

TOWN BOARD
JUNE 22, 2005

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 5:30 p.m.

PRESENT: Theresa Egan, Supervisor
Daniel Plummer, Councilman
George Lenhardt, Councilman
Thomas Marcelle, Councilman
Tim Gordon, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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Supervisor Egan welcomed everyone to a regular meeting of the Board and invited them to join in the pledge of allegiance.

The Supervisor asked if there were any comments on the Town Board agenda items. Mr. Robert Jasinski asked if the item for appointment of Sergeant of Detectives was a new position or the filling of an existing position and what the cost was. Police Chief Corsi said it was filling the position that was covered by Detective Supervisor and the cost is about \$200 more a year. Mr. Jasinski thanked the Supervisor.

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The next item was the presentation of a Proclamation for the Town of Bethlehem Historical Association that is celebrating their 40th anniversary of community service.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the issuance of the Proclamation in recognition of the Bethlehem Historical Association's 40th Anniversary. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval to go to bid for construction of the water play area at Elm Avenue Park. Could advertise July 6, 2005 and open bids on July 27, 2005 at 3:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for the construction of the water play area at the Elm Avenue Town Park, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 6th day of July, 2005 and that bids be received up to 3:00 p.m. on the 27th day of July, 2005 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of appointment of seasonal personnel.

The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department, as listed on the information dated June 22, 2005 at the titles and salaries indicated. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

The next item was a request from Commissioner of Public Works, Oliver Holmes, for approval of the Supervisor signing Sanitary Sewer Agreement with PSEG Power New York, Inc., Bethlehem Energy Center, Glenmont.

The motion was made by Mr. Gordon and seconded by Mr. Marcelle to approve the Supervisor signing the Sanitary Sewer Agreement with PSEG Power New York, Inc. for the Bethlehem Energy Center, Glenmont. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

The following item was to acknowledge receipt of Certificate of Preliminary Plat Approval and Conditional Plat Approval of Final Plat for the Freed and Michaud Subdivision from the Planning Board for information purposes.

The next item was a recommendation from the Planning Board to issue a Negative Declaration (SEQR) and to approve Amendment 1 to Building Project Approval No. 27, Price Chopper Plaza, to allow a 10,000+ sq. ft. addition to the existing supermarket.

RESOLUTION
TOWN BOARD
TOWN OF BETHLEHEM
SEQR DETERMINATION OF SIGNIFICANCE
AMENDMENT No. 1 TO BUILDING PROJECT APPROVAL No. 27
PLANNED COMMERCIAL DISTRICT NO. 4
PRICE CHOPPER PLAZA
WINDSOR PROPERTIES COMPANY, L.L.C.

WHEREAS, the Town of Bethlehem Town Board ("the Town Board") has received an application from Windsor Development Group, Inc. for certain amendments to Building Project Approval (BPA) No. 27 – Price Chopper Plaza; and,

WHEREAS, said application entails proposed amendments to a Building Project that was previously approved by the Town Board on June 12, 1996; and,

WHEREAS, said application reflects proposed changes to the Building Project that were first presented Town Board in 2003 as part of a zoning application from Windsor Development Group approved by the Town Board as Local Law No. 6 of 2003; and,

WHEREAS, the potential environmental impacts of the proposed Building Project amendment were evaluated as part of the aforementioned zoning application and a Negative Declaration was issued on the project by the Town Board on October 22, 2003; and,

WHEREAS, the amendments currently proposed to BPA No. 27 include among other items:

1. Construction of a 10,017 +/- sq. ft. addition to an existing Price Chopper Supermarket;
2. Relocation of a driveway, water line easement and 270 +/- l.f. of water main;
3. Construction of a wet pond stormwater management area; and,
4. Associated grading activity; and,

WHEREAS, the proposed amendments to BPA No. 27 do not substantially change the overall scope, scale, layout or design of the Building Project as originally approved; and,

WHEREAS, the Planning Board has received a short Environmental Assessment Form ("EAF") to assess the potential environmental impact of the proposed amendments to BPA No. 27, with Part I completed by the applicant; and,

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA; and,

WHEREAS, the "Memorandum of Understanding between the Town of Bethlehem Town Board and Planning Board for Planned Development Districts" (MOU), adopted by the Town Board on February 27, 1991, sets forth procedures for incorporating the requirements of SEQRA with the requirements of Chapter 128, Article 5 of the Code of the Town of Bethlehem for the review of Building Projects within established Planned Development Districts; and,

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,

WHEREAS, 6 NYCRR 617.6(b)(4) indicates that for uncoordinated review of an Unlisted action, each involved agency may proceed as if it were the only involved agency when making its determination of significance before acting on the matter before it; and,

WHEREAS, the Town Planning Board at its meeting of June 7, 2004 issued a Negative Declaration regarding the current BPA application and recommended that the Town Board also issue a Negative Declaration; and,

WHEREAS, the Town Board has independently considered both the information provided in the EAF and comments on the application provided by the Town of Bethlehem Engineering Division and Department of Economic Development and Planning;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board hereby determines that:

1. the proposed amendments to BPA No. 27 constitute an Unlisted action which is subject to SEQRA;
2. the proposed amendments involve a federal agency, the U.S. Army Corp of Engineers;
3. other involved agencies may include the Bethlehem Planning Board and the Albany County Health Department;
4. the proposed action is not located in, or within 500 feet of, an Agricultural District and therefore, is not subject to the provisions of the Agriculture and Markets Law; and,
5. a short EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that pursuant to 6 NYCRR 617.6(b)(4) the Board will not coordinate SEQRA review of the application; and,

BE IT FURTHER RESOLVED,

that based upon its review of the project, the EAF, review of the proposal by Town Engineering and Planning staff, and comparison

with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Town Board hereby finds that approval of **Amendment No. 1 to Building Project Approval No. 27** constitutes an action that will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

1. The Building Project Amendment involves a 10,017 \pm sq. ft. addition to an existing Price Chopper Supermarket.
2. Building Project plans show that the addition would be placed on the eastern side of the existing supermarket, in an area currently occupied by a service driveway.
3. The project would entail relocation of the service driveway and an existing water line, placement of additional fill material for construction of the new driveway, and reshaping of an existing storm water detention basin. In total, the effected area of construction would encompass approximately one acre.
4. The existing shopping center was the subject of a thorough environmental evaluation conducted by the Town at the time of the original rezoning to PCD No.12. A SEQRA Negative Declaration was issued for that rezoning by the SEQRA Lead Agency, the Bethlehem Town Board on December 13, 1995.
5. The proposed Building Project amendment was also the subject of an environmental review conducted by the Town as part of a subsequent zoning amendment granted by the Town Board (Local Law No 6 of 2003) in 2003. A SEQRA Negative Declaration was issued for that zoning amendment by the Bethlehem Town Board on October 22, 2003.
6. The SEQRA review conducted in 2003 identified the following areas of potential environmental concern: a) traffic generation, b) impact to federal wetland area, c) compliance with Phase II storm water regulations, d) erosion control and e) architectural compatibility with the current shopping center.
7. Trip generation estimates provided by the applicant and derived from the ITE manual *Trip Generation* indicated that the building addition would generate approximately 38 vehicle trips during the weekday p.m. peak hour. Notwithstanding the ITE manual estimate, the applicant indicated its belief that the ITE manual overestimates potential trip generation. The applicant indicated that the primary purpose of the addition is to provide more storage and product space for the existing customer base, and that it is not intended to attract additional customers. In either event, the additional trips that are expected represent an insignificant increase over existing trip generation from the shopping center, and an insignificant increase in current traffic on the adjacent highway system. There are no changes proposed in the current application that would effect this conclusion.
8. The concept plan and supporting information provided by the applicant indicated that project development would impact approximately 0.135 acres of federal regulatory wetland. The scope of impact remains unchanged. The applicant has worked with the U.S. Army Corps of Engineers (USACOE) to finalize a wetland mitigation plan for this impact. The mitigation plan that has been accepted by the USACOE involves the placement of deed restrictions on 2.37 acres of remaining wetland and 2.89 acres of adjacent upland.
9. The concept plan and supporting information provided by the applicant indicated that project development would disturb approximately one acre of the site. The applicant has designed the project to comply with the Phase II storm water regulations. The current plan shows storm water being discharged to a newly constructed wet pond stormwater management area.

10. The applicant has designed and provided a full erosion control plan, as well as a *Construction Stormwater Pollution Prevention Plan* to further address the Phase II stormwater regulations.
11. The applicant has provided the Town an architectural design plan of the building addition. The building elevation drawings show, and the applicant has agreed to design the addition to match the architectural style and materials of the existing structure.
12. Review of the site in the field and with available environmental inventory data on file in the Department of Economic Development and Planning, including the prior environmental assessment that was completed for the original shopping center development, revealed no other significant environmental characteristic of the site that requires further study; and,

BE IT FURTHER RESOLVED,

that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Department of Economic Development and Planning is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Mr. Plummer, seconded by Mr. Lenhardt, and by a vote of 5 for, 0 against, and 0 absent, this RESOLUTION was adopted on June 22, 2005.

Town Planner, Jeffrey Lipnicky, noted the Board also had to act on the amendment to the Building Project Approval.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve Amendment 1 to Building Project Approval No. 27, Price Chopper Plaza, to allow a 10,000+ square foot addition to the existing supermarket on New Scotland Road in Slingerlands, Town of Bethlehem. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

The next item was a request from Chief of Police, Louis Corsi, for acceptance of donation to the DARE program. Supervisor Egan noted the donation was \$20 from Nancy Farr.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt for approval of acceptance of donation to the DARE program in the amount of \$20 from Nancy Farr as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

The next item was a request from Louis Corsi, Chief of Police, for approval of transfer of funds from insurance proceeds to insurance recovery and collision repairs.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the transfer of funds from insurance proceeds to the insurance recovery and collision repairs line items as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Chief of Police, Louis Corsi, for appointment of Detective Sergeant effective June 26, 2005. Supervisor Egan said this was for John Cox. She said Mr. Cox has been a member of the Police Department since August 1, 1974 and served as a Patrolman, Detective and Detective Supervisor. Since his appointment to Detective, he has been responsible for the investigation of many crimes leading to arrests and convictions. She noted he has set the standards for professionalism, dedication, ability and compassion and service to Bethlehem.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the appointment of John Cox, Slingerlands, New York to the position of Detective Sergeant as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

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Supervisor Egan congratulated Sergeant Cox and noted it was well deserved. Councilman Lenhardt added that over the course of his tenure, he has been on the opposite side of the negotiating table from Mr. Cox on at least two (2) contract negotiations and he is purely a class act. He congratulated Sergeant Cox.

The next item was to acknowledge receipt of Democratic Election Inspectors and Poll Clerks from Democratic Chairman and approve payment.

The following resolution was presented for adoption by Mr. Plummer and seconded by Mr. Marcelle.

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors and Poll Clerks as recommended by the Democratic Committee for the term beginning July 15, 2005 through July 14, 2006 as per attached list and approving payment of said Election Inspectors and Poll Clerks.

The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

The next item was a request from Town Engineer, Erik Deyoe, to circulate the notice of intent to establish lead agency under SEQRA for the Creble Road to Esplande Street water main project.

The following resolution was presented for adoption:

RESOLUTION
TOWN OF BETHLEHEM
TOWN BOARD

WHEREAS, the Project is an "action" as defined by the State Environmental Quality Review Act (SEQRA); and

WHEREAS, Part 1 of the Short Environmental Assessment Form (SEAF) has been completed and circulated to all Involved Agencies for establishing the Town Board as "Lead Agency" in accordance with 6NYCRR Part 617.6 for the purpose of conducting a SEQRA/SERP review of the Project; and

WHEREAS, it is the intent of the Board to assume the role of “Lead Agency” for purposes of Project environmental review.

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that this Board has circulated said Short Environmental Assessment Form to the following “Involved Agencies” under cover of the attached “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under SEQRA/SERP:

- New York State Department of Environmental Conservation;
- Albany County Health Department
- Albany County Planning Department;
- U.S. Army Corps of Engineers
- Environmental Notice Bulletin c/o Business Environmental Publishing, Inc.1

RESOLVED, that the Supervisor, together with Board for the Town, and the Town’s Engineers are hereby authorized to take all actions, serve all notices, and complete all documents in order to give full force and effect to this determination.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to adopt the foregoing resolution. The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

The foregoing resolution was thereupon declared duly adopted.

Supervisor Egan asked if there were any other comments on Town Board business. Mrs. Marie Capone asked about the water play area and how much water is expected to be used and what is the play area going to look like. Supervisor Egan asked Mrs. Lanahan to give this information. Mrs. Lanahan said the area would have a water recirculating system so there is no water lost and all water will be recycled back through a filtering system. She said the final construction design plans are still in the works. Mrs. Capone asked where it would be located. Mrs. Lanahan noted it will be at the Elm Avenue Town Park and will replace the 2 old spray areas noting there will be some new features and things that will be very interactive for the children.

Mrs. Capone next asked how much this was going to cost. Mrs. Lanahan said it will cost about \$400,000 noting the funds are in the Capital Reserve money. Supervisor Egan thanked Administrator, Nan Lanahan.

The Supervisor asked if there were any other comments regarding Town Board business. There were none.

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The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to close the Town Board meeting. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to reopen the Town Board meeting at 6:00 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

Hearing began: 6:05 p.m.

SUPERVISOR EGAN: First of all before starting with the hearing I just wanted to remind people of how we are proceeding here. First there are zoning maps that are blown up that are out in the front hall so we are not dealing with zoning until after we finish the comp plan hearing so if anybody is interested those maps are posted out in the hall together with the current zoning map so you can compare.

Going to talk about the rules for a little bit. Again, we are going to ask everybody first to be very respectful to all the attendees as well as the speakers. The process here is, if you wish to speak, please see our staff at the back of the room and fill out an index card. We need your name, address and phone number for the public record. We will be calling you in the order that you signed in. We are going to proceed with the Comp Plan hearing first. Zoning comments or environmental issue comments, we ask you to hold that... those comments until the appropriate hearing and we will get through this as quickly as we can. Again, just so there is no confusion in regard to the timing, at 7 o'clock does not mean we close the Comp Plan hearing. We have committed that we will hear all comments on that. The zoning hearing just will not start before 7 o'clock. As with the SEQR, GEIS hearing will not start before 8, we will complete the zoning testimony before we move on to the next phase. We do ask that you keep your comments to three (3) minutes. We have our timekeeper, Mr. Mathusa at the end of the table. He will give a 30 second warning. We also ask that you do not pool your time. If you would like to speak, please speak but we are going to ask that there is no pooling of time.

Also, looking around and seeing the number of people that are here and that wish to speak, we also ask that if you have a prepared statement or you are just reading from a prepared statement or substantially same statement that you might consider just handing the statement in with your name, address and phone number on it to allow time for someone else that doesn't necessarily have a statement to read but just wants to make comments.

Okay, think that was everything. With that being said, do I have a motion to enter the call of the hearing, the notice of public hearing and notice of publication into the minutes?

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on June 22, 2005 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider Draft Comprehensive Plan.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, ext. 183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM

Kathleen A. Newkirk, CMC, RMC

TOWN CLERK

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State of New York)
County of Albany)

JULI HEBERT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

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 8th day of June 2005.

/s/ Juli Hebert

Sworn to before me this 8th day of June 2005.

/s/ Sharon A. Doldo

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 8, 2005, 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
17th day of June 2005.

/s/ Julie McNeil

Notary Public

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The motion was made by Mr. Marcelle and seconded by Mr. Gordon 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: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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SUPERVISOR EGAN: Okay, we are going to start first Michael DiPaolo.

MR. DI PAOLO: My name is Michael DiPaolo. I am co-chair of the Tri-Village Greenway Committee, which is part of the Mohawk-Hudson Land Conservancy. I support the comprehensive plan, proposed zoning regulations as a way to protect our natural resources, encourage economic development and increase the quality of life in our Town. The preservation of green space is the mutual responsibility of landowners, government, the private sector and grass roots groups. It is clear we do not all agree on the issue but since reasonable people can have reasonable differences, I proposed that the comprehensive plan highlights that land to be protected and preservation would be carried out only in conjunction with willing landowners. Further the plan should define what willing means that is only landowners who freely volunteer parcels of land. Other property owners should be free to manage their property as they see fit. Lastly the plan should make clear that zoning will not be used as a tool to force landowners to give up parcels of land against their will. Hopefully compromise language may pave the way for amicable relations regarding our effort to create a greenway of interconnected trails and preserves in the tri-village area. Thank you.

SUPERVISOR EGAN: Thank you. Before we have our next speaker, there's one other thing I just want to make note of. If you didn't pick up a handout when you came in, please see Nancy -- she's standing, Nancy please raise your hand for a second -- Nancy's got handouts. They are setting forth information having to do with the zoning hearing but it will give you an opportunity as we're going through this hearing to read it and we can go from there. So, if you did not pick up a handout from Nancy, please do. Next Dan Rain.

MR. RAIN: Hi, I'm a resident of Delmar, this is my son, Cadao. I support the

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comprehensive plan as written. I admire all the intelligent thought and effort that went into it by the Members of the Board, the Bethlehem Tomorrow organization, all the residents who have gone to all the meetings and so I'd like to see passage of it for our future and our children. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Rain. Next Jeff Vadney.

MR. VADNEY: Good evening. My name is Jeff Vadney. I'm a 49-year resident of the Town of Bethlehem. I'm a graduate of Bethlehem Central Senior High School. I've lived for all of my 49 years on the Vadney farm which is the parcel immediately west of the Elm Avenue Town park.

My parents are John and Lois Vadney, they have similar credentials only they've been residents in Town for 75 years and have lived on that farm for 60 years. Four generations of Vadneys have farmed that piece of land which is in the ag district.

We attended all the meetings leading up to the plan. We've been active in a lot of discussions. There is a lot of good in this plan... a lot of good thoughts that should be carried forth but there are two (2) major issues that I have agreement with. The first one is there is no need to spend any money on any type of conservation council that is going to map or study the open spaces and farmland in this Town. I'm sure you would feel uncomfortable if I was to take this clip board in your backyard and just stand around and say I was planning where you could put your barbeque grill, where you could put your patio furniture, etc. I pay taxes on my property, you pay taxes on your's. I leave you alone, you leave me alone. We are already regulated by the County, State and Federal governments. There is very little we can do that's going to disturb the ecology or the environment or the health and welfare of the rest of the residents of the Town. We have also been great stewards of the land up to this point.

Minor subdivision, it's admirable that you have a process in there where we can subdivide up to 4 lots every 10 years but the problem is, it's incredibly difficult to do. The process is just 1 step short of that required for a major subdivision. Development is a separate industry. Developers have the financial, the legal and the time resources to deal with the State and the Federal and the local government. We don't need another layer from you folks.

As it stands right now, the Town only averages five (5) building permits a year in those areas which are not served by water and sewer, in the neighborhood of 200 those that are serviced by water and sewer. We're a drop in the bucket. On the Vadney farm there has been 3 new homes in 30 years. One home every 10 years, it just can't amount to very much environmental impact or disturbance to other Town residents.

And, any zoning as a result of this plan should be no more restrictive than it is now. I'm going to comment on that later in the zoning portion. Thank you very much.

SUPERVISOR EGAN: Thank you, Mr. Vadney. Sam Messina.

MR. MESSINA: Supervisor Egan, Members of the Town Board, my name is Sam Messina. I live at 17 Egmont Court in Delmar. I am a 32-year resident, raised my family here and I'd like to keep this short. I'm sure you would like me to keep it short too.

But, I want to commend the Town Board, BPAC and also the residents and businesses in this Town for coming together and participating fully in the planning process. I've been involved in planning, one way or another, for 40 years and I've never seen it done better.

In terms of my involvement in this Town and the reason for my perspective here on planning is some 17 years ago I was either the first or one of the first people driving for planning in this Town with a group that was called Bethlehem Residents for Planning. Lasted about two (2) years, our Planning Department was developed in this Town. After that LUMAC was formed, 17 residents, the Town Board and

many others worked for seven (7) years and proposed a comprehensive plan. I thought that plan was a professional document, not perfect, nothing ever is but it was not adopted as a comprehensive plan. The four (4) questions that I asked about whether or not I thought that was a good plan then, or whether or not the plan that you have before you from BPAC is good now, are the same.

The need, look what's happened with development or look what happens when you don't have a comprehensive plan and things develop in a more happenstance way. We didn't plan Delaware Avenue to be the way it is nor 9W to be the way it is and frankly, we can do a lot more when we have a plan to encourage economic development in the right places of Town.

Number 2, what do the residents and businesses want? 17 years ago, we had 1,000 petitions signed that they wanted a comprehensive plan. I think the feeling is even stronger now and you will see that tonight.

Third, is it a professional document? I read this plan. I feel that BPAC and Saratoga Associates did an outstanding job and it is a professional document particularly the public participation process. That was better and more extensive than when we did LUMAC years ago.

Fourth, flexibility. You have flexibility with this plan. If you adopt it as your comprehensive plan, to change it over time, you also have the strength of guiding the Town to development that should occur.

No plan's perfect. I heard a gentleman talk about the conservation advisory committee and the fact that he did not feel that was needed. I would prefer, if it was statutory so that you would have the opportunity for some grant activity through that, however, he can buy off on the current administrative committee because it is a way to get citizens involved in the process.

MR. MATHUSA: 30 seconds.

MR. MESSINA: I have 30 seconds?

MR. MATHUSA: Yes.

MR. MESSINA: 30 seconds is a long time for me. So, I would encourage you to have the courage as a Board to adopt this. It isn't perfect but it's darn good and you can change it as you go along. Thank you very much.

SUPERVISOR EGAN: Thanks, Mr. Messina. Bonnie Goldsmith.

MS. GOLDSMITH: Hi. I'm in favor of the plan in its entirety. Thanks.

SUPERVISOR EGAN: Thank you. Terry Rooney.

MR. ROONEY: I'm in favor of the comprehensive plan the way it stands in its entirety and I want to thank everyone who has worked for the past two (2) years to bring it to this stage of development. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Rooney. Paul Tick.

MR. TICK: I'm Paul Tick from Berwick Road. A town plan is a guideline for our future and every nation, every state, every city and every family there is guidelines, rules that set the parameter for our actions. The rules help us live harmoniously so that our actions don't hurt anybody else. In our democracy we are free to think anything we want. We're free to express anything we want, however, we are not free to do anything we want that would be anarchy.

We live by rules and the rules in combination with our spirit and concern for each other help unite us as families and as communities. The comprehensive town plan is not about control or taking away anybody's freedom, rather it's about our citizenship being expressed by creating a plan that will benefit everyone. Everyone

who wants to be a part of the planning process was welcomed into it. Not one person was excluded and all points of view were equally respected. Appropriate compromises have been made along the way bringing in the best ideas from all sides.

There are things in the plan... there are things that aren't in the plan that I would like to see there but I, like everyone else, can live... can give up my own personal interests for the overall good of the community. I know the plan will help protect our schools from being further overcrowded. It will help keep taxes in check. It will keep the character of our town and thereby protect everyone's property values. This is not restricting freedom, this is the people of the Town using our freedom to create a vision that will work for the benefit of all.

With a plan in place, we as a town, create our future rather than leaving it for a random future or a future in the hands of developers. In our nation we hold dearly our individual freedoms, however, we also hold dearly our responsibility to our neighbors and our responsibility to our community. The comprehensive Town plan has managed to incorporate an excellent balance of both individual rights and our community responsibilities. And, that balance is essential for our future and I thank everyone who worked so hard on this plan.

SUPERVISOR EGAN: Thank you, Mr. Tick. Karen Beck.

MRS. BECK: I'm here tonight to register my support for the plan and want to thank you for the open process. I feel it is critical that you adopt this plan so that Bethlehem can move into the future. Thank you.

SUPERVISOR EGAN: Thank you, Mrs. Beck. Jim Booker.

MR. BOOKER: I want to thank you for the opportunity this evening to address the Board and the community as a whole. My name is Jim Booker, I'm a homeowner in the Town and I also own 85 acres of rural land in the southern tier.

The proposed Town plan has been developed following a rigorous process which sought the input of Town residents on numerous occasions. We confirmed that Bethlehem is a special and distinctive community and that we have dreams for an even better Bethlehem in the future. In this Town, we're not anywhere USA. We're instead hamlets with rich identities, rural landscapes which offer their owners a variety of life styles and we provide an essential grounding for the Town as a whole in these rural areas. We value what we have and now is the time to affirm what we want for the future.

Will we encourage growth and construction creating a landscape of leapfrog development and faceless and soulless suburbs or instead do you want growth which develops and preserves our communities? Homes where you actually know your neighbors, more open space is something you walk to, not drive to. Then you want incentive zoning and conservation subdivisions.

Will your children come to learn that books come from Walmart or instead do you want your children to badger you at home to take you to I Love Books. Then you want hamlets. Do you insist that owning property provides rights and privileges without obligation and responsibility? Or do you want private property to work together to develop an even better Bethlehem, an attractive and desirable community which will, incidentally, cause local property to be more highly valued than it is today? Then you want meaningful zoning.

Does economic development mean celebrating any enterprise with a payroll or instead do you want a Town which supports its local businesses because we are spending our dollars here at home. A Town which stays home and spends its dollars at home because we have great hamlets; because we have great parks; because we have a great waterfront; because we have great paths and trails; because we have great people and a great community.

I love our Town and my dream is for an even better Town in the years to come.

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The Town plan and the zoning to put it in place are one step in our making that a reality. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Booker. Barbara Carkner.

MRS. CARKNER: Good evening. I'm Barbara Carkner and basically I am very satisfied with the comprehensive plan and I really want to thank each and every one of you and everyone that put time and effort into the comprehensive plan. It's been a fantastic process to observe and contribute to.

I do, however, have one (1) item, I believe, should be changed or amended in some way in the comprehensive plan and that's the recommendation that a committee be appointed for one specific reason with a contingency that in the future that they can consider a different concern or reason. What I am referring to is the CACC. Committee's charged with making decisions regarding property utilization and conservation of privately owned land whose taxes are paid by the owner gives the committee undo influence over the future valuation of the land. It sets up a disparity between the landowner and individuals or groups whose intent is to conserve, preserve and manage undeveloped open lands now privately owned. I recommend to the Town Board that this reference be changed to an appointed committee similar to the recent dredging committee set up for a specific assigned task to be disbanded when that task is completed. And, I strongly believe that appointed committees also need to have a public accountability by allowing for open meetings with access to the data they use and the recommendations they make to the Town Board. As we, the citizens of Bethlehem, do not elect them.

There are after all many not-for-profit and citizens groups within our Town who can assist any willing landowner who has expressed an interest in conservation and preservation. Citizens of Bethlehem should not have to be at the cost of open-ended appointed committees. Thank you very much.

SUPERVISOR EGAN: Thank you, Mrs. Carkner. Diana Hernandez.

MRS. HERNANDEZ: Hello. My name is Diana Hernandez. I'm a resident of Delmar and I just wanted to say that I support the plan and it would serve as a blueprint to preserve our natural resources, encourage economic development and help to create a vibrant community life. Thank you.

SUPERVISOR EGAN: Thank you, Mrs. Hernandez. Chris Amato. (Mr. Amato did not come forward). Sheila Powers.

MRS. POWERS: Good evening. My name is Sheila Powers. I'm here as President of Albany County Farm Bureau and I want to talk about the plan. As everybody here knows, we have been paying close attention to this plan ever since it started. And, overall we are fairly pleased with its present shape and form. We know that there have been considerations on everybody's part, to and fro, and we appreciate that. I think it will work better for the whole community in the future.

I might say, by the way, that I have 36 years of planning myself in various communities serving as the person who was on a Planning Board at home, worked on a plan and then proceeded to help other communities. It isn't just from nowhere that I came from with this.

My one single reservation at this point, frankly, about this plan is – and I'm sure you don't need me to tell you this – the CAC or the CACC as it has been renamed. Let me tell you that because of the experiences that I have had all over New York, excluding the New York City area, I know that these committees are helpful, as Sam said, in terms of getting grants and so on. Those can also be written for other ways. What they are basically, however, is people who are very, very interested in conserving open space and green space of various kinds. That's fine but they aren't reachable by the people that own the land or the rest of the citizens in the community. A Town Board that wasn't paying very close attention doesn't necessarily know what paths the CAC has trod in their efforts to get things done. Regardless of how the statute describes it, what it basically does is to give them a

lot of opportunity within the law to seek greater arms than theirs in this project.

I will tell you that in my own town, we're finally – I was in the very unpleasant position of seeing one of my children be appointed to this committee and then heard her with absolute disgust report back to me for the two (2) years she was on it that in tours over the properties where there had been a proposal for a building to be put, the CAC or the other members of the CAC took that opportunity to observe the neighbors and observe everything else on the property beyond the proposal and make many comments as to what should actually be happening to those people for their particular choices of use of that land. Sharon had to serve another year and then she got off the committee.

But, it certainly is because of that that I can't forget for two (2) seconds that that's common. I heard it all over the Adirondacks; I've heard it coming up and down the Hudson River. It is not an unusual problem. So, I ask you, please, to consider an ad hoc committee such as the one you appointed for the Hudson River, even if you kept it forever. The fact of the matter is, you can outline its opportunities to do work and it can proceed just as well as it can any other way.

That's really the sum and substance of my remarks.

SUPERVISOR EGAN: Thank you, Mrs. Powers. George Waldenmaier.

MR. WALDENMAIER: My name is George Waldnmaier. Everybody's been taking the wind out of it... what I wanted to say about the CAC and like that so I will say I can live with the plan as it is except for the CAC. Okay. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Waldenmaier. Ernest Carkner.

MR. CARKNER: Hello. I'm Ernest Carkner at 83 Elsmere Avenue. I agree with the previous person that's the only thing in the whole plan that I have an objection to because there's no oversight by the community. The ad hoc community is set up for the judging seems to me to be a better and fairer way of going about it. Thank you.

SUPERVISOR EGAN: Thank you, Mr.Carkner. Mr. VanVranken.

MR. VAN VRANKEN: I'm Michael VanVranken. I was here at the last Board meeting and the material that I have is the same material I presented at the last meeting. So, I may be a little bit out of step. I don't really know if this applies to the comprehensive plan or to the zoning plans. I was interested in addressing the idea of CIDS again or the Common Interest Development and the common interest communities as being part of or being considered in the master plan or the comprehensive plan, which I support.

Since I am here, I would like to say that I am hoping that the CIDS will not tend to divide a community under the master plan since they consist of individual organizations with individual corporations. They tend to have their or mini or sub-governments. And, my only emphasis or my only concern is that these small governments or divisions do not tend to divide the community but with... through the supervision of the Board of Directors would help to unite the community. I feel the CIDS should be under the direct authorization and governance and supervision of the Board of Directors. And, that the Board of Directors should be the final arbiter in any of the problems that develop with CIDS and that we do not end up with gated communities and communities which tend to divide the whole of the Town. Thank you.

SUPERVISOR EGAN. Thank you, Mr. VanVranken. William Cook.

MR. COOK: Good evening. My name is William Cook. I appreciate the opportunity to speak before this body this evening. I want to start first by saying I'm not a resident of this fine community. I am a rural farmer. I am the Chairman of the Albany County Water Quality Coordinating Committee and I am an environmental and political and media consultant.

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I'm here to comment on the plan and my comments are offered as just a private citizen. I think it's a good plan. Is it perfect? No. I think it's a real good plan. I think it's an effort to balance both the future of the community with the needs of the current residents. You folks know better than I that every time you have a single-family new structure and a family comes in that the amount of tax they pay is not what it costs to care for that family. When you look at the schools; when you look at the hospitals; when you look at the policing; when you look at the services single family homes are tax losers. What happens is, it drives up the taxes of all of the residents that are here now.

Clearly there is going to be development in your community. Nobody disputes that. This plan is a real balanced effort to accommodate that future development and also accommodate the needs of the people who live here now and their families. Without open space, without a planned community what you will have in 20 years is Nassau, Long Island. Not a real pleasant place.

I think you're doing a good job. I think you have overwhelming support from the community. I applaud your efforts and I urge you to adopt the plan. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Cook. Peggy Sherman.

MRS. SHERMAN: I'm Peggy Sherman. My husband, John, and I have lived in Slingerlands for 21 years and we support the plan. By planning development we can preserve the Town's historic and natural resources. We can grow the tax base to support the schools and services that we cherish here. We can ensure that there is affordable housing for the future. We think this plan will strengthen our community and our quality of life.

SUPERVISOR EGAN: Thank you, Mrs. Sherman. Jessica Loy.

MS. LOY: Hi. I'm Jessica Loy and I support the plan wholeheartedly and I think that I am hoping that the plan will provide smart growth and strong design standards which will shape the future of our Town. I also support the CAC. I think it's a great idea. Thank you.

SUPERVISOR EGAN: Thank you. Karn Henrikson.

MRS. HENRIKSON: Hi. I'm Karn Henrickson and my husband, Craig, and I have lived in this community for 38 years. We've raised three (3) children in the Town of Bethlehem and they have all opted to stay in the Town and raise their families. One of the major reasons we moved to this community was because of the schools and lack of air pollution and just the open spaces and that really nice sort of suburban/rural feel of the community. And, over the last 38 years we've seen an awful lot of far too much development and sort of piece meal development. And, I think we... we both totally support this plan and both read it and think that it's a really good guideline for the future. And, the comprehensive plan does indicate that it's an evolving document and there will be changes along the way but it's great to have something to work with for the future. And, thank you all for doing so much work on it.

SUPERVISOR EGAN: Thank you, Mrs. Henrikson. Libby Liebschultz. Libby, I am sorry.

MRS. LIEBSCHULTZ: Thank you and you did pronounce my name perfectly.

I've already written a letter to the Board and I don't need to repeat what I've said before but I just wanted to come in person and add my voice to all those supporting the plan and the zoning changes to implement it. They go hand-in-hand. And, I urge you to really take advantage of this opportunity to do something wonderful for our community. Thank you.

SUPERVISOR EGAN: Thank you. Dave Monroe.

MR. MONROE: Hi. I'm Dave Monroe. My wife, Eileen, and I have lived in Delmar for 18 years. And, our two (2) children are aged 19 and 17 and all four (4) of us strongly support the plan. We think it is long overdue, as many people have suggested. We urge you not to weaken it any further.

I would note that when Terri Egan ran for Supervisor, two (2) years ago – probably seems like 10 years ago – a central piece of her platform was planned growth in Bethlehem. And, she promised she would work on developing and implementing a plan and she has and all of you have. And, I would urge you to now implement the plan. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Monroe. Giles Wagner.

MR. WAGNER: Giles Wagner. I'm a large rural landowner in Selkirk. Been a resident of the Town since 1948 excluding school in the military. I've traveled a lot. I've been to every continent. I've seen the good and the bad, the very bad and it's been my observation that the large rural landowners in our Town are pretty darn good stewards of their property. Having said that, if and when the time comes for this conservation advisory committee, is it called that or some other name, I would like to see the majority of the members appointed on that committee to consist of large rural landowners. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Wagner. Fred Richter.

MR. RICHTER: Fred Richter, Selkirk. I'll be very brief since I'm only commenting basically on a part of the plan that I don't like. That is the CACC which I feel is really not necessary for any implementation in this Town. The Board already has the authority to create a group to look into problems and why they should... the plan should have a permanent group is beyond me. It will only be a type of busy body approach which we don't really need. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Richter. Dan Lewis.

MR. LEWIS: Hi. My name is Dan Lewis. I live at 164 Orchard Street in Delmar. I've been a Town resident for 11 years. I am also the President of the Friends of Five Rivers, a group of approximately 1400 members who many of whom are Bethlehem residents who support the activities, the programs, etc. that occur at the Five Rivers Environmental Education Center. Our Board of Directors has asked me to come before you tonight and express our support for the final draft plan in its entirety as related to those areas of interest to us, primarily the open space and greenway preservation, the conservation subdivisions and the CACC – those areas regarding open space and preservation.

On a personal note, having been involved in this process for quite some time, I would like to say that I feel personally proud to be a resident of Bethlehem right now. I'm proud of Bethlehem Tomorrow for their activities in bringing the Town together in serious dialogue about what we saw as the future of our Town. I'm proud of Supervisor Egan for taking the election and the lessons from that election... the campaign promises made and realizing those and taking that seriously in bringing the moratorium, etc. I am also proud of the Board for taking this process seriously and feel that... I'm also going to say based on many of the comments I've heard tonight and I wasn't sure I would really say this. I'm proud of the rural landowners as well for engaging in the process because it is the process that has made this plan up until now something that all of us seem to be able to live with and that is something that we, as a community, should be proud of. And, I feel proud to be a resident of the Town right now. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Lewis. Mark Lewis.

MR. M. LEWIS: Thank you for the opportunity to speak in front of you today. As I read through the plan, there was an objective that really struck me and one of the objectives in the plan was to maintain diverse environments within Bethlehem but each portion of the community having a unique sense of place... a unique sense of place and that really struck me because as I moved to this area 16 years ago from

Philadelphia, we purposely moved to the Capital District because of its access to the outdoors. And, when we first started looking for a homes, the real estate agent took us to places like Colonie and Guilderland and I was ready to move back because the unplanned sprawl, it really struck me that this is not a place that I wanted to live. And, then luckily somebody took us to Bethlehem and it was like a breath of fresh air with its access to rural environments and also the hamlets. I really felt I had found my place, that this community had a sense of place.

People still love to visit us and they comment that this place is unique even among the Capital District. So, what I do, I really would urge you to support and accept the plan because I feel that the plan is a vehicle to maintain a unique sense of place in Bethlehem. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Lewis. Ken Hamm.

MR. HAMM: Good evening. My name is Ken Hamm. I live at 210 Waldenmaier Road and I want to speak tonight to oppose the proposed downzoning of significant portions of Waldenmaier Road from its current residential status.

Currently under the residential zoning status there are five (5) as-of-right uses in the Waldenmaier Road residential area that is proposed to be downsized. The downzoning would allow 47 uses. That is an increase of 42 different types of new uses in this area each of which is potentially incompatible with the existing residential neighborhood. Even worse, the way I read the plan and the zoning regulations, 11 of these new uses could commence operation with no further substantive review or approval by the town. These 11 new, as-of-right uses include multi-family dwellings, business offices, home occupations, retail businesses, horseback riding businesses, and telecommunications facilities. Each of which can cause significant adverse impacts such as traffic congestion, noise, odors, aesthetics, water quality and public safety issues on the existing character of Waldenmaier Road.

With respect to the plan as a whole, I believe its adoption is preferable to the status quo and, I therefore, support its adoption with the deletion of the proposal to downzone Waldenmaier Road and with the adoption of the draft DGEIS which meets applicable legal requirements.

Sorry, I'm not supposed to talk about the DGEIS in this portion. However, my support is qualified as I am disappointed by the relatively weak approach to open space protection and I urge you not to further weaken the plan. Open space is rapidly disappearing in this community. A mistake in favor of open space protection can be corrected in the future but a mistake in favor of development cannot be corrected.

I also have some comments kind of intertwining the draft GEIS, the zoning regulations and the draft plan and I tried to figure out which segment they should belong in and I had a lot of difficulty separating them out. So, with your indulgence, could I provide those comments?

SUPERVISOR EGAN: Sure.

MR. HAMM: The draft plan zoning amendments and GEIS collectively authorize the 11 uses I talked about before to occur right next to a residence on Waldenmaier Road with absolutely no environmental review. Page 81 of the GEIS indicated that environmental review is not necessary now because the adoption of the zoning plan and amendments will not themselves approve any development activity and individual projects will subsequently be provided site specific review. This statement is disingenuous with respect to the 11 as-of-right uses in the rural classification because no further substantive town approvals would be required for these uses.

Thus, these 11 uses would be authorized without any SEQR review either now or later. This is a clear violation of SEQR which requires the town to take a hard look at the potential environmental impacts of its actions. Furthermore, given the

magnitude of the draft plan and zoning changes and the almost total lack of substantive analysis of impacts in the DGEIS which leaves any meaningful discussion of impacts until individual projects are proposed, environmental review of proposed projects throughout the town will be segmented. Again, in clear violation of SEQR's requirements.

But, there are also other numerous other serious deficiencies in the DGEIS and I will be submitting written comments on those at a subsequent time. Thank you for your time.

SUPERVISOR EGAN: Thank you, Mr. Hamm. Connie Tilroe.

MRS. TILROE: Hi. I'm Connie Tilroe. I live on Salisbury Road which was my maiden name and my grandfather's Salisbury farm, Normanside Country Club you might know it as. So, I've been around for a while. I appreciate the plan. I believe planning is very important. I think you've done an excellent job. My only concern is to make sure that appointed committees or that you have to report and be authorized by the Board which is the elected committees. They, you know, the buck has to stop at you guys, not somebody else. Thanks.

SUPERVISOR EGAN: Thank you, Mrs. Tilroe. Geoge Kass.

MR. KASS: Yes, good evening. My name is George Kass. I'm a Delmar resident and have been for 74 years. I'm here this evening to represent the Trout and Limited Group. They are concerned about the Onesquethaw Creek. The Onesquethaw Creek is a habitat for natural brown trout and other species and without proper protection and consideration and caring, it will eventually go away and we won't have it any more. So, we would appreciate it if the Town would take into consideration under the new program the caring and protection of the Onesquethaw Creek. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Kass. Val Newell.

MRS. NEWELL: I'm Val Newell. I live at 25 Wemple Road, the Newell farm. My family and my husband's family have been here for many generations. I oppose the plan for the main reason of the CAC or whatever it is that you want to call it by any other name. I think we have enough groups and enough government layers that support and take care of those types of interests.

The one part that I would like to thank everybody here for is the hours and hours and hours that not only all of you have put in but a lot of these people that have put in the same amount of reading time, purchasing of these documents and their drafts over and over. And, I want to thank everybody for their community interest.

I really... I guess I'm disturbed when I hear people saying that this plan is not going to take anything away from anybody because it is. It's going to take away some economic benefits that the rest of us rural landowners, I guess you would say, would have. And, I guess I would ask you to consider that carefully because I've been talking to people. I've been trying to educate people about the good things in the plan but there are some bad things in the plan. And, I would just like to ask you to send it back and this time really listen and take into consideration the economic hardships that this plan and the resulting zoning are going to do to the people that have made this Town, really and truly, what it is today – the nice place that people want to live because if it wasn't for your rural landowners and people that brought business into this Town, and your grandfather being one of them, it wouldn't be the place that it is today. So, take us and our considerations into this and send it back and send the zoning back as well for some changes. Thank you.

SUPERVISOR EGAN: Thank you, Mrs. Newell. Shirley Brand.

MRS. BRAND: I'm Shirley Brand. I live in the... for 26 years I've lived in the great hamlet of Elsmere. I'm here to endorse the plan in its entirety. And, I am asking this Board not to weaken that plan in any way in your future actions.

I would like to refer you to the comments made by Paul Tick earlier tonight, I don't think I can express the views any better than he did earlier. I would like to say, down the street from me, there is a sign reminding me that I am a property owner and I have rights and I think this plan is the best way for you to protect my rights and particularly the quality of my life in Elsmere. Thank you.

SUPERVISOR EGAN: Thank you Mrs. Brand. Nancy Neff.

MS. NEFF: I'm here this evening to speak in opposition to including a committee, call it what you like – CAC, CACC, any other name – the plan recommends on page 6.4 that the CACC could assist the Town Board and Town staff in preparation of plans and policies related to environmental protection and management, agriculture, natural areas and open space. Or, they could be asked to provide comments to the Town Board, the Planning Board or the Zoning Board of Appeals on development projects.

Well, what I want to do is give you two (2) specific examples of what's going on in the Town now and show you the type of thing that could occur in the future by establishing this. The first is on Orchard Street where a property owner is looking to sell or develop two (2) parcels which sit between the Philippin Kill preserve and Five Rivers. There is a special interest group that has put pressure on for them to donate this land so that they can connect these two (2) trails. The owner does not want to so they came to the Town and said instead of donating it... instead of taking the park set aside money, take the property instead. I don't know how that is helping a willing landowner. To me that is not willing.

The second example is on Elsmere Avenue. Now, this property has attracted a lot of attention. The owners came, got a dumping permit from the Town to restore the property back to agricultural property. Someone saw the clear cutting, the dumping, of course assumed something was going on, called and had the Army Corps of Engineers come in, declare some of it wetlands. Well, now the owner has this wetland delineated in the middle. If he had been able to restore it to agriculture it would have been much better for the environment now he has wetlands in the middle. If it were me, the expense to cover all the legal fees and stuff, I would want to develop the rest. So here, everybody thinks they are out to know best and the poor landowner is the one to suffer.

As you can see by giving influence to such a committee, there would be an unfair balance between those special interest groups that wish to conserve areas of the Town and those that own these lands. Whereas the equity to the property owner when these special interest groups start devaluing their land with their so called expertise in planning but no practicality in working the land. There is no reason that a committee can't be formed as an issue arises, assigned a task and then disbanded when complete, similar to the dredging committee. There's no reason for an unelected committee to go on in perpetuity whose express purpose is unsolicited regulation of other residents assets. Once there is reference to the controlling committee and its inventories and maps are removed there will be more support for the plan.

SUPERVISOR EGAN: Thank you, Ms. Kneff. Ken Kneff. Next up will be Bob Jasinski.

MR. KNEFF: Ken Kneff. I live at 342 Meads Lane. I'm going to say a lot of the same things. I'm very opposed to a CAC, CACC or any of these committees, any group that is designated to map or inventory private property. The main reason I am opposed to that is I think that there are people in the Town and it was revealed during this process... I think there are a lot of people on the BPAC committee that really set out to do try to do good. And, I want to thank them but there were a couple that set out to take over and it was very obvious through the whole process. They kept rewording things and rewording things for the sake of their own personal gain and to sacrifice other people. These are people that are going to join that committee because the majority of people who are rural landowners and stuff don't have time. Hey, it's sunny this week, we got to work. Okay and that needs to be taken into account.

Most of the people who support this type of committee are interested in controlling not in assisting. And, to keep rural land you have to assist so that you can make it economically viable. I don't understand why that is so hard for people to understand. I have no problem with the committee being appointed by the Town but I have a problem with the committee not having an end because there are times things come up, you got to deal with it, no problem. But, anything that could just keep going, keep going, keep growing that is not elected are serious problems. Okay. There is a basic rule too, once you let the squeaky wheels start, they just keep going.

This is written from the plan and this sums up my concerns. It says in the future the Town Board could consider to restructure the CACC. Now, what happened was the CAC was discussed. There's a lot of problems raised, so they rewrote it to be the CACC which didn't have as much power. But, now, it can be restructured as a formal CAC. If it is considered this option in the future, the Town Board should weigh the potential positive benefits of establishment of a CAC with any genuine negative impacts on landowners that such designation could create. Now, why is it that all of the positive things are just positive but all the negative have to be proven genuine? That's a direct cut at rural landowners and it's in the plan. And, that's put in intentionally to put down us. All right and therefore I have a problem with this type of committee. All right because supposedly everything positive is real but all the negatives have to be proven genuine. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Kneff. Mr. Jasinski. After Mr. Jasinski is Mary Judd.

MR. JASINSKI: Good evening. Bob Jasinski. I want to thank BPAC for doing a job on and I notice they spent lots of time. Saratoga Associates have charged this Town \$158,000 to do this plan. I find that this plan mirrors nearby town plans, the same words, same planning. There is no need to follow the other towns I feel. We are a unique town and we can lead, we don't have to follow.

The comprehensive plan was given to the Town by the Legislature and, I believe, the lawyers here might know that nothing says that we have to adopt this plan. There is no law that says we have to. We can put it forward and then we can have it as a guide. We've had LUMAC as a guide for years and we've used it. There is no sense in saying to somebody – oh, we never adopted it – because we've used it. I've been to many meetings where we've used LUMAC and it's a guide. It's not a Town law. I was very, very disappointed when I came and had changes, amendments that are going to go into effect on this comprehensive plan and the zoning that goes with it because one follows the other. I mean after 14 months, all of a sudden in a week we're going to have changes. Was there a BPAC meeting that addressed some of these changes or is it just something that come out of the air? I feel that... I mean, you're going to listen to the next which is the zoning and it just doesn't follow to... I mean there's questions and I question the plan itself. I think you ought to use it as a tool and not as a law.

This plan has really fractured the community. We started out... I think we were a pretty close community, now we have fractions that want a certain thing in the rural, semi-rural, urban. I mean it gets so you start losing track of what is going on here. I mean everybody wants something. Can't we come together and as I say, I'm just very, very disappointed. I was so disappointed to be handed these changes after 14 months of work and what is it 1 month on zoning, 148 pages on zoning. How much on the comprehensive plan? Please give it some thought. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Jasinski. Mary Judd. Next up is Linda Jasinski.

MRS. JUDD: Hello. My name is Mary Judd. I've lived here for 5 years. I live on 11 Herber Avenue and first I'd just like to say how appreciative I am to all of you, to the BPAC committee, to Bethlehem Tomorrow, to the Chamber of Commerce. I feel like there's been an enormous amount of opportunities for all of us to be informed, to give our input to ask questions.

And the reason that this is so special to me is I lived in Austin, Texas and in 1993 I went to a town board meeting and I was speaker number 863. And, one reason I was 863 is there was a large out-of-state developer coming in who wanted to build right on top of Barton Springs which is a naturally fed beautiful pool in the middle of town. It's an aquifer and the town board looking at 900 people – they had to close the door and turn several hundred away – said where were you all 8 years ago. So, moving here and being a part of the process that got people up, motivated, I'm really very happy to live here.

There is so many comments I wish I could address. One man... or one woman saying her children still live here. I've never lived in a community where so many people were from here. I lived in Austin, Texas and Denver, Colorado and I have large landowners who live in Colorado still so I feel like I can straddle both worlds and appreciate the effort and the commitment that so many people have brought to this process.

I read Mr. Mead's article today in the paper and for two (2) reasons I was happy. One, I know he was not real encouraged when this first started at our first Bethlehem Tomorrow hearing and so for him to be on the BPAC, to write a letter that's to me so important. The open communication, I hoped that after the Town does adopt the comprehensive plan, which I strongly support, I hope we'll continue an open dialogue. I would encourage people like Mr. Mead and several other rural landowners to stay involved and ideally keep educating the other residents in the Town as to how we can best support large landowners who want to hold on to their land and want to continue working it. I am sure there are some who would love to sell to developers but I would imagine there are several who would like to hold onto it. I would like to know better how we can support them. Thank you.

SUPERVISOR EGAN: Thank you Mrs. Judd. Linda Jasinski. And, John Smolinsky follows her.

MRS. JASINSKI: I just like to reassure everybody that the rural landowners are not going away. We have been here for many, many years working for the rural people and their life style. And, we'll still be here after you adopt the plan and we'll be working with that.

We've spent probably 12 months with this... working with this comprehensive plan trying to get the BPAC committee and the consultants to understand that rural living is very different than suburban living. We have different ways of doing things. We have different importances and I think finally that got through to them. But, there is still some concern and people don't understand that and I think this really has split the Town into the rural and the residential districts. I'm sorry to see that I thought maybe it would get everybody to work together and understand and tolerate each other's life styles.

I've come here today with over 100 signatures against the CACC, CAC, whatever you want to call it. We're happy if it would set up committees that deal a particular problem. You want sidewalks, you get a sidewalk committee to look into it, they'll figure it out, they will go away. You have trails you want, you get a committee to do that. That's all fine, we just don't want a committee that is going to inventory our lands, make recommendations on our lands that we are trying to take care of. And, yes, we would like to keep but we're also afraid that the taxes are going to get so high in this Town that we can't afford to do that. So, I'll just drop these off to you.

SUPERVISOR EGAN: Thank you. John Smolinsky and then Peter Frueh.

MR. SMOLINSKY: Thank you. Want to thank the Board for appointing me to BPAC and I commend the Board for the other excellent appointments that were made.

The process was open and inclusive, BPAC listened and learned from landowners, Town officials and concerned citizens. The comprehensive plan is truly a product

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of facts, diversity, discussion and balance. Today's testimony is yet another step in that open public process and we still need to listen to important facts and ideas while we are here. But, it's time to set a plan in place and move forward with its implementation. Having voted to forward this plan to you is my endorsement of its vision, its goals, its implementation strategies in their entirety. But, there are several that I would like to emphasize.

First, there are many aspects of the plan that address the Town's environmental and cultural resources such as streams, wetlands, flood plains, steep slopes, storm water runoff. All of these are critical elements to either be protected or protections to be implemented to preserve a high quality community. The CACC is an important tool that can help the Town achieve those environmental resource goals and I will only digress for a minute and not get into the tempest of the CACC but it's clear that a CACC or whatever you want to call it is up to you, Town Board. You can define it, you can limit it, you can give it its duties, you can call it to order, you can have it do whatever you want. I think the Town has a long-standing reputation of welcoming and using volunteers to do a lot of valuable work for the Town. I think the CACC or whatever you want to call it can be another one of those groups.

A second important element to me is the Hudson River front area. As the plan lays out and an LWRP is in the works or will be in the works and I think that is critical to guide development and define protections within that important riverfront area. It's too unique to deal with any other way.

Third, in many different ways the plan addresses our visual environment and the need to improve attention paid to design standards, plantings, land clearings, site planning and signs. The plan does not call for suburban or rural sameness or strict uniformity. It calls for coordination of visual elements and consideration of purpose, function and existing surroundings.

Lastly, the plan emphasizes more development of safe pedestrian and bicycle access. You know, what better way can we provide alternatives to vehicular traffic, reduced traffic congestion and give better access to shopping, recreation and connections between neighborhoods.

This plan is an excellent benchmark and a laudable milestone in the Town's history. It provides a bold vision, realistic goals, comprehensive implementation strategies that appropriately balance resource protection, economic development and landowner rights. This is a product of the community and a product of good government. I encourage you to adopt it. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Smolinsky. Peter Frueh and then Sally Peyrbrune.

MR. FRUEH: I am Peter Frueh. I oppose the comp plan as written. We in the rural area do not live the same as in the Town residents. We do not need the CACC or other groups mapping or telling us what to do with our properties. I believe the most... the most input to this plan has been from environmentalists. I have been in the Town since... for 65 years and our family has lived in here since the 1830s. We have seen the people come and go and we are left with their ideas and the extra cost that we have been left with we have to try to make up. I believe as Mr. Vadney said, we have worked these properties and the properties reflect that. All our lives are... our people have had to stay... all the rural people have to stay and look to our animals or... I've got that wrong... the people that drive by our farms come out to see our animals and see our open space which we are the ones that are keeping clear and keeping our animals safe and I like last night was working in the fields till 9:30 last night bailing hay so it would not get wet. I didn't see anyone out there offering to help that want to keep this land open. So, that's where I'm coming from. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Frueh. Sally Peyrebrune. (did not come forward) Then Dr. Wilbur.

DR. WILBUR: I'm Harry Wilbur. I've lived in Glenmont for nearly 20 years. My

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wife would not permit me to divulge how many years she has lived in Bethlehem. We've raised 2 children here. I've seen changes in Glenmont that I think, perhaps, were not always for the better. My awareness of planning probably came to light with the Waste Management initiative to establish a facility on the River Road. I sense that a lot of the local residents, myself being nearly a local resident to that area, were opposed to that initiative but because there was no planning, the area was vulnerable. It was just a vulnerable situation. My sense too is that some of those residents, perhaps, were opposed to earlier efforts to institute a plan with regard to LUMAC. And, those 2 positions are in contradiction. Without planning you are going to have chaos. I don't believe the plan is perfect, no plan of this scope could be perfect but I've witnessed the process through the winter, many long hours, and I've come to believe that the planning committee was responsive and sensitive to the input of concerned citizens. I saw the plan go through a metamorphosis. It did respond to those needs and I feel that the plan, if enacted, would continue to be responsive and sensitive and evolve to meet the needs of all the people. So, I support it.

SUPERVISOR EGAN: Thank you, Dr. Wilbur. John Mead and then Ed Kleinke.

MR. MEAD: Good evening. Miss Judd alluded to my letter in the Spotlight so I'd like to read that letter into the record here tonight. For 14 months I served on the BPAC attempting to bring a more rural aspect to the comprehensive plan that will be the focus of the public hearing this evening. My family has lived and farmed in this Town for 7 generations. I tried to balance BPAC with some insights into the rural life and what is important to the more rural property owners. When the final draft came to BPAC for its approval, I did not feel that I could, in good conscience, approve it while it still contained the language that allowed for a committee that would be mapping and inventorying open land with the intent to control that land while not having any monetary interest in the land. This committee that makes their wish list and are allowed to influence the Planning Board and the Zoning Board and the Town Board will have too much control over the future development of open lands in this Town at the expense of the owners of this property. With the removal of any reference to this committee and its related maps and inventories there will be more support from the rural property owners.

I feel it necessary to clarify some misinformation that has been circulating regarding the plan. There are many residents out there who would like to see no further growth in the Town. That is not a reasonable answer. There are still others who would like to control every minute detail of the future growth of this Town. That is not the answer either. The plan and related zoning must follow... must allow for flexibility for the future. The Town must not overreact to the development that has occurred in the parts of Town that are serviced by water and sewer by penalizing those residents that live outside the water and sewer districts. Let's just stick to the facts.

Approximately 200 building permits were issued annually in this Town. Of those, about 5 are issued for the areas of the Town that are outside the infrastructure. With this in mind, let's think about the proposed zoning. This zoning does not follow the goals set out in the plan. As these are the implementation tools for the future when they must follow the intent of the plan that currently do not. The proposed zoning must reflect this difference between rural and suburban life styles. When restrictions are put on the land that only allow for suburban type development, then you will get suburban development. When flexibility is allowed then the rural areas of this Town will be able to grow and change but still retain their rural character.

The Town acknowledges it is still making changes to the zoning and that additional changes need to be made. If this is the case, we urge the Town to give us a final copy, additional public hearings regarding the zoning to get it right, not rushed. Let's remember that we are not having a public hearing just on the plan but also on the zoning regulations that by law must follow the intent of the plan. They currently do not. Thank you.

SUPERVISOR EGAN: Thank you. Ed Kleinke and then Ellie Praaken.

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MR. KLEINKE: Good evening. My name is Ed Kleinke. I live at 62 Maher Road, Slingerlands. I've prepared some comments that I've made copies for the Board that I will leave with you. But, for the purpose of tonight's hearing I would just like to paraphrase a few of those comments and particularly highlight a couple of issues that I think are important.

Certainly want to thank everybody for the opportunity to be here tonight to express some thoughts on the comprehensive plan. I also would like to preface my comments by saying that I'm both personally and professionally committed and supportive of comprehensive planning for our community. As a landscape architect my professional practice has included the preparation of comprehensive plans, zoning ordinances and subdivision regulations in the Hudson Valley area.

My perspective, however, at times is one of guarded acceptance of comprehensive plans and that's because I view the role of comprehensive plans in many cases as being protective measures from things that tend to cause a community to lose its sense of self. A loss of community identity, economic foundation, the loss of established life styles is far too often the result of poorly envisioned and prepared comprehensive plans rather than no plan at all.

When we started this process it seemed to me I heard lots and lots of things about we're building too many single family homes, the schools are overcrowded, the streets are overcrowded, too much runoff of pollution in our streams and that our open space needed to be protected. Yet building permits for single-family homes for the past 2 years are at lower numbers than the previous 5 years – it's 2003 before we started this process and 2004 while this process was going. New construction of schools seems to be on hold a little bit. Two years ago the DEC implemented phase 2 storm water regulations to address small land disturbances and this past year the Albany County Farmland Protection Board adopted the farmland protection plan and agricultural districts also became accessible on an enrollment yearly basis.

So, the first question I would ask tonight is, why did we start this process in the first place? I'm sure we all have variations in answer to that question but suffice to say, is that we did start it. We did hire a consultant and we did set up an ambitious time schedule. And to that I would give much credit for all who were involved, particularly the Town Board. This process has been a very open and public process. I think a necessary part of it and an important part of it. And, I would say that in spite of all of the discussions pro and con it has been a productive process.

Now, a year and a half later we have a plan, it's been recommended by the BPAC committee. So, the question also that we have at hand is the comprehensive plan acceptable in its vision, its goals, its content and its recommendations. Well, again, we probably would all have variations in answer to that question as well. From my perspective, I think the process has come a long way from its beginnings.

As many of you know I grew up in a dairy farming family, I'm a member of the rural landowners and I live on a portion of the Maher Road farm. Discussions about agriculture, farms, working landscapes, property rights, rural lands, recognition of the Hudson River and yes, open space are all important to me professionally, as well as personally. I'm encouraged that they are part... they were part of BPAC's discussions and much to the credit of Supervisor Egan, George Leveille and his staff and John Mead, in particular who is a BPAC and a rural landowners President, many of these issues are now addressed in the final draft of the comprehensive plan document. Language that references rural land, farms, farmland, agriculture has doubled from the first draft to the final draft. I think that is an important recognition that you, as Town Board, the BPAC committee and others have agreed that these are important aspects of our community that we must recognize.

So, to say the least, I'm encouraged that the proposed comprehensive plan is beginning to take on a meaning that is unique to the Town of Bethlehem. I had some comments regarding the citizen advisory council and the citizen advisory

committee on conservation. Those I will let you read at your pleasure. I would like to just relate one specific area of them and that is among the tasks identified in the comprehensive plan for the CACC and maybe in the future a CAC, for the preparation of plans and policies related to environmental protection and management, agriculture, natural areas, and open space.

Since open space is a term often used in comprehensive plans, I refer you to a definition of open space from the New York State General Municipal Law, Section 247 titled Acquisition of Open Spaces and Areas. This is some of the basic legislation that allows public monies to purchase private lands for open space purposes. Definition for the purpose of this chapter an open space or open area is any space or area characterized by one, natural scenic beauty; or two, whose existing openness, natural conditions or present state of use if pertaining, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. And, for the purpose of this section, natural resources shall include but not be limited to agricultural lands as defined as open lands actually used in bonafide agricultural production.

So, a proposed CACC and any future CAC is tasked or empowered to further pursue the plans and policies for open space among other things that potentially would enhance the present or potential value of abutting or surrounding urban development. And, we wonder why landowners in this Town are upset with much of the discussion about open space.

I would highly recommend that some modification with respect to these specific issues be made to the comprehensive plan prior to its adoption by the Town Board. Finally, as I have related on other occasions, the proposed comprehensive plan clearly acknowledges and embraces things like rural character, and farmland and agriculture. Things we all, I think, take near and dear to our heart. I would like to remind everyone that these qualities of our community that we all embrace are that way because of the people that own the land. Their roles as caretakers with very little involvement by government is part of the formula and should be part of the formula to achieve an acceptable comprehensive plan. Thank you.

SUPERVISOR EGAN: Thank you. Ellie Praaken and then Steven Wiley.

MRS. PRAAKEN: I'll keep this brief. I just wanted to say I've lived in Town for 35 years and I'm so excited that we now have a government that's being pro-active in dealing with planning. In the comprehensive plan I especially like the part about the balance as it refers to the stewardship of finite land and environmental resources. Conserving our land and making the best possible use of it is of utmost importance because open land is irreplaceable once it is gone, it is gone.

I'd also like to say as President of the Bethlehem Garden Club that we are very happy that the plan addresses entrances and visual landscape in Town. And, we have been working with the Town... the Club has been trying to promote and making gardens and promoting this visual aspect of Town and I am very happy to see that it's going to be continuing. Thank you and I support the plan. Please adopt it.

SUPERVISOR EGAN: Thank you. Steven Wiley and then Bob Pettie.

MR. WILEY: Good evening and thanks for the opportunity to say a few words. I would like to speak on behalf of a group that I have not heard represented so far this evening and that is the taxpayers of the Town. I've heard pleas on behalf of environmentalists, farmers, landowners, rural landowners. I have not heard a plea on behalf of the taxpayers and so I would like to suggest one small change in the comprehensive plan on behalf of the taxpayers. There's a group of goals... a list of goals in the comprehensive plan. The plan says they're not listed in any particular order of priority but the first one which is mentioned is a fair and balanced tax plan. We don't have that in the Town of Bethlehem as we speak and what we need is significantly more commercial development in order to provide an appropriate tax base.

Let me see if I can make that case here. Let's talk about the school taxes, forget the Town taxes for the moment. Let's talk about the school taxes in particular because there are some recent objective studies from outside the Town that demonstrate 2 things. We have a problem with the school taxes in the Town of Bethlehem and it's not because of the Town Board. It's not because of the Superintendent of Schools or the Board of Education and certainly not because of the faculty or staff. We get a whale of a bang for the buck here in the Town of Bethlehem. The per pupil expenditure here in the Town is \$11,449 per student. That is the second from the bottom of the 13 member suburban council and yet in the recent business council study, Bethlehem ranked 3rd in terms of pupil achievement in that 13 member group of the suburban council. So, what is the problem, the problem is that there is not enough tax revenue to support the schools and the Town government and the only way that we can improve the situation with respect to tax revenue is to increase the commercial tax base with reasonable and sensible development.

That is not \$250,000 houses. There was a letter in the Times Union... not a letter but an article about this hearing in the Times Union today in which Mr. Hanifan said hey there's a real demand for houses between \$250,000 and \$350,000 in the Town of Bethlehem but as we all know, 5 or 8 years ago, when Sheila Fuller and Les Loomis did an article for the Spotlight, every single house that is built in this Town where the assessed valuation is less than – at that time it was \$310,000 or \$320,000 – I don't know what the number is now but I bet it's pretty close. It may be even a little higher than that. In fact, I called Les Loomis today and talked to him, he indicated that they had not done that survey recently and he declined to express an opinion. But, the fact remains that what I think we need to do in the Town is to push up the commercial development and establishment of the commercial tax basis to support the services that the Town has been and the school district have been provided on a very, very limited budget. Not because of expenditures but because of lack of revenue. And, so, I proposed that in the list of priorities or in a list of goal, that that first priority of balanced tax base be actually designated as the number one priority.

SUPERVISOR EGAN: Thank you, Mr. Wiley. Bob Pettie and then it will be Jerod King.

MR. PETTIE: I speak for myself and my wife. The Town is growing apace, 29 percent between 1990 and 2000. And, if we are going to retain what is attractive about this Town, indeed enhance it, we're going to have to get a grip on growth. I support the draft plan and we thank... we support the draft plan and we thank the Board and all the others who have brought the plan to this stage.

SUPERVISOR EGAN: Thank you, Mr. Pettie. Jerod King.

MR. KING: Good evening. I'm wholly in favor of a comprehensive plan for the Town of Bethlehem. It's long overdue. I'm not in favor of this comprehensive plan and it is my hope that the Town Board, especially our Supervisor, will come to their senses and reject it and create a plan that is constructed as much as possible on consensus and addresses the repeatedly expressed opinions of the citizens of Bethlehem instead of the expressed opinion of Saratoga Associates. I was a facilitator for Bethlehem Tomorrow's conversation with Bethlehem program. I've attended many of the public hearings and I've read the letters to the Spotlight.

My strongest reaction to this debate has been that there has been too much talking and not enough listening. Too much can't and not enough reason. Too much articulated talking points, not enough thought. For this reason, I read the letters that have been submitted by Town residents to the Town Board regarding the comprehensive plan in order to determine whether there is a consensus of opinion between the voices of those in favor and those against. Along with several letters from Town Board member George Lenhardt, asking some very intelligent questions regarding some of the plans dubious proposals, there are some obvious consensus of opinion which has been ignored in the creation and attempt to implement this plan.

For example, members of Bethlehem Tomorrow and Members of Bethlehem Rural Landowners agree about many things including probably the most important the desire to preserve open space in the Town of Bethlehem. Those who doubt what I say, should know that rural landowners are those that have held onto their land and have not sold to developers even though in the last several years it probably was the perfect opportunity to do so. The disagreement stem from how best to do... how best... the disagreement between the 2 sides stems how best to preserve open space.

Unfortunately this process has been a top down process with many public hearings but with very little modification of the obvious shortcomings of this plan. The proposed comprehensive plan remains a bad plan. For example, I attended one hearing in which one of Bethlehem's fireman pointed out that the fire department find the roads too narrow to drive fire trucks as the roads are today let alone if they are narrowed. The plan calls for narrowing the streets. An EMS member mentioned how they would find it difficult to drive around curb cuts and that drivers find them confusing. Curb cuts are in the plan.

With the exception of discussion the desire for walking trails in Town parks, this plan avoids a genuine and difficult planning issues this Town faces that participants discussed and found consensus at the conversation with Bethlehem series. The lack of desirability of increased commercial growth and loss of the Town's rural character, increased traffic along the major thoroughfares, and the high level of local property taxes which all participants found burdensome and one in particular found scarily burdensome. I say scarily burdensome because the woman, a new resident, said she loved this Town but she was not sure she could afford to live here with the property tax increases in recent years. These concerns were echoed by some of the long-term residents I know in Town, both Republican and Democrat. And, indeed, I would add that I have found no one who I've spoken to about this plan once they've understood what the content of the plan who actually support this plan.

These are concerns that Dave Young encountered during his campaign for Town Board and I am sure these are the same concerns that Tim Gordon and Dan Plummer encountered in their successful campaigns for the Town Board.

There are many specific reasons that I think that the plan is bad but I do not have the time to discuss them here tonight. I will submit this paperwork so you can all read it at your leisure. With that in mind, I ask the Town Board to reject this comprehensive plan and the obviously rushed zoning regulations that go along with it. Let's restart this process by doing officially what Bethlehem Tomorrow started. Let's get residents talking to one another. Let's adopt consensus and frame the issues where there is not consensus and let the Town Board make up or down votes step-by-step not all or nothing as this vote has, unfortunately, been framed. A comprehensive plan because of New York State Town Law either Section 272 or 274 is supposed to be an expression of the will of the community from which all zoning must be designed. It should be an expression of the will of the people. The fact that even Catherine Daniels one of BPAC's own members opposes this plan speaks volumes. This plan is not a good plan, does not reflect the will of the people of Bethlehem. It should not be adopted. Thank you.

SUPERVISOR EGAN: Thank you, Mr. King. I apologize, Peter Meixner. I'm sorry, sir, could you give me your last name I can't read the card.

MR. MEIXNER: Meixner.

SUPERVISOR EGAN: Thank you.

MR. MEIXNER: I'll be very brief. I'm just here to express my support for the plan. I think it's got the potential to help us as a community manage the best economic forces that are going to impinge on us whether we want them to or not. We're all landowners big and small and anything that we do affects each other. I think the plan tries to address all of this. And, I think all of us stand to benefit from

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it.

One area that and I got an early copy – I think I bought the first draft – I realize maybe this has been revised and forgive me if I state a shortcoming from my perspective, which is access to the Hudson River. I would like to see more about that in the plan. Public access be a part of any development ideas that are... come to fruition. It's very important to me to visit the watery margins of my world. I know it is to a lot of other people and my ideal would be some sort of a linear park through from one end of the Town to the other that uses the riverside. That might be very idealistic but I would hope you'd keep that kind of thing in mind as you go along concerning the Hudson River. And, that's all, thank you.

SUPERVISOR EGAN: Thank you. William Reinhert and then Debbie Eberly.

MR. REINHERT: Hello. I'm Bill Reinhert. I've lived in Slingerlands for the last 16 years. Hi Parker. I'm going to kind of have 2 types of comments. One is a little bit, my education is City and Regional Planner. I grew up in California and I moved East to go to college. I've lived in several different communities before coming to Bethlehem. I think there are a few points that you can see over and over again. The Urban Land Institute and other research think tanks have documented this over and over without planning you get sprawl. When you get sprawl you get inefficient use of resources and you get higher taxes. Okay. That is the principle, that always seems to happen. I've seen it in California. I've seen it everywhere else I've lived.

Now, I'm an energy professional. I've worked for a utility. I've been an energy consultant. I now work for the New York State Energy Research and Development Authority. One of my jobs is to try to look at the future of energy. Where is our energy going to come from? What are the implications of oil depletion? The indications for suburbs are not good and one of the things that I think... I do support the plan but if I was going to be critical of it, I would be critical in the sense that we need to try to minimize the reliance of the automobile in the future. Oil shortages are coming, we don't know exactly when. You look at the prices of oil. You see what's going on at the gas pump. What I'm looking at says its going to get worse, it's not going to get better. We need to plan our communities to minimize the use of the automobile. That means infill development that means higher densities where we can – plan for it well. It means we don't want to have more development in the ex-urban areas and if I had any concern it's that the plan is still going to allow some of that to happen. We all loose when that happens and when oil gets really expensive, the community struggles. Every suburban community in this country is going to be stressed when energy gets much more expensive if we have cut offs due to geo political reasons, whatever. We need to find alternatives, that means bicycles, it means walking, it means even mass transit in a community like this. The development in the already developed areas is right on point but we will have problems if we develop too far into the rural areas or the ex-urban areas.

I would like to say that I heard the comments tonight and at other meetings the rural property owners are concerned about their economic situation and control of their flexibility. I think as a community we need to remember they were here first and for those who want to stay in farming, we should do everything we can to allow that to happen. And, let me give you just a little bit of a vision of one of the things that I have looked at in the future is what will be implications of oil shortages in the future. One thing is there is going to be a revitalization of agriculture in the northeast. We're not going to be getting our vegetables from California and Mexico. We're going to be growing them here. Some of the research I am doing is supporting that effort. So, we need to preserve the open land. We need to preserve the rural land. It will come back, we will need it and there will be opportunity for the rural community to take advantage of these situations as they develop. I can't tell you exactly when but it's coming. Thank you.

SUPERVISOR EGAN: Thank you Mr. Reinhert. Debbie Eberle and then Ursula Bauer.

MS. EBERLE: Hi. My name is Debbie Eberle and I live at 69 Cherry Avenue. And, I would like to thank you for hearing my comments tonight. I am opposed to any organization which would inventory my property. I think you would be opposed to any organization that would inventory your bank account. It's the same thing.

You know, if you adopt this plan with a CAC or a CACC in it, you adversely affect me, my children, my parents, my siblings. That's what this plan, as it states, is doing. I also appreciate that I've heard comments that rural landowners should be able to farm their land if they want to. Well, we appreciate that. What if the rural landowners want to do something else with their land? What about the tax base you talked about and bringing in proper kind of industrial things? Where you going to get that property from?

I don't think it's right for any group to tell people what to do with their property. Planning is okay and that's why I thought we had a board. I don't think we need extra government for what, extra government isn't good. The government was made for the people, by the people to protect the people not to have more government and I strongly oppose that part of the plan. The plan in itself has lots of good parts to it. More government is not good because one day it will affect everyone who is sitting on this Board, as well as, myself. Thank you.

SUPERVISOR EGAN: Ursula Bauer and then Tom Evans.

MRS. BAUER: Hi. Good evening. My name is Ursula Bauer. I support the plan as it is written and I would caution against any changes to the plan. I believe that a conservative – and that's conservative as in conservation – approach to development is warranted. Given the huge cost that unplanned development will inflict on our community, poorly planned development will inflict on our community.

I'd like to point out too that land in Bethlehem has value in part because of the character of this community. That's the contribution that each one of us makes to the property values of everyone in this community whether we're rural, whether we're suburban, whether we're farmers, whether we're elderly landowners in the suburban community. That's why planning is a community responsibility. And, land use decisions which affects every one of us need to be made by a community and not by individual property owners. Poorly planned development hurts my property values whether I am a rural landowner or a suburban landowner. Thank you.

SUPERVISOR EGAN: Thank you, Mrs. Bauer. Thomas Evans.

MR. EVANS: Hello. My name is Tom Evans. I live at 177 Barent-Winne Road. I'd like to thank BPAC for all their efforts. It's been a long 14+ months and I think for a lot of us. I'm here to support the plan. I do have 2 concerns which I'd like to read.

First, we request that the mixed economic development east of Route 144 be removed from the plan. As we have stated before and support our request from 200 residents in the river area, any planning for the riverfront must be done with the LWRP. We ask the entire riverfront from Wheeler Road south to the Town line and east of Route 144 be designated rural riverfront.

Secondly, we ask the mixed economic development designated area along Route 144 be in keeping with the rural nature of the area. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Evans. Joe Gardner and after Mr. Gardner, Jeffrey Anzevino.

MR. GARDNER: Howdy. We're residents of the Town of Bethlehem for over 30 years. I'm here for the Bethlehem Tomorrow and the Appalachian Mountain Club. Want to take this opportunity to thank particularly the Bethlehem Planning Advisory Committee for all the work they've done over the past year and the Board

of Bethlehem all the work and time you've put into this to help make Bethlehem a better place to live. Let's go with the majority. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Gardner. Jeffrey Anzevino and then Chris Frueh.

MR. ANZEVINO: Good evening. My name is Jeffrey Anzevino. I'm a senior regional planner at Scenic Hudson Inc., a 41 year old non-profit environmental organization and separately incorporated land trust dedicated to protecting and enhancing the scenic natural, historic, agricultural, and recreational treasures of the Hudson River and its valley. On behalf of Scenic Hudson supporters residing in Bethlehem, we offer our comments on the proposed plan.

I think what I brought was the comments on the zoning law so what I would like to say, I will speak a little bit off the cuff and save everyone a lot of time. The Town Board and BPAC has done a tremendous job in seeking a balance and compromising to try to make everyone happy. I don't think either side is exactly happy. There are a lot of things in the plan that we think could have been done a little bit better from our perspective but in the interest of moving the process forward and providing some planning for the community, we urge you to pass the plan as it is. We too would like to see – we've asked on several occasions for those economic mixed used development areas along Route 144 to be redesignated as riverfront rural. We'd love to see that. I know you guys have compromised time and time again on both sides. We want to see Bethlehem have some good planning. The lack of planning has been stated before will cause property taxes to rise and if you can keep the development closer in to the parts of Town that have public infrastructure – water and sewer – that would help keep sprawl out of the Town. We urge you to adopt the plan as it is without making further changes. Thank you.

SUPERVISOR EGAN: Thank you very much. Chris Frueh and then John Madden.

MR. FRUEH: Hi. I'm here because our family owns land in the rural district and I am opposed to a CAC or a CACC. I'd just like to express some of my concerns the way State and local government has been going for the past 20 years. I think a lot of these policies strip people of their possessions through the green lobby that's been evident in the State for a while now and I know that a lot of rural landowners buy land and that's their retirement. Concerned about how these groups can affect the cost of... or the value of our lands and... let's see I had another thought here. No, I guess I lost it. Should have wrote it down. I won't take any more of your time.

SUPERVISOR EGAN: If you think of it, let me know Chris. John Madden and after Mr. Madden we have Mr. Collins.

MR. MADDEN: I'll keep it short because I know you guys are going to have a long night. I'm here to say I support the comprehensive plan. I've read it, it's not perfect but it's pretty good and you do have an opportunity... you know, I would say in 5 years you need to take a review of it and see if... little process check and see if you're going in the right direction.

Now, I've lived in Glenmont for 13 years. I worked here for 4 years before that but more importantly is I lived in 7 other states and I've owned 6 homes. So, most of my fellow citizens here appear to have been a long time here. I spent a long time elsewhere and I got to tell you -- you got a good Town here but you got some problems because of the fact that we are consuming land much faster for housing than the population is growing. You know, I am a registered professional engineer. I got a Master of Science in Transportation and I'm working on my Master in Regional Urban Planning. You know, I see myself as a hard nose realist here. I'm not some kind of a tree hugger but you know, this plan is something that is going to be good for the Town and again, nothing is carved in stone. We have a... at a 5 year review, we can make a process check.

The plan and associated zoning will give residents and potential developers alike some certainty. They'll know what the rules are for developing and that will be a good thing.

As far as the rural landowners, I can throw a baseball from my front door and hit a cornfield. I hear cows in the morning. Doesn't bother me, you know, living there and farmers who want to farm should be able to farm. And, from what I have read in the plan there's no, you know.... There should not be any fear on the part of the rural landowners that some how they are going to be denied the opportunity to do what they want with their land. And, so in conclusion, I say again I support the comprehensive plan and Parker, Glenmont is not the same as Delmar. I know you were quoted as saying Delmar isn't Glenmont. Well, Glenmont isn't Delmar. Thanks a lot.

SUPERVISOR EGAN: Thank you, Mr. Madden. Shawn Collins. And, if there is anyone else who would like to speak in regard to the comp plan please see our staff in the back of the room and fill out a card. Otherwise, this may be the last one.

MR. COLLINS: Thank you. Shawn Collins, Waldenmaier Road, Feura Bush. There is an old saying that we plan and God laughs. It's been a misperception among the public that the rural landowners are against planning and restriction. I recently witnessed on a property right next to mine, 2 rural landowners who shall remain nameless, furiously planting until 1 a.m. under the threat of rain. We didn't see rain for 6 straight days. As recently as last night, there was the familiar mad scramble of rural landowners rushing to cover or unload hundreds of bails of hay cut 2 or 3 days previously under the promise of sunny skies.

Rural people and farmers are quite accustomed to planning. As a farmer and thoroughbred breeder I've just planned for the future Saratoga stakes winners of 2008. A little dreaming as well. Now, that's planning.

I've appreciated the open forum that's produced this plan that could be... and could be more supportive with it with modification. And, that is, that we just need to be flexible and fair. That's all I ask. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Collins. Mike, do we have anything else back there? Okay. I will note for the record we received certain statements this evening. There are certain statements that have come in through the email, the mail, that will be included in the record. At this time, I think there is a request by the Board which the Supervisor concurs with to take a 10 minute recess before starting the next hearing that will be on zoning.

Now, before anybody moves, just a quick couple of things. Again, the zoning maps are out in the hallway. They are blown up, hopefully to a degree that people can more easily read them. Secondly, just to clarify there was a handout, I don't know if there's any left back there. We can make some more, if not, the handout has to do with the zoning ordinance. Has nothing to do with the comprehensive plan. And, if you still need handouts, please let me know on that. We'll get you copies of those.

We're going to take a 10-minute recess here again and then we'll come back and start zoning. So, do I have a motion to recess.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to close the public hearing at 7:55 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

Town Clerk

The Supervisor asked for a motion to go back into session.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to reconvene the Town Board meeting. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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Hearing began: 8:15 p.m.

SUPERVISOR EGAN: Okay. First I want to thank everybody for your cooperation through the planning hearing. I know it is difficult sometimes to limit your comments to 3 minutes but I do appreciate it and it does keep things moving. It also allows more people to be heard which is what we are here to do this evening. We are moving on to the zoning portion, if you will, do I have a motion to enter the call of the hearing, the notice of public hearing and notice of publication into the minutes.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on June 22, 2005 at 7:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider Zoning and Subdivision Regulations.

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 the Town Clerk's office at 439-4955, ext. 183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM

Kathleen A. Newkirk, CMC, RMC

TOWN CLERK

- - -

State of New York)
County of Albany)

JULI HEBERT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for 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 8th day of June 2005.

/s/ Juli Hebert

Sworn to before me this 8th day of June 2005.

/s/ Sharon A. Doldo

Notary Public, Albany County

- - -

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 8, 2005, 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.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
17th day of June 2005.
/s/ Julie McNeil
Notary Public

- - -

The motion was made by Mr. Plummer and seconded by Mr. Gordon 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: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

- - -

SUPERVISOR EGAN: Okay, just in case there wasn't anybody... if you missed this from the first hearing, we are asking that everybody limit their comments to 3 minutes. Mr. Mathusa at the end of the table will try to give you a 30 second warning towards the end. We appreciate you cooperating with that as best as possible so we can get as many people in here to speak. We also ask that everybody be respectful to any speakers or attendees. We also ask that you cannot pool your time, you have 3 minutes but we ask that you do not pool it. Also, if there is a statement that is being read by several people to the extent that it's possible if you want to just submit the statement with signatures and have it save time, we'd appreciate that also and certainly we would make it part of the record.

At this time, though, and let me just do a little bit of history here because we heard a little bit of it during the planning... or the comp plan portion of the hearings here. The comp plan process certainly has been on going longer, if you will, than the zoning ordinance update and the subdivision regs update which was a necessary evil, if you will, because we had to have the plan before we really could get going gun ho on the zoning. We certainly recognize that that process has been more expedited than the actual planning process. The draft planning ordinance was provided to the Town from the consultant and the consultant's team, if you will, and since that time it has gone... undergone an incredible amount of scrutiny from our internal staff, most of whom you see sitting here tonight or helping out this evening – planners, engineers, Planning Board staff – have gone through this. We anticipate going through it again but it is having the zoning ordinance update and subdivision regs updated is a necessary component of having an effective comp plan. So, it is something we are looking to do, you know, in the fairly near future but as a result of that we have recommendations this evening from staff that we want to present to the Town Board. They're also outlined in the handout that, hopefully, all of you have and the idea is... I am going to ask Mr. Leveille to come to the mike and address the Board at this time to talk about the recommendations, you know, and the major changes to the zoning ordinance and subdivision regs, as well as, the internal recommendations from staff. I'm going to ask everybody's patience in this regard and to please listen because I have a feeling based on communication with many of you over the last couple weeks that a lot, if not a majority, of your comments are going to be addressed by the internal staff's recommendations. Are you ready? Okay.

MR. LEVEILLE: Thank you, very much, Supervisor Egan and excuse my backside view everyone here. This memorandum that has been submitted to the Town Board for tonight's hearing represents the work of our staff in reviewing the proposed ordinance. And, again, I will try to really summarize some of the key points in here that I think are important for the discussion of these documents – the zoning law and the subdivision regulations. I will start by saying that we will recommend that the Town Board consider that there be another draft prepared of the zoning law and the subdivision regulations and that we subject those to another public hearing once that document is available for public review so that we can again discuss the changes that are being proposed and recommended by our staff.

The first section of the memorandum identifies 19 features or 18 features of the new code. I mention that some of these are directly related to comp plan recommendations, some of these are simply modernizations. Our code has not been updated in many years. There are best practices out there that we can utilize to improve our code, make it more functional and so there are other recommendations in here that are directly related to comp plan recommendations. I won't summarize those, they're pretty self-explanatory.

Moving towards our recommendations, we really looked at those proposed amendments to determine consistency with plan recommendations so the majority of my discussion will really relate to how these recommendations should be modified to better reflect the recommendations that we believe are being made in the comprehensive plan.

The first topic has to do with incentive zoning and one of the stated goals in the comprehensive plan is to provide opportunities for the development of a variety of housing options in the Town and create flexibility. The incentive zoning provisions provide us with that flexibility. For example... give a couple of examples. The incentive zoning provisions of the Code grant the Planning Board the authority to adjust the maximum unit density requirements for multi-family dwelling development projects if certain units qualify as affordable. It relates to the comprehensive plan goal of ensuring affordable housing is available for residents of the community. And, we define that as being 80 percent of the median income of the Town and that's defined by HUD – U.S. Department of Housing and Urban Development.

The incentive zoning provisions also allow the Planning Board to work with willing landowners to adjust maximum density requirements for conservation subdivisions in return for permanent preservation and/or dedication of lands to permit conservation. It's a tool of flexibility that is optional that can be used to achieve a variety of housing types.

With regard to specific recommendations, the formula's in the draft plan are not realistic and do not work the way they are presented. We would suggest that if more than 25 percent of the dwelling units qualifies affordable, a 10 percent increase in the total number of units should be granted. If more than 33 percent are affordable, 15 percent increase in the total number of units and if more than 50 percent of the dwelling units qualify, there should be a 20 percent increase in the total number of units offered as an incentive.

The second topic is minor subdivision and this is a very tricky topic as we are learning. Certainly one of the goals of the plan is to provide flexibility especially to enable those who own land to be able to carve off lots and split lots for their family members or for the ability to liquidate and create cash. That certainly was the intent in enabling the splitting of lots to be increased from what is today basically 1 by administrative process to 4. The existing code does provide for a 1 time split through an administrative process that's administered by the Building Department. And, while the draft regulations do, in fact, increase the number of splits that may be made from a parent parcel every 10 years, they require a process that is more complicated than what was contemplated.

The recommendations with regard to this provision would be first of all to modify the proposed review process to distinguish between properties that are located adjacent to Town water and those that are not. Secondly, we would ask that the Town Attorney research the methodology to best achieve this recommendation of allowing the simple splitting of rural lands into lots for family members or as a method to provide cash income to a landowner. It probably relates to how we define subdivision and how we define this lot splitting process. So, in effect, we are looking for a modification to the existing lot splitting process to enable up to 4 subject to the condition whether or not it is related to Town water or not Town water. So, for example, with a parent parcel that is located adjacent to Town water, we would allow for the existing administrative... 1 administrative split consistent with existing law. Any subsequent splits would be referred to the Town Planning

Board and be subject to subdivision review. Albeit for a minor subdivision that would be a less involved process than a major subdivision. For a parent parcel that is not located adjacent to Town water or sewer which is primarily in rural areas of Town, we would allow for up to subsequent splits would be referred to the Town Planning Board and be subject to subdivision review. Albeit for a minor subdivision that would be a less involved process than a major subdivision. For a parent parcel that is not located adjacent to Town water or sewer which is primarily in rural areas of Town, we would allow for up to 4 simplified lots split from the parent parcel during any 10 year period through an administrative process. We would also establish the date of adoption of the amended zoning law and subdivision regulations as the effective date for this section. Therefore, someone who may have split a lot 5 years ago under the old law and would not be entitled under the old law to split again, they would effectively be getting another free split.

Finally with regard to this, we would identify the owner of record of any parcel today... the effective date of the new code as the holder of the parent parcel for purposes of this section. So, the owner of record today and the parcels based on today's maps would be the basis for who is the parent parcel. We would also clarify and straighten the language prohibiting the administrative splitting of land from a previously approved subdivision. So, if you are in a previously approved subdivision, we would want to be clear that you would be subject to subdivision review if you chose to subdivide your property.

Those are our recommendations with regard to the splitting of property which the comp plan as minor subdivision. With regard to the zoning map, I'm not going to read all these and I will say this that there are 12,000 approximately households in the community and almost as many parcels. The likelihood of us getting everyone of them zoned absolutely right is not too high. So, there may be opportunities where we've missed things. We would encourage you, if your property appears to be zoned incorrectly or you have any question, please contact us, we'll look at it. There may be mistakes based on interpretation of other maps and other devices used to develop the map. So, please contact us on that. We will give consideration to appropriately rezoning if there is a good argument for it.

With regard to design guidelines and the sign regulations, the comp plan identifies the development of design guidelines as immediate action item for implementation. They provide clarity to the Planning Board and to project applicants for the kind of general desired look and function of various zoning districts. Detailed illustrated guidelines are provided for 2 districts – the commercial, general commercial district which would 9W for example north of Glenmont Road and for the hamlet districts such as 4 corners. And, there are also narrative guidelines proposed for many of the remaining districts. The use of guidelines addresses the comp plan goal of improving the development review process by providing a consistent set of criteria that need to be considered in approving a project. Excuse me.

Another element of community design, of course, is the use of sign regulations. And, we feel that that contributes to the comp plan goal of creating a business friendly environment. If you think of the most vibrant business districts in our region, they typically utilize consistent signage and ways of communicating a sense of identity to a place and to reaching customers in an appropriate fashion. Our recommendation with regard to design standards... design guidelines I should say and the sign regulations are first to eliminate the design guideline in all districts that indicates that the primary means of access to the new lot should be via the existing street corridors. Secondly, not that the guidelines that relates to new buildings adjacent to historic structures will be clarified by definition of historic properties, excuse me, as being eligible for nomination or included on the State or National Register of Historic Places.

With regard to the sign ordinance standards, we would add the hamlet district to a group that includes all new residential districts. We would move the rural district to the group that includes the general commercial, rural, light industrial, heavy industