope that you

would take into consideration each person's piece of land and their livelihood that they have put into that. Thank you.

SUPERVISOR FULLER: Thank you.

MR. CARKNER: My name is Ernest Carkner and I live at 83 Elsmere Avenue. And, I am the 8th generation. The 9th and 10th have arrived. In the past I have really banked on the local community. My father worked 37 years for the Town of Bethlehem. Most of my family was connected to the Town in one way shape or form. It has come down now because of restraints for retirement and the social security that we are now going to be forced to rely on the value of the land as a retirement. Half of the land has now been put into this restricted area which then cuts our retirement in half. We cannot count on the land at this point. I cannot count on social security. My employer has not added to my retirement in 7 years. Where am I going to be if this law is passed? Thank you.

SUPERVISOR FULLER: Thank you.

MRS. PEYRBRUNE: My name is Sally Peyrbrune. I am a 34 year resident of the village of Delmar and I would like to speak in support of the proposed master plan and urge that it be adopted for the overall good of our community. We believe that the plan has been developed objectively and if adopted will be a significant step forward in assuring the integrity of residential areas while allowing reasonable growth and development. We commend the Town representatives, the members of LUMAC and the other interested residents who persisted for more than 8 years in pursuing a fair solution to all the frequent individuals desires and demands for development at will. We thank you for your valued time and efforts and we urge you to vote yes to the plan. Do you want this?

SUPERVISOR FULLER: Thank you. If I may interrupt for 1 second. I made a very serious error, the Town Board has received 11 letters prior to tonight. They came in last week. I am not going to take the time away from you to read each of these letters. One is from Mr. Jakovic, Bethlehem Chamber of Commerce (the representative did come and address his letter), Mr. Murray from Fairlawn Avenue, Jean Lyon, James Garry, Mr. Ringler (who used to have this job. I am the lucky lady with it now.), Lisa Evans, Mr. and Mrs. Otto Mertz, Dr. Loomis (he is the BC school superintendent), Mrs. Rasmussen, Dr. Deibel, Mr. Rasmussen, Mr. Tryon. Of those 11, 2 opposed, 9 were in favor of adoption. Sorry to interrupt, continue. These will be incorporated into the minutes of tonight's meeting. The letter that were submitted ahead of time.

MRS. POWERS: Good evening. My name is Sheila Powers. I am the President of Albany County Farm Bureau and I am an advisory member of that special interest advocacy group known as the Rural Landowners of Bethlehem. For the sake of the record the Rural Landowners of Bethlehem started as an outgrowth of a local affairs committee in the Town of Bethlehem. We have been working in this community steadily for 5 or 6 years but we took a more formal shape a couple of year ago when we first became involved with the land use discussion.

The rural landowners have asked me to ask you urgently to vote no on the proposed LUMAC plan. Our reasons and thoughts for this are as follows. This committee known as the Land Use Management Advisory Committee never has represented the rural landowners. In fact, a single large lot landowner was a person who has strong conservationist meanings and little or no respect for the private property rights of others. The Town must surely have notices this lack in the committee makeup but didn't ask for any of the long term resident land owners to volunteer for service. I believe this attitude is astonishing considering that the committee task was to recommend land use changes for more than 20,000 acres of land, regardless the committee remained as formed focusing the... what I think about it, the committee remained as formed focusing on their task through early '91. Now, this I am entertaining you from the minutes now. At that time and after mailing an agenda driven survey and when I say that I mean that the survey was skewed in such a manner as to elicit certain responses and not others because you couldn't give certain responses due to the way it was phrased. And,

due to its cover letter you probably wouldn't have given various responses. So, they mailed that agenda driven survey to a selectively targeted group. The committee decided it would be easier for them after that to function with less members. This is according to the minutes of the LUMAC committee which I have just entertained myself with for 3 days reading. I find it interesting that they decided to get smaller at that point. As a matter of fact, Mr. Putney remarked at one of the meetings to someone who has told me that they just had to get the committee to a manageable size. Well, so, they mailed the survey which expressed few if any alternatives to the questions asked. The committee now substantially less broad, it wasn't very broad to begin with and it got less broad, would gather and coordinate data and guide the discussion and the study of land use management of properties belonging to those not represented either by the committee or the survey. Sorry. We think this was indeed a poor choice of behavior on the part of those who are elected to serve the entire Town. One of the failures of the committee was to consider the history of Bethlehem. Again from the minutes, I don't think that's surprising when you consider the counsel's advice for the LUMAC members omitted the mention of past tradition entirely, instructing them to consider both strategic and traditional planning concepts from the present to the future. The rural land owners believe that an understanding of the past is necessary in order to avoid mistakes in planning for the future. It is only with the knowledge of where we came from and how we did that that we can judge our present progress and with that information determine a satisfactory path for tomorrow. The LUMAC committee would then set about and did set about to acquire the data and projections on which to set a course which would work. But, because they did this without land owners, the land owners who because they are natural resource stewards are careful about land and water due to their lifetime and multi-generational commitment to that land and water, the committee proceeded without them to utilize and project statements and projections of those who consider land uses from their laboratories and desks, rather than regular travel through the lands to be considered. It is not surprising then that they came up with proposals that are unsuitable. They made errors in data such as omitting bodies of water, long experienced by the rural residents, by the way who skated on them, played in them as little kids. They left those right off the map entirely and labeled lands perfectly capable of absorbing waste and water as environmentally sensitive. That of course is the new application, prior to that it was conservation. I have to assume they were being sarcastic when they said they would improve it by labeling them environmentally sensitive. I at least see that as a further limitation of land use, not less of one and I am sure that many intended. Incidentally, there has been some reference to the plan which Mr. Messina has informed you was not a plan but was a memorandum. I want to correct the statement to tell you, that is certainly what the committee presented in its initial form. There was a community planning concept of written alternatives. It was never included to intend all that data although we have told the Town and we will certainly keep our word that we believe that our proposal for resource based density is an important matter. We believe it is something you can look at, will look at and will be interested in and we propose to do the build out and give it to the Town. We may take it for a teaching course or two first. We will certainly give it to the Town.

Well, when you consider that the same committee members really must believe, well they certainly said it in front of me, that rural landowners shouldn't be profiting from their land sales and that the only concern of the rural landowners is density, in fact the comment was made, their only problem is density. Give them an acre and a half and they will take it and run and so will the Town Board. If I were you I wouldn't be flattered by the description. Understand, that is not the only concern of the rural landowners. But, you can understand the LUMAC label of conservation on agricultural/residences where farms are located if you consider the attitude. The committee's refusal to consider agricultural/business although they made a little reference to it before, at least Jeff did, I would be pleased to think that it was really a change but since I haven't seen it, I will have to ask respectfully that you extend the comments period for say 2 weeks so I have a chance to look at what's written, if it's changed, so that you can take comments to it because all we

have is what Jeff said. We don't know that that has been included at all. Agricultural/business would be refreshing compared to what I have heard about the land uses or the agricultural activities that presently are practiced on lands. In any case, their refusal to consider agricultural/business which as of September and November, they were still refusing to consider speaks to their lack of understanding that those who are engaged in agricultural production are actually businessmen. They are engaged in doing business and this is a reflection on the committee without a rural land owner as a member. Had the rural land owner been on there, that lack of understanding wouldn't have continued.

The plan's greening references and they are numerous express throughout are recently understood when one sees that during 1989 Member Putney was described by Chairman Gunner as representing LUMAC at the New York State Hudson River Valley Greenway Council meetings. It is interesting to me to note then that Mr. Putney told the committee and those are in the minutes, that the greenway planning process would overrule or negate plans formed by local committees. Interesting because the greenway's claim to fame is that its policy only is to function in communities where it is invited to function and then when the town has signed a contract.

All that aside, this committee's work doesn't represent us, meaning the rural land owners, the agricultural practitioners of business because it didn't include any of us but it should have. Furthermore, although for 3 years we earnestly endeavored to make input. We have not been granted a place at the table even though rules of procedure for the committee initially provided for, again in the minutes, they provide for the replacement of vacancies yearly. Obviously one of us wasn't put on the vacant seat filling. You can see that we despair of fair treatment. We haven't been granted any. While we don't hold the present Town Board responsible for this abandonment of our concerns and our constitutional rights, but we do ask you instead to refuse to adopt this plan which abandons us, it is unfair to us, and we don't think it is good for the Town as a whole. We ask you to correct the LUMAC plan by including aforementioned omissions and then to adopt a much more satisfactory and comprehensive version. Thank you.

SUPERVISOR FULLER: Thank you, Sheila.

MRS. POWERS: Now, at the... that's what happens when you type on the car.

SUPERVISOR FULLER: Don't you have the changes? The landowners got a copy of that stuff back in January.

MRS. POWERS: No.

SUPERVISOR FULLER: Yes, I will show you. I will get it out to you. Sorry.

MR. FEISINGER: Good evening. My name is Tom Feisinger. I live on Hague Boulevard in Glenmont. I am President of the Village Square Homeowners Association of which operates the Dowerskill Village facilities. I wish I could come here tonight and hand you a survey that was taken of our residents to explain what aspects of the plan they support and those that they don't but our residents, like many of the residents of the Town, are busy raising their children and our board's trying to figure out who we are going to hire for our facilities this summer and who is going to mow our lawn, common areas in our development and so I can't give you a specific survey. But, I do feel comfortable... have fortune to serve as President, I guess, for I guess 10 years which at least tonight was a positive experience I have been getting positive phone calls from one of the residents and I do feel comfortable speaking about some of the aspects of the plan that was developed... or benefit our development and also have a suggestion for consideration by the Board.

