

TOWN BOARD
JULY 8, 1998

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
George Lenhardt, Councilman
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Susan Burns, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: Welcome to a meeting of the Bethlehem Town Board. Ask you to join us in the pledge of allegiance.

The first item on tonight's agenda is to consider the proposed Local Law No. 8 concerning rezoning of the premises at 467 Delaware Avenue. I will ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York, will hold a public hearing on July 8, 1998 at 7:30 p.m. at the Town Hall 445 Delaware Avenue, Delmar, New York to consider Local Law No. 8 of 1998, concerning rezoning of property to Planned Commercial District for premises located at 467 Delaware Avenue, Delmar.

Public Hearing concerning rezoning Planned Commercial District for 467 Delaware Avenue

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

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

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk, 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 24 day of June 1998.

/s/ Mary A. Ahlstrom

Sworn to before me this 2nd day of July 1998.
/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 June 24, 1998, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
6th day of July 1998.
/s/ Catherine T. Picarazzi
Notary Public

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SUPERVISOR FULLER: May I have a motion to indent the Notice of the Public Hearing.

The motion was made by Mrs. Davis and seconded by Ms. Burns 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. Lenhardt, Mrs. Davis, Mr. Johnson,
Ms. Burns.
Noes: None.

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SUPERVISOR FULLER: Before we start with the presentation this evening on the CMI request, just to bring you up-to-date, this came before the Town Board back in May of 1997. Most of you in the audience probably have followed this through the Planning Board. It is now back with the Town Board and we will be seeing this presentation for the first time tonight since it went to the Planning Board a year ago. We will have the presentation first, then I will open it up for questions and then we will give everyone the opportunity to speak in favor or in opposition of the request for the rezoning. Mr. Cahill.

MR. CAHILL: Thank you, Mrs. Fuller, Members of the Town Board. Ladies and gentleman, my name is John Cahill. I am an attorney here in Town and my partner, Joe Messina, and I have been retained by CMI in connection with this application for rezoning. As Supervisor Sheila Fuller indicated, this application started back in May of 1997 and we were referred to the Town Planning Board to obtain a recommendation as to the rezoning. We stand here before you tonight with a favorable recommendation from that Board. We also have received a determination from the Zoning Board as to the number of parking spaces required.

This property is currently zoned residence "A" and we are seeking a designation as Planned Commercial District pursuant to the provisions of the Zoning Code. What we would like to do tonight is to have various members of our team present information to the Town Board and to the public with respect to the daily operation of such a facility. The site itself and the building and then we would be available to answer any questions that you or members of the public may have. I am joined here tonight by Sidney Insoft, who is the President of CMI, and Steve Levin who is the Vice President of construction and engineering. So, I would like to turn it over right now to Betsy O'Brien who will give you an idea of exactly what type of facility we are proposing for this site.

MS. O'BRIEN: Good evening. I am Betsy O'Brien. I am presently working as the Executive Director of Normvega Point which is a 93 apartment assisted living facility in Weston, Massachusetts.

I thought a lot about how to present to you what assisted living facility would do and be and be part of a community here and what it would offer to your residents. I found a wonderful definition, it was a one sentence thing, that really doesn't tell you what it's all about. So, I thought I would describe some of how the building is designed to accommodate people who might live in an assisted living community. And, I use the word community because that's what it becomes. It's a place where people can socialize, have their own home, and maintain as much independence as possible with the support services that are offered within the community. Although we design certainly individual apartments for everybody, the greater emphasis in a project like this is on the community spaces within the building. And, there is a lot of emphasis on large areas such as a

large living room, and activity/multi-purpose type room, large dining rooms, card rooms. We have an area for wellness which includes a pool and exercise room, and, program directors for parts like that. We also provide a number of services but it's really what happens with the individuals living in that community that makes it work so well. They come from individual homes or residences and they come because they want no longer to shovel snow. They don't want to plan the meals anymore and if someone cleaned their apartment and made the bed that would be okay too.

COUNCILMAN DAVIS: Sounds good to me too.

MS. O'BRIEN: Yes. I'm trying to work out a time share for myself actually. Residents who come to live with us find that you can't not make friends. They find that they have things in common with everybody. The public areas offer them a place to meet people without having to say, I'm new and I'm afraid and I'm not very good at making new friends. They just can't help but find people to eat dinner with, to exercise with, to go on trips together, even if they just end up at the hair dressers together that's okay too.

The building also accommodates a number of services for them. I mentioned the housekeeping, 3 meals a day with a restaurant type menu available to them with choices, they also have a place in their apartment where they can make their own coffee and toast and ice cream snacks at night if that's what they want to do.

I have worked for CMI for 8 years. First, as the administrator of the nursing home that is next to Noremvega Point and now as the Executive Director. And, I am a very lucky person. There isn't a better place to work. It's a beautiful building. We have been open 3 years now and we have a waiting list of 48 people. And, we don't want to send anybody out but there are an awful lot of people knocking on the door. As beautiful as that building is and as wonderful place it is to work, it is a better place to live. And, when I have shoveled off the snow in my driveway, and brushed off my car in the winter and slogged my way down the highway and come to work, I am very jealous of what those residents have and what... the life style they have in that building every day. By the time I get there, they are waking up knowing that they've had someone awake in the building all night, someone that they can call if they have a question or need some assistance. They get up and their newspaper is at the door and their breakfast is waiting downstairs. And, when they have gotten all that done, then there are things to do in the morning. And, that could be the exercise classes, the aquasize, they can go -- Mondays we go to the library, to the pharmacy, down to the post office, lunch is ready next, the afternoons may be anything they can come up with themselves whether it is bingo -- there is some really heavy duty gambling that goes on at the poker table, I have to tell you. We take the residents out. We have transportation available for them for doctor's appointments. We take them out for trips, for lunches, to the movies. They've seen more movies than I do. We also have entertainment that comes in and that is a lot of the evening, and late afternoon programming. They also do some of their own entertaining. They are very, very good at trivial pursuit. Things that I can't answer. Dinner is very special, as they have become a community and we've been full, they make plans for dinner, they invite friends. They say, you know, are you busy tonight. There is a lot of support that goes on from resident to resident.

They also have the comfort of knowing that there is a nurse in the building every day of the week and that there are home health aides to help them either on a temporary basis or on something very basic, such as getting elastic stockings on in the morning. The other aspect of this community comes from my viewpoint as a daughter of 2 of the first residents that moved in. My parents moved in 3 years ago, it has been nothing but peace of mind to me to know 1. that they are now close to me. I don't have to drive to Cape Cod every time there is a crisis. I got to see them every day because they were close to me and that's what we find that most people move in and move back close to their children. When my father, who is legally blind, needed somebody to help him shave, we just had to call down and say can we schedule a home health aide. And, if there was a crisis at night, my mother could call down and get some help. It has

been a wonderful place. It has been terrific to watch -- I was involved in some of the construction planning to build a building that you hope will function and serve the residents. It has become a true community. They care about each other. They care for each other and they provide tremendous amount of support to each other.

Thank you.

SUPERVISOR FULLER: Thank you.

MR. CAHILL: Betsy, if I could just ask you to provide some information with respect to the staffing of this type of facility. What's the maximum number of employees per shift and when the shifts would change? And, what type of employees are on the premises during the evening hours?

MS. O'BRIEN: The staffing consists basically of the Executive Director, a marketing person, 2 people on the front desk one of which, I call them multi-purpose person -- they help in the dining room if we need to. They run the country store. They do some of the business functions. There's dietary staff, a number of excellent chefs, actually, one which I stole from the hotel. There are wait staff, 6 a night which is our heaviest meal and a few people helping out in the kitchen. Home health aides, we staff as many as we need during the day and that might be 3 to 4. The evening shift, I have 1 receptionist and 1 home health aide. And, the night shift I have a security guard and a home health aide. The shifts vary depending on what people are working. The home health aides are 7 to 3, 3 to 11, 11 to 7. The desk people are 8 to 4 and 4 to 12 that kind of thing.

MR. CAHILL: Betsy, what would be the maximum number of employees on premises at any one time?

MS. O'BRIEN: Supper time there might be 15 to 20 at the maximum. That would be only for a 4 hour period of time.

MR. CAHILL: One other thing, Betsy, if I may as a follow-up, to my knowledge the residents of this type of community may have varying needs providing their physical condition, could you describe for the Board, what services are provided -- the basic service obviously is some type of an apartment with meals provided -- but there is also medical services provided on a per need basis, is that correct? Would you describe that, please?

MS. O'BRIEN: Yes. The nurse is available 8 hours a day for consultation. She will also put out medications for people if that's a service they need. She certainly calls the doctor and makes appointments and tells him of concerns that we might have. The home health aide give you basic personal care. If there are skilled nursing needs, those are provided by an outside agency and can include dressings, medications, blood tests, that kind of thing.

We have people that have large medical needs but as long as they fit into the community and there is social interactions, they are somebody we want to have with us and we will support people. We have had people on Hospice and we have one gentleman that goes out to dialysis but that does not interfere with their life style and if we can support them in continue to foster their independence, that is something we want to do.

MR. CAHILL: Thank you, Betsy. Before I introduce the engineer who will go through the site with you, I would like to bring to the attention of the Board and the public that the initial application on this project was for 107 units and in working our way through the Planning Board process, and working closely with Mr. Lipnicky, the Town Planner, and Mr. Fenzel, the Town Engineer, the project now proposes 94 living units and the rendering that you see over here, the site plan, is the result of modifications suggested by the Planning Board and adopted by the applicant for submission for your consideration. So, I would like to introduce Doug Brackett from EDR to go through the site with you.

MR. BRACKETT: Thank you very much. I guess I've got enough tether to get over here. I'm at loss without some kind of a graphic so I

need to do some pointing here... This is the site that, as you well know, is approximately 6.7 acres in size. Delaware Ave is along this left hand side of the sheet, north being to the right hand side. The orange area represents the building. The site is such that from the north property line, there's 160 feet to the closest point to the building. From the western property line, the closest point to the building is 100 feet. From the front or the south, the right-of-way from the road is about 250 feet and...

SUPERVISOR FULLER: Mr. Brackett, if I can interrupt you for a minute, you can lift that mike off of there and get over closer, it might make it easier for you.

MR. BRACKETT: The front is about 250 feet. The reason I say about is that there is a front entrance, covered entrance area here and depends on to what point you go to measure that. And, on the eastern property line, it is 50 feet from the property line. The library site is down here. Library parking lot is right at this location.

The site does have some environmental concerns and issues on it. It is fairly heavily wooded. The brighter green trees that you see here are all existing trees to remain. The darker colored trees are proposed new trees and the majority of those, about 75 new trees proposed, about 50 of those are evergreen trees and the majority of them are located in relationship to the parking lot to provide buffering. There are wetlands on the site. There's a large wetland in the northern portion of the site or the back portion as I think of it. And, there are 2 smaller ones in the front. This one in particular is impacted by development but it is less than 1/3 of an acre and would be within the requirements for submittal under the nation-wide permit for the Corps of Engineering. The back larger one is not affected at all.

Drainage was an issue on the site. A lot of concern over that, we have worked a lot of hours with Mr. Fenzel coming up with solutions to drainage. This wetland area currently drains off to the northwest. We are going to try and intercept that and actually take it in this direction, out to the road, into a detention area here and other parts of the drainage go into another detention area. They are connected together and they go into an existing 24 inch storm line that goes into the existing large box culvert under Delaware Ave. That was a request because of some concerns of the community to the west and we are trying to take as much water as possible in that direction and avoid anything additional... certainly there is nothing additional goes onto the west. We have designed the detention areas to actually hold the amount of water created in a 100 year storm which is far above what would be required. There may be other questions about drainage but that's basically how it drains.

The circulation system is that there would be an entrance off of Delaware Ave at the point of the existing curb cut. Would come up with a drive, turnaround type of situation under the covered entrance to the building. Some parking at this location about 7 cars, another 17 cars in this area and then another small parking lot here, for a total of about 47 car parking. The rest of the circulation system is over to the library parking lot area. At this point, details are still in negotiation as to how that will work and exactly what we are going to do there. We are willing to work with the Town and the library in whatever way seems appropriate. Right now we are showing that as being gated. There is a service area at this point in the building which would not be visible at all from Delaware Ave. There is also a proposal for some walkway systems around the building for the residents and there is an interior court that would be developed as well.

The building itself is about 33,000 foot print. The coverage of land is about 33,000 square feet. The total site development, including the building and the walks and the roads is about 25-26 percent of the total site. So, that's about 1.7 acres compared to the 6.7 total acres of the site there. With that maybe you want to talk a little bit about the building itself unless I have missed something, John.

MR. CAHILL: No, I think that is fine for now, Doug, thank you.

Before I introduce the architect of the building, I would to just inform the Board that ongoing discussions with the library continue. We have met with the Board itself and with Nancy Perry who is the Executive Director, on a number of occasions and until a recent development in their business, they weren't quite sure what they wanted to do with our client. It has now been indicated that they will probably be looking for additional parking from us which we are more than willing to provide. As Doug indicated, there would be a gated connection that would prevent the daily routine flow of traffic through our premises or through the library premises for people looking to just take a short cut and avoid traffic at the intersection. So, the details of that are continuing to be worked out.

At this time, I would like to introduce Michael Lu who is the architect of the building and he will give you an idea of how we came up with this type of building for the site. Michael.

MR. LU: Thank you. If everyone can hear me, maybe I can stand on this site next to the board. I'm... my name is Michael Lu. I am the...

SUPERVISOR FULLER: We need you to take the mike.

COUNCILMAN DAVIS: Thought you could get away with it.

MR. LU: I was hoping to. My name is Michael Lu. I am with the principal in charge of design for a firm called the Architectural Team. We're located in Chelsea, Massachusetts. We are a medium size firm of 45 people. We have brought some brochures because you may not be familiar with us. If you are interested, we will leave them with you. We have done over 35 assisted living projects and we probably have another 20 or so in design and in construction at the moment, as well as, about 30 skilled nursing facilities. I also would like to mention that we have a reputation also in historic preservation which relates to how we design new buildings. We also have done a number of projects with this team. In fact, Betsy O'Brien, the Executive Director of Noremvega Point is a team member we have worked with and in fact, we were the architects for Noremvega Point. We also have a number of projects in New York which you may or may not be familiar with. One is in Albany, it is under construction right now, it is a 300 bed skilled nursing facility for the Carmelite sisters, it's called Teresian House. It should be completed in the next 3 or 4 months. We also have projects, skilled nursing facilities in Dutchess and Ulster Counties. Wingate in Ulster is the name of the one in Ulster and Wingate of Dutchess is the name for the one in Dutchess County.

I brought some material from some of these other projects that we have done to give you an idea of the kinds of looks, looks of buildings that we have designed. These are 4 different projects. This is the front of Betsy O'Brien's project, Noremvega. This is one in Brenister, Massachusetts. This is one in Rhode Island which won a housing award in 1996 from the Boston Society of Architects. And, this is one called Brewster in Brewster on Cape Cod which was for... with this team. And, we also brought some photos of interiors from this projects... these projects.

Betsy O'Brien described the buildings on the interior a little bit. There is a great deal of common space within the buildings. Unlike the typical multi-family building, the assistive living projects have about 40 percent of the space within the building not in the units. In other words, 55 or 60 percent of the space is in the apartments but the rest are in spaces like that. There would be dining rooms, there would be lounges, card rooms, living rooms. There would be a wellness center. And, all of that is a very large portion of the space that we are building and it is in order to support the kinds of social programs that Betsy was talking about.

The building itself as Doug described is in orange. And, it is designed in such a way, we feel, breaks up the square footage of the building into smaller pieces so that from any angle around the site, you can never see the entire building. Each side is a different... is a facade which conceals the rest of the building and it is a way

that we have tried to make the scale as small as possible. One thing about assistive living facilities is that they are residential buildings. They are... they're an attempt to get away from providing housing to the elderly in a medical kind of building. Before assistive living you had only 2 choices really. If you were an elder person who had some frailty, you could go into a multi-family apartment building where you had no support or you would go into a skilled nursing facility. Skilled nursing facilities, as I think most people know, are medical buildings. They look like medical buildings, they feel like medical buildings. The whole point of assistive living is to make them residential both in terms of how the people live in them and also in how they look. So, what we tried to do is design the buildings to look as much as possible like residential buildings.

When we went about designing the facades, I spent an afternoon in the neighborhood and took these photographs that you saw... when... what I was looking for was an indigenous character of the building. A building look that would fit in with the neighborhood. And, different architects design buildings in different ways. Because, we... as I said before, have a big... a lot of experience with historic preservation and with existing buildings. So, that is our prejudice. If you look at the buildings that I have brought that we have already built, there is no one sort of look. Our office doesn't produce buildings that look a certain way. What we try to do is try to fit them into the context and some of the buildings will be brick and have a certain scale. In this particular case, you might have some details... this is actually called a jerk and head roof which is a certain kind of residential roof type and so on. And, I mean, so that was why... one of the points of visiting the site.

We had started with the idea that somehow we would take the cues from the building from civic buildings but they seem not appropriate for this site and there was no sort of building look that seemed to be consistent and fit in. But, there was a building look that I was... that surprised and pleased us and there is a kind of indigenous bungalow style housing form which seemed ideal for a 2 story building which has some natural horizontality to it where we are trying to make the horizontality in the low profile of the building an asset that that look seemed to fit in. This as some of you may know, would be the facade of the front of the building which is facing the street. A combination as many of those surrounding houses or in the neighborhood would be a combination of some brick and some other material, in this case probably stucco with the... this form that you see in the portoshare which is that covered drop off where you have columns that have canted sides, the top is thinner than the base and the roof form where often are brackets which are the joist stands which extend beyond and are visible. The view here which is another rendering... as you can see, is the same view as this composite photograph and it is the view from the library... the library side. All sides of the building with the view through... would have... well, let me start over again. Every side of the building would be a filtered view because you see as our site engineer described, it is a heavily wooded site and the site plan maintains a lot of that so they're filtered views of the building. In fact, the view of the front of the building that I showed here, would also be a filtered view but if it was to be rendered with the trees in the way, then we wouldn't get a sense of what the building looked like. But, this view from the library side was... the drawing itself was created with the actual photograph and, it is of all the views, the longest... the one angle where you get the widest view of the building because the gaze from this side, you really will see this facade which is about the shortest because these wings are part of the background. This view is closer to the property line and has the longest view. That's why we thought it was important to make that view and also because it was a more... the second most public view of the building, the first being from the street. And, here, you can see that because sections of the building are projecting forward and others are receding, again, you never really get a sense of the full width of the building particularly with the filtered views.

So, we have tried to do a good job of designing the building with a building vocabulary... with a look that will fit in and we feel we have come up with a configuration so that the building size... actual

size is never perceived from any one angle and you get a series of smaller pieces in an indigenous sort of building vocabulary. Thank you.

SUPERVISOR FULLER: Thank you.

MR. CAHILL: Thanks, Michael. Before opening this up for comment from or questions from the Town Board or the public, I would just like to say that CMI has a number of these facilities throughout the northeast. They have done detailed analysis as to this site and the reasons for why they think this is the... an appropriate site for this type of facility. That includes an analysis of the population in this Town and their study indicates that a majority of the residents will come from the Town of Bethlehem or from within a 5 mile radius and that is based on the fact that this type of facility is designed to be appropriate to allow seniors to remain in the community in which they previously resided. It provides them with an opportunity to stay socially engaged with their friends. To take advantage of the library and shopping and things of that nature. Certainly a number of the people who would reside in this facility would also be people who may have grown up here but have moved away from here and whose children now live in this Town and they are unable to move in with their children so they would move back to this type of facility to allow them to continue the relationship with their children and grandchildren.

We are very cognizant of the fact that the Town of Bethlehem is a very active seniors association. That senior group, we have come and we've spoke to and we have tried to address their concerns in planning this facility. We are also aware that Karen Pellettier has a senior van services throughout the Town and I would like to point out for the record that this proposal will not, in any way, impact the use of the transportation provided by the Town seniors association. We will have our own transportation available to our residents. Very few of the residents themselves will own automobiles. Based on our analysis of other sites approximately 7 to 8 of the residents of this site would own their own... own automobiles and in most cases those would be parked there for extended periods. These people don't necessarily choose to drive on their own, they usually use the community transportation that is available.

So, we would be more than willing to answer any questions or if you want to open it up for public comment.

SUPERVISOR FULLER: We will take some questions from the Town Board first.

COUNCILMAN DAVIS: I have some questions, Sheila.

SUPERVISOR FULLER: Sure, Doris.

COUNCILMAN DAVIS: Having attended all the... and this is going to be known if this does happen as the Betsy O'Brien annex I have a feeling but having attended all of the Planning Board meetings on which this particular project was discussed and seeing it evolve, I may not have as many questions as I might have but I have to also say that I have been impressed through that process in seeing the applicant address the issues that were brought to the Planning Board. I have a feeling that they were very... they accommodated the main concerns, the work that has been done, I think, is a result of some very pressing questions. The Planning Board, I think, did an extraordinary job in addressing the questions of the community, those people who are seniors, as well as, those people who were concerned as neighbors and are still concerned about having this particular facility. But, the work that went on from the Planning Board and from the applicant and working together to remedy the issue, I think, you all need to be complimented.

One of the questions that I have is on the assistive living definition. You related to the home health aides, it was my impression that home health aides in assistive living residences, would be not necessarily in the facility for access by all of the

residents but that you would hire for residents if they needed home health aides. Am I wrong? Do you do both?

MS. O'BRIEN: We do both.

COUNCILMAN DAVIS: You do both. Okay, that was the impression that I had. I don't see how the few home health aides that you have on hand every day would be able to service the number of residents that you have and I wanted to be certain that I understand that because it is a significant difference. Okay.

So that you have someone on staff who actually contacts those people in the community for those services that are needed by your residents. The residents do not have to do that.

MS. O'BRIEN: It can be done either way. They...

SUPERVISOR FULLER: Betsy, when you are answering the questions, I need you to go to the mike because it is a public hearing and we need you on the record. Thank you.

MS. O'BRIEN: Sure. Home health aide services can be provided either by the staff that the facility has hired or by private aides or companions which the family or the resident may hire directly or we will give them names of agencies and help them in selecting some services. They must be offered a choice of sources for employees.

COUNCILMAN DAVIS: I am thinking, for example, my mother is 91, almost 92. We moved my parents almost 5 years ago before my father dies to an independent living residence in this area and again they lived far away from here but we brought them here because they were close to me and to my brother and an independent living residence the residents are expected to do all of that themselves and it is very difficult for my mother, for example. And, I believe that this is a real advantage if this is how it works.

MS. O'BRIEN: It has worked out very well for us. We certainly... there is an advantage to being able to refer a family to an agency because they do a lot of screening of the employees, they know their backgrounds and they know their training. But, we have a number of families who hire people for long periods of time even a 24 hour companion kind of arrangement where it is easier for them to do that independently.

COUNCILMAN DAVIS: Okay. Another question, you have currently 94 units and you said that at one of the Planning Board meetings, I believe I remembered saying that there would probably -- and I think Mr. Insoft made this comment -- that there probably would be a maximum of 100 residents at one time and the difference between the 94 and the 100 would be to accommodate couples, husbands and wives, who would come to your facility. Also, I remember hearing the figure of 90 percent generally are female in a residence of CMI's character. I think also that statistics today indicate that the male population has an increased life expectancy. So, if we are only... and that's wonderful... you know, I think that's great. But, I think also, we need to plan for the future and if you only have you know, this accommodate for 6, what happens to the size of your facility if you have additional couples who would like to move to CMI and I think that is a very good likelihood -- I mean, will you be able to accommodate? Will you be able to, for example, make adjustments and create doubles out of singles? I know that has happened where my mother lives but it's a question that I would have and I believe some of the seniors should have and there should be an answer to that. I know a number of couples who are here tonight are interested as being perspective residents of CMI.

MR. LU: I... in general, the units are small units. They are on the order of 400 square feet or so. So, it is possible in almost every case to get 2 beds but for some I think they would find it cramped. Generally, we design them so that the units... a certain number of them are communicating... have communicating doors. So, you can take 2 studio units and essentially turn them into a 1 bedroom or 2... they are joined together. That's usually how it is accommodated.

You will have some larger units which are in the corners of buildings and those are often the best candidates for double occupancy.

COUNCILMAN DAVIS: Okay and then if needed, you can convert them back to singles. I mean, does it work that way?

MR. LU: Yea, bear in mind that the larger units are also small but they are just a little roomier, you know, for 2 people.

COUNCILMAN DAVIS: Okay. Thank you.

I guess also I was thinking of the economic feasibility of having couples. I assume there would be an adjustment and I know that the economics were important in reducing to 94. Would that still be compatible with what CMI considers a margin?

MS. O'BRIEN: It has been our practice to add a separate fee for the second person. I don't think any numbers have been discussed but we do accommodate, certainly, a second person with the rent.

COUNCILMAN DAVIS: Okay, thank you. One of the issues that I know many people are concerned about and it was an issue that the Planning Board addressed and it has not been mentioned here this evening as a major point but I think that it needs to be explained for all of us and that is the zoning and how the zoning will be addressed, not as a deed restriction, but there will be assurances in the zoning so that this facility... this particular site will never be used for anything except senior housing. John, can you explain that? Has that all been rectified?

MR. CAHILL: Yes.

COUNCILMAN DAVIS: I think it would help if we hear exactly how that will happen.

MR. CAHILL: Okay. As I previously mentioned, this property is presently zoned residential. But, in my opinion, it is not a typical residential area. We have the adjacent property being the library, we have town hall in the immediate vicinity and we also have a greenhouse right across the street. So, I think that this site, since it has been unused for such a long period of time and has not been developed as a residential area, is a unique area for this type of facility. As far as rezoning goes, we have consented to a number of conditions of rezoning as recommended by the Town Planning Board. And, I can read them to you. They were that the future land use of the parcel under the Planned Commercial District would be limited to an assisted living residence for senior citizens as said land use is represented in the application for establishment of the District. Future land use would be permitted to include accessory uses which are customarily associated with the facility as determined by the Town Board. Second, the maximum dwelling unit density would be 94 units. Third, the approval of a building project on the parcel and construction of the building would be substantially consistent with the concept plans which you see here before you this evening. Fourth, our applicant would be required to commence construction within 3 years of the date of enactment of rezoning. Otherwise, the parcel would revert to its former designation as a residential "A" district. And, fifth, and most specifically, I think, what you are referring to Mrs. Davis, is the fact that notice of these conditions of rezoning would be required to be incorporated in the deed transferring the property from the present owner to CMI so that any future purchasers of the property or anyone else searching the County Clerk's documents would be aware that this parcel is severely limited in its use. And, lastly, we would be required to submit an appropriate erosion control plan during the period of construction activity.

So, there are some very limited conditions and restrictions that have been incorporated in the recommendation of the Planning Board. Our client has consented to those and is well aware that they would be incorporated in any rezoning consideration given by this Board.

COUNCILMAN DAVIS: Thank you.

SUPERVISOR FULLER: They are built right in the Local Law.

MR. CAHILL: That's correct.

SUPERVISOR FULLER: Do you have any other questions, Doris?

COUNCILMAN DAVIS: Yes. What would be the minimum length of time? I read a month, I think again this was from some of the Planning Board meetings that I attended that generally the rooms, the suites, the units, the apartments, would be generally rented for a month. Is that typical? Or, is there another period of time by which... for which people would be able to lease, rent their unit? Again, a person who is 88, 89, which apparently is a very typical age... really don't feel comfortable making long term commitments and that is understandable. What's the typical length of time?

MS. O'BRIEN: I don't know what the restrictions are in New York State. Massachusetts requires that we present a lease for a period of a year. It also is very open ended and if anyone was unhappy or there is no obligation past a 30 day notice to move if that is what you want to do. They do have to sign for a year but there is no obligation to stay for that period of time.

COUNCILMAN DAVIS: Well, I am thinking, for example, suppose a person dies during that time...

MS. O'BRIEN: Right, with 30 day notice... we actually will give them 15 days if its... if they didn't let you know.

COUNCILMAN DAVIS: When did they receive that notice?

MS. O'BRIEN: The family usually tells us when they are going to move the furniture out.

COUNCILMAN DAVIS: Okay. I feel a little better about that.

MS. O'BRIEN: Okay about that.

COUNCILMAN DAVIS: I am not making light, that is a concern that my mother would have. It's a concern that I would have. Okay. I may have other questions, but thank you for your patience and thank you for answering them.

SUPERVISOR FULLER: Betsy, if you don't mind coming back up again, I wanted to ask about the cost. Initially we had heard the cost was based on the services that the residents would choose to use.

MS. O'BRIEN: The parts... the items on a monthly bill include the rent for the unit, a second person charge if that's applicable, you won't have a garage fee like I do, you will also be serving 3 meals -- I charge for lunch if you want to eat, and for the personal care that is provided to the resident. So, if they need no personal, hands on services there is no charge.

SUPERVISOR FULLER: Okay, so they are only charged for those services...

MS. O'BRIEN: For what they use.

SUPERVISOR FULLER: ...that they take advantage of.

MS. O'BRIEN: Yes, exactly.

SUPERVISOR FULLER: Thank you.

Another issue that has been raised over and over again and I know the Planning Board discussed it at great length, is why this site in our Town? Why didn't you look at other sites? John, would you address. If all of you attended the Planning Board meetings I apologize, but I have a feeling there is a lot that didn't, so I would like the answers here for everyone tonight as well.

COUNCILMAN DAVIS: Right.

MR. CAHILL: Yes. I guess assisted living is a fairly new innovation in providing residential care for the elderly. In the past, we have seen fit to build this type of facility on the outskirts of town and to more or less alienate the elderly and our client felt that this particular site was so ideally suited because it enabled those people who would be the residents to continue their daily contacts with the people in the community from which they previously resided. There's a bus line that these people would have access to. There are shopping centers near by. There is the Town Hall near by. There is a Town library near by. And, as the population ages, it has been determined that people are more and more active for longer in their life and this will provide the residents the ability to avail themselves of the services that are nearby in the community to which they were accustomed when they were living in their own premises. It will also allow relatives and friends of the residents to more conveniently visit these people for instance on their lunch hour, maybe after work or on the weekends and on holidays. And, that is why we have selected a site with this type of location within the Town.

The other available sites that were looked at in the Town, all would have required some type of rezoning or massaging of the existing zoning and they were not located at a site that would avail the residents of the services that I have alluded to. They were more or less on the outskirts of Town or in the midst of Delaware Avenue which is more heavily commercial and probably not as well suited for this type of residential setting.

SUPERVISOR FULLER: Thank you, John.

Questions from other Board Members?

COUNCILMAN LENHARDT: I do. My questions are predominately regarding the zoning. The first question I have and either John or Jeff probably can answer it. Why a PCD classification and not our Senior Citizens overlay zone.

MR. LIPNICKY: First, the primary reason...

COUNCILMAN DAVIS: Jeff, the mike.

MR. LIPNICKY: The primary reason here is that the applicant is pursued the Planned Commercial District designation because under the Senior Citizens zoning district he is only allowed 10 units per acre and basically, the unit density that is proposed here is 94 units and would require 9.4 acres to accommodate and this parcel is only 6.7. So, the density requirement is the major factor.

COUNCILMAN LENHARDT: Okay. Since it's PCD, then I expect that the applicant will be subject to property and school taxes.

COUNCILMAN DAVIS: Yes.

MR. LIPNICKY: That question I can't answer.

SUPERVISOR FULLER: Yes, I can answer that.

MR. CAHILL: I can answer that. Obviously we will be subject to school and property taxes. And, to point out the obvious, we will not be taking advantage of the school system in Town. We have had initial discussions with the Assessor and it's been determined that the tax liability for this type of project would be somewhere between \$215 and \$240,000 annually.

COUNCILMAN LENHARDT: Okay, thank you. That number is actually higher than what I had heard at the one Planning Board meeting. Some of these questions, as Sheila and Doris have indicated, may be redundant for those that have attended the Planning Board meetings but I want them on the record.

GENTLEMAN IN AUDIENCE: Talk into the mike, please.

COUNCILMAN LENHARDT: I am sorry. They tell me it's omni-directional but... The application also has and this probably is a... well, that

will be a question for you but it is a comment really for the Planning Board and the Planning Department as a result -- if you were given permission this evening to start construction, what's a reasonable time period to expect completion?

MR. CAHILL: I would refer to Steve Levin who is the Vice President of construction.

COUNCILMAN LENHARDT: I'm not going to hold you to it.

MR. CAHILL: I would say that the completion would be within 1 year approximately.

COUNCILMAN LENHARDT: One year, okay. The reason I ask the question, part of the conditions that you read before it indicated construction shall be deemed to commence when a building permit has been issued for construction on the parcel..

SUPERVISOR FULLER: Excuse me, George, they're not able to hear you in the back of the room.

GENTLEMAN: Pull the mike down where you can hear you.

COUNCILMAN LENHARDT: It's right up to my mouth.

GENTLEMAN: That is better.

COUNCILMAN LENHARDT: I mean, I will have to eat it.

GENTLEMAN: We want to hear too.

COUNCILMAN LENHARDT: How about this, is this better?

GENTLEMAN: No.

COUNCILMAN LENHARDT: See, it might not be on then.

MRS. SLEURS: You're on, just talk into the mike, you are fine.

COUNCILMAN LENHARDT: Okay. The reason I bring this up and this is what concerns me and I will read the paragraph or the sentence again... construction shall be deemed to commence when a building permit has been issued for construction on the parcel and substantial clearing and grading activity has begun. And, I commend the Planning Board on putting that condition in to ensure that that the applicant is really honest and above board in preparing the property and completing the construction. But, for the same reasons that they felt a time period should be in there for commencement of construction, I feel there should be a closure period so that if we have similar situations in the future, someone comes in with a bulldozer and can knock down an awful lot of trees and satisfy this and then for economic reasons or whatever, leave the site that way for a lengthy period of time. I would like to see that avoided in the future. I know it's not in the wording in this and I trust these people will pursue their course and be completed within 1 to 2 years.

MR. LIPNICKY: Yes. That was discussed to some extent at the Planning Board level also and the idea of having a construction completion date. The difficulty with that is that if you have somebody... well, first of all if you have somebody who is commencing construction and they are into the process of constructing the building and aren't completed yet and the construction date then passes, the question is what are you going to do. Okay. Obviously, you know if the construction is commenced no court, I don't think, is going to say that the Town now has the right to say that the zoning now reverts to its former status but John and I have talked a little bit about this and maybe this additional wording in that paragraph would satisfy your concerns. Because, you know I mean the whole reason for this in the beginning is because we have a lot of Planned Districts in Town where the zoning was changed many, many years ago and it took many, many years before somebody actually got out there and started construction on it and over the time there has been substantial changes in what the project looks like and what the

project is about. So, that is one reason that this was recommended in here. In any event, John and I had discussed that a bit and we would suggest maybe this type of language would satisfy your concern, George. The last... if you began at the second to last line of that paragraph where it begins, 'construction on the parcel' and have it read from that point as follows: construction on the parcel, substantial clearing and grading activity has begun, and the building foundation has been poured. So, that way, there's actual construction that's commenced on the building and I think once the foundation has been poured, we're at a point now where you don't want to stop construction any more. It's better to have the building completed even if it takes a couple... an additional 2 years or so or whatever the case may be.

COUNCILMAN LENHARDT: Okay.

MR. LIPNICKY: So, maybe that would satisfy your concerns to do that.

COUNCILMAN LENHARDT: Thank you. Stay right there, Jeff, I have... oh, I'm sorry...

MR. FLANIGAN: I just want to relate... I just want to relate what we just talked about because this happens on every project we have today, every large project we have. We are not... when they start they're in with a good faith effort to start the project and get moving but that doesn't mean that they're going to continue. There are many things economically that do things for them. The one thing that comes to mind is Adams Station. Adams Station, down off Elm Avenue, started and got well under construction had about 5 of the sections done but 3 of the sections sat there half done with the foundations in the ground because of economic things at that time. All of a sudden things changed 2 years later and they are back and now the thing is completed. So, those things do happen. But, it happens on everything. We've got a church in North Bethlehem now that's half built that's sitting there, economics got in their way. So, I don't know how long that's going to sit there under that condition. But, this happens every place and I don't know how we can stop it. I defer to...

COUNCILMAN LENHARDT: I understand that but in this particular situation the Planning Board chose to place conditions on a rezoning application and they chose to put a time period in there to ensure that the application if it went forward started and was completed with the proposal that was presented to the Town Board and I just felt, you know, if we can tighten it up a little more it would be beneficial.

MR. FLANIGAN: Those conditions are mostly in all the PRD proposals.

COUNCILMAN LENHARDT: Jeff, on the subject of noise now. I assume this is going to be an air conditioned building, the air conditioning units, where are they going to be placed. Do you have any idea or?

MR. LIPNICKY: We haven't gotten to the specifics of the project at this point in time. At this stage of... the zone change stage, we're not really into the details of project construction. We are not into the details of setting elevations for catch basins, rims, and stuff like that. So, at this point, all we have is the conceptual plan. Those types of issues will be taken up at the time... if the zoning change is granted at the time an application for building project is made. And, I would point out that there is a requirement in our zoning code for a second public hearing also at that point in time. But, issues such as that... very specific issues, we generally don't get into it at this particular phase of the project.

COUNCILMAN LENHARDT: Okay. Is there a State law though on acceptable level of noise at the property line for SEQOR purposes?

MR. LIPNICKY: Aa... not to my knowledge.

COUNCILMAN LENHARDT: Okay. So, then the next question on lighting, I assume that they have made a proposal on what the parking lot lighting will be or concept plan.

MR. LIPNICKY: Again, we haven't gotten to that point yet.

COUNCILMAN LENHARDT: No.

MR. LIPNICKY: But, the message has been conveyed to the developers here, that our expectation is that the lighting levels will be low level lighting. That fixture heights will be kept to a minimum and things of that nature but when we get to the building project review stage that will be looked at in detail.

COUNCILMAN LENHARDT: Okay, thank you. My last question is for Mr. Cahill. You mentioned in your presentation that negotiations are under way with the library on providing... possibly providing additional parking, are you indicating that there would possibly be more gray area than is on that diagram there now for this parking or...?

MR. CAHILL: I will let Doug address that.

MR. LEVIN: I got to point again.

COUNCILMAN LENHARDT: I understand.

MR. LEVIN: When we began the process we did have an additional lot in this area for parking and if that were to be... if it was to be desirable that there would be additional parking for the benefit of these folks, that would be an appropriate location to be adjacent to that lot and could be used by them in common. That's where it would go if we were to add to it.

COUNCILMAN LENHARDT: Would that be subject to approval by the Planning Board?

MR. CAHILL: What was determined at the Zoning Board level as part of their approval or recommendation as to 47 parking spaces is that we would consent to providing additional parking spaces if determined necessary by the Town and the location of those would be in the area where Mr. Brackett had indicated where the Town library would have access to those. But certainly we will have that finalized if we are successful on the rezoning application during the building project approval process.

COUNCILMAN LENHARDT: Okay, thank you.

COUNCILMAN DAVIS: Wasn't one of the reasons why that parking area was not included was to provide additional screening and landscaping which was something that was a positive.

MR. CAHILL: Yes, right. What you see here...

COUNCILMAN DAVIS: Isn't that the same area?

MR. CAHILL: What you see here is the result of a number of discussions and appearances before the Town Planning Board and working with representatives of the Town. Initially, we had some parking back in this area but it was suggested that in order to provide additional buffering to the residents to the rear of the project that we move the parking to some other site on site.

COUNCILMAN LENHARDT: That's my concern also.

MR. CAHILL: Right.

COUNCILMAN LENHARDT: And, now I am going to put Bernie on the spot a little bit because I am sure the question will come from the audience and maybe I can sort of short circuit that. What is the legal definition of spot zoning?

ATTORNEY KAPLOWITZ: It's not easy to...

COUNCILMAN LENHARDT: I understand that's why I am asking for your opinion.

ATTORNEY KAPLOWITZ: It's not always easy to answer, George, but basically it's zoning that's accomplished for the benefit of an individual or a corporation. That's basically what it is... to the exclusion or detriment of others. If you change a zone to favor... I don't know a supermarket wants to go in a residential zone... it depends why did you do it. If you can convince a court or whatever that you did it because you needed a supermarket that's fine. But, if you did it because you like the Price Chopper people and you wanted to do them a favor, well that's not so fine. So, that's really what it boils down to, it's... it can be very close... a very fine line between what is and what isn't spot zoning.

COUNCILMAN LENHARDT: Okay, so it's... what you are saying is it would be up to a court to decide the legality of...

ATTORNEY KAPLOWITZ: What is and what isn't... yes.

COUNCILMAN LENHARDT: ...what is and what isn't.

ATTORNEY KAPLOWITZ: Definitely.

COUNCILMAN LENHARDT: Okay, thank you and I won't ask the second question, you've answered it fine.

COUNCILMAN BURNS: I have some questions.

SUPERVISOR FULLER: The silver one. We have more mikes in the front of this room.

COUNCILMAN BURNS: I am going to take mine out and talk right into it because I have a little softspoken. Thank you for your presentation. I have a series of questions here. Actually, my first question I am not sure who to... probably Mr. Cahill. I have a article from the Boston Business Journal, May 2, 1997 and it says here that CMI was moving forward with projects totaling more than 22 million dollars and this is a Wellsley based company, correct?

MR. CAHILL: That's correct.

COUNCILMAN BURNS: So, it says you have begun construction, this was '97, in Norton and Pittsfield which I think I saw pictures of and then you have one in Centerville on Cape Cod. Is that one done?

MR. CAHILL: Why don't I have a representative from CMI who is more familiar with their actual business operations address those questions, okay?

COUNCILMAN BURNS: Sure.

MR. CAHILL: Steven. This is Steven Levin who is the Vice President of construction for CMI.

MR. LEVIN: The Pittsfield, which is called Melbourne Place, just recently opened this past Monday, on July 6th. Our Norton community will open on July 20th and the Centerville community will open some time in late July.

COUNCILMAN BURNS: Okay. This article also says that the company is looking to expand its network into Maine, Connecticut and New York. And, you are working with local officials to do that. And, it says you operate 8 assisted living complexes and nursing homes in towns across eastern Massachusetts. Is that correct?

MR. LEVIN: Right.

COUNCILMAN BURNS: And there is a quote here from Mr. Insoft. It says we are looking to geographically diversify into contiguous states. Is that correct?

MR. LEVIN: Well...

COUNCILMAN BURNS: Is this article correct?

MR. LEVIN: Yes, the Pittsfield community is... I don't know 40, 40 minutes to an hour depending...

TOWN CLERK NEWKIRK: Excuse me, you need to use the mike on your left. Yes, that one. They can't hear you in the back.

MR. LEVIN: Okay. The... Our Pittsfield community which is 40 to... 40 minutes to an hour I think from this location, depending on weather... so that's why we are here in Delmar. I mean, that's sort of a geographic network.

COUNCILMAN BURNS: But, you're really a Massachusetts based company. You are not a local sponsorship. You are not a local company.

MR. LEVIN: A local... local to?

COUNCILMAN BURNS: To the community... to this area.

MR. LEVIN: We are based in Wellsley, Massachusetts.

COUNCILMAN BURNS: So, your base would be in Wellsley.

MR. LEVIN: Oh, the base is in Wellsley and then what would happen, the Executive Director would be... you know, sort of a regional director where she or he would have responsibilities Pittsfield, New York.

COUNCILMAN BURNS: I guess my point is that you are out-of-State, your base would be out-of-State. The people though here would communicate through an Executive Director with somebody out-of-State, so you are not locally based.

MR. LEVIN: I can refer the... sort of the operational questions as to how the community will operate to Betsy, if you wish.

COUNCILMAN BURNS: Do you have a Board of Trustees?

MR. LEVIN: No.

COUNCILMAN BURNS: I know the local nursing home here has a Board of Trustees and a lot of the neighbors know those people and it's constituency that they have grown through the years and that's important to the people in the community. And, I am just bringing that up. My next question would be since you are a for profit organization, you probably wouldn't be doing any charitable activity such as for profits would be doing as far as establishing an endowment fund or something like that, correct?

MR. LEVIN: No. We haven't done it in the past.

COUNCILMAN BURNS: That's not something you do. I know the not for profits do do that. The next question I would have, was there any market research done before you came into the community.

MR. LEVIN: Yes, there was market research done.

COUNCILMAN BURNS: And, what did that entail? Could you go into that and give us a few details?

MR. LEVIN: I don't have the particulars to that.

MS. O'BRIEN: Before we go into any area, we study the demographics -- age, income, other resources, other community... retirement communities or assistive living projects in the area. There are... there is information available to us to decide whether it is an appropriate site, whether there are people here who want to come and live in a community like that.

I would like to address your question about facilities outside of metropolitan Wellsley, Boston area. The people that are in charge in Pittsfield are very, very well known to that community. They have each... the Executive Director and the Marketing Director have worked in VNA and social service community there for 18 years. They are known to everybody in that community and have a very good sense of

the needs that people in the towns right around there. So, while they may get their direction from Wellsley, it would be no more than my direction from Wellsley because I know Weston and they know Pittsfield. And, I think the same would happen in this area that you would have people that... who have lived here and worked here and know the needs of this particular Town would be actually running the residence.

COUNCILMAN BURNS: Before you go, I would like to go back to the research.

MS. O'BRIEN: Oh, sure.

COUNCILMAN BURNS: I am still not clear, what did you find from your market research? I really would like to know those specifics. Was it a demographic survey, was it a psychographic analysis? What type of analysis did you do to decide to come here and...?

MS. O'BRIEN: Okay. I would have to say that they did... what... they looked at any statistics that were available demographically. I was not involved in that part of the process but they wouldn't be proposing something here if they did not feel that the economics and the age and the need was here.

COUNCILMAN BURNS: What is the average age of the residents?

MS. O'BRIEN: Most assisted living communities are 85 years old and contrary to popular rumor, there are more men than were previously reported.

COUNCILMAN DAVIS: That's right, absolutely. We read the same statistics, Betsy.

COUNCILMAN BURNS: Okay. What... I guess my next question would be also relating to age. What would be the percent of turnover in this type of facility?

MS. O'BRIEN: We are only 3 years old but nationally 25 percent of the residents turn over in a year.

COUNCILMAN BURNS: 25 percent.

MS. O'BRIEN: Yes. We have had 9 people move out in the last 6 months so we will be coming up with 18 which is just about the 20 percent at Noremvega.

COUNCILMAN BURNS: Okay, we are going to come back to that because I think I have something in here that Mr. Insoft said and it doesn't agree with that but...

MS. O'BRIEN: I wouldn't argue with him.

COUNCILMAN BURNS: I will go on to the scope of the project. I was at the Planning Board meeting where they were... where you were charged with coming back with making a smaller project and I believe I remember hearing somebody say that anything under 76 or around that number would be not feasible economically. Is that true or would you like to address that? My question is, I have some articles here and there are many, especially there is one from the Westchester County Business Journal here on July '97, there are many references to units that are 70 and 80 units and I am wondering if these were built in Westchester County, why can't something of that scale and scope be built here?

MR. CAHILL: When we first made the application we had proposed 107 units and the Planning Board asked us to, if my memory serves me correctly, attempt to reduce that number by about 20 percent. Is that what they initially suggested, Jeff?

COUNCILMAN DAVIS: Yes. That was a figure I heard.

MR. LIPNICKY: That was the figure that one Planning Board Member suggested. I don't know...

SUPERVISOR FULLER: One Member, it was not the Planning Board.

COUNCILMAN DAVIS: One Member.

MR. CAHILL: Right. And, our folks went back and did an economic analysis of what they felt would be reasonably feasible from a business sense and adjusted the project to 94 units. I think they took into consideration, Ms. Burns, the cost of construction, the market in this area, the ability of people as to what price they could pay and the cost of operation on an annual basis in coming up with that number. I don't know that anybody from our team made any reference to 76 units that I am aware of.

COUNCILMAN BURNS: Um, it's memory and I for some reason remember in the 70s and I don't know why that number was given.

MR. CAHILL: Right. I can just tell you that they are comfortable with the proposal in front of the Board this evening. I am not sure that they would be prepared to go forward with any further reduction in size of the proposal.

COUNCILMAN BURNS: That was going to be my next question.

MR. CAHILL: I figured it was going to be.

COUNCILMAN BURNS: If they would be willing to.

MR. CAHILL: I don't think so at this time. I think that the applicant has been very cooperative in working with members of the Town and the Town Planning Board and that they feel that the proposal before you tonight is what makes economic and business sense to them.

COUNCILMAN BURNS: Okay and I am sorry, I can't remember... the average stay, did I ask that question yet?

MR. CAHILL: Yes, I am not sure that we could tell you what the average stay is.

COUNCILMAN LENHARDT: Can I answer that? At the Planning Board meeting I attended that was a question, it was 2.7 to 3 years was the answer given.

MR. CAHILL: Okay.

SUPERVISOR FULLER: Was that given from CMI?

COUNCILMAN LENHARDT: I think Mr. Insoft gave it. I did not attribute who made that comment but I believe it was Mr. Insoft.

MR. CAHILL: That sound about right, Sidney?

MR. INSOF: I am sorry, I couldn't hear you.

MR. CAHILL: The average stay of a resident would be somewhere between 2.7 and 3 years?

MR. INSOF: Well, I...

MR. CAHILL: You are going to have to come up to the mike.

SUPERVISOR FULLER: He probably ought to stay up here when he comes up.

MR. CAHILL: Yes.

COUNCILMAN DAVIS: He can use that mike.

MR. CAHILL: You can use that mike right there. This is Mr. Insoft who is the President of CMI.

MR. INSOF: Good evening, my name is Sidney Insoft. Before I answer that question, I am going to answer your question about the Westchester projects. The Westchester projects... when you read anything in the media, you got to understand what size units they are

building, what amenities and what is the average monthly rent... is it being rented bundled or unbundled with services. From the very first day that we proposed this project in this community, we were trying to target a certain rent in the solid mid price range and that is our intent right now. The smaller you go in the units, with the same debt service, the same personnel on board, you don't have to be a rocket scientist to figure out that you got to charge a higher rent. We want to come in in the mid price range. Now, as far as your... how long do people last. The first thing I want to tell you that nobody on my staff, including me, plays God. I'll give you several examples, I have one community that I started building 15 years ago before the word assistive living was even coined and I promised residents they could move in at a certain time. Certain external factors stopped the contractor from delivering for an extra 90 days... and I am not bragging or trying to patronize anybody but we put up 30 people in motels, this is on Cape Cod and fed them. Cost me "x" number of dollars but that's a part of life, when they left our motel within the 90 day period, their ranges was 83 to 87, 35 percent of those people and you can figure that out, whatever that comes to, are still living in the community now. They are 90 to 96 years old, most of whom look no different, if not better, than the day they moved in because this type of communities control their lives in such a way that it is very hard to experience. I mean, they eat on time, they have companionship -- you have heard all the stories. All I can say to you that if you reach 85 years old and I would start saying you should start saving your money when you are 50 and you can live in such a community, when you die you will have a smile on your face.

COUNCILMAN BURNS: Thank you. I have a few more questions. In an article I have here from Nursing Homes, March '98, there is a... they point to high acuity levels in resident turnover, we will go back to that. And, it states here that the turnover rates are 40 percent or more a year. And, that this is what the market is seeing. Um... obviously, Mr. Insoft says I shouldn't believe everything I read but this is what they are saying.

MR. INSOF: Only... when you get something in the mail like a tax bill, I think you would believe it. You have the stuff in the media, you really have to get behind it. Let me tell you, I live this statistics. Right now we are averaging 20 to 25 percent turnover here, on an average. You could have a year where it could be 30 percent and we have had years where it was 15 percent. Nobody can play God. We have people moving in that you wouldn't give them 6 months to live, 4 years later they are still there. Somebody comes in hoping and skipping and singing and he has a stroke or a heart attack and he goes out. That's life, it's everywhere. You cannot put statistical numbers with peoples lives. This is a business of faith and I keep reminding you... you mentioned something about the difference between non-profits having Board of Directors, you are looking at the Board of Directors -- me and my key staff, okay. We do a lot for every community we are in. We are not stupid. This is pr, it's part of our marketing. You don't have to patronize anybody to do that, we just do it. Every community we go in all our key people come from the community. Wellsley does backroom operations, architecture, some accounting, you know, payables, receivables. But, the life of these communities are in each community. They don't change. I will stay up here if you have any more questions.

I have plenty of people that I brought tonight... but some of whom just don't do what I do so here I am.

COUNCILMAN BURNS: I do have a few more questions. What about the threat of regulation. Um, the nursing home business has been regulated, what about Medicaid and that whole playing field and what is going to happen in the future?

MR. INSOF: Let me tell you, if you think I am going to give you an answer for where Medicaid and Medicare are... Clinton and his whole team tried that spent millions of dollars and here we are today. You understand, that we're... I'm sorry... you understand that we're talking assistive living about a private paying market rate community. There is no third party reimbursing by government. There is a very great tendency to overlap assistive living with nursing

homes which is a heavily regulated business solely dependent on the Federal government reimbursement. Now, I can tell you, we are in the nursing home business too. I have been in... I have... my first nursing home is... I built about 34 years ago. I still own it. Very heavily regulated, drives you crazy, Federal regulations impose more work for registered nurses to become clerical people than changing bandages. They keep bringing down the reimbursement rates. Just read the budget and the reconciliation act of 1997, what they did to Medicare. The affects are just coming on line. That's nursing homes. Assistive living in Massachusetts, I don't know about New York if it's licensed -- is New York licensed? New York is licensed, so you need a license from some board and that's it. The regulations are normally in the area of nursing homes.

Let me tell you the ... request from 99 percent of the people who come into our facilities to live. I am going to swear but I don't think it's that naughty, they say to us keep me out of the dam nursing home. We're in the nursing home business, I agree with them. In other words, they come into our community because they have an option they never had 10 years ago. So as they age in place, they become what years ago used to be classified level 3 and 4, nursing home candidates. Now they are in assistive living. And, at some point, the government is going to find out that assistive living could be an answer to long term care because it is about 50 to 55 percent of the cost of nursing homes.

COUNCILMAN BURNS: Well, I think... we don't know what's going to happen in the future and to be prepared for some government oversight in the future is not a bad idea and we should be mindful.

MR. INSOF: What would you want us to do to anticipate government? I believe... I don't like government running all our lives so that's my philosophy.

COUNCILMAN BURNS: I am just asking the questions.

MR. INSOF: No, no, but I am just giving you my opinion. I think people who pay their own way are entitled to spend their money the way they want it. But, government will start sticking its neck into assistive living little by little.

COUNCILMAN BURNS: Okay. Just a final thing here, I have an article again from the Boston Business Journal, July 19, 1996, and you're quoted in here, Mr. Insoft, as saying that about 40 to 50 percent of our assisted living residents flow into the skilled nursing facilities and flow back to the residence.

MR. INSOF: Let me tell you how that works, okay. When I started in the business, I thought that the best way, if possible, to build assistive living or retirement communities was to build it in a campus setting with a skilled nursing home next to it. Now we have 3, 4 campuses like that where we can do it. And, what that means is -- here's the options. We have a couple who want to move in, so one moves into the retirement community or assisted living, the other is too far gone and he moves to the nursing home and they visit each other. If you live in an assistive living community and let's assume you need lump skilled medical care which we don't provide in assistive living, you could go into a nursing home under Medicare, the 21st days are free, the next 80 days you only pay 20 percent. That's all we bill, that's Medicare right now and then you go back to the assisted living community. In a lot of cases, we operate both.

COUNCILMAN BURNS: I guess that's what I was asking because it says that the company's future growth strategy is to acquire skilled nursing facilities that have an adjoining parcel of land available to develop assisted living communities. If that was your vision 2 years ago, that's not what you are doing here. Is that still your vision?

MR. INSOF: That's correct. We will probably affiliate. We won't have to wait long. We'll be affiliating with some skilled nursing facility in the community.

COUNCILMAN BURNS: Affiliated how?

MR. INSOF: Just... they want our patients recommended and visa versa.

COUNCILMAN BURNS: So, it would be a partnership?

MR. INSOF: No, I know it will be for profits nor do I want to buy any nursing homes. Remember now, the next step from assistive living, if you are still breathing, could be long term health care which is a skilled nursing home or SNIF. So, we're looking for SNIFs and SNIFs are looking for our business because it is that compatibility between the 2 type of patients or residents.

COUNCILMAN BURNS: Those are all the questions I have for now. If I think of any...

MR. INSOF: All right, thank you.

COUNCILMAN BURNS: Thank you.

SUPERVISOR FULLER: Are there any questions from the Board?

COUNCILMAN DAVIS: I do. Do you mind if I have 1 more?

SUPERVISOR FULLER: The patience of our audience may be begin tested right now.

COUNCILMAN DAVIS: I know, I know, well hopefully these are questions that are important. One of the issues that I think is important about this particular project is that, this is currently zoned residential and Jeff, possibly you can help here. What would you give as the estimate for daily trips if this particular parcel were -- I hope this isn't an unfair question but -- if this particular parcel were to be developed to its capacity with residential homes? What would the average number of trips per day be in comparison to the average number of trips for this particular facility? Is that an unfair question?

MR. LIPNICKY: I really don't have that off the top of my head. My guess is that there probably is about 18 single family homes that could be developed on that parcel, max. And, I would guess that the trip ends would probably be comparable probably during peak hours, more trips generated by the residential properties, the single families.

COUNCILMAN DAVIS: Okay. Thank you.

MR. LIPNICKY: But, to give you exact numbers off the top of my head, I can't do that.

COUNCILMAN DAVIS: But, you would say that there would be probably more.

MR. LIPNICKY: It's pretty comparable.

COUNCILMAN DAVIS: If it were residentially developed?

MR. LIPNICKY: Yes, it would be pretty comparable. I can't remember off the top of my head either how many trips we had generated during peak hour of this facility but if you can give me a minute I...

COUNCILMAN LENHARDT: Jeff, from that same Planning Board meeting, I referred to before, when it was 107 units... from the same Planning Board meeting when it was originally proposed as 107 units, it was 53 peak traffic max in the am and pm.

MR. LIPNICKY: Okay, so 150... that doesn't sound right.

COUNCILMAN DAVIS: Okay, that's all right. You can come back later, Jeff. Thank you. I didn't mean to put you on the spot.

COUNCILMAN LENHARDT: That was an issue.

COUNCILMAN DAVIS: But, I know that it's a question that came up and it has been reduced now in size and I think that that's an important

point to be made. The other point is, again... John, I believe you made this point earlier, and I want to reconfirm this that our senior services will not be compromised. That our vans will not be utilized by the residents of this facility.

MR. CAHILL: That's correct.

COUNCILMAN DAVIS: This is... all of the services are provided in house and we don't have to worry about the volunteers who are now being... working very hard and overtime and our senior program will not have to be working twice as hard.

MR. CAHILL: No, we will have our own vehicles, most likely 2 on site. Some type of mini-van and probably a station wagon, is my understanding.

COUNCILMAN DAVIS: Okay, thank you. Thank you for your patience, everybody, sorry.

COUNCILMAN BURNS: I am sorry, I just have 1 more question. I know, I believe it was Doris asked Ms. O'Brien what the costs were and you said it depended on the services. But, the nitty gritty of it, what's a high and what's a low?

SUPERVISOR FULLER: I was the one that asked the questions.

COUNCILMAN BURNS: Oh, sorry.

COUNCILMAN DAVIS: Yes.

MS. O'BRIEN: I would have no way to answer your question. I understand that they will be market value. But, our... the boss wants to speak.

MR. INSOFT: I work with... I have a sore throat so I have a cough drop. I didn't think I was coming back to the microphone.

From day 1 we wanted to come in at the mid-range. And, that's with minimum support services. We were talking \$2300 to \$2400 a month. That's our goal. Every time you reduce a unit, you go up \$100, \$150, \$200 a month. We can come in with that and people pay for what they need only when they need it. That's the range we are shooting for, otherwise, we will... as you heard before, by some strange stroke of luck, our males have been living a little bit longer, how I don't know but...

COUNCILMAN DAVIS: The women are treating them well.

MR. INSOFT: Yes, they do, they do. And, I will tell you when the men live longer sometimes a little senility slips in so they don't know that they have been treated right. I mean they just know they are living a little longer. Thank God for that but... When we build the bigger units and bigger is in comparison to what we build for this facility in the 425 square foot range, otherwise, we would have gone through the first Board because we would be building big apartments. We will design some units, I don't know how many depending, to fit it into the same square size. Don't forget there's a cost factor the way you do this. You've heard square footage mentioned today. We want to build into that the height, the restrictions and all that good stuff. What we end up building, 'x' amount of units, we could all call a 2 bedroom unit.

COUNCILMAN BURNS: Just to continue on this line of questioning, maybe you can answer this question and tell me if this is correct. This is from Contemporary Longterm Care, June '98 article, it says even at \$2000 per month a perspective resident must have an annual gross income in excess of \$35,000 in order to meet the industry standard criteria of applying no more than 80 percent of after tax disposable income to the monthly service fee.

MR. INSOFT: Tell me... tell me exactly what you want to ask me because you just read an article. I don't know what you want to ask me.

COUNCILMAN BURNS: If that... I wanted to know if... do you have to have an annual gross income in excess of \$35,000 in order to pay for this... to live in this facility at \$2000 a month?

MR. INSOF: Statistically, the facilities that we propose to build which will probably have a greater increase in the range because of the mid-range price that we're shooting for, only 20 percent of the elderly can afford to pay for this ... There is no mystery to it. We are not playing games. We're not telling you a panacea or pulling rabbits out of hats. Only 20 percent of the elderly. When I told you to start saving at 50 so when you are 85 you can come in, I am not lying. You know, I don't know what the interests rate will be 20 years from now, but in general, about 20 percent of the elderly. Now remember, that's a combination of many factors. Some articles that you read will state that the elderlys have to have so many assets, you know in order to create the yield because they are not working any more. But, they also get social security, some elderly get help from their children. There are many combinations that create the monthly payments. But by an large, on a pure stand alone basis around 20 percent.

COUNCILMAN BURNS: Thank you.

MR. INSOF: You are welcome.

SUPERVISOR FULLER: Why don't we take a few minutes for questions from the audience and then I will ask you to please come to the microphone and speak in favor or opposition of the rezoning. Questions.

MR. LIPNICKY: Just to get back to Doris's question about trip generation, the estimate was for 37 ... trips during peak hour but you have to remember, I mean, the access to this is from Delaware Avenue. Delaware Avenue is a road that probably carries 5000 cars a day or not a day but rather during period and... well during the day but the bottom line is 35 cars is really imperceptible in terms of traffic generation for a project. So, you know, that was the conclusion of the Planning Board. We really didn't ask for anything beyond that. We looked... really we were looking for what were the trip generation rates, would there be any residential property... streets impacted and the answer is really no.

COUNCILMAN DAVIS: Okay, thank you.

MR. LIPNICKY: You know, the residential street that's most impacted would be Borthwick for vehicles during rush hours so...

COUNCILMAN DAVIS: Thank you.

SUPERVISOR FULLER: Thank you, Jeff. Questions. Yes and I would ask you come to the microphone and identify yourself please.

MRS. MOORE: My name is Ann Moore. What I would like to know... of the facilities that have been built or in the process of being built by CMI, how many of those facilities required a zone change in order to be able to be built?

MR. CAHILL: Sidney, it might be a good idea for you to stay up here.

MR. INSOF: ... I only walk 10 paces, I am here. Every facility that we ever built had to have a zoning change because you have to understand assistive living is a new concept. Very few towns have any bylaws or regulations on assisted living. They do have regulations for skilled nursing homes. So, then you need to ... questions come up, is it a skilled nursing home, is a residential hotel, no. It's retirement community with support services. If you want a simple, basic explanation. But... we reiterate again, every facility we ever built requires a zoning change.

MRS. MOORE: Then I think I need to make my question a little bit more specific.

MR. GOYER: Use the mike, please.

MRS. MOORE: I need to make my question a little bit more specific then, how many of your facilities required a zone change from residential to a planned commercial district or something similar to that?

MR. INSOF: Almost all of them.

MRS. MOORE: Almost all of them.

SUPERVISOR FULLER: Any other questions? In the back of the room.

MRS. LEVIN: I have... I think you can all hear me... I just like to know if in the future...

TOWN CLERK NEWKIRK: You have to come up to the mike.

AUDIENCE: Use the mike.

COUNCILMAN LENHARDT: We need it for the record, Ma'am.

SUPERVISOR FULLER: Unfortunately, we need it for the record. It's a public hearing and all of the comments have to be recorded. I am sorry for the inconvenience.

MRS. LEVIN: My name is Ruth Levin. I am a resident here over 30 years. If we find this does go through and we find it successful, and if you want to expand on this in the future, is there room in this particular area to expand?

MR. INSOF: I will answer you and I am not trying to usurp the Board. If this goes through, it is a 94 unit community on roughly 1/7 of the 7 acres and that's it. If things go well, we'll go to another town.

MRS. LEVIN: But, not the Town of Bethlehem.

MR. INSOF: Well...

MRS. LEVIN: There's no...

MR. INSOF: I wanted to do 150 units there, I would be here for 3 years.

MRS. LEVIN: In other words, you're telling... you're saying that it cannot be expanded.

MR. INSOF: No, I...

MRS. LEVIN: There's no... okay.

MR. INSOF: I give you my word right now, we won't expand it.

MRS. LEVIN: Okay.

MR. INSOF: We spent 6 months just going from 107 units to 94. Now you want me to go back to 150 again.

Is it safe to go sit down or?

SUPERVISOR FULLER: No, I think you better stay there.

MR. MANNETTO: Hello, my name is John Mannelto. I reside at 493 Delaware Avenue, the adjoining property. At a Planning Board meeting a couple months ago when I attended, I assume it was Mr. Insoft's son, I asked if they did a market analysis of property values adjoining this area or in this area. They did not give me any analysis, as well as, they said I could do some research into that myself. I was wondering if Mr. Insoft had any idea on what will happen, specifically, to the market value of my home after this is possibly changed and zoned commercially.

MR. INSOF: Well, I'll tell you in a couple places, one too many, when I build the facilities, and their were adjoining single family

homes, and for whatever the reason 2 years later, I wanted to buy it I forget the reasoning... maybe a little extra parking or whatever, I know the person wanted twice as much as the day I built my facility. Now, he had me over a barrel, obviously, so he charged twice as much but in general what we built serves as residential model so it is not a factory, it doesn't create toxic waste, pays good taxes to the Town, we don't ask one nickel in return, shovel our own snow, remove our own garbage and we have usually a 24 passenger bus with 2 wheel chair ramps.

By the way, this is one thing that isn't mentioned, this facility will accommodate from day 1, people who use scooters, walkers and canes. So, there is no misunderstanding.

MR. MANNETTO: Can I follow-up? So, in essence, as a follow-up question, for me, I just came into this community 3 years ago. I researched I was about to build my own house, I love it here, my sons have done well in the school systems and I want to stay. But, with your response to my question, I don't want... I want to stick with the community and I am opposed to this project but if, in fact, this is voted a zoning change and this project is to go ahead, would you be interested in buying my home?

MR. INSOFT: Let me ask you a question. Because if I buy your home, somebody else would be willing to sell me their home. I don't want to own the Town, you know, nor can I afford to Wait...

MR. MANNETTO: Well...

MR. INSOFT: Wait, just... look at what I am going through here for 94 units. All right, if I buy your home, what would you want me to do with it? What could I do with it? Can I buy your home and do what? If I can do what, then I will think about buying your home.

MR. MANNETTO: Well... I guess my concern is since we have been so concerned with the economic feasibility of your project, that now since I'm hoping that in the end this is my retirement, I am concerned with the economic feasibility of my home at this point.

MR. INSOFT: Okay, let me tell you about the project. The project will be close to a 12 million dollar project. I have a lot of equity there, it's my money.

MR. MANNETTO: I understand.

MR. INSOFT: I only want one thing to happen to the project, that's to appreciate in value. That's what you want to happen to your home, so we are on the same team. I want it to appreciate in value, you want your home to appreciate in value. We are subject to market forces, obviously, but let me tell you, we keep up our places. We want them to appreciate in value, not withstanding inflation or all the statistics. I invest money, I want it safe. I don't know if I answered the question.

MR. MANNETTO: Well... I... I... you are going... you know, you are going in the direction but you are not telling me specific and now I am going to be living next to a commercially zoned, with restriction, parcel and I own a residential home that I built through 40 years of saving and getting ready to do it and hopefully, if I am around for assisted living, there's where my money is going to come so I can have \$35,000 in annual income. You still didn't tell me what my house is going to do as far as market value.

MR. INSOFT: I told you my opinion in all the communities I have done, they never have gone down. Now keep in mind that we've had different market forces in the real estate market...

MR. MANNETTO: I know.

MR. INSOFT: The late '80s....

MR. MANNETTO: I know that.

MR. INSOF: Valley and peaked and right now it is going crazy probably over here, as well as, somewhere else.

MR. MANNETTO: Okay.

MR. INSOF: We haven't seen any negative impact because it is going backward.

MR. MANNETTO: Okay, thank you very much.

MR. INSOF: You're welcome.

SUPERVISOR FULLER: Thank you, John. Sally

MRS. PEYREBRUNE: Could you describe for us the abilities of 85 year old residents who need assistive living and their abilities to take advantage of being near the shops and the 4 corners which is nearly 1/4 mile away and the advantages of having this project located there?

MR. INSOF: All right, let me start with this concept first. This community will have people around 83 to say 87 years old, statistically that's what they are. Now, they have only one fault, they are elderly. They're not stupid. They probably have a very high degree of educated elderly now coming into the market place. If they lived in this community they are familiar with certain shops, banks, hair dressers, insurance agents, children, friends, etc. I think that speaks for itself.

MRS. PEYREBRUNE: Excuse me, I should have said the physical abilities because I'm concerned. They will have transportation to get to whatever they need whether it is 1/4 of mile or 2 miles or 5 miles.

MR. INSOF: Yes, we offer that.

MRS. PEYREBRUNE: Okay. But, they will not have the ability to walk to these places, is that true?

MR. INSOF: Well, you would be surprised. We have walking trails in our facilities and we have a lot of our residents walk.

MRS. PEYREBRUNE: Okay, I won't spend any more time on this, but thank you.

MR. INSOF: If they can walk, they walk. It's not a jail, by the way. You understand, it's their home. Support services that are needed that includes meals and all the things that you heard tonight.

SUPERVISOR FULLER: Any other questions?

MR. DAVES: Yes. My name is Ken Daves. I reside at 24 Stratton Place. With some of the numbers that we've been throwing around here this afternoon, did your market strategy or your statistical studies include any type of income... I am sorry... any type of income specifically how many residents you are going to be able to actually bring into this facility to have annual income or disposable income of any where from \$23 to 30,000 per year to cover your costs.

MR. INSOF: We feel comfortable in our studies. We can fill up this community within our relegated time span, keeping in mind a 20 odd percent turnover per year and keep it filled.

SUPERVISOR FULLER: Any other questions? If you will start to line up for the mike with your questions, save a few minutes. There is a lot of people, I know, that are looking to speak so they can go home.

MRS. DAVES: Nancy Daves. I live on Stratton Place. My concern is for other town services. I heard you say you don't need your sidewalks plowed. You don't need your garbage taken. What about police, rescue squad and those type of services?

MR. INSOF: We do our own security for the place. Our population, the age group they are not only will not become muggers, they are not mugged. So, we don't have that problem. Now, if they live... if

they live within a 10 mile radius... let's say 95 people who would live in this community which I haven't named yet and they... somebody had a stroke or a heartache and they would call 911 -- I assume that's the number...

SUPERVISOR FULLER: Yes.

MR. INSOF: ...like in Massachusetts -- an ambulance would come and see them wouldn't it? Same thing would happen with us. We would call 911.

MRS. DAVES: And, give us an idea of how many times you call 911 a week?

MR. INSOF: Very seldom.

MRS. DAVES: And, why is that?

MR. INSOF: Well, because the community is no more differently than anybody else living in the surrounding areas whether it's a half a mile or 1 mile away. Even the nursing homes, they don't call 911 every... the ambulance don't come every day. By the way, the reason they do that is they get paid by Medicaid. Medicaid didn't pay them, they'd have to catch a bus to go a nursing home. We don't call. This community is not a nursing home. We don't call 911.

MRS. DAVES: When your resident needs assisted medical attention, how do they access that?

MR. INSOF: Well, we have a nurse, as you heard before. We... by the way, you know every resident has their own doctor which we keep a record of. So, if somebody needs a doctor, they call their own doctor and we take them to the doctor. That's one of the things we provide when we market the community.

MRS. ROOT: My name is Mary Root. I live at 26 Stratton Place. My question is, with the ambulance that you said you have your own vans, but what is the time frame and what is the study on the ambulance?

MR. INSOF: What ambulance?

MRS. ROOT: We have an ambulance, the Delmar ambulance... the Delmar Rescue Squad and we have R-49 out in South Bethlehem, if the ambulance happens to be at your facility and someone's dying of a heart attack, I have not heard anything about the response time of these ambulances being there when Delmar has a hard time getting out of the bay because they don't have enough drivers. Now, what ambulance services do you have planned for this facility?

MR. INSOF: Well, the first thing I will look at, hopefully, when the zoning is successfully completed, I will get all the yellow pages within a 10 mile radius and like any community, we will make all the arrangements. We make arrangements with clergy, with ambulances.

MRS. ROOT: But, are you going to be using the Delmar ambulance, that's my question.

MR. INSOF: I couldn't answer your question tonight. I don't know what they provide, what kind of services.

MRS. ROOT: They don't go... they don't provide transportation back and forth from Good Sam. If a patient is in the hospital and they need transportation they call Mohawk.

MR. INSOF: Well...

MRS. ROOT: But, what I am saying is, are you going to tie up our ambulance because you got 85 to 87 year old people?

MR. INSOF: Not really, no. We won't tie them up. Maybe we will use another one. This is...

MRS. ROOT: You know, what I am talking about is the tax base that you are using the ambulance and it's more taxes, more money. They

don't have enough people here. We have paid paramedics. Now do you have paramedics on there besides... at night.

MR. INSOF: This is not a nursing home, Ma'am.

MRS. ROOT: But, I am saying, you did say that you have nurses and you have a guard at night.

MR. INSOF: The nursing and then we have nurses aides and we have a security guard at night. This is a residential community. You are trying to make it a medical model. It isn't.

MRS. ROOT: I am not.

MR. INSOF: No, it's...

MRS. ROOT: I am asking about the ambulance.

MR. INSOF: I can't answer you which ambulance service. I have trouble just finding this place off the Mass. turnpike. I'm getting better though. I get lost... I can't tell you exactly which ambulance we would rely on. I can't tell you right now. Now, you wouldn't begrudge if I had to use an ambulance twice a month?

MRS. ROOT: No, I am not going to begrudge but I am just saying...

MR. INSOF: We're not asking...

MRS. ROOT: ...that we only have 2 ambulances in the Town of Bethlehem.

MR. INSOF: ...or plow snow. So, they're not getting the ...

MRS. ROOT: Delmar only has 2 ambulance.

SUPERVISOR FULLER: I think that is something to be discussed with the Delmar ambulance.

MR. INSOF: I tell you I don't play God when it comes to medical questions I can't answer.

SUPERVISOR FULLER: Any other questions?

MS. NELSON: Ellen Nelson, 405 Delaware. I have a couple of questions. Going back to what Sally had asked before, it is 4/10ths of a mile from your easterly border to the 4 corners, exactly what percentage of your residents would be capable of walking to those facilities?

MR. INSOF: Let me get my architect who is better at measuring than I am.

MS. NELSON: This came off the County tax records, so...

MR. INSOF: It is something to do with this design, Ma'am?

MS. NELSON: Well, I have another question after that. But, I am just curious since you wanted to have the facility in the center of Town where it is accessible to facilities and doctors offices and things like that, the nearest facilities are at the 4 corners.

MR. INSOF: I can't tell you.

MS. NELSON: And, if... it's down this way, go east by 4/10ths.

MR. INSOF: 4/10ths of a mile.

MS. NELSON: Yes.

MR. INSOF: About 1/2 mile?

MS. NELSON: Not quite, no.

MR. INSOF: Most likely we'll drive them.

MS. NELSON: Okay, so, you are not going to have a large portion of people that need to be in the vicinity of the 4 corners to utilize the facilities because you will be in a position to provide transportation.

MR. INSOF: That's... that's one of the things we offer, we said that before.

MS. NELSON: Okay. Does CMI at this point have any facilities that are 68 units or less currently in operation?

MR. INSOF: No.

MS. NELSON: What's the smallest facility you do operate?

MR. INSOF: Excuse me, if it's on the campus we have 1 facility next to 108 bed nursing home that is in the mid 70s and we will probably add another 30 units to it if it's successful. By that I mean is I purposely only built mid 70s because it is a market that I wasn't that comfortable with and I will add the rest later, maybe never, just a business judgement. But, basically, our communities -- like where Betsy runs -- is 93, ... 94, we just came from Noble place in Pittsfield which opened this week and first residents are moving in, that's 120 bed community. Another one is 126, you know that might change.

MS. NELSON: Okay. You did state that the average apartment size is about 400 square feet.

MR. INSOF: No, for this particular community.

MS. NELSON: For this particular facility, so that's about the size of 2 regulation parking spaces for the Town of Bethlehem.

MR. INSOF: I don't know what you are getting at.

MS. NELSON: I am just comparing sizes so people realize what 400 square feet is.

MR. INSOF: No.

MS. NELSON: It is 2 regulation parking spaces.

MR. INSOF: Well, we can... you want us to make it bigger?

MS. NELSON: I...

MR. INSOF: We just spent 9 months they want us to make it smaller.

MS. NELSON: I'm... just for those people that potentially will be using it, just so they know what size rooms they are going to be getting.

MR. INSOF: I assume... when we go through all this Board stuff and we acquiesce to a request and all the concerns, and we reach a consensus of around 450 square feet because that creates more open land on the site there... you know buildable land, that we have a meeting of the minds.

MS. NELSON: What percentage of your 20 to 25 percent attrition rate would be based on financial inability to afford the services and what percentage would basically be based on death?

MR. INSOF: I would say that in all our facilities I've only had 1 lady who couldn't afford to pay. Of all the residents we have and with all the turnovers, ability to pay has never been an issue.

MS. NELSON: Okay. And...

MR. INSOF: Keep in mind, by the way, that we scrutinize within reason. We don't play God in medical but we got to make sure comfortably you have the resources for at least 3 years.

MS. NELSON: One technical question, is the site plan based on an accurate boundary and topographic survey?

MR. BRACKETT: Yes.

MS. NELSON: Okay, thank you.

MR. BONANNO: My name is Bob Bonanno and I have one question...

SUPERVISOR FULLER: We need you to speak into the mike.

TOWN CLERK NEWKIRK: It will pick up better. Could I have your name again, please.

MR. BONANNO: Bob Bonanno.

TOWN CLERK NEWKIRK: Thank you.

MR. BONANNO: It's directed to you and I forgot your name?

MS. O'BRIEN: Betsy O'Brien.

MR. GOYER: Talk right into the mike, please.

MR. BONANNO: How many people do you actually have since your unit... the place that you are running is basically about the same size as this between 7 and 5 working, Monday through Friday? Because it was kind of vague, you were going dietitians and everything like that.

MS. O'BRIEN: Fifteen to 20.

MR. INSOF: By the way, dietitian is singular, not plural. It's a misnomer. There is one dietitian.

MR. BONANNO: She has 25 people she just said between those peak hours, plus her 2 company cars that were there. So, now we are down to 27 parking spots. We are allowing 10 percent of the population to have cars there, there's 8 more cars. So, if I am not bad in math here, I think I am down to about 34 cars. You are allowing 47 parking spots. That means you have a very limited amount of parking for relatives to come visit at any given time plus you are going to have delivery trucks going in and out all day long.

MR. INSOF: No, no, no.

MR. BONANNO: No delivery trucks. You don't get fresh...

MR. INSOF: No, not all day long.

MR. BONANNO: Okay.

MR. INSOF: It's not a supermarket.

MR. BONANNO: Okay. But, you do have delivery trucks coming in. Most delivery companies start at 6 in the morning. They are there 6:30.

MR. INSOF: No, no, we tell them when they come. Two a day.

MR. BONANNO: 2 a day.

MR. INSOF: The big... the big delivery...

MR. BONANNO: Like 1 garbage truck.

MR. INSOF: Listen, listen, listen... the industry is consolidating something fierce. We are talking about the vendors. You look on the highways today, you see big trailers -- Sysco, Kraft, House...

MR. BONANNO: Sysco does laundry?

MR. INSOF: Does what?

MR. BONANNO: Laundry too?

MR. INSOF: No, we do our laundry.

MR. BONANNO: Oh, you do in-house laundry?

MR. INSOF: Yes, that's some of the people she has working there.

MR. BONANNO: Okay.

MR. INSOF: They wear more than 1 hat.

MR. BONANNO: All right, but we are down to like 34 parking spots. Originally, the very beginning of these meetings, you wanted 127 parking spots, way back. You wanted... because there was a question about 87 parking spots way in the very beginning of this and now you are down to 47 parking spots. You are making...

MR. INSOF: I don't know about...

MR. BONANNO: The problem is is you really don't have enough parking for the amount of people in this place.

MR. INSOF: You mean the residents?

MR. BONANNO: Yes or employees.

MR. INSOF: Betsy, just told you how many employees. If you have 7 to 8 or 9 cars by the residents, the reason they bring it with them -- it's just like a lost child, they feel they are giving up...

MR. BONANNO: But, they have the option to bring their cars there.

MR. INSOF: Yes.

MR. BONANNO: Though 8 might not be the number, it could be 16.

MR. INSOF: No.

MR. BONANNO: No, so you are going to refuse 8 of those people to bring their cars if they want.

MR. INSOF: Yes. They don't want them.

MR. BONANNO: Then my other question is is back to the drainage issue. Are you planning on taking the water by culvert pipe or is it by... just like... what would be the... swales... honches... diverting the water.

MR. BRACKETT: Be happy to address that. I got to point again. Maybe you wish to come over here.

This is the wetland area, we can't drain that dry but the water that runs off of that in that direction, we plan to intercept, bring it to this point, where it then goes into a pipe so it's all the way down to here into this detention area. The reason it doesn't go direct from there, is we got to have an area to store the water and let it go off the site at a controlled rate.

Discussion of water followed by Mr. Bonanno and Mr. Brackett.

MR. BRACKETT: The distance, it is 180 feet.

MR. BONANNO: So, we're going to have all this water flowing for 180 feet across Mr. Taylor's property which it had a steep pitch into the water, you have no way to retain the water from actually seeping into the ground there, free flowing until it gets to the manhole. And, that's one of our concerns in the neighborhood.

MR. BRACKETT: That's true, water is on the surface to this point, it is on the property of the facility, it is not on Mr. Taylor's property.

MR. BONANNO: But, you have no way of stopping it from seeping into the ground.

MR. BRACKETT: Which it is doing currently.

MR. BONANNO: Right but our big...

MR. BRACKETT: And, draining off in this direction.

MR. BONANNO: ...concern is the size of that building and take up 1/7 of the land that goes...

MR. BRACKETT: But, that's all going in this direction, it does not go that way at all. All the building's water goes in this direction. There are manholes out here. Drainage goes from roof, to this system and into this pipe system and ends up here and none of the water goes in that direction. So, theoretically, there is a high point right here that drains back to this wetland area and actually we are intercepting that water and that's going in this direction as well. So, there should be potentially less water that would go out even if we didn't intercept it, less water would, theoretically, in that direction. And, it could be if we need to we could extend it.

SUPERVISOR FULLER: Are there any other questions in the audience? I will make Mr. LaForte the last one with the questions and then we will begin... you do have a question?

MR. LA FORTE: My question is addressed to the Board and I apologize for being a Johnny-come-lately on this issue and I mean that literally. I have only been informed or informed myself to the extent that I read the Spotlight in a cursory manner and... but I learned a lot tonight and one of the things I learned dismayed me a little bit having spent some 17 years on the Planning Board, I never imagined I guess in my readings or in my thoughts that the request for a zoning change would be one for a Planned Commercial District. Now, many of you and many of the people in the audience have rightfully asked for information concerning how they will operate their business and how much they will charge and so on. But, remember, zoning goes with the land, it doesn't go with the people. And, that is to say that in a Planned Commercial District Macy's could go in there and be a legitimate operation and you wouldn't ask them how much they would charge for their shoes or what kind of items they would sell. When I was on the Board, we designed and approved a district called the senior zone that was expressly designed to accommodate senior housing and, God knows, I am ambivalent on this issue, certainly we need senior housing. I am also sensitive to the neighbors who have single family homes that are in that neighborhood and they're concerns are valid. But, remember that we have a zone for senior housing and I heard Jeff say that one of the reasons that we did not utilize or entertain a request for a zone change here was because this particular project would exceed the density that we designed. Well, all right, it is kind of like the master plan -- we are not that wise. If we were so smart we would have recognized that this particular area was suitable for a senior zone and we would have designed it for this particular design and we would have changed the zone. So, if our senior zone does not accommodate this zone or this particular project and the project for all intensive purposes is a good project, then change the zone. Change the senior zone to accommodate it or do what we are supposed to do and issue a variance to that particular zone and give them then a higher density. But, Planned Commercial District, I heard somebody itemize a laundry list of things they would promise to do into perpetuity... this would always be a senior home, etc., etc. That's not the way zoning is supposed to be handled. If this is a Planned Commercial District then everybody and anybody should know what is allowed in that district and should have the opportunity to build and construct and develop that particular area in accordance with our zoning. Thank you.

SUPERVISOR FULLER: Thank you.

MR. BURNS: My name is George Burns, I live on Stratton Place. I sent a question about the building if it's constructed. It is a 24 hour facility, correct?

MS. O'BRIEN: Yes.

MR. BURNS: So, it would be staffed there 24 hours. What is the average rate of pay to these employees? How many people are there overnight and how many minimum wage employees will be handled there?

MS. O'BRIEN: Just make sure Mr. Insoft doesn't want to answer that one. Overnight staffing will include 1 security person and 1 home health aide. And, I don't know what your job market is like here so I can't answer the question about salaries.

MR. INSOFT: Let me just...

MR. BURNS: Can I just add another question to that?

MR. INSOFT: Let me just mention one point about employees. As a general rule, our average... we don't have any minimum wage in force, by the way. Our average pay is in the... around \$10 to \$12 an hour and you got to figure about 30 percent on that for perks -- vacations, health care, etc. We got a lot of top employees who make much more than that -- head chefs, executive directors, etc.

MR. BURNS: I believe that that... one more question. Since you are a Massachusetts based company, how many people will you be transporting from Massachusetts to this facility to work here?

MR. INSOFT: None. Nobody from Massachusetts is coming here. Every employee, the top down will be a local employee.

MR. BURNS: You know that?

MR. INSOFT: It's a fact.

MR. BURNS: They already been selected?

MR. INSOFT: No. Where would I bring them to if I selected them today. Where would I bring to... I have no facility. That's what we're doing here tonight, once I have a facility, we will select them. Every locale that we build a facility, we hire from that locale. They know the market better than I do.

SUPERVISOR FULLER: Mr. Insoft, I would appreciate it if you would stay at the mike, please, to save a few minutes of travel time.

COUNCILMAN DAVIS: Maybe if he brings a chair up.

MR. INSOFT: Our experts are there but here I am.

SUPERVISOR FULLER: Well, I see that you feel the need to answer all these questions.

MR. INSOFT: Well, not everybody knows what's in my mind and I know all the aspects.

MR. MOORE: This sure beats watching summer reruns.

SUPERVISOR FULLER: May we have your name please.

MR. MOORE: My name is David Moore and I have a question not for Mr. Insoft I don't believe.

SUPERVISOR FULLER: Oh, you can't do that to me.

MR. MOORE: And it concerns, again, which I think this is the crux of the matter here with the zoning is the ability of the residents to walk to local services. We keep hearing it over and over and I have a question -- Mr. Cahill has mentioned that people would be able to walk to the library. Can somebody show me where on the plan there is a sidewalk that actually goes from the facility to the library?

MR. INSOFT: Where is the library? Nobody is up here with me...

MR. MOORE: I am not asking you, I am asking the architect or...

MR. INSOFT: Well, I got an architect here and a site engineer, they are very competent.

MR. MOORE: Maybe there is one there but I can't see it.

MR. INSOF: Don't answer that question if there is no sidewalk, we will build one.

MR. BRACKETT: This white line that goes all the way around, is a sidewalk. This is a connection to the library parking lot -- we are calling that a gated connection. There is a walk right here that is already there along that parking lot that goes right down to the library so there is a direct connection. We'll make a connection here just so people don't have to walk in the roadway.

MR. MOORE: Okay. Well, the library's actually over towards Delaware Ave more.

MR. BRACKETT: Library is down here, yes. You mentioned this walk. This is parking for the library right here and there is a walk right along that parking and right down to the library building itself. There is a ... in this area.

MR. MOORE: Okay. Thank you.

MS. LATTA: My name is Kay Latta. I live here in Delmar.

COUNCILMAN DAVIS: Kay, the mike.

TOWN CLERK NEWKIRK: Tip the silver mike toward you, Kay, that's it.

MS. Latta: Thank you. My question is... first of all I've heard lots of transportation but nothing has been mentioned about transportation to churches.

MR. INSOF: Also.

MS. LATTA: It wasn't mentioned.

MR. INSOF: Also, all faiths, all religions of choices. The good of the ... should be able to...

SUPERVISOR FULLER: Mr. Burns...

MR. BURNS: I need to ask a question for my children.

My kids and all the other kids in the neighborhood regularly use these woods as a playground, as paths...

AUDIENCE: Can't hear you.

MR. BURNS: My children and all the other children in the community use the woods as paths, as playgrounds, as places to hang out... will you be fencing the area in and denying them access?

MR. INSOF: To which area, you got to point to where you mean.

MR. BURNS: We use the woods, as past, all the kids.

MR. INSOF: Here?

MR. BURNS: For example...

MR. INSOF: Come up here with me... come up here for a minute... where are we talking about, these woods.

Discussion ensued pertaining to the locations mentioned.

SUPERVISOR FULLER: The conversation you are having over in the corner, we need the mike used, the 3 of you, please.

MR. BURNS: There is no fence. Okay, then the next question, is your so the kids can go through, no problem?

MR. INSOF: Listen, there is no fence and the security don't carry guns or bulley clubs.

MR. BURNS: Thank you.

MR. LORNELL: My name is Wallace Lornell. I live at 14 Paxwood about a block and a half... How do you get this thing up in the air?

TOWN CLERK NEWKIRK: Pull the black piece up.

MR. LORNELL: About a block and a half from this location... from the location of the assisted living place is planned. To me this is like a very wonderful idea and I like the way it looks and I am very much in favor of it. At least I haven't heard anything to the contrary tonight. The only thing that concerns me is that it seems to me like we're putting the CMI through a third degree here and perhaps, we should... we are accused often of being unfriendly to business and to me there are several aspects that I feel is prevalent tonight.

SUPERVISOR FULLER: I think it is the opportunity for everyone to ask their questions. We are trying to make sure all questions have been answered before you leave here tonight and at the same time, I need to allow enough time for each of you to be able to speak and still be awake to speak at that time. So, I am not trying to rush you through or trying to avoid any more questions, but I am getting to the point where I will have to turn them off. Go ahead.

MS. SMITH: My name is Linda Smith. I live on Stratton Place. My question might be able to be answered by Betsy. When you are taking names from a list to go into your facility because there is an opening, if this resident... still owns a home and all their belongings is there a holding time you will hold that room for these residents or... might take 6 months to sell a house and dispose of the belongings, how is that handled?

MS. O'BRIEN: At the present time, when we have a waiting list.

TOWN CLERK NEWKIRK: Pull the black piece down, just the black solid.

MS. O'BRIEN: Thank you. When we have a waiting list, we warn people as they get closer and closer to the top of the list that they need to be making plans and getting ready to go. We do understand that if you are selling a home and it's very difficult to time this kind of thing but we do ask that having given a month's notice that you start to pay rent. Now, if you don't think you can accommodate that, we'll keep you at the top of the list and you know you are going to be next and you better get busy and put that house on the market and empty the basement. Okay.

SUPERVISOR FULLER: Okay. I thank you for your cooperation. Now, I would ask you each to come to the mike, those who wish to speak and in opposition, just line up, give your name and please tell us how you feel about it.

MR. RESTIFO: My name is Al Restifo. I've lived here for two-thirds of a century, that's right and I taught school for 40 years here. I think this is a great idea. I don't want to... I just turned the big 70 and in 15 years I will be ready. I plan to live to be 100, so I can't wait. I think this is great. A wonderful presentation and I think the people were for it and not for it were very civil. Thank you everybody.

SUPERVISOR FULLER: Thank you, Al. Mr. Bormann.

MR. BORMANN: Good evening. My name is Lee Bormann, President/CEO, Good Samaritan Homes. and I have a few words I would like to say about the project. I will be brief. First though, I would like to compliment CMI for a great presentation. It looks like a good project and from what I understand they are a reputable group.

Now, there have been numerous articles in the Spotlight and some in the Business Review. Right now it seems the main issue is the location and rezoning. It seems everyone has taken for granted that this level of care is definitely needed. The baby boomers are coming, as everybody says. Well, I don't fully agree. First of all, it will be many years before the full rush of the baby boomers hits us. As most of you know, we at Good Samaritan, started as a nursing

home and yes, we can keep our beds full but there is not a big access out there waiting to come to nursing home. We still take many of our clients from Ravena, from the hilltowns, from Albany and from other nursing homes.

A little over a year ago, we opened our adult care facility on the Delmar campus. This is assistive living. We have 67 bed facility and we are still not full. We will be but one of our problems is that most of the people in this area want or feel a need to move but do not want to move... do not want to leave their homes until they absolutely have to. I can certainly understand that but they are only at the adult home for a few months and then move to the nursing home. Good for the nursing home but not for the adult home. What I am saying is, we already have a level of care very similar to what I believe CMI will be and people are not rushing to it. Not long ago, I was asked to meet with several Lutheran congregations in the Saratoga area, these people had looked into the Colberg Village. This is an extremely close facility of CMI's was sponsored by Wartberg Lutheran Services of Brooklyn, they are not amateurs. Their plan is to build senior apartments in the Clifton Park area, very similar to CMI's proposal -- rental, some assistance, moderate costs, assisted living. They broke ground ceremoniously in 1993. They still have not begun construction. The last I heard they had a commitment on only 30 percent of the project. Now, why haven't they been able to succeed, I found out when I talked to the congregations. They said they could not afford it. Colberg costs started actually a little under what CMI is projecting and the average person and I know... we talked... it was addressed that there would only be 20 percent of the population but the 20 percent of that population that can afford to move in there can also afford to go to Beverwyck. Can also afford to have their driveway plowed and their sidewalks shoveled and so on. Now, in 1990 we opened our low income senior housing, 36 apartments. We had 300 applicants within the first 3 months. We brought tenants in as fast as we could. Today we have over 100 people on our waiting list. Also, within the last year or 2, 4, 5, maybe 6, I lost track, new assisted living facilities have opened in the Capital area. They all have empty beds. So, in closing, my point is, yes traffic on Delaware Ave will be affected and it will probably take me a few more minutes to get home but the real issue is, do we need this type of facility in this price range? I don't think so. What we need is more low income housing in this area. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. ROOT: Hi, I am Mary Root and I am opposed to this CMI project. There is 6.7 acres of land, you can put 6 houses up there, not 18. It would be a lot better to have residential in there, not commercial. I have kids that play in that yard, play in the field. Everybody walks through there to go to the Town library. They walk to the Town Park. My son takes to go to school because now he is in the high school. And, I am definitely do not want this in my back yard. Thank you.

MR. DAVES: My name is Ken Daves. I am a 4th generation resident of the Town of Bethlehem. I reside at 24 Stratton Place in Delmar. I am opposed to the project for several reasons. Primarily because we do not have a need for this type of facility. We cannot fill this type of facility and the average Town resident cannot afford to live in this type of facility here. I have also have expressed interest along with Mary Root regarding the environmental area in this area. There is additional wetlands behind that parcel of land that have not been placed on that map. We are dealing with severe rain runoff. It takes approximately 24 to 48 hours for even a half day worth of rain to evaporate and/or seep into the ground. I feel that there would be additional environmental hazards to the residents if placed in that area because of that wetland. In addition to other, several issues that have not been addressed. These include the commercial laundering facilities that are going to be in this location. Where the air conditioning is going to be placed and the noise level that is going to be associated with that related equipment. The amount of noise and traffic that really will be taking place on a daily basis, in addition to paying school taxes. I appreciate the time of the Board and as well as the members here. Thank you.

SUPERVISOR FULLER: Thank you.

MR. BREWER: I am Floyd Brewer, 18 Willow Drive and I have had the pleasure and privilege of visiting the Weston, Massachusetts facility. And, came away with glowing feelings, wonderful words. This company is doing a wonderful job. Personnel policies are great, their food service is super. We loved it and of course, we met... we looked over the facility very carefully. They do a... I mean everything they do has our, I mean senior, interests at heart. And, so I thoroughly, positively, support this facility. It may be that some of the reasons... that one of the big reasons that there aren't enough people going to Good Sam and Beverwyck is that it is out of Town. A lot of us do not want to live 5 miles out of Town. We like it down here where we work, where our relatives are, where our friends are. We want to stay right here, okay. One last thing, everything Betsy O'Brien said is pretty much exactly the same thing she said to us when we visited Weston. She is a very consistent person and I like her philosophy, she's typical of the company. I like her philosophy of administering a unit like this and I thoroughly sold on CMI. Okay.

SUPERVISOR FULLER: Thank you.

MR. DEMPFF: My name is Louis Dempf, Jr. I live over at 236 Westchester Drive in Delmar. I came to Delmar in 1934 as a little kid, went to school, graduated from Bethlehem Central High School. I was away at college and other places for a while, got married, came back here because I considered that this was utopia. It was our utopia. And, I considered it as such for the last 40 some odd years that I have lived here since I have come back. I love the Town, I want to stay here. But, I am getting along and I don't want to ship out to Beverwyck. I don't want to ship out Samaritan and incidentally, Lee, one of the reasons why you may not be filled right away is because you are so far from the center of Town. Now, when I grew up my folks lived in the center of Town. We were a part of the community. And, my mother lived until she was about 86 years of age and every day up until maybe a few years before she passed away, she would walk up and down Delaware Avenue to the bank, to the post office, to the store and she knew everybody in the street -- Hi, Mrs. Dempf, hi... and that was her joyous day. She lived for that type of neighborhood experience. I hope that when maybe I get in that shape, that I'll be able to enjoy the community the way she did in her later years. So, as far as, I am concerned... as far as my family is concerned, as far as the people that I associate with we are formally and heartily in favor of this project and we think it is something that is needed and should be done in the Town as quickly and as reasonably as possible. Thanks very much.

MS. COLLINS: Hi. My name is Carolyn Collins and I reside at 24 Stratton Place with my family and I wanted to voice my opinion that I am opposed to the project as far as location. I can appreciate the services that you would offer in a different location. I find it ironic that in response to why we wouldn't be able to move it a fourth of a mile down the road north is that it wouldn't be... it's too commercial for the people that want to reside there. That they would rather be residential and I guess you could understand that how we feel being in a residential area and not wanting it to become commercialized with... hope you would take into consideration relocating and hoping that the Town Board could accommodate in other areas where they could be located seeing as how you have sufficient transportation and not many of the people are walking that the difference wouldn't be that great if you could move away from the residential homes and would certainly look forward to seeing CMI in court with our attorney... we had to discuss the fine line between spot zoning. Thank you.

MRS. MENNETO: My name is Rosemary Mennetto. I reside at 493...

SUPERVISOR FULLER: Excuse me, now I have to ask that we hold the applause. We missed your name so you will have repeat it again, please.

MRS. MENNETO: Rosemary Mennetto. I reside at 493 Delaware Avenue. I have to thank this Town and the seniors protecting the zoning all

these years and preserving the nature of old Delmar so that it was still like a village and residential. And, I gotta ask that you continue to preserve that and not change it to commercial. A Planned Commercial District is a planned commercial district, any way you look at it. If this facility fails and CMI is not making money, CMI will pull out and then we are going to have a facility there whether CMI is running it or somebody... we'll have an empty building as opposed and we will want to fill it and we'll fill it whatever way we can and it is planned commercial. It is interesting that CMI says they can't go less than into the 67 units which would be senior zoning. This Town, I am sure, put a lot of thought... that gentleman that got up before and said that Planning Board came up with senior zoning. I am sure a lot of research went into what would fit the community and the seniors best and they came up with those figures. Now, CMI for profit is asking us to abandon that and go to Planned Commercial so they can have a profit margin that meets their needs.

I did do some research of other assisted living communities in our area and found, at least the 4 I called, were all 50 to 65 units. And, their price for an apartment and the services offered by CMI was less than \$2,000. So, I... are we talking they can go 67 that the profit is not enough or it is totally just not feasible it seems interesting. And the other thing I would like to bring up is that when you are talking traffic, there's 25 CMI employees, now you have to add in all the personal assistants employed by the 94 residents at a minimum and on top of that the bus going in and out. Has anyone looked at the fact the children have to walk to school back and forth of this building. There is no bus transportation for the high school or the middle school for this neighborhood because it is too close. So, my children walk back and forth at a time when all the people are going to be rushing in to work. And, all the aides are coming to help with breakfast and the buses going out to doctor appointments. I mean, when we looked at the traffic study, did we look at what the pedestrian traffic for that area is too.

I really am opposed to commercial zoning in my neighborhood. I would love this facility if it would shrink down so we don't have to change our zoning. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. PEYREBRUNE: My name is Sally Peyrebrune. I live at 420 Delaware Avenue. This project is not in my backyard but a ways down the street. But, I am in opposition to it based on the issue of the rezoning. And, I do happen to have the definition of spot zoning with me from the New York State Zoning Law. The term spot zoning is used by the courts to describe the zoning amendment which is invalid because it is not in accordance with a comprehensive or well considered plan. The Court of Appeals has defined spot zoning as, the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners. Spot zoning is the very antithesis of planned zoning. And, despite the fact that this project is being claimed as a housing project, and initially sounded very appealing, it is the wrong project for this site if it is of such size that it requires a zoning at a commercial level.

I would like to clarify the character of our "A" residential neighborhood that runs from 398 to 541 Delaware Avenue. And, just in the immediate close streets, adjacent and then immediately parallel streets including Adams Place, Rowland to Adams Place, Nathaniel Boulevard, Borthwick to Stratton Place, Stratton Place, Maple Terrace and Weigand Lane. It's largely single family with 100, at least 187 homes. Fewer than 10 are 2 or 4 family apartments that exist as grandfathered uses prior to the upgrading of the zoning ordinance in 1981 which deleted 3 and 4 family units from the "A" residential and in 1984 again revised to delete 2 family from "A" residential zones. Also within this zone area a public library, town hall and 3 other grandfathered, non-conforming uses, a florist shop, a single law office in a house front and a VFW private club in a house. The Delaware Avenue "A" zone is 7/10ths of a mile with commercial designation at one end and "B" residential at the other with mixed use. The larger and surrounding neighborhood is an "A" residential

zone extending several blocks to the west and one block to the east where then "AA" residential is designated and there are hundreds of existing single family homes in both directions.

Since the early 1980s when neighborhood residents voiced concerns about the granting of use variances for commercial uses in the neighborhoods, the following actions have occurred. And, I am going to instead of reading all of these, to save time, I am going to give them to you but we have 1, 2, 3, 4, 5, 6, 7, 8 at least and this is not all inclusive of either variance requests that have been granted and then appealed and determined in favor of maintaining the residential character rather than change in use. Enforcement of the single family or the 2 family use instead of increasing to multiple units. In 1994, the owner of the florist shop at 454 Delaware was denied a variance request to expand a non-conforming use. He appealed it to the Supreme Court which upheld the variance denial and then even at the Appellate level it upheld the Town's denial from expansion of the non-conforming commercial use. So, we have a history and a pattern of upgrading Delaware Avenue to maintain the residential character. And, then we also should note, that grandfathering in a non-conforming uses is to allow them to gradually phase out without hardship to the owner and then revert the property to use that conforms with the zoning. So, it would certainly be inconsistent with all of this progress that the Town has made to spot zone this particular parcel for commercial use. Even the Land Use Management Advisory Counsel had studied the needs and conditions and recommended that the property in question at this hearing would best be suited for general community use and was not deemed desirable for commercial development. All of the promises and deed restrictions for CMI are valid only as long as CMI operates the facility. We should be aware of the quickly changing health care field with mergers and acquisitions by companies with different philosophies. When the paradigm for large scale congregate care for seniors who need assistive living facilities shifts to a smaller scale, which is already happening in other places and even nearby, as well as, in care facilities in Albany, we will be left with an oversized building unsuitable for the present purpose and then what will happen to that? The rezoning of this parcel to commercial will set the stage for a parcel by parcel request for like treatment along the Delaware Avenue strip. Ironically, this project may be the catalyst that changes the neighborhood to one that is less desirable for its purpose, as well as, for the existing single family homes. This is the first proposal to come before the Town on this property. It is not the last opportunity. The property is suitable for planned residential development which could accommodate assistive living on a smaller scale that fits into the character of the neighborhood. It is also suitable for single family development as illustrated by the fact that at least 2 new houses have been built adjacent to the property in the last 5 years and single lots are for sale on Weigand Lane. Alternative should be considered before changing the zoning to commercial. The proposed zoning change to accommodate an out-of-Town developer's profitability and serving the needs of 93 individuals who will not necessarily be residents or relatives of residents of the Town of Bethlehem, is inconsistent with the history of the neighborhood, the Town and court decisions related to land use. To grant the applicant a zone change, of a select parcel for his convenience, would be spot zoning and precedent setting for the remaining residential strip of Delaware. It would, in fact, jeopardize the integrity of the zoning ordinance. I add also that the dissenting statements of Planning Board Members -- Mrs. Nelson and Mr. Blendell -- corroborate this opinion and I won't read those again but they should be reconsidered by the Town Board before voting on this zoning change. And, I appreciate the opportunity to speak and I appreciate all of the efforts and concern that CMI shows in the facilities it operates. I think it is not the right facility for this location. Thank you.

MR. TURNER: Good evening. I am Greg Turner and I am here tonight on behalf of the Bethlehem Chamber of Commerce and our Economic Development Group. We are here this evening in support of the proposed CMI senior housing and health care facility. We believe that this project provides yet another choice of living arrangements for seniors of varying income levels. We care about our fellow citizens, our parents, friends and neighbors. We agree with former

Town Supervisor, Bob Hendrick's, recent letter to the Spotlight. Bob writes, our community needs to make every effort to keep our long term residents in the Town of Bethlehem. Many of our senior citizens who are unable to take care of their home would fit very well into an assisted living residence like the one proposed. Many are relatively healthy and active, they just need some help with everyday decisions, as well as, meal preparation, cleaning and shopping. Just about every product or service that a CMI resident could want is available in walking distance or by bus from Town of Bethlehem businesses. Assisted living facilities are the wave of the future. We need them as much as they need us. All communities, not just Bethlehem, need to encourage choices for seniors of all incomes and all levels of need. Let us welcome CMI and help them coexist with Bethlehem's businesses and residents. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. MOORE: Good evening. My name is Ann Moore. I live at 39 Borthwick Avenue. Before I read the statement that I prepared, I would like to say, Mrs. Burns, I have a copy of the data that was presented to CMI from a company named Clarites and this is the company that collected the statistics about need for projects like this in this area. I can provide you a copy of this or I can provide any of you a copy of this if you are interested. But, just so you know, this information is collected from a variety of sources. They include the U.S. Census, the State census, metropolitan statistical area census county, place census, minor civil division, the U.S. Postal Service 3 digit zip, congressional districts, media sources and that sort of thing. I want to caution you if you are interested in this, however, that the actual data in this is almost 10 years old and there are 2 projections that you will find in here to show need. The fact that this is... the actual data is 10 years old, does not take into account the number of facilities that have been built in this area since this data was presented to CMI. So, if you would like that, I will be here and you can have that.

I have given a great deal of thought to what I want to say to you tonight. Like many people here, there are many points I want to make. These include a lack of documented need for an assisted care facility. The increase in number of children attending our already crowded schools which would be a result of seniors selling their houses to move into the CMI facility. The impossibility of proper drainage for the site, the environment, the impact of the proposal, the proximity to existing housing and I could go on but you guys want to go to bed and so do we so... After...

SUPERVISOR FULLER: We're here for a long time. We have our whole agenda yet.

MRS. MOORE: Okay, well, I want to go to bed at some point too. After careful thought, however, I focused on the purpose for this meeting tonight to gather information about changing a residential "A" zoned site to a planned commercial district zone. The merits and the need for this project aside, we are here to discuss the revision of our zoning code, the law. And, this is a rather tricky business. I have attended all but one public meeting about this proposal. I have spoken to Mr. Steven Insoft many times. I have heard what he and seniors in this Town have to say about CMI and their assisted living facilities. I believe them. I'm sure CMI runs a good facility for the seniors who both need and can afford the type that CMI provides. I also believe Mr. Insoft when he says... and this would be Mr. Steven Insoft... when he says that by putting his proposed facility on the current site, he will save money due to the price of the property and he will make more money because the zone change provides a higher density of units. I was there on January 6th when Mr. Insoft explained to the Planning Board that of the 10 sites available for his project, he and CMI chose the current site for these reasons. I'm not sure the originators of the zoning code anticipated CMI's desire to reduce expenditure and increase profit. I would be willing to bet they didn't much care. What they did care about was designing a plan that didn't mix vastly different zoning types in a given area. That's why the proposed CMI site is zoned residential "A". What we see tonight is CMI asking our elected officials to entertain the idea of a zoning change not upholding the

code or the law. The changing... changing the zone on the proposed site sets a precedent for every lot in Town. Compromising our zoning code because of the monetary complaints of a company with approximately 40 million dollars in revenue for 1997 is too ridiculous to consider. This Board, Supervisor Fuller, in particular, has told other businesses that they are and I quote 'welcomed in the community on a property zoned appropriately' and rightfully so. It's about time you, collectively, said the same to CMI. The facility that they have designed will fit in just as well on a properly zoned site and will serve the same number of residents. The only difference will be the knowledge that you have not compromised the zoning code or the quality of life of the residents of the Town of Bethlehem. Thank you very much.

COUNCILMAN DAVIS: Ann...

MRS. MOORE: Yes.

COUNCILMAN DAVIS: I would request that if you give your information to one Board Member, if you would share it with all of us.

MRS. MOORE: Absolutely, absolutely.

COUNCILMAN DAVIS: Thank you.

MRS. CAPONE: I am in favor of it. George, I live between the police station and the library. I don't hear their air conditioned. So, I mean... it can be worked out. Okay.

AUDIENCE: Can't hear.

MRS. CAPONE: I live where I live before the library was built. The library has changed my life. I think this too will change my life. Thank you.

MR. HAVILL: Hi, my name is Bob Havill and I live on Weigand Lane. I own a body shop and I am thinking about putting it in my backyard but I got this zoning problem. But, I am sure we can clear that up tonight, right.

If my... I don't know if my numbers are right but I think now... since the units have changed, it is like 94 or something like that. Okay, so if the average stay for these people is... let's say 3 years, something like that and a few of them are double occupancy that would mean 15 what... well, all right, well whatever. So, let's say over the course of 10 years, you are going to serve maybe 300 people, a little bit more than that and you are going to build a 12 million dollar structure for 300 people and some of them might not even be from this Town. That to me sounds a little ridiculous. That's even kind of disgusting that you would entertain something like that. That is huge. And, again, getting back to what Mr. Insoft had said at the Planning Board meetings, a lot of these people... actually he said none of them would be walking about Town or driving cars and that was his exact words, no one would be doing that. These people would be too frail for that. So, again, why... what's the necessity for this property? Other than maybe it is a cheap piece of property and it's convenient. So, they got to go through a little trouble getting it rezoned. But, when it is all said and done, they got a hell of a deal. And, I think it is ridiculous. I think it is absurd. And, if this goes through I am willing to see them in court. It's that simple.

MR. BLASSMAN: Hi, my name is George Blassman. I live at 6 Stratton Place. I am not directly affected by the construction, although it is in my neighborhood. I'm not going to repeat a lot of the comments made. Quite simply, I am opposed to this site because of concerns both over the current residential and the potential for changing the entire community over a period of time and also because of the impact of a structure... the proposed structure on the wetlands that currently exist there and the houses surrounding it. Thanks very much.

SUPERVISOR FULLER: Thank you.

MR. GODDARD: I would just like to... My name, incidentally, is Len Goddard and I'm at 45 Pineview Avenue. I have been there for 39 years. The reason we came here was because of the school system and because of the zoning and I would like to just say to the Board, watch what you do when you try to overcome residential property. We've lived with it for so many years and once you have opened the door, you've got a can of worms. So, please consider carefully before you approve this project. Thank you.

SUPERVISOR FULLER: Thank you.

MR. GOYER: I'm Red Goyer. I used to live at 9 Herber Avenue in Delmar and I've since moved to an apartment so I don't have to do the lawn and all that. It's fun to sit inside and watch them. As a senior and I'm one of your senior drivers that has helped a good many of our seniors through the Town and I hope people can hear me because I've been one of them that's been complaining. And, I love it. In January I will have 10 years in of helping the seniors and it's a great opportunity. I feel that it would be a good opportunity if the Board okayed this project. So, I don't know whether... how many of us here tonight do it, I have heard a lot of excuses, some of them are pretty lame. But, that's the way I feel. I think it should go through. Thank you.

SUPERVISOR FULLER: Thank you, Mr. Goyer.

MR. PECKHAM: I am Richard Peckham and I live at 17 Stratton Place and I would like to express my opposition to the project for a lot of same reasons other people have expressed tonight namely that the location of this property, changing it from residential to commercial is a major impact on that area and potential future zone changes in the area. And, also the fact that as a lot of people have said, really the residents of this area of this facility will not really benefit from the area. As the President of Good Samaritan Homes said, be a lot better for low income senior apartments with people that could walk to the 4 corners, to the library to take advantages of being in that area of Town instead of people that are going to have to have vehicular transportation to get to those anyway. So, I encourage the Board to think very carefully before we take what could be a fine piece of residential property and turn it over to the use for profit of a commercial development for relatively few of Bethlehem's residents to benefit from.

SUPERVISOR FULLER: Thank you.

MR. MOORE: My name is David Moore and I live at 39 Borthwick Avenue. And, my wife and I have only lived in Delmar about 11 years but that's long enough to remember 6 years ago when this Town Board passed the homestead law which was pretty universally criticized for unfairly taxing local businesses but it seems now that we're doing 180 degree turnaround here, where as in the past we... we punished unfairly by taxing at an extra rate businesses that have been in this Town for many years. Now we are willing to bend over backwards for a new business that wants to come to our Town which hasn't contributed a nickel or... to our community. I just would like to add that to some of the other people that what they said... we spent a lot of time on this, CMI has done a very good job and been very diligent and patient up to this point, I think what the Town Board needs to say is -- you have a very good proposal but it's for the wrong parcel of land that if you want to come back and do business in this Town, like all of the other businesses, that you apply for a building on a properly zoned parcel. Some... my wife asked Mr. Insoft if any of the other projects had to rezone... had to have their parcels rezoned and the answer was yes they all did. But, his answer was because they didn't have proper zoning and this Town does have proper zoning for this kind of facility. It's just not in the middle of our neighborhoods. That's all I have to say. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. MC DERMOTT: Hi. My names if Marianne McDermott and I live at 2 Weigand Lane which is 1 lot away from the proposed facility and I did come here tonight to express my opposition against the idea of CMI coming on this particular site in the size and form that they are

proposing tonight. I ask you to review the statements of James Blendell and Marcia Nelson from the Planning Board because it was not a unanimous vote and I thought that they represented many of the issues that myself and my neighbors are concerned with. Many people said things that I would have reiterated to you tonight but they have already been spoken and it is getting late. I do see this as an issue of spot zoning. And, I do see it also as a dangerous precedent that can be set for the future, very dangerous for the Town. It is a lovely Town. I have been here for 7 years, enjoy it very much and I like our village atmosphere. So, I would really ask you to protect that at all possible cost. And, we also care -- I think the neighbors maybe they are misconstrued but I think we care a great deal about the choices for our residents and I think if we show our opposition, it's not because we don't want them to have good faith choices for their lives, we really do. It will be an issue that affects us as we get older too. So, it's concern for everyone. But we ask you to do it within the current guidelines of the zoning that's currently in place now on the books and not to go ahead and spot zone this parcel of land, as I see it, to allow this large facility to go in. And, I would like it to be scaled down if it went in at all. Thank you very much.

SUPERVISOR FULLER: Thank you.

MRS. TAYLOR: Hi, I'm Darlene Taylor. I live at 6 Weigand and I am right on the edge there. And, I am not opposed to building on this lot. I am opposed to changing the zoning. I have used assistive living for my mother. I have used nursing homes for my mother. I understand the need. I just think there is a place and I am also concerned about the drainage, obviously. I mean, already we are a little damp in the basement. I don't want to add to it, okay. Thank you.

MR. RESTIFO: I will be brief. Al Restifo. Listening to the people since I spoke before, I live at 543 Delaware Avenue. An apartment complex between the pond and the Christian Science church. This presentation... and it's just a couple blocks from where I am and it's beautiful. It's much better than where... up-to-date and there's... there's the same kind of people, I mean, the Town... the Town senior citizen vans come in and you know ... where I am just like is going to happen down here. It's not going to be any different. So, I'm going... forget the zoning... I am not saying forget the zoning, but to me the physical difference is very positive. I'd love to be able to sign up. And, the price is right as far as I am concerned, I could afford it. Thank you.

SUPERVISOR FULLER: Thank you, Al.

MRS. DENHAM: I'm Maude Denham and I live at 33 Borthwick Avenue and I don't have a prepared speech. But, I am in favor of the CMI coming here. I think it will be an improvement to the community. I think it will provide an updating of the property there. I have seen it go from a chicken farm which the rats ran all over, to what it is now where the deer and everything is in there. And, I don't think that you will have anyone that will give as much consideration to the engineering and drainage and those kinds of consideration if you put in single family dwellings. I am in favor of it. I think the tax rolls will certainly be benefited by it and it is something that could contribute to this community and I will never be able to live there, I know I won't afford it but I would certainly glad to visit people there.

SUPERVISOR FULLER: Thank you.

MR. BONANNO: My name is Robert Bonanno and I live at 11 Maple Terrace and my question is to the Town Board. If you do approve this, could you publish something in the Spotlight that would show me where residential land... neighborhoods, will stay because when I move out of my 11 Maple Terrace residence, I want to move to a residential neighborhood something that I grew up... I've lived in the Town for 31 years now. I have seen a lot change in Delmar. The old 4 corners, you know, I would like to keep it the way it is, residential. I don't want to live in Colonie where you have a commercial business, a store every 5 feet from everybody's neighbor's

house. You know, it's just going to snowball. Everybody stopped like... in Slingerlands by the tollgate, the strip mall and that's less residential population than where we live. Granted, we are in the next to the school, Town Hall now, and the library but they are positive things. I mean, those are things that have been here for a long time. The school has been here, it got converted to the Town Hall. It was a good use. You outgrew the old police station, you know, we don't need a 33,000 square foot ground level 33,000 square foot building. You are talking almost probably 60,000 square feet. This is a big building. It is real big.

MR. MARRIOTT: My name is Bob Marriott. I live at 497 Delaware Avenue. I've lived in Delmar all my life and the past 17 years within 200 feet of the site. I've been asked to speak on behalf of some of my neighbors and some of the members of the Upper Delaware Avenue Neighborhood Association. Commercial rezoning of the property is our major concern and we feel that such rezoning opens the door for this half mile stretch of Delaware Avenue to the 4 corners to become commercialized and it is going to be the beginning of the end for this lovely residential area of old Delmar. Even if rezoning of other individual properties is denied by the Town, those owners will certainly have an advantage in appealing to the court system.

Look at Delaware Avenue from the 4 corners to the railroad bridge, there are only 2 or 3 homes left with people living in them. Does anyone consider this area beautiful?

It is not necessary to have commercial zoning to have a senior citizen facility. Several years ago, Town officials and the Planning Department put a great deal of effort into creating the senior citizen residence district. The SCRD was created to encourage the development for housing facilities for seniors by permitting a higher density, 10 units per acre, than allowed in residential zoned. The environmental assessment form filed with the senior citizen residence zoning regulation states, that numerous provisions to minimize impacts on adjoining land and provide amenities for residents are included. Planned Commercial District does not provide us with this protection.

In his April 17, 1990 memorandum to the Town Planning Board, Town Planner Jeffrey Lipnicky stated, a senior citizen housing ordinance is seen as a mechanism to facilitate construction of senior citizen housing facilities by improving the economic picture through provision of a density bonus. Mr. Lipnicky further stated, it should also be noted that there does not appear to be a pressing need for special provisions to encourage housing designed for middle income to affluent elderly residents of the Town. The existing planned residential development regulations with a density of 8 units per acre appear to be adequate in addressing these needs. The senior citizen residence ordinance as adopted states that its purpose is to regulate the nature and intensity of senior housing if site layout design in relationship to the environment so as to minimize its impact on surrounding residential uses. The proposed commercial zoning does not accomplish this.

The proposed building is enormous and completely out of scale with neighboring dwellings. It is close to 3,000 percent the size of nearby homes. It is nearly twice the size of the Town hall here. It's only 21 percent smaller than the Farm Family Insurance center in Glenmont. When I've asked people if they are familiar with the Blue Cross/Blue Shield building in Slingerlands, I've often heard the response -- Oh, sure that's huge. Well, when I pointed out that CMI's proposal will be 50 percent larger, more than once I hear oh, my God. It's going to be 1 and 1/2 times the size of the Blue Cross/Blue Shield building. Is something that large at all appropriate for this residential area of beautiful old Delmar? CMI has stated they need such a large facility to make the project economically feasible. The senior citizen residence district at 10 units per acre would allow them to construct a 67 unit facility. Based on information that was provided to Boards earlier when parking was a consideration, CMI stated that they operated a 68 unit community in Brewster, Massachusetts. So, I don't know what the difference is between what Mr. Insoft said earlier but that's the information they provided to the Town. And, it would seem that if

they can profitably operate in Massachusetts a 68 units, they certainly should be able to make money in Delmar with 67 units. CMI has never provided any specific financial data to justify their statement.

The Planning Board resolution does not discuss the possibility of utilizing senior citizen residence district for construction of the project. The resolution does not even acknowledge senior citizen residence district. CMI has stated if they haven't found another properties suitable for a large facility. Well, in a 20 minute drive I took around Town on Sunday, I saw land adjacent to the Delmar medical building at 785 Delaware Avenue; property across from the antique store at 895 Delaware. There is a tremendous amount of vacant land along VanDyke Road and 16 acres available across from the Mount Moriah church in Glenmont. American Housing Federation found the VanAllen farm. Out of Town there is a school for sale in Guilderland on Carmen Road, a perfect location for such a facility with a building already there that perhaps CMI could utilize. The Planning Board resolution of June 2, 1998, page 5, states that within 1/4 mile of the site, existing land uses include multi-family housing, apartments, additional institutional uses including the fire house, church and non-profits and office conversions. While there are several 2 family, duplex, homes the only multi-family apartments, I am aware of, within 1/4 mile are the 4 unit apartments on Kenaware Avenue. There is, however, a large portion of residence "AA" property within the 1/4 mile radius. There is 1 church about 3/8ths mile away, 2 more 1/2 mile away. The fire house and other non-profits are nearly 1/2 mile away, as is; the nearest commercial zoning. The only office conversion I can recall within the 1/4 mile of the site is the small attorney's office at the corner of Delaware and Borthwick.

As such, it would appear that much of the information included on page 5 of this document is misleading and, perhaps, incorrect. Inserting the proposed commercial district into this residential area is spot zoning which is not permitted. Representatives of CMI have stated that commercial land is too expensive. Again, without any substantiation. We have no idea what they have offered to pay for the parcel in question but any where they wish to build the land cost will be the less than any other consideration. The building itself will cost more, staffing is ongoing expensive. I would venture that their legal fees, bus trips to Massachusetts for perspective clients, design fees and graphic presentations, meetings held to encourage area seniors to support and sign up for residency refreshments, etc., are approaching the land costs.

Earlier Mrs. O'Brien stated that the residents tend to move from where they lived originally to be close to their children, as she did with your parents. If Mr. Cahill wishes us to believe that the clients will be primarily local. Mrs. Davis even moved her parents from a distance to be close to her and her brother. I would venture that most of the residents will not likely be from the Bethlehem area.

Further, there does not appear to be a need for more assisted living senior facilities in our area. There are several similar local facilities who have advertised their ability... availability in the Spotlight. Beverwyck will have assisted living units opened in a few months -- and this is just some of the ads from the Spotlight. There are several and I am going to provide this to the Board.

Is it really necessary to change the long established and admired character of this residential area to construct a huge facility that may never be filled? The purpose of the Town of Bethlehem is not to provide a means for an outside investor to make a profit. The purpose of the Town Board is to protect the interests of its citizens, those who invested years of their lives in the Town who are not looking to realize a profit, who are only looking for reasonable and peaceful and unthreatened enjoyment of their homes and property. The interest of those who live near the property should be of paramount concern to this Board. We have heard a great deal of rhetoric this evening concerning an assisted living... or an assisted care facility. Once again, the purpose of this hearing and our major concern is the rezoning and the excessive size of the proposed

building. We are serious in our opposition to this commercial rezoning. We have made arrangements to have an attorney attend tonight's hearing and monitor the proceedings. We are not opposed to senior citizen housing, per se. We would not object to a reasonably sized facility built in an appropriate architectural style under senior citizen residential district guidelines.

I have a packet of information to present to the Board and I also have a number of signatures from mostly people who live very, very close to the proposed facility who are opposed to it. So, I present this to the Board and ask that it become part of the record. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. SMITH: My name is Linda Smith. I live at 18 Stratton Place. I'm 4th generation in the community. I am 3rd generation to live at 18 Stratton Place. I will try and keep this short because I basically feel the same as my neighbors feel and they have already done a pretty good job of explaining how most of the neighbors feel. I have seen a lot of changes come and go over my years of living here. I feel some of them better than others. I do feel the change for this property to become... from... to be change from residential to commercial to be a gross mistake. It will begin the destruction of our charming community. I would like to see the Town maintain its beauty and charm for my children and my grandchildren. This structure is much, much too huge for this location. They should move it to already commercially zone property or some place where, you know, it wouldn't have to have zoning changes.

I also have a petition I would like to turn in with all the signatures for my neighbors opposed to the commercial rezoning.

SUPERVISOR FULLER: Sure. Thank you.

MRS. PHILLIPS: My name is Alice Phillips and I live at 10 Spruce Court. And, I am concerned. I'm concerned about what the next step might be. I will have to say that the neighbors of the proposed CMI project have done their homework. I am not sure they have come up with the right answers. I'm not sure their... some of the facts they have presented tonight are accurate. Certainly, to say the least, sounds like a wonderful example of not in my neighborhood and I wonder how many of those people have... are over 65 perhaps or have elderly parents and have really considered that and might what happen. My real question is though, what might be the next step for the Town? What might the Board do next so that, I think, there are many other people in this very nice Town who are concerned and would like a voice and I feel what we have heard tonight has been very one sided. Thank you.

SUPERVISOR FULLER: Thank you.

MR. EDWARDS: My name is Chris Edwards and I don't live right in that neighborhood by any means. I live over by St. Thomas school and while, you know, I am somewhat sympathetic to the... I am sorry, I didn't catch your name... to what you were saying, you know, it seems like the process itself has been a little one sided in the other direction right from the start. I mean, I am just a little confused as... in terms of the process, how it seems that somehow these people that live right next door, that have invested a lot of money in the property, etc., have been forced to kind of prove to the Town that this company's business isn't valid or there's other places that they can put this. I mean, I don't think any of them have really taken the perspective that there isn't a need in certain cases for senior houses. I don't think anyone's unsympathetic to the fact that, you know, the population is aging, so to speak. But, I am just curious why the rights of an out-of-State company and the rights of a handful of senior citizens, who definitely have done a lot for the Town, are in many... cases... ways, being put ahead of the people that live there, that live right in this area. That bought in that area for the purpose of because they understood it to be residential and why those people now are being put on the defensive to come up and ask questions about employees and wages and other things as opposed to the company having to come in and tell them why they're quality of

life and investment in land is going to be better off with them there than it is without them there. I mean, that to me seems to be the biggest issue of all. And, I think the precedent being set here is certainly important but also the fact that the people that live around that area, shouldn't be in... be forced to be in a position to argue why they don't want it. The company should be able to tell them why it is going to make their lives better. And, if it isn't, then it really... I don't really think there is a question here. I mean I don't think that you should have to argue why the land that you have just invested all sorts of money in and built a house on is going to depreciate tremendously and the quiet neighborhood that you just built in is about to disappear out from under you and then you'd be forced to argue why that should happen. So, I don't know. I mean, I just think that the Board really has to consider here, whose rights are more important at this time. And, I really think it's the people that live right there and I don't live there but I know if it was being built in my backyard, I definitely would be here with a much more prepared text than I just gave. But, that's all I can say.

SUPERVISOR FULLER: Thank you.

GENTLEMAN: I think they are getting near the end.

ATTORNEY KAPLOWITZ: Are you waiting for the end?

MR. HAVILL: Kenneth Havill, 8 Maple Terrace in Delmar. I am going to give you a little bit of a giggle before I get into my rhetoric here. I can recall back in the early '70s, I believe it was, I attended a Town hall meeting and rezoning. And, the meeting hadn't gone on for more than half an hour when a respected Town officer got on his feet and said that's spot zoning and we don't allow it and the issue was dead. I can't understand why we've gone through all this for 3 months when somebody might have done the same thing. But, I guess we all have to have a job so here we are.

I have a sheet full of notes here that I'm going to spare you because most of the issues that I have already been covered and I agree with most of them as being opposed. I don't think it is right that the Town should allow a commercial operation to encroach on property zoned residential. I think it is a dangerous precedent. If something like this is allowed, what's going to come next and that's been a question a lot of people have asked.

If it should be approved and hopefully, it won't, nobody has talked about the noise of this construction. If you've ever watched heavy construction, trucks, bulldozers, backhoes, dust, dirt, traffic, the people that live in that immediate area, are going to be the ones that are going to be subjected to this. Little kids won't be able to sleep during their naps and men will get cranky with headaches and maybe assault their wives, I don't know how far it would go. But, I think it certainly would have an affect on the neighborhood and a downhill affect... All right. I am not going to go on with a lot of other things I have here, as I said, they've been covered pretty well. I do have the names of 30 neighbors... 23 names of individuals in the vicinity of Maple Terrace and Weigand Lane who are also opposed to the proposed rezoning and I will submit those names to you now.

SUPERVISOR FULLER: Thank you. Anything that's been turned in this evening for the Board is part of the record. I will reproduce tomorrow so that each of the Board Members get a copy of this. But, everything will become part of the record of the public hearing. I also received a letter from Linda Smith and a letter from Ann Moore and a letter from Ross Gutman and they also will be filed with the minutes of our meeting and each of the Board Members have been copies on those other than Mr. Gutman who walked in tonight, asked that I hand it out to our Board Members.

Is there anyone else who would like to address the Board?

MS. NELSON: Ellen Nelson, 405 Delaware Avenue. As a resident of the Town of Bethlehem in the Delaware Avenue area, I am against the proposed rezoning of the above parcel at 467 Delaware Avenue. It is

important at this time to recognize that the issue at hand and being voted on is the rezoning of this parcel from residential "A" to Planned Commercial District. This parcel is currently zoned residential "A". The land across from it and adjacent to this site is also residential "A". The nearest residential "B" zone is .24 miles westerly along Delaware Avenue. The nearest Planned Residential District is 0.20 miles westerly. The nearest commercial zone is .27 miles easterly along Delaware. The 4 corners is .39 miles easterly of the site. The area has seen a continual upgrading of zoning since the ordinance was enacted both through zoning changes and removal of high density uses from existing zones. By nature of its age, there are currently a variety of uses in this section of Town. These include the Town hall, formerly the Delmar high school and Delmar elementary school, the Town library, professional offices, a florist/nursery, churches, a VFW post, apartment buildings and the fire house. These uses are either allowed used under current zoning, previously allowed uses no longer conforming or non-conforming grandfathered uses. The existence of these should not be interpreted as a mandate to modify a particular parcel to a more dense or less restrictive usage. The residents of the area purchased their homes in good faith aware of the existing conditions in the residential "A" zone. They chose the community and location for many reasons including the history of the Town and its scrutiny in regard to development.

During the past few years, New York State has upgraded its interpretation of use variances and the criteria for their issuance. The intent of these actions was to maintain consistence within each zone and to protect the rights of all of the property owners involved. Use variances were to be viewed as a last resort when the restrict application of an ordinance prevented any of the allowed uses in that zone to be constructed. All the criteria for issuance of a use variance had to be met. In most cases the owner of an individual property would seek recourse from what he might consider restrictive zoning through a zoning variance. There have been numerous requests for variances for increased residential density, additional units and apartments, business and professional offices, and commercial uses in the immediate vicinity, many of which have resulted in lengthy court cases. In this instance, the request would be for a use variance. The owner would be required to show that the strict application of this chapter, would result in practical difficulties or unnecessary hardships based on the following criteria taken from the Town zone Section 128.100. Number 1, because of the physical configuration, shape or extraordinary topography, physical condition or location, the strict application of the provisions of this chapter actually prohibit or unreasonably restrict the use of the land. And, the variance granted by the Board is the minimum variance that will provide for the reasonable use of the property. Number 2, the granting of the variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the owner which is peculiar to the land and does not apply generally to the land in the vicinity or neighborhood and is not resulted from any act of the applicant subsequent to the adoption of this chapter. Number 3, in any case, the granting of the variance will be in harmony with the intent and purpose of this chapter, will not constitute in effect an amendment of any district regulations or boundaries, will not be injurious to the neighborhood.

An examination of the property would reveal nothing it is shape, size or topography which would be considered restrictive as required by Item 1. The lot is approximately 400 feet by 800 feet and reasonably flat or slightly sloping. It is not narrow, shallow or steep. It has no ravines. There are no physical conditions that would render it unusable or restricted from supporting any of the allowed uses of an "A" residential zone. No hardship has been demonstrated by the current owner nor requested by any Board and the hardship declared by the developer, indicates that he cannot afford to build anything smaller in density or he can't make any money. This is what is usually referred to as a self-imposed hardship.

There is no demonstrable hardship peculiar to the land. Financial records would be necessary to prove monetary loss. Reasonable return on residential property is the ability to construct a house and to

live in it. This land is not zoned commercial, any reasonable return of that type is not applicable. There would need to be proof of the inability to sell or use the land for any and all of the uses allowed under the current zoning ordinance. The granting of a variance in this case, a complete rezoning, would not be in harmony with the residential "A" zoning that surrounds the property. Would constitute an amendment of boundaries and the density proposed would far exceed that of the apartment buildings in the area which predominately are 4 unit buildings.

Introduction of a non-conforming use would be injurious to the neighborhood and not in harmony with the intent and purpose of the code which is the promotion of health, safety, morals, comfort, convenience or general welfare. Commercial use in this zone creates traffic, noise, air quality issues and other problems incompatible with residential use.

The zoning ordinance chapter 128 from the Code of the Town of Bethlehem, Article V, Planned Development Districts, 128-5, purpose states Planned development district regulations are intended to provide for new residential, commercial or manufacturing uses in which economies of scale or creative architecture or planning concepts may be utilized by the developer without departing from the spirit and intent of this chapter. In no case, shall the regulations of this article be so interpreted as to circumvent the benefit of the chapter to the owner's or residents of adjacent properties. This undertaking is not unique or on any cutting edge of design or development that would require special district zoning. This type and style of building could be constructed any where and in any of the Town's currently zoned Planned Commercial Districts. If diminished in density it could be built in any of the Town's currently zoned Planned Residential Districts. If a specified use in the issue, the developer could request a rezoning for senior citizen district.

Article V-B, Senior Citizen Residence District, 128-8.2 statement of intent, states the senior citizen residence district is established to expand affordable housing opportunities for senior citizens in the Town of Bethlehem. It is the intent of this article to encourage the development of moderately priced multiple dwelling units for senior citizens to ensure that such developments provide a minimum of services and facilities to accommodate residents needs and to minimize detrimental affects on surrounding properties.

This information on spot zoning came from the archives of the Upper Delaware Home Owners Association and I believe from Earl Jones, who was the former counsel to the Planning Board. The critical issue at stake is the rezoning of a piece of land to Town Commercial District constitutes spot zoning. Information taken from Town of Bethlehem document states that spot zoning is defined by the courts as 'the arbitrary and unreasonable devotion of a small area within a zoning district to a use which is inconsistent with the use to which the rest of the district is restricted which has appeared in many cities in America as the result of pressures put upon counselman to pass amendments to zoning ordinances solely for the benefit of private interests. While the city counsel has wide discretion enacting zoning ordinances, it has no authority to place restrictions on 1 person's property and by mere favor remove such restrictions from another's property unless there is reasonable ground for this discrimination. Move over, increase in spot zoning in the course of time would subvert the original soundness of the comprehensive plan intent to produce conditions almost as chaotic as existed before zoning. It is, therefore, universally held, the spot zoning ordinance which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if it is not in accordance with a comprehensive zoning plan and merely for private gain'. Note at this time, that one of the statements made in the document approved by the majority of the Planning Board clearly states that the purported financial needs of the developer were carefully noted and taken into consideration. Factors taken into consideration coming to the conclusions on spot zoning, include 1. physical uniqueness of the parcel; 2. that only

the specified use intended for the parcel was considered and not what were currently allowed uses; 3. the fact that consideration was given only to a specific property and no consideration to the larger area; and 4. that there has been no substantial change in the use of the property to be rezoned or in the general area.

The document further states, if a change in zone is reasonable, is in accordance with the comprehensive plan of the zoning ordinance, that is, the current zoning and subdivision rules and regulation of ordinance, legally approved, enforceable and in use, and can be justified as contributing to the public, health, safety and general welfare it will not be held invalid as spot zoning even though it affects a single piece of property or may incidentally discriminate in favor of the owner thereof.

Can you show that this is very specific, limited use and fits that criteria? Can you show that it will be beneficial to the general public by providing economical, affordable housing alternatives to all seniors and that there is no other currently zoned parcel in the entire Town of Bethlehem capable of being used for this purpose?

Since use restrictions, indeed, were not found by the courts to limit the ability of a developer to develop a commercial building in a commercial zone, restricted to a residential use by deed represented by the Burhans Place office building on Delaware Avenue. Can you legally rezone a parcel of land as planned commercial district and restrict the allowed uses to one proposed use? If, after zoning, CMI for any reason withdraws the proposal, or worse yet, builds the facility and abandons it, can you guarantee that the land or building would not be used for anything other than the currently proposed use and that because of the restrictive usage, the building would not be allowed to remain vacant or fall into disrepair and become an eyesore or health hazard.

In closing, I repeat that the real issue facing the Town Board is the rezoning of the parcel currently in a residential "A" zone to a Planned Commercial District for the sole financial benefit of the developer and that this issue should not be clouded or misconstrued. And, I certainly think that CMI did an excellent presentation. I think their facility looks beautiful and I hope that they can find another place in the Town better for their location and thank you.

SUPERVISOR FULLER: Thank you.

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

MR. SMITH: My name is Wayne Smith. I live at 18 Stratton Place and I am opposed to the project going through. Probably the same feeling as most of the people here so I won't tie things up any longer. Thank you.

SUPERVISOR FULLER: Thank you. Is there anyone who has not addressed the Board on this topic that would like to at this point? Okay.

MR. BURNS: Just very quickly, just want to restate that I am opposed to the project. I am speaking for my wife and children as well. I do think it will devalue the neighborhood and I don't believe the water situation has been addressed properly. I see my basement flooding already. Thank you.

SUPERVISOR FULLER: Thank you.

May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to close the public hearing.

All those in favor?

MR. CAHILL: One last submission, if I may, I have seen a lot of petitions submitted by those in opposition. And, I have a petition signed by 753 Town residents in support of the rezoning. So, I would like to make that part of the record.

SUPERVISOR FULLER: Okay. The public comment period will run through July 11th. So, if you have anything that you would like to submit to the Board that you haven't already, you can bring it to my office and we can have it copied and distributed to the Board Members. Thank you all for joining us here this evening.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to close the public hearing at 11:05 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
Ms. Burns.

Noes: None.

Kathleen A. Newkirk
Town Clerk

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

The Supervisor noted that the Board did have the option to vote on the previous public hearing. However, she indicated the Board would not be making a decision in light of all the information presented. She said the next meeting is July 22, 1998 and the following meeting would be August 12, 1998. She said after the public comment period ends, the Board may be voting on July 22nd. She said there will be ample notice and asked everyone still in attendance to inform those that left the meeting previously.

Supervisor Fuller thanked everyone for attending and indicated the Board would continue with the agenda.

The next item was to accept the application for retirement of Lt. Richard Vanderbilt, Bethlehem Police Department, effective July 17, 1998. Supervisor Fuller said he has served the Town and community with distinction. She said he certainly will be missed. She said what she remembers most and best about him is always depending on him to say -- Lt. Vanderbilt we have cars speeding, we need stop signs, we need you to help out in this corner -- and he always responded with -- give me the issue and I will take it to the Traffic Safety Committee. She said he is a wonderful person. She said they wish him well on his retirement.

Retirement
of Lt. Richard
Vanderbilt

The motion was made by Councilman Johnson to accept the application for retirement with regret for Lt. Richard Vanderbilt, Bethlehem Police Department. The motion was seconded by Mr. Lenhardt.

Supervisor Fuller asked if there was any discussion. Councilman Davis said in all the years she has been on the Board, and have had residents contact her about traffic problems, pedestrian safety problems or anything and she has called on Lt. Vanderbilt he was most accommodating. She said he represented the Town Board very, very well on the Traffic Safety Committee, indicating he listens, he comes to Town Board meetings and has represented everyone well. She said she will miss working with him but she will let him know that.

The motion was passed by the following vote:

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

The next item was a request from Chief of Police, Richard LaChappelle, for appointment of Police Officer, Regina F. Cocchiara, at an annual salary of \$31,356, effective July 11, 1998. Supervisor Fuller explained Ms. Cocchiara is currently a deputy with the Rensselaer County Sheriff's Department and will transfer with approval of the Albany County Civil Service Department. She further noted Ms. Cocchiara will be replacing Officer Keith Becker who retired on March 24, 1998.

Appointment
of Police Officer
Cocchiara

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the appointment of Regina F. Cocchiara as Town of Bethlehem Police Officer, effective July 11, 1998 at an annual salary of \$31,356. The motion was passed by the following vote:

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

Councilman Burns asked if Ms. Cocchiara was on a list, noting the other gentleman was on the list. Chief LaChappelle said she was not. Ms. Burns asked if they were required to take someone from a list. Chief LaChappelle said in their position they need someone trained. He said Mr. Rexford is off the list.

Councilman Burns said the other question she had was if there was a requirement for Police Officers to live in the Town of Bethlehem. Chief LaChappelle said it is for one year. Ms. Burns further asked if after the one year period they could move. The Chief indicated within the County of Albany. Ms. Burns asked if it was the first year they are here. Chief LaChappelle said it is the first year. Ms. Burns asked if Ms. Cocchiara lives here. The Chief said she lived on Gardner Terrace and moved to East Greenbush to be closer to her family when there was no opening here. He said she is in the process of moving back to this community. He said they have given others up to 30 days to establish residency. Councilman Burns thanked the Chief.

Appoint
Police Officer
James L. Rexford

The next item was a request from Richard LaChappelle, Chief of Police, for appointment of Police Officer, James L. Rexford, at an annual salary of \$31,356, effective July 18, 1998. Supervisor Fuller explained Mr. Rexford is currently an officer of the Town of Coeymans Police Department and is number 3 on the Civil Service list. He is being hired as a replacement officer for Lieutenant Vanderbilt, according to the Supervisor.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the appointment of James L. Rexford as Town of Bethlehem Police Officer, effective July 18, 1998 at an annual salary of \$31,356. The motion was passed by the following vote:

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

The following item was to acknowledge receipt of the 1997 Police Department Annual Report. Supervisor Fuller thanked Chief LaChappelle and all of the individuals who put the report together for the Board. She said above all else, it is what they have always known, that this is a crime free Town. She said we are all safe in this community. Councilman Johnson said it was a nice job. Councilman Burns said it was excellent.

Engineering
acceptance
of deeds for
Fisher Hollow

The next item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for the Fisher Hollow Subdivision, Phase 4. The Supervisor said this was for a street right-of-way and 2 drainage easements.

The motion was made by Mr. Johnson and seconded by Ms. Burns to approve the acceptance of deeds for the Fisher Hollow Subdivision, Phase 4. The motion was passed by the following vote:

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

Donation from
Stewart's
Playground
equipment
Town Hall

The next item was to accept a donation from Stewart's, Saratoga Springs, NY for the Bethlehem Town Hall playground. Supervisor Fuller explained Stewart's has donated a check in the amount of \$4,178 which was part of the profits from their opening day here in Delmar and it is for new playground equipment on the Town Hall playground.

The motion was made by Mrs. Davis to accept with pleasure the donation in the amount of \$4,178 from Stewart's, Saratoga Springs, NY for new playground equipment for the Town Hall playground.

The motion was seconded by Ms. Burns and passed by the following vote:

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

Supervisor Fuller noted Stewart's will be coming to present a check for a photograph in 2 weeks. Supervisor Fuller thanked them for their generosity.

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

Parks and
Recreation
appoint Seasonal
Personnel

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by David Austin, Administrator, Parks & Recreation Department, as follows:

Recreation Instructor I at a rate of \$5.30 per hour.

Joelle Rosenkrantz
70 Huntersfield Road
Delmar, NY 12054

Attendant at a rate of \$5.25 per hour.

Matthew E. Dominelli
42 Jordan Boulevard
Delmar, NY 12054

Recreation Instructor I at a rate of \$6.00 per hour.

Heather L. Mann
333 Kenwood Avenue
Delmar, NY 12054

The motion was passed by the following vote:

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

The next item was a recommendation from David Austin, Administrator, Parks & Recreation Department, for naming of the park in Selkirk, Selkirk Park and the access road off of Thatcher Street to be known as Houk Drive. Supervisor Fuller noted the Houk family donated property for the Selkirk park.

Parks and Recrea-
tion naming
Selkirk Park
access road off
Thatcher Street
to be known
as Houk Drive

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the naming of the park in Selkirk, Selkirk Park and the access road to the park, Houk Drive. The motion was passed by the following vote:

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

Councilman Johnson noted this was a classy move by Administrator, David Austin, Parks & Recreation Department. Councilman Davis said she knows the residents are really pleased with what has been done so far and looking forward to this and have been using what has already been done. Mr. Austin said that was good to hear. Supervisor Fuller noted they have waited a long time for it.

Parks and Recreation to go to bid for playground equipment and resolution

The following request was from David Austin, Administrator, Parks & Recreation Department, for approval to go to bid for playground equipment for the Selkirk Park. Could advertise on July 15, 1998 and open bids on July 30, 1998 at 3:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of playground equipment for the Selkirk Park, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 15th day of July, 1998 and that bids be received up to 3:00 p.m. on the 30th day of July, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Parks and Recreation acceptance of donations

The following item was a recommendation from David Austin, Administrator, Parks & Recreation Department, for acceptance of donations. Supervisor Fuller said these donations have been received during the period April 1, 1998 through June 30, 1998. She acknowledged the mural by Tiffany Teator indicating it was an excellent job.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to accept with thanks the following donations:

- Mural at Pool Complex by Tiffany Teator value \$450.
Flower Garden at No. Bethlehem Park by Scout Troop 24 value \$300.
25th Anniversary Banner by Elk Sign Shop value \$240.
Contribution to 25th Anniversary by Farm Family Insurance \$300.
Clown to perform at 25th Anniversary by Price Chopper value \$250.
12 Trees by Andrew Clift for the arboretum value \$100.

and acceptance of donation of \$5,000 from TEPPCO for the Selkirk Park playground.

The motion was passed by the following vote:

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

- - -

Supervisor Fuller said we are very fortunate to have these donations. Councilman Davis asked Mr. Austin if there was any special place for the 12 trees. Mr. Austin said they have already been planted in at the arboretum at Elm Avenue Park and are growing. They will be transplanted once they are larger. Councilman Burns asked what the total cost of the playground equipment will be. Mr. Austin said they budgeted about \$49,000 originally for this playground. He said with the \$5,000 addition, they are working with the residents to ascertain what kind of equipment would be purchased.

Adopt resolution appoint Election Inspectors and Poll Clerks submitted by Republicans

The following item was to adopt a resolution approving the appointment of Election Inspectors and Poll Clerks as submitted by the Republican Committee.

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

RESOLVED, that pursuant to Article 3 of the Election Law, the attached list of persons be and they hereby are appointed Election Inspectors and Poll Clerks as recommended by the Republican Committee to serve for the conduct of elections from July 15, 1998 through July 14, 1999.

As per the list on file in the Town Clerk's office attached to the resolution dated July 8, 1998.

The resolution was adopted by the following vote:

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

- - -

Supervisor Fuller asked Town Clerk Newkirk if the Democratic list of election inspectors and poll clerks has been received. Town Clerk Newkirk said the list has not been received as of this date. She indicated contact has been made with Mr. Clyne, Chairman of the Democratic Committee. She also indicated a letter was sent in June requesting the list and as of this date it has not been received. Town Clerk Newkirk indicated they are supposed to be appointed by July 14th. Councilman Davis said this list is usually late, noting Mr. Clyne is consistent. Town Clerk Newkirk indicated it was just before primary last year that the list was received.

The next item was to approve the Town Board minutes of June 10, 1998 as submitted.

Approve Town
Board Minutes
June 10, 1998

The motion was made by Mrs. Davis and seconded by Mrs. Burns to approve the Town Board minutes of June 10, 1998 with one correction. The motion was passed by the following vote:

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

Supervisor Fuller said there was one announcement she wished to make. She said notice has been received this date that Sandra Goulet received the Telecommunicator of the Year award for her outstanding contributions to public safety communications. She said Sandra has been with the Town since August of 1987 and has served with dedication, compassion and professionalism throughout her career. On behalf of the Town Board and the community, Supervisor Fuller congratulated Telecommunicator Sandra Goulet. She said the notice had just been received this evening.

Congratulations
to Sandra Goulet
received
Telecommunicator
of the Year
award

Supervisor Fuller noted she will send a letter of congratulations and will also send thank you letters to those who made donations to the Town.

Supervisor Fuller asked if anyone else wished to address the Board.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 11:28 p.m. The motion was passed by the following vote:

Adjourn the
regular Town
Board Meeting

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

Kathleen A. Newkirk
Town Clerk