Our neighborhood is one of those neighborhoods that is under development pressure. We have already approved 64 apartments across the street and another development in the works for over 200 units down the road which will both increase traffic along areas where our

residents walk. The master plan does address traffic. It addresses improving 9W for example and also shows in a general way some better access roads to the new developments that will take some of the pressure off of our neighborhood. It also includes a provision, I believe, for a floating senior citizen residence area -- floating zoning land use and there is one proposed in our area which seems like, from what I have heard from my residences, a positive thing.

It also proposes or recommends that new developments include recreation facilities and again this will take pressure off of the ones that we pay for and maintain ourselves. So, there are a number of positive things that would benefit our neighborhood and other neighborhoods in the community as well.

With respect to a suggestion, I guess no one can accuse the Town, I don't think, of trying to sneak the land use plan by anybody. This has gone through a good process. It seems like a very thorough survey was attempted and the responses, of course, are very difficult to predict who is going to respond to it. There have been a number of hearings throughout the community which people have had the opportunity to attend including the one now as we are nearing a vote on this issue. The process has been difficult and sometimes tedious, I am sure, but it has allowed people of all different opinions to express their vision for the Town. And, I think that is what the planning process is about to find out what that vision is. It is only natural that that vision is not going to be one that is supported by everyone. There are going to be disagreements. If we wait to adopt the plan and still we have a perfect survey that we get everyone to respond to, we may never get a plan. And, those aspects of the plan which benefit our neighborhood and others, which some other speakers have called some of the wonderful aspects of the plan, they will be put off and lost. But, I think that the time, after all the work and good efforts of many people has come to take some action and to approve a reference document and I think it is important for the Town to have a plan. Two types of a plan, one the plan that the reference document and two a plan of what is going to be done with that reference document. My understanding is that there is no official zoning takes places or changes in any zoning takes place as a result of this plan. And, when that happens there is going to be additional steps. And, perhaps, in a local law instead of just 2 sections, there should be another section that says this is our plan to address these issues that were raised recently or throughout the planning process a number of people here which I wouldn't characterize as having special interests but serious concerns have offered to work with the Town to have more representation perhaps do a better survey of their membership. That could happen in a succeeding step after adoption of the plan when you address actual zoning issues.

In closing, I want to thank everyone for the opportunity given to everyone to express their opinion about visions for the Town. Thank you.

SUPERVISOR FULLER: Thank you, Tom.

MRS. BERRY: My name is Mary Berry. I am a 20 year resident of Elsmere and I am a landowner. I would like... I appreciate the opportunity to speak to you this evening. I know it is very late. I would like to applaud the efforts of all of those who have worked over the past 8 years on this endeavor and I want to strongly urge you to support and vote for, yes, on this master plan for the Town. I believe strongly that it is critical to the future of our Town to be guided by a well thought out plan to secure orderly development for the benefit of our entire population. Again, I'd just like to urge you to adopt the plan and I support the efforts of all the people that have worked so hard on getting to the point we are at now and I would think it's a first step towards the... down the road towards having really well thought out development for the benefit of all. Thanks.

SUPERVISOR FULLER: Thank you, Mary.

MR. BARR: If it please the Town Board, my name is Martin Barr. I am a member of LUMAC. I originally came here this evening intending to

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speaking to you knowing full well that you know my point of view and that I probably, after many years of speaking about LUMAC to various and sundry people including many of you, you know my views. And, when I got here and saw the large turnout I decided this was an evening for the people who have come here to speak in... you could just as well forego my contribution to the evening's discussion. And, that was the conclusion that I had come to until I heard Sheila Powers. And, I feel it necessary to rise to the defense of LUMAC on the... in her rather invective filled diatribe against LUMAC, individual members of LUMAC and the process that we undertook.

I don't have to tell you that LUMAC had nothing whatever to do with the organization of LUMAC and had nothing whatever to do with who was going to be on LUMAC. That these were all decisions of you, the Town Board, either you or your predecessors. It was first a 14 or 17 person body and then the Town Board decided to reduce the size of it and it was at that point that I was appointed. I was appointed, I was asked to serve, I did not volunteer. If I had known what I would have to go through, I probably would have said no to Ken Ringler when he proposed me for a membership on LUMAC.

We have tried in a professional, reasonable manner to respond to the interest and concerns of everybody in the Town of Bethlehem. We have... If we were not the beneficiary of the comments of a member from the rural landowners, it wasn't our fault. But, we for her to say now, that the process was unfair is simply false and I have to respond. The efforts that we made to try to respond to the rural landowners concerns went beyond the call of duty as far as I am concerned. We attended... we participated in several meetings with them. We heard them at several, but I don't want to get into it today.

SUPERVISOR FULLER: We are not debating it.

MR. BARR: Absolutely. I didn't want to respond as I told you but I had to speak to Sheila Powers misrepresentations as far as I am concerned. I won't go on with that except to just emphasize that as a member of LUMAC, I believe that I responded and participated in a fully professional way in considering all of the issues and in considering the concerns of the rural landowners to the extent that I could understand them. Because many of the concerns of the rural landowners are the result of just letting themselves go into a sense of fear that is simply not justified by the... by what the LUMAC plan does. But, I can't go into all the details now and you don't want me to. I just want you to know that this LUMAC plan speaks in my opinion for the vast majority of the people in this Town. It represents what the vast majority of the people in this Town want. This is not to say that all of the legitimate interests of everyone should be dealt with in a fair and responsible way and a very serious effort has been made to do so. If we have fallen short of that goal, then it should be taken care of. It can be taken care of but it should be taken care of by the Town after the adoption of this plan in the form that you have proposed or at least... not that you have proposed it but that the law that you have noticed proposes it. I'm... I would like to say that I believe you have received some legal advice that suggests that Mr. Catalano's legal opinion expressed to you earlier this evening may not be the full answer to the question that the legal advice that you have received suggests that the proposed manner in which you are going to adopt this will be fully consistent with the law and that it will not represent by itself a comprehensive plan as defined by the law. Whether or not I would initially have agreed with that, I nevertheless feel and we have said it over and over again in the master plan that we propose it as a guide. We propose it as a guide to the Town not to be written in stone and this is what you propose to do by proposing that if it be adopted that it be adopted as the principal reference resource. I have a little problem with that terminology. I am not exactly sure what that means but I'm prepared to have and support your agreeing to that and putting that into effect under that terminology because I do not believe that this plan should be ignored. It should be laid to rest. That it should be filed away to be pursued by historians and archivists in the future. I believe this plan deserves to be used and it represents not tablets on high but a fair estimate of where we want to go and how we want to get

there. It should be a guide and it will be what the Town has proposed. Not a comprehensive plan, not the adoption of a comprehensive plan but a principal reference resource and I would hope that if this is adopted that no future planning decision will be made without reference to that resource. To look to it for standards and guidelines. I would hope that all Town residents will check out this resource when any planning issue arises. And, ask that any decision be made by our decision makers on the basis of this resource or that if some other decision is warranted and is better for the Town that the decision makers tell us in what respects the resource cannot be followed. I would hope that this resource would become familiar to everybody concerned, decision makers and Town residents and that they would use it and make the goals and objectives that are set forth there reality in the Town. I believe that all of us know that there are some important zoning questions that have to be resolved in the future and I submit to you that those zoning questions can only be dealt with responsibly with a standard, with a guideline, with a reference resource such as is proposed to you tonight that to do answer some of the very sticky zoning questions that you are going to face in the immediate future without any plan but to work on an ad hoc basis is to me to approach the problem... the problems, the planning and zoning problems that the Town Board confronts in a less than desirable manner. So, that I urge the Town Board to adopt the plan as proposed. Thank you.

SUPERVISOR FULLER: Thank you, Martin.

MR. ZENO: My name is Doug Zeno and I am a member of the Central Delmar Neighborhood Association. We are located in the St. Thomas Middle School area. I have been a resident of Bethlehem for 20 years and although I am a new comer, before I moved here I checked on what the zoning was when I purchased my home and thought I was safe with the zoning. I got a rude awakening after I was only here about a year when I found out that special... do you mind if I turn around this way a little bit, so I feel uncomfortable talking to...

TOWN CLERK NEWKIRK: I need to record you.

SUPERVISOR FULLER: You need to face this way.

MR. ZENO: I got a rude awakening when I moved here and found out that although there was zoning laws, it didn't mean that special interest groups couldn't come in and try to supersede the zoning laws that were in place already. After being here a couple years, we found it necessary to form a neighborhood association to try to address the issues. Luckily we had a lawyer that was in the neighborhood that could help us out also to go against some of the special interest groups that wanted to pocket commercialism in our area. We also looked into and found out that prior to moving here, there was work on a master plan for the Town but it was never adopted. So, when we would come to the Town and say well here were some of the ideas and the guidelines that were proposed in the past, well, since they weren't adopted or anything nobody could say, yes this was the intent of the Town to go in this direction for development. And, we just found out that it was a lot of trouble. In the past a task force was formed, the Delaware Avenue Task Force, that looked into zoning and land use in the Delaware Avenue area and residents could see without a master plan in the Town that we were constantly going up against different issues that would come from special interest groups. You find that some of the big developments in the Town comes from not people that are local people. The whole idea of local businesses developing in the Town is, unfortunately, going out. We sure would like to see more local businesses, people that live in the Town small individuals here that own businesses see them develop but we are seeing more and more of these chains coming into the Town and they've got the pressure to come in and do what they feel like doing and they've got the lawyers and stuff to back them up to push their issues. And, without a master plan, we have got nothing to go back on and say look at, we've got a Town here, we have a vision for this Town. If you want to come in and you want to move in as a resident of this Town, if you want to move in and develop a business here, we have ideas and we have beliefs of how this Town should develop and that's what we should really be pulling for. I feel very uncomfortable coming up here and being a member of

a neighborhood association and seeing another group like the rural landowners come in and have opposition to things because I can see what some of the concerns are. I can see when you have worrying on something, sure what is going to happen later on. You said this but we could maybe do that and then down the road there becomes a problem. I would hope that those types of any concern like that could be resolved and that we could all get together and stand behind something and make this Town stand for, I believe, what everybody here really wants. I don't think that we want to see these big chains come into this Town. These big developers from out of state come into this Town and tell the people, the residents of the Town of Bethlehem how they are going to run their lives and how they are going to live. And, I think we are all here on the same wave length of wanting to see our rights preserved. And, I think though that this is a step with a master plan to go in that type of a direction. If there are some problems with some wording that would affect the rural landowners, we are all... the people... the most of the people in this Town, I would imagine, are landowners whether you are rural or in a more suburban setting. We all are landowners here and we all have our money put on the line and our values with our families put on the line when we all land here and pay taxes. But, I think that the Town has come a long way through the years as far as their concerns for development with the Planning Board. I think that LUMAC committee has tried to put an honest effort in to address the needs of all the people of the Town. Granted if there are concerns, I can't say anything about that. People that own their property know what could affect them and I respect that also. But, I am here to speak in favor of it and I think everything else has been said. Thank you.

SUPERVISOR FULLER: Thank you.

MR. WATKINS: Hi. I am Verne Watkins. I have lived here for 30 years and I am a property owner and I have some objections to the LUMAC plan. The objections are that there is 8,000 acres, approximately 7,000-8,000 being put into conservation out of 20,000 acres. There is another 5,000 acres that are in... that's going to be zoned rural and it's 1 1/2 acres for each house. That's probably a larger lot than any of you have, probably most people in the room are 80 percent in the room. I am against having my next door neighbor 500 foot away from me if I decided I wanted to live in a town. I think that is a little absurd and it is too big a lot and I don't think where the zoning was changed on the map, where they have the white zoning, they also loose about 5,000 acres there which turns into the 1 1/2 acres zoning. That and the 8,000 in conservation is 13,000, out of the 20,000. That is probably about 65 percent of the area that is being changed and most of that area is in the southern part of the Town where there has only been 3 houses permitted in the last year. I think that is kind of... you know, it is unnecessary to have it to zone those people out of business. There is a lot of people in here with gray hair that have owned these properties all their life. They are probably not going to do anything with them and if they do do something with it, turn them over to their children, it is their privilege. But, you know, Ted, I just noticed that your first name was Freeman. Well, Freeman, you are taking away the land, the value from these people. You have, let's say you are in the stock market or you have retirement from the bank and their retirement is that land. And, you take that from them, it is their only assets. They can't pass it onto their children and you are talking about 15,000 acres that are being just wiped out. And, all we want to do is work with you on it and have a dialogue with you so that we can come to an agreement that is sensible. Maybe Mr. Selkirk who was over here, he should have probably commercial and he doesn't want residential. I mean there are cases. But, there are a lot special cases and, you know, if you want to see vacant land, the Town could not afford to buy it. So, what... you are going to take it from the people in this room with the gray hair. I mean all those people in here that aren't saying anything, you know, that's their asset. That's it. They are not in the stock market, you know, or they may be in the stock market for a little bit but basically... and they have social security and the land to turn over to somebody is all we would like to do is have it worked out with you and not be at odds. There is a lot of things in your plan that is great. We just like to give our input since out of the 20,000 acres that are being

rezoned, no one was on the committee. We'd just like to be on the committee. We'd like to go over our future with you. We don't want somebody to decide our future without our input. I mean we have a constitutional right to that but, I mean, we are asking you that. We're actually begging you that. I mean, we need to coordinate. We want the Town to be beautiful. We want country roads, we want boulevards and the things and we want to cooperate with you. And, by having some of these land people on these boards, I think you are going to get a different picture and a nice picture. I mean, Ed Kleinke is a great planner. And, he doesn't... he has a farm, he's on a farm. He isn't going to make it into a zoo around here. Give him a chance, have him work with your planner. He's a very good planner. There is just certain things that you... you know, in... because you don't have land, you didn't realize and I am not knocking you in any way. It is just something that you didn't get the drift of. When I joined this group of people, I didn't understand exactly what they were getting at on some of the things but eventually I got the idea. And, you will too. Nobody on this committee wants to see you or the Town's people or anybody else taken advantage of. That is not going to happen. All the people in Town and I live in Town also or Colonial Acres and we are on about 100 foot lot but to have my neighbor instead of next to me to have him 500 foot away which is the white zoning which is 5,000 acres means that it will never be built on, not in 100 years from now. That is a problem. You know, 50 percent of the land you are changing in such a way that it hurts these people and I don't think you are really looking to do that, Ted. But, like your name is, let's give the people who have some land, don't take it from them. Let them have what is theirs. We don't want your retirement or Bernie's or anybody else's retirement money and we won't... It's not a big amount, okay. But, I mean, you know if we were to take two-thirds of your retirement, you'd be... if we took two-thirds of your estate, you'd be pretty upset. And, many, many people in this room and I know some of them that are sitting here and I don't know a lot of them but, you know, you are doing that and I just ask you, please, to involve those people in it because I know you want to be fair on the thing. And, so I am against it, the way it is right now. But, I would like to see a modified just slightly and work with the people so it's a document that for the next 50 years the Town can be proud of. And, I think you guys can do it. I mean, that is all we ask. Thank you very much.

SUPERVISOR FULLER: Thank you.

MR. RHODES: Dave Rhodes from Delmar. I am going to be very brief. I just want to add my voice to those...

SUPERVISOR FULLER: Excuse me. Did you say Dave Rhodes?

MR. RHODES: Yes. I just wanted to add my voice to those in favor of the Board adopting the master plan. I think that the LUMAC committee has done an excellent job and the Planning Department and providing the public with an opportunity for input. In addition, I think they have done an excellent job of researching all of the issues involved and all of the items that are included in the master plan. So, I am in favor of it and I urge you to adopt it and use it. Thanks.

SUPERVISOR FULLER: Thank you.

MR. RICHTER: My name is Richter, Fred Richter. I have been a resident of this Town for 60 years for what that's worth. I do have some objections to the present plan. The basic one is that I don't want my property rezoned. I am perfectly happy with the present zoning and I am sure that this resource will now create a zoning problem for me.

ATTORNEY KAPLOWITZ: How is it zoned now, Fred?

MR. RICHTER: AR, agricultural residential.

ATTORNEY KAPLOWITZ: What's the proposal... what would it be?

MR. RICHTER: Moderate density housing.

ATTORNEY KAPLOWITZ: Just curious.

MR. RICHTER: I would like to bring up one point that Sam mentioned that is causing a problem in my mind also. The resource document you have before you which is Local Law No. 6 indicates that this is the principal resource. Perhaps, Mr. Kaplowitz can tell me, is there a distinction between the principal resource and a resource.

ATTORNEY KAPLOWITZ: Semantics only, I would say. I don't think it means anything one way or the other.

MR. RICHTER: You mean it matters not that this is now called the principal.

ATTORNEY KAPLOWITZ: Well, if you sit down and pick a problem out of the air and said you were going to go do some research and you go to all the different sources, including this, you have to decide or each Town Board Member has to decide in his or her own mind which of those things you are going to pay most... what's most important. Is a traffic study that we had independently submitted by a developer more important than the resource. It depends. Remember that this plan would be, at least I would assume, would be changed as readily as the zoning ordinance or anything else.

MR. RICHTER: Well, then based on your response I would suggest that the wording be changed to a resource. Thank you.

SUPERVISOR FULLER: Thank you.

MR. MINSHELL: My name is Gene Minshell. I am a resident in Glenmont, New York. I am also a property owner on Clapper Road, Selkirk, New York. I am sure my wife enlightened you to that earlier. I am not up here to make a big speech. I had one prepared, you are not going to get it. All I am going to say to you is, along with what she said, our property is now conservation. I don't like it, it's gotta be fixed. I will do all I can to help you people fix it, okay. I am going to urge you people to vote no on this particular plan and along with that, I urge you to urge Mr. Putney to abstain from voting because I feel that his vote on that Board is a conflict of interest being he is on the LUMAC committee. Thank you very much.

SUPERVISOR FULLER: Thank you.

MR. MEAD, JR.: Hello Members of the Board. My name is John Mead, Jr. My father is the President of the Rural Landowners of Bethlehem and I would like to say on their behalf for the Board to oppose adopting the LUMAC master plan. I've watched my father work very hard all of his life. I would like to see him be able to control the direction that the land our farm is on is going to take. Thank you.

SUPERVISOR FULLER: Thank you.

MR. CARNELL: Hello Board Members, my name is Justin Carnell. I live on Haddington Lane. I have been in Delmar for about 12 years now and I would like to ask to urge no on this. I am not a large land owner and I do agree with having a guiding system. Let's do a little more work on it.

SUPERVISOR FULLER: Thank you.

MRS. BOHL: My name is Agnes Bohl and I live on Jericho Road in Selkirk. And, I appreciate all the work that you have put into this LUMAC plan but I have to ask that you oppose it or I oppose that you reject it and I also ask that Mr. Putney abstain from voting. Thank you.

SUPERVISOR FULLER: Thank you.

MR. BOHL: My name is Herb Bohl. I have lived in this Town for 45 years. I also own a little land. I live on Jericho Road and I am strongly against it because I feel that when I originally bought the land, I always figured I am never going to do anything with it except farm it which I have been doing all these years. However, I don't want anyone to tell me when I pass it on to my children that they

can't develop that land or do something with it. So, I strongly object to accepting this plan the way it is. Thank you.

SUPERVISOR FULLER: Thank you.

MR. YUREK: My name is Brad Yurek. I live on Elm Avenue. I have been in Bethlehem for about a dozen years now. And, I am a land owner also and I would like to just voice my opinion against the plan. As it stands now, I think it is very close and I also think it has a lot of good things but from what I have heard tonight, both sides, that I think it is close to being worked out and I think it is just a little bit longer and I think you will make it. Thank you.

SUPERVISOR FULLER: Thank you.

MR. WAGNER: How you doing? My name is Joe Wagner. I own the property over on Ackerman Avenue and I am opposed to the plan. So, that's all I would like to say. Thank you.

SUPERVISOR FULLER: Thank you.

MR. HAZARD: My name is Ray Hazard. I am from Glenmont. Just say no.

SUPERVISOR FULLER: Thank you.

MR. MINSHELL: Hi. My name is Gene Minshell. My parents have been up here a couple times. Own 60 acres in Selkirk and I strongly urge you to vote no. Thanks.

SUPERVISOR FULLER: Thank you.

MS. PALMQUIST: My name is Terri Palmquist. I live in Glenmont. I oppose, no.

SUPERVISOR FULLER: Thank you.

MR. WINNE: My name is Terry Winne. I live in Delmar. I have lived in Delmar all my life. I would like, after listening to everything tonight, I would like to urge you to vote no. My feelings are you should... it is a good plan, probably, and it just needs a little more work. Thank you.

SUPERVISOR FULLER: Thank you.

MS. WALDENMAIER: My name is Trudy Waldenmaier. I have lived here 51 years, started school right over there. I am a rural land owner family member and due to the rezoning of the property of our family I feel it has devalued it and it leaves our family assets that are supposed to be passed on through the generation in jeopardy. And, I would strongly urge the Town Board to vote no and I personally oppose Local Law No. 6. Thank you.

SUPERVISOR FULLER: Thank you.

MS. PRAKKE: My name is Ellie Prakken. I live in Delmar. I chose to live here 28 years ago because I like the small town atmosphere and I am hoping that my 2 grandchildren will be able to continue to enjoy the atmosphere. I would like you to adopt the master plan proposal and Ted, I think you have every right to vote for it. And, I hope you will vote for it. I know you will and people can stop picking on you.

MR. PRESKA: My name is Charles Preska, VanDyke Road, Delmar. Compared to many of the speakers up here tonight, I am a relative new comer, I have only been here 3 generations. My ancestors moved out here from what they tell me, there was only 4 houses from the 4 corners to VanDyke Road and if you look at the area now, I think I am probably one of the most ones in this areas that is feeling the suburban sprawl as being that I am abutting most of this property area right now. And, I am one who would greatly like to see the area kept open as it is and being an active farm, you know, I feel the pressures of the economy as much as anyone else. And, certain areas of my property have been, you know, proposed to be rezoned to this

environmentally sensitive or conservation and there are some areas there that I feel are not properly situated in this plan. Overall the plan has got a lot of good points, not something we should just throw away. I just think it needs a little more work before we jump into it and get locked into something we can't get out of.

SUPERVISOR FULLER: Thank you.

MR. VROMAN: My name is Gary Vroman. I just moved here 3 years ago. I bought a home on Oakwood Road and I am opposed to the plan the way it sets right now. It is a good plan, with a little more work but I have never liked the idea of someone telling me what I can and cannot do with my own property. Thank you.

SUPERVISOR FULLER: Thank you.

MR. VERSTANDIG: Good evening. I am Bob Verstandig, long time resident of the Town of Bethlehem. First of all, I would like to say that I am really happy that we are looking to come up with a master plan for the Town. Master planning, of course, is very important to not only the Town but any organization. However, I am a strong supporter of the rural land owners group. I understand their plight and I have supported them right from the start, attended a lot of the meetings at the granges and so forth. And, I understand it because I am in a situation now and my heirs are in a situation that will be very similar to many of these land owners in the future and that is the master plan is going to lead to new zoning and new zoning is going to cause problems with people that have already established a business, whether it be a farm business or what have you in other areas of the Town. We have a situation and I probably should add my appreciation to that member from the Middle Delaware Avenue Association who supports small business in Town and says that we should grow but I don't... the next time I ask to do a little expansion or to add a greenhouse, I think I will go look him up, maybe I will get some help for once.

I have to say that I have not read the final draft of this. I hear this thing tossed around about it being a guideline. To me a master plan as a guideline is very important and hopefully it is written in there very clearly. The last time I saw it the word guideline showed up once but I am not so sure it emphasized the fact that it was to be a guideline for future zoning, for planning in the Town, so on and so forth. Based on the fact that the rural land owners have several concerns I think should definitely be addressed before this is passed, I would say at the present time it should be voted no. But, I would like to go on record that it is very important that we follow this up immediately and get this under way. Because I think that the Town needs it for many concerns as far as land use is concerned. Thank you.

SUPERVISOR FULLER: Thank you.

MS. MESSINA: My name is Jan Messina. I have been a resident of Bethlehem for 25 years. I would urge you strongly, please, vote yes for the plan. I grew up on Staten Island which is a suburb community of New York City and watched it go under the bulldozer blade and I really am concerned because I see the same thing happening in Bethlehem. And, I think what we need is a plan. We can't progress and control the way we want to be if we don't have some kind of document that gives us some kind of a path to follow. That is not to say it is carved in granite and it is not to say that it can't be changed or adjusted the day after it is adopted. But, it is a plan that people have put a lot of work and a lot of effort into. It has taken into consideration all of the people in Bethlehem's concerns and I think that abandoning it now and beginning all over again is the wrong thing to do. We need to start with this and progress from there for the future generations of all of the residents of Bethlehem, all of them. I urge you, please, pass this plan. We need it desperately. Thank you.

SUPERVISOR FULLER: Thank you.

MR. O'DELL: My name is Dan O'Dell and I am an Elsmere resident. And, I am here tonight to ask you to please vote in favor of the land

use master plan and I would like to make 3 points about that. I don't think any of us here in this room would begin to put an addition on the back of our house without putting some time and effort into a plan before we did that yet, as we go forward in this Town and watch building permits be issued and subdivision be approved, we do it without that tool, without that plan. Now, having a plan like that doesn't mean that when you open up the back wall of your house and you find a surprise, a support member that is not where you expected it to be, that you have to stick with your plan. It is just a plan. It gets changed to meet the conditions at the time that decision actually has to be made. That having been said about the plan, I think the plan we have is a good one. I have looked at a number of plans in some other towns here in the Capital District. This one is comparable. It is not all that different. The density requirements aren't all that different. Some of the other things about it aren't that different. One other comment about the plan, there has been a considerable concern about the weighing of property rights and regulation and while I was hearing some of the comments about that I thought of the wise words of the United State Supreme Court Justice, Benjamin Cordoza, who remarks that property under our constitution while immune from destruction is not immune from regulation for the common good. And, I think that what we are talking about here tonight is regulation for the common good and I would urge you to pass the plan. And, I only have 1 other remark, there have been some comments tonight about the conflict of interest, so called, of a certain Board Member, Mr. Ted Putney. Well, I know Mr. Ted Putney and I will tell you from the years that I have known him, he has only 1 interest and that's the best interest of the people of the Town of Bethlehem in mind. Thank you.

SUPERVISOR FULLER: Thank you.

MS. HEINZEN: I am Nancy Heinzen a resident on Glendale Avenue in Elmsere. I want to keep this very short in the interest of time. I am very much in favor of the LUMAC plan. I have lived throughout the United States and I have noticed that communities that did not plan create places that no one wants to live. And, I think we have an opportunity here to have some control over our destiny and I think that's important. I respect the fact that you have taken into account certain environmental constraints which we all face and also have considered careful economic growth and I think that is also important. I respect the work that you have done and I think the process has been very impressive. And, again, I support the LUMAC plan and I hope you vote in favor of it.

SUPERVISOR FULLER: Thank you.

MR. RAPPAZZO: Hi, Joe Rappazzo. I have lived here 47 years. My family has been here over 100 years and I am against it. You are doing a good job at it but you can't adopt something if you don't have it all in writing as far as I am concerned. Thank you.

SUPERVISOR FULLER: Thank you.

MR. GRAFF: My name is Fred Graff. I have been a resident of Delmar for about 10 years. We moved here after living in this metropolitan area for about 10 years and I think that is why I am here. We made a real conscious decision to come to this Town because it was wonderful as opposed to some other areas that will go unmentioned that are not so wonderful. I have lived in other areas of the State where development has basically been based on short term economic decisions and as somebody mentioned much earlier this evening, they ended up with very developed areas you couldn't get into, you couldn't get out of and a lot of people were uncertain why anybody would want to be there in the first place. I think nation wide when you take a look at a lot of the problems that exist, a lot of the discussion that goes on about planning of any type regarding use of land it always come down to you've got to have a plan. Discussions regarding how problems occurred after the fact almost always comes down to there wasn't a plan. This plan is considerable in size, there is obviously problems with it. Those things as in similar situations are things that can be worked out later on. In the mean time, there has been a tremendous amount of work put into this thing. Change is happening

very quickly and you need a reference point. Please adopt the plan. Thank you.

SUPERVISOR FULLER: Thank you.

MS. JASINSKI: Linda Jasinski. I am from South Bethlehem. I urge you to vote no on this. We have enough laws on the books. We don't need more laws. It is good to have a plan and you talk about it being flexible and maybe you think it is, but you are not going to be reelected forever. And, the next group that comes in may not think of it as flexible and may think of it as very rigid and I don't trust government and I don't want to impose on the next generation, what we consider quality of life because they may consider something different. Thank you.

SUPERVISOR FULLER: Thank you.

MR. HILLMANN: My name is Dave Hillmann. I am here representing myself, my 2 brothers, my mom and dad who own half of 187 acre farm on Clapper Road. My 2 uncles and my dad have been farming it, developed it as a farm back starting during the later part of the depression. I think some of the things I would like to say as I hear both I can understand the suburban person who wants to be able to maintain some of the rural character of our community but I can also understand the other side of it from the side that at what cost is that going to come. It looks to me like it is going to come at the cost of us who own more of the land and granted I like to go out and take a drive in the country too but when you make a decision like this, I think, you have to feel... get a feeling for who is it going to affect. And, I think it is going to affect, economically, us who own larger parcels of land in the rural communities. My 2 uncles, one of them has passed away, my other uncle and my dad are still alive. They have been conservationists since square one, one of the things that really bugs me about this plan and I have been told it was a mistake when it was made, and if whoever made the mistake had talked to my dad and my 2 uncles they could have told them it was a mistake then, that the large sewer line that serves the Town of Bethlehem goes the full length of our farm, 7,200 and some odd feet. My dad and my 2 uncles fought it and the Town took the land eventually, some how, I don't know the details of it but we have been the proud owners or, you know, hosts of this for many years with the manhole covers sticking up out of our hay fields and it runs the full length along the Vlomankill Creek, which is now in this environmentally sensitive/conservation area. I don't think the change from environmentally... conservation to environmentally sensitive is still a duck, it still walks like a duck, it still swims like a duck, it still quacks like a duck, it's a duck no matter what you call it. Okay. That's what it boils down to. And, I think that is the biggest thing that irritates me about this. I think there is some lack of some logic in this plan. When you look at our particular piece of property, I can only speak for our particular piece of property. I also think that some of the other things that were said here about how some of this designation were arrived at certainly cast dispersions on how that decisions were made. And, I can't see how anybody can vote on this, yes or no, until those things would be cleared up. Thank you.

SUPERVISOR FULLER: Thank you.

MR. JONES: Good evening. My name is Craig Jones. I live on New Scotland Road in Slingerlands. And, I urge you to adopt the plan. You have my support. You have, I think, broad... you have broad base support for this in the community. That doesn't necessarily mean... that doesn't mean we have to ignore some of these concerns that you have heard tonight by the rural land owners and I think that Jeff can continue to work with them to address their concerns. But, I think we ought to adopt the plan now. Thank you.

SUPERVISOR FULLER: Thank you.

MR. HELM: My name is Kevin Helm. I live on Maher Road. I own 165 acres and this is greatly going to affect me. I feel the people that are for... that want this tend to live in developments and they have only been here 15-20 years. I feel you should listen to the

Bethlehem land owners of the community. They are the backbone of the area. Thank you.

SUPERVISOR FULLER: Thank you.

MS. DUSHEK: I am Mary Dushek. I live in South Bethlehem. There may be some good merits about the plan. I can't say that there are or are not. However, I have heard several people say that... beg you to vote for the plan because changes could be made afterwards. My experiences have been that when someone has voted for something or against it and wants to reverse it, once it is voted on, it is very difficult to get those changes made. I strongly urge you to vote no until you have corrected whatever needs correcting.

SUPERVISOR FULLER: Thank you.

MR. KERN: Hi. My name is Doug Kern. I live in Glenmont and I have only lived in the Town for 2 years but from the size of my tax bill I still feel like the backbone of the community. And, based on that I want to say that I want support LUMAC for sake of controlled growth. When I moved from the City of Albany, I could have moved to any community. I chose this one for a reason, I do not want to see it turned into Guilderland or Colonie. Thank you.

SUPERVISOR FULLER: Thank you.

MR. CHI: My name is Ben Chi. I live in the southwestern corner of the Town. We have a little over 100 acres there. We moved there from Guilderland, 20 years ago, because Guilderland was beginning to turn to Colonie and we moved into the Selkirk/Cedar Hill area because it was very different from Colonie. We don't want that area to turn into a Colonie. I had a 47 point white paper I was going to bring with me. I will be very brief and skip that tonight and say instead that the plan, while there are some parts of it that I may disagree with, I can say with absolute certainty is not perfect. I can say with equal certainty that any plan that I would find perfect, you would not find perfect. I think this is about as good as you are going to get. I think we ought to get on with it and I urge you to vote for the plan as it stands now. I will say one other thing and that is that all this talk about conflict of interest is a red herring. Conflict of interest implies the financial interest in an outcome. That is not the case here and I think you shouldn't be calling it that. Thanks.

SUPERVISOR FULLER: Thank you.

MR. G. WALDENMAIER: My name is George Waldenmaier. My father has a number of pieces of property in the Town and I vote no for the LUMAC. I would like to see you fix it first before you vote for it. Has a number of very good ideas into it but like the lady said before, once you voted yes, it is very, very hard to make a change. Everybody seems to forget it. Thank you.

SUPERVISOR FULLER: Thank you.

MR. C.J. WALDENMAIER: Good evening. I will make this short since we are all ready to go home and go to bed, I think. My name is Carl John Waldenmaier. I live in the hill towns. There is 5 generations of my family who have lived in Bethlehem. Last generation is born in Bethlehem the past 2 years. Although I am not totally up on the plan, what I have heard from people both sides its got its good points and its bad points. I think somebody said just a few minutes ago, that some of the zoning changes do cast dispersions on how its done and a number of ones... one gentleman who is for the plan had said well you're going to... that one gentleman, the first bad guy this evening, you know but it wasn't just that one. There is ones on every piece of property and most of it is going to affect the agricultural community and these are the people who have both fed families here with fresh vegetables, they have heated their homes and yours with their firewood. You're dictating what green space is going to be, you know. Everybody here this evening has been saying well, this is wrong and this is wrong, both sides or this right, there is no solutions being made. I know that's got to be.. its got to be controversy before anything is done, you know. It seems like

it is always that way with everything. But, nobody... I don't know if anybody went out to these families who own the large parcels of property and said well, we need greenery space, you know. If you take prime pieces there are pieces out there that aren't going to be developed, okay, that I am sure would be kept as greenery, okay. You need to find out where they are before you start dictating where they are going to be. You are not giving people any choices in this matter. Please vote no.

SUPERVISOR FULLER: Thank you.

MR. FRUEH: My name is Chris Frueh. I ask you to vote no against LUMAC. My father owns land in the Town of Bethlehem and I eventually plan on being an heir to that and have goals and dreams for that land. It is classified... portions of it are classified as conservation and I take a lot of pride in this Town. We have a local business and if I ever plan on doing anything with it, I plan on doing the right thing with it and I take a lot of pride in my work. And, I feel this Town has competent people that can handle planning the future of projects as they come along. Thank you.

SUPERVISOR FULLER: Thank you.

MS. KNEFF: Good evening. My name is Nancy Kneff. I live on Meads Lane in Delmar. I think I am one of the three building permits that were issued in the past year outside of the Sewer District. I just have 1 brief point. If the only group that seems to have objections to this seems to be the large rural land owners, and they are willing to sit down and discuss it and work out something then what's the big deal? What are we loosing, a little time to work it out and that way we will benefit the whole community. I don't see any big loss there, I urge you to vote no as it is now.

SUPERVISOR FULLER: Thank you.

MR. WIGGAND: Hello. Hi, my name is Keith Wiggand. I am from Glenmont. And, a couple observations I would like to make about the plan. I understand there has been a lot of work put into the plan and I really think there are a lot of good items in the plan. However, there are a couple things I would like to say about... my family has been in this Town since 1929 when my dad was born and one thing I thank God for is that my family was able to buy some land off a farmer and build some houses. And, to this day, Glenmont pretty much wouldn't be on the map if it wasn't for my family and we still own a lot of the original farm land that they bought back in 1929. And, within the past few years, we bought another farm off of the Crocker family, who was another old name in this Town. I think that there is a lot of room for improvement in the LUMAC plan. I do think that this Town does need zoning. I think there is a plan for the future and that it's necessary, however, I don't think it is right time. I... through all this planning that we have been going through, I haven't once heard anybody pull out a check book and talk to any of these people about selling their lands or an acquisition fund on behalf of the Town, something of that nature. There are other towns that have done things of this nature and I would recommend, at least, the consideration of something like that. I do think that we've got a solid base here to work with. So, I just don't want all the guys on the LUMAC committee to think I am just a negativist. I am not. I am a reasonable person, a reasonable businessman in this Town. But, I do think that it needs some work yet and from that perspective at the present time I would recommend voting no on the plan. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. MINSHELL: I just have some papers that I just want to submit. They are points of interest that I took from a book in the Library.

SUPERVISOR FULLER: I just need to interrupt you for one second.

MRS. MINSHELL: You certainly may.

SUPERVISOR FULLER: Your the first one to break the rule of the evening. Is there anyone else who did not get an opportunity to speak that wishes to speak?

MR. PENK: My name is Al Penk. I live on Clapper Road in Selkirk, New York. Been in Town of Bethlehem since 1950. As yet at any of these master plans or any of these programs you get, does it ever take us into the neighborhood of the Town of Bethlehem? Our children attend Ravena-Coeymans school, their friends are in Ravena, they can't go to the Town of Coeymans park. When they go to the Town of Bethlehem park, they don't know anybody, so when are we coming into the master plan that we can get into the Bethlehem Central School District or when can we get into the Town of Bethlehem as far as being on your so called boards or whatever...and be to represent ourselves. I will make the biggest joke of the night, is that we'll put that board back up the other gentleman had where it was south of the red line. We have our own Sewer District, we have our own water, we have our own fire department, we have our own police, could we possibly be South Bethlehem and we will go away from you people and we will keep our green land. Is that a possibility?

You give us your sewer... your sewer run, you give us all the things that benefits Delmar. You never give us representation. You never give our children a chance and if you stick with... it takes a village, we would like to be part of the village. Thank you very much.

SUPERVISOR FULLER: Thank you.

MS. BURROWS: My name is Karen Burrows. I live in Delmar. I was asked by Mrs. Marion Koch who lives in South Bethlehem to deliver this letter and urge the Board to vote no.

SUPERVISOR FULLER: Thank you. Anyone else?

GENTLEMAN: Is this where you vote, out loud?

SUPERVISOR FULLER: Do you think for one minute anyone in this room is voting? No. What we... what I am trying to do now is get everyone to speak at the public hearing. There will not be a vote tonight by the way. Certainly there has been a lot input provided to the Town Board tonight. What I need now is everyone who has spoken for the first time only. That's you.

MRS. MEAD: I just wanted to say that you know. I am Wanda Mead. I live on Meads Lane and that I am a member of the Bethlehem Rural Landowners. We didn't start out to make this a fight. We started out only to be understood. To do due process in government as we understand it, as our constitution provides for. That we just all sit down and be able to run a Town, our businesses, our agricultural businesses in the manner that they should be addressed. LUMAC has unfairly dealt with us and I am very sorry that that has happened because it really does affect the community as a whole. That certainly wasn't our intention. It was not our intention to cause a fight or an argument with anyone. We wanted simply to be heard and to be understood and as the plan stands now, I ask you to vote no. Let us sit down at some point, go over the points of interest to all of us commonly. We didn't just get here yesterday as I explained at the last meeting. We have been here generations after generations. John's family and my family both came on the Mayflower because they were interested in good government and we expect you all to do your job. Thank you.

SUPERVISOR FULLER: Thank you. Okay, you are free to speak.

MRS. MINSHELL: I just want to pass this out to the Board. I went to the Library and I got some points of interest from a book that is called Land in America, Its Value, Use and Control. And, basically picked out the page numbers and some of the categories and stuff that I reflected on were conservation and farm land and green space. So, these are just some copies.

SUPERVISOR FULLER: Carolyn, just give them all to me.

TOWN CLERK NEWKIRK: We will give them out in the morning with everything else.

SUPERVISOR FULLER: Just put them right on that stack.

COUNCILWOMAN DAVIS: Thank you.

MR. MEAD: John Mead, President of Bethlehem Rural Landowners. I am not here to make another speech. I am just here to tell you that we have some petitions and we have some more petitions coming in and we would like to be able to bring them all in at one time. Would there be an extension of the time for us to bring in the petitions?

SUPERVISOR FULLER: Sure.

MR. MEAD: Okay, thank you very much.

SUPERVISOR FULLER: How much time are you looking for?

MR. MEAD: How much time would you give us? Two weeks?

SUPERVISOR FULLER: Until the next meeting, April 30.

MR. MEAD: That will be fine. Thank you very much.

SUPERVISOR FULLER: You are welcome.

MR. GRADY: My name is Jim Grady. I own 60 acres of land in Glenmont. I think... I live in Slingerlands. I think the plan is a good plan and I think we are very, very close. I think there's just a few slight adjustments that need to be looked at and after that I think we are there. But, for now I don't think it should be voted on.

SUPERVISOR FULLER: Is there anyone else who would like to address the Board that did not get the opportunity? I thank you all for being here this evening. I am going to close the public hearing at this time. May I have a motion to close?

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LETTERS RECEIVED AND ARE PART OF THE RECORD:

HAND DELIVERED

April 3, 1997

Hon. Sheila Fuller
Town Supervisor
Town of Bethlehem
Town Hall, 445 Delaware Avenue
Delmar, New York 12054

Dear Supervisor Fuller:

This letter is written to you in lieu of comments at the Public Hearing concerning the Bethlehem Town Board's proposed adoption of the final draft of the "LUMAC" report. This letter contains my written comments to you and the Town Board about the Report and I would ask you to include it with any other written comments about the Report received by the Town Board for its April 9, 1997 Public Hearing.

The five properties about which I am concerned are located on both sides of Feura Bush Road between Route 9W and Elsmere Avenue, off Hannay Lane and along South Albany and Rupert Roads, and are more specifically identified as follows:

<u>Farm</u>	<u>Acreage</u>	<u>Tax Map Number</u>
1) Defreest Farm:	39.00 Acres	97.10-1-1
2) Schmidt Farm:	A) 69.00 Acres	97.00-1-17
	B) 1.50 Acres	97.10-3-30.40
	C) 1.50 Acres	97.11-1-6
	D) 1.50 Acres	97.14-2-55
	E) 1.0 Acres	97.18-1-23
	F) 1.0 Acres	97.18-1-24

	G) 1.0 Acres	97.18-10-25
3) Kelp Farm	A) 19.50 Acres	97.00-1-9
	B) 3.50 Acres	97.00-1-10.20
4) Hannay Farm	A) 51.00 Acres	86.00-1-7
	B) 1.00 Acres	86.00-1-11
5) South Albany Farm:	A) 75.00 Acres	120.00-3-52.10
	B) 76.00 Acres	120.00-3-56

By letters or memoranda dated November 28, 1994, May 9, 1996 and June 17, 1996 I have submitted comments concerning the Report to LUMAC and I have been very disappointed that not one single recommendation was accepted and implemented by the Committee. I would respectfully request that you and the Town Board review my comments and consider the reasons I have set forth for changes in the "LUMAC" Report, especially the comments that were made at the June 17, 1996 LUMAC Forum with which photographs were submitted. I have not attached copies of these letters or memoranda to this letter in the interest of simplification, but you and all those copied this letter have heretofore received copies. Based upon this information I would request that the Town Board vote against the adoption of the LUMAC Report in its present form, or in the alternative that the Town Board after receiving the Report make necessary modifications to it sua sponte to implement my comments.

The following is a summary of my comments updated to reflect the latest revisions to the LUMAC Report:

The first three farms, the Defreest, Schmidt and Kelp farms are located along Feura Bush Road in a developed area. The LUMAC report has arbitrarily decreased the densities at which these lands can be developed from that at which surrounding lands were developed without setting forth any rational basis for treating these lands separately from their neighbors. The densities at which these lands can be developed should be increased to that at which the surrounding developed parcels have been constructed. The reason therefore is that the topography and infrastructure of the farms are the same as the surrounding developed parcels and the development of the farms at the densities of these surrounding neighboring parcels was contemplated when the neighboring parcels were developed. The infrastructure that was constructed and is in place, was designed and installed to support the development of these farms at the densities of the surrounding lands.

The fourth farm, the Hannay farm, is located on Hannay Lane in a light industrial area of the Town adjoining the Normanskill Creek which forms the Town's northern boundary with the City of Albany. No change has been made in the LUMAC Report to cure its flaw in creating an artificial division line between the farm house and its barn. The LUMAC Report placed the farm house in a light industrial zone, while at the same time placing the balance of the tract including the barn, in lands formerly called a "Conservation Area," and now called an "Environmentally Sensitive Lane." As it affects this farm the change in name is a mere change in label. The change made by LUMAC to state that the boundaries of the Environmentally Sensitive Lands are generalized, is not a change in substance for this farm because it does not change to a light industrial use the residential use which the LUMAC Report recommends for this farm. There is no compelling reason to create an artificial division line establishing a practical use division between the farm house and its barn. The accessible flat land and such of the hillside as can be filled should not be classified as an "Environmentally Sensitive Land" and restricted to residential use. This portion of the farm should remain in the light industrial zone as it is under the present zoning.

The fifth and last farm is located in South Albany between the Selkirk yards of the Consolidated Rail Corporation, the former right of way of the West Shore Rail Road and the Town's former Rupert Road Dump, now its waste transfer station. Even though no change was made by LUMAC for this farm, nonetheless Map E (Map 51) Item 9 of the LUMAC Master Plan Mapping Amendments shows that LUMAC made a change in a neighboring parcel from Agricultural Residence to Office-Light Industry Park. The parcel that was changed abuts the south side of Bell Crossing Road. The changed parcel, like the farm, also abuts the former right of way of the West Shore Railroad and the South

Albany Road. LUMAC's change supports my recommended change in the LUMAC Report for this farm for the reasons hereinafter set forth.

The farm is visible from, has views of, and is impacted by the Selkirk Yards and the Town's former Rupert Road Dump, now its Waste Transfer Station. In addition a portion of the farm was deeded to the Town of Bethlehem for a sewage pumping station which has since been installed by the Town of Bethlehem on this abutting parcel. The topography of the farm is flat especially in the portion of the farm abutting the South Albany Road. The streams are a small portion of the total acreage and are located in the southern portion of the farm. Furthermore, these streams run dry in the summer months, and are not located in ravines of any consequence. The principal consideration for land use of the farm should be its proximity to the commercial uses of the Selkirk Yards and the Town's Rupert Road Dump, now its waste transfer station.

Access to the farm primarily lies from the South Albany Road along which the farm has a large road frontage. Access can also be had from a section of Rupert Road although the adjoining parcel owned by Charles Waldenmaier parcel has been used in the past for parking cars brought into the Selkirk Yards. The flat areas of the farm about the South Albany Road which is a recently improved road with direct access to the Selkirk Yards which are located less than a mile from the farm. Access is also had to the New York State Thruway over the above-mentioned Bell Crossing Road upon which the changed parcel abuts by the Filtration Plant Road, Route 32, and the Delmar Bypass. The residential areas in South Bethlehem are buffered from the farm by the Onesquethaw Creek Ravine further south from the Selkirk Yards. Inasmuch as the farm consists of 151 acres there exists sufficient land to buffer the residential dwellings to the north along Currey Avenue (formerly First Avenue). These residential dwellings exist only on the north side of the farm and are further buffered from the farm by the Town's sewage pumping station.

These factors listed above and the past history of the farm also argue strongly against residential use. Portions of the farm have been subdivided and mapped, but remained farm land when the subdivision was unsuccessful. Furthermore as a large site in close proximity to the Selkirk Yards and Route 32 for access to the Thruway and north, the farm is ideally suited for industrial use. / More consistent with the predominant and surrounding commercial uses is that the farm be zoned light industrial or industrial. The proximity of the Selkirk Yards, and the former Town Dump, and the past failure of residential development of the land and the superior access to Route 32 and the New York State Thruway compel an industrial zone for the farm.

I would be pleased to supply you or the Board with any further information you might require and remain,

Very truly yours,
/s/ Jay Harold Jakovic, Esq.

April 4, 1997

TO: Bethlehem Town Board
FROM: Bethlehem Chamber of Commerce Executive Committee
Cathy Griffin, Chairperson
Frank Venezia, Vice Chairperson
Doug Shanley, Secretary
Elaine Loder, Treasurer
Greg Turner, Immediate Past Chair

I am Greg, Turner, Past chairman of the Chamber of Commerce, writing on behalf of the Board of Directors. As I outlined to you in a November 1994 letter, the Chamber urges you to adopt the LUMAC Master Plan as a working model for the future implementation of land use planning ordinances for our town.

As we said in 1994, there are aspects of the plan which neither our membership nor the entire community could ever completely agree. However, it is time for us to move forward. It is important for

Bethlehem to encourage positive economic development to broaden our tax base and provide necessary services to our town.

Historically, when new businesses try to come into Bethlehem special interest groups have placed obstacles in front of them. As a result, many projects which may have been beneficial to our community cost developers thousands of dollars more than they should have, were tied up for years, or simply never got off the ground. Opposition groups argued that there is no long-term plan by which a project could be measured. A master plan will assist the decision makers to move projects along in a timely manner which will be more representative of our community as a whole.

The LUMAC process has taken eight (8) years to get to where it is today. The LUMAC committee has listened to residents from the entire town and has presented recommendations that are based upon the diverse views of our community.

Unfortunately, Bethlehem has a reputation for subjecting economic development projects to a long and involved review process. This reputation naturally discourages large and small business owners alike from coming to our community. We need a plan that diminishes subjectivity in the review process, a plan which provides a basis for rules and regulations that everyone understands a plan that allows for growth in our town while still maintaining the special and unique character that we all enjoy.

A master plan will allow the development of site plan review standards that will mitigate the need of the planning board to spend hours arguing over the color of an awning, the size of, or the name of a shrub.

We are fully aware that this will be an ongoing process. We know that this plan will be refined and in some aspects, may be changed as ordinances are written.

The Board wishes to take this opportunity to thank all of the volunteers and residents who have spent so many hours formulating this document. It is time to adopt the LUMAC plan, which is an invaluable document to assist in planning our future.

Very truly yours,
/s/ Gregory P. Turner

3/31/97

To Mrs. Fuller and the Town Board

I would strongly urge you all to give final approval to the Lumac plan. It has been worked on for a number of years now with many compromises made recently for the few large landowners who are still objecting. Their desire to build more large subdivisions is to the significant detriment of the rest of the town's residents.

The population of Bethlehem must be slowed and the Lumac plan will work toward that end. There are simply too many single family homes and worse yet rental properties being built. Our school's high quality is at stake as well as our neighborhoods which are becoming busy thoroughfares.

Please make the decision on April 9th for the majority of Bethlehem residents and not the small vocal minority still complaining. The lot sizes have been adjusted down twice already!

Sincerely,
/s/ James Murray
36 Fairlawn Drive
Selkirk, NY 12158

April 2, 1997

Dear Mrs. Fuller -

The Lyon family have been residents of the Town of Bethlehem for over one hundred years - and I have owned my home for forty six years - thus the future of the Town is important to me.

For many years we have had the river - working farms and scattered homes both old and new - and some industry. We lived in "the country" - but today we are fast becoming suburbia.

I know that change is inevitable but in order to grow in a manner that will maintain the village and country charm of the Town I feel that we are in need of a plan.

I do support the (LUMAC) plan and feel that it will meet the need to maintain a really good place to live.

Sincerely yours,
/s/ Jean Lyon

- - -

April 3, 1997

Sheila Fuller, Supervisor
Town of Bethlehem
445 Delaware Ave.
Delmar, NY 12054

Dear Mrs. Fuller,

Short and sweet:

I fully support LUMAC and believe it should become Town Law. We have already appeased the large landowners more than was appropriate. A few of our residents in Town hope to someday get rich; the rest of us just want to live in a wonderful place like Bethlehem is right now.

Vote LUMAC into Town law! Restrict development!

Please forward this letter to the Town Board.

Sincerely,
/s/ James D. Garry

- - -

April 2, 1997

Honorable Sheila Fuller
445 Delaware Ave.
Delmar, New York, 12054

Dear Sheila,

Due to other commitments, I will be out of town on April 9 for the public hearing regarding the adoption of Bethlehem's long awaited Master Plan. I am writing to urge you to adopt this plan. The document you are considering is probably one of the most comprehensive planning documents ever put together in this state. It was formulated over a period of eight years, with thousands of hours of effort by volunteers and planning staff. It is a plan that is representative of a broad range of our residents who have had the opportunity to participate in a most open process.

Bethlehem is a very special place with a very special quality of life. To maintain what we have, it is imperative that we adopt this blueprint for our future.

This plan protects the character of our community by identifying those areas in which we wish to encourage economic development. It does this while also maintaining a balance in the protection of the environmental resources that we all enjoy. It ensures reasonable development density levels for property owners while at the same time ensuring that development does not overburden the infrastructure include highways and schools. It identifies corridors for future highway development and it is a road map to protect this community for our children and grandchildren.

The authors of this plan are realistic in pointing out that it cannot become static or be the sole basis for land use decisions. It provides flexibility so that the decision makers will also have the flexibility to respond the changing conditions.

I congratulate the Town Board and the members of LUMAC for listening to concerns of individual special interests and for accommodating many of their concerns. Although you have not been able to address every change requested, you have made substantial changes to the plan without undermining the plan itself. I sense that some will never be satisfied. At some time, however, a decision must be made, and I believe that time is now.

The plan points out that the next stage is the implementation phase. There might be a tendency to take a break once the plan is in place, but your job is not complete. I urge you to NOT put this document on a shelf to collect dust but rather, begin implementation, a process which in and of itself will take time.

Again I wish to thank each of you and all the members of LUMAC as well as all the residents who worked so hard to attempt to reach consensus and do what is right for the community at large.

Well Done!

Sincerely,
/s/ Ken Ringler

April 7, 1997

Ms. Sheila Fuller, Town Supervisor
Town Hall
Town of Bethlehem
445 Delaware Ave.
Delmar, NY 12054

Dear Ms. Fuller:

I am writing to strongly urge the adoption of the LUMAC Plan. My husband and I believe that it the responsibility of the Town Government to insure all future use of land be by design.

The Town of Bethlehem's LUMAC has developed a thoughtful and thorough plan. It is time that the Town Board adopt this plan as soon as possible as a guide for future development.

I hope that you and the Board take positive action in the near future.

Thank you.

Sincerely,
/s/ Thomas D. Evans
/s/ Lisa L. Evans

April 7, 1997

Supervisor Sheila Fuller and
Members of the Town Council

In order to contain new, future housing developments around and near the hamlets and existing retail service areas, and knowing that an adopted Town Master Plan, to be meaningful and effective, must be implemented through a revised Town Zoning Code, and that the strengthened Zoning Ordinance must conform and be based upon the adopted Master Plan, we recommend and request that you approve the LUMAC's Master Plan with the following corrections:

1. That proposed Agricultural Business and Rural Residence areas have two and three acre densities as adopted in your Final Generic Environmental Impact Statement and as agreed to by LUMAC upon initial opposition of rural landowners.
2. Furthermore, eliminate and prevent clustering and density averaging in these areas.

You know that a revised Town Zoning Code will be contested and challenged in the courts, and in order for the Zoning Ordinance to be legally sustainable, it cannot exceed the densities and the limitations of the adopted Master Plan. The Master Plan provides the ultimate basis and framework for the land use and property development in the Town of Bethlehem.

We have lived and worked in Bethlehem for 27 years and enjoyed it very much. We would appreciate it if we could remain in an uncrowded and fairly open suburb of Albany, paying reasonable property and school taxes for controlled residential growth, and not depending upon limited, environmentally controversial and traffic generating commercial and industrial ratables. We don't want to live in another "spread city."

Yours truly,
/s/ Mr. & Mrs. Otto J. Mertz

April 7, 1997

Mrs. Sheila Fuller, Supervisor
Members of the Town Board
Town of Bethlehem
445 Delaware Avenue
Delmar, NY 12054

Dear Mrs. Fuller and
Members of the Town Board:

As you are considering future planning for the Town of Bethlehem, may I ask that you read this brief letter into the record of the April 9, 1997, public hearing. It is important to be clear that the School District is not taking a position on LUMAC, since that is not our area of responsibility.

I want to begin by recognizing the excellent, cooperative nature of the Town's and District's joint planning. The Town Supervisor, Planner and Building Inspector have been accessible and very helpful in providing data and advice to the District through the years.

Bethlehem Town and School District residents are concerned about the tax base and their own taxes. The Bethlehem Central Board of Education appreciates your pursuit of an intelligent blend of limited residential growth and tasteful commercial development.

The thorough analysis which the District conducted in December 1994, demonstrated that residential development does not pay for itself. Each new single family home yields, on average, one BC student. In 1994, a newly constructed home would have to have been assessed at \$370,600 to pay for the \$5,874 per student educational expenses funded through local property taxes.

As the District works to meet the needs of our increasing student enrollment, while limiting costs, we appreciate the Town's continuing commitment to wise planning.

Sincerely,
/s/ Les Loomis
Dr. Leslie G. Loomis
Superintendent

April 5, 1997

Members of the Bethlehem Town Board
Town Hall of
Bethlehem
Delaware Avenue
Delmar, NY 12054

Dear Members,

The purpose of this letter is to urge you to vote in favor of the proposed Master Plan for our town. For the past eight years I have followed the progress of planning proposals and I believe the

document as it is now presented represents the best possible efforts to put in place a sound planning document with consideration for the many interests that will be affected.

I hope all members will agree with me that further delay would be counterproductive and you will bring the proposal to a vote and support it with your vote.

Sincerely,
/s/ Susan Rasmussen

- - -
4-8-97

TO: Supervisor of the
Town of Bethlehem
445 Delaware Ave.
Delmar, NY 12054

Dear Supervisor -

I would like to let you know that I approve the proposed Town Master Plan which was prepared by the LUMAC Committee. This plan should now be accepted without further delay or changes.

/s/ Dr. Rudolf Deibel

- - -
April 7, 1997

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

Town Board Members:

I am writing to you to express my support of the Master Plan drafted by the Land Use Management Advisory Committee.

The Town needs a sound Master Plan to ensure long term quality of the environment and of our lives and our children's lives. The Master Plan is such a sound plan for the future.

I urge you to adopt this plan to guide our future.

Sincerely,
/s/ Gerald P. Rasmussen

- - -
7 April 1997

Dear Board Members:

I would like to make a few comments regarding the LUMAC Plan. I have lived in this town for 65 years, except for two years in the service for my country. My family purchased our farm from Van Rensselaer in the late 1700's. In the many meetings I have had to attend in the last few years with REVAL and now LUMAC, I find there still is many others in the town with almost the same background. I feel we have been harassed by the town politicians in both of these matters. Never before in history have we had to attend so many meetings to protect our rights and property.

I would like to know why the board did not see fit to make sure that at least one of the committee had a family background of at least 75 to 100 years in this town?

Why didn't the board make sure the whole town was represented on this LUMAC committee? Did you know not one person who lives west of the railroad yards (some 2,000 +/- acres) have had one voice on this committee? This area probably will feel the most devastating impact from this LUMAC plan if it is approved. Some of it is now in a "no-zone" area and we feel should be left that way. I asked this question at a meeting and was told by Mr. Putney that "no one volunteered from this area". With such a serious matter, it seems to me that the board should have actively sought out someone. Is there anyone on this committee who owns a hundred acres, fifty acres, or even forty? I don't think so.

How about Mr. Putney being on the LUMAC committee? He helps develop a plan on the committee, and then as a town board member will be voting on it. It would appear to me to be a conflict of interest and I question whether or not this is even legal, certainly it is unethical and he should refrain himself from voting. With the above said, how can you, as a town board member, with a clear conscience and your oath of office to uphold the Constitution vote for such a plan?

Not only was our constitutional rights violated, we were discriminated against as well. I believe this can well be proven in a court of law. A government without proper representation is what? A dictatorship. And it seems we are not far from it right here in the Town of Bethlehem. Just look at the LUMAC committee. Seventeen original members cut to four or five and who made the decision as to who was going to stay. Was there a vote on this? Now it seems it was drafted by two or three, and, one voting on it as a board member.

I would like to ask each of you, first, is this what the founding fathers of our country had in mind when they wrote the constitution? Secondly, is this the kind of government that our boys gave their lives for in WW II, the Korean War and Viet Nam?

I implore you to vote NO on this plan and save our town from these few extreme environmentalists.

Sincerely,
s/s Gerald T. Tryon

- - -

The motion was made by Mr. Putney and seconded by Mrs. Davis to close the public hearing at 11:10 p.m. The motion was passed by the following vote:

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

Kathleen J. Newkirk
Town Clerk

Supervisor Fuller convened the regular Town Board meeting following the close of the public hearing.

The first item on the agenda was to acknowledge receipt, review and approval of the Annual Investment Report for the year ended December 31, 1996.

Acknowledge receipt, review and approval of Annual Investment Report

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to acknowledge receipt, review and approval of the Annual Investment Report for the year ended December 31, 1996. The motion was passed by the following vote:

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

The following item was a request from David Austin, Administrator, Parks & Recreation Department, for approval to go to bid for regrading and installation of drainage at present soccer area at Elm Avenue Town Park, Delmar.

Request to go to bid regrading and installation of drainage to present soccer area

The following resolution was offered by Mr. Putney and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for regrading and installation of drainage at present soccer area located at the Elm Avenue Town Park, Elm Avenue, Delmar, Town of Bethlehem, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of April, 1997 and that bids be received up to 2:00 p.m. on the 6th day of May, 1997 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The next item was a request from David Austin, Administrator, Parks & Recreation Department, for authorization of the Supervisor to sign the Helderberg Workshop Agreement.

Request from Parks and Recreation Supervisor to sign Helderberg Workshop agreement

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to authorize Supervisor Fuller to sign the Helderberg Workshop Agreement. The motion was passed by the following vote:

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

The following item was a request from Administrator, David Austin, Parks & Recreation Department, for approval of appointment of seasonal personnel.

Parks and Recreation approval for Seasonal Personnel

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve seasonal personnel at the titles and salaries listed on the Memorandum from David Austin, Administrator, Parks & Recreation Department dated April 9, 1997. The motion was passed by the following vote:

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

Public Works
bids for
Corrugated
Aluminum Pipe
Plastic Pipe and
Pipe arch

The following item was a recommendation from Terrence Ritz, Department of Public Works, for award of bids for Corrugated Aluminum Pipe; Plastic Pipe; and Corrugated Metal Pipe and Pipe-arch for 1997-98.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the award of bids for Corrugated Aluminum Pipe; Plastic Pipe; and Corrugated Metal Pipe and Pipe-arch for 1997-98 as specified in the Memorandum from Terrence W. Ritz, Department of Public Works, dated April 2, 1997 to Chemung Supply Corp., Elmira, NY and Vellano Bros., Inc., Latham, NY at the bid prices quoted. The motion was passed by the following vote:

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

Public Works
award of bid
for one four
wheel drive
backhoe/loader

The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for award of bid for one (1) four-wheel drive backhoe/loader.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the award of bid for one (1) four-wheel drive backhoe/loader for the Department of Public Works to K.C. Canary of Clifton Park, Inc., Clifton Park, New York at the bid price of \$119,765.04 Item #1; \$6,680. Item 1A; and \$2,632. Item 1B. The motion was passed by the following vote:

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

Deputy
Comptroller
to go to bid
for janitorial
services

The next item was a request from Richard Webster, Deputy Comptroller, for approval to go to bid for janitorial services. Could advertise April 16, 1997 and open bids on May 5, 1997.

The following resolution was offered by Mr. Lenhardt and seconded by Mr. Johnson:

Resolution
to go to
bid for
janitorial
services

WHEREAS, the Town desires to advertise for bids for janitorial services, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of April, 1997 and that bids be received up to 2:00 p.m. on the 5th day of May, 1997 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Approve Town
Board Minutes
March 26, 1997

The next item on the agenda was to approve the Town Board minutes of March 26, 1997 as submitted.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the Town Board minutes of March 26, 1997 as submitted. The motion was passed by the following vote:

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

Next Town
Meeting April
30, 1997

Supervisor Fuller announced the next Town Board meeting will be on April 30, 1997 at 7:30 p.m.

Supervisor Fuller asked for a motion to meet in Executive Session following the close of the regular meeting to discuss negotiations.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to meet in Executive Session following the close of the regular meeting to discuss negotiations. The motion was passed by the following vote:

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

Meeting adjourn
to executive
session no
action taken

The motion was made by Mr. Johnson and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 11:15 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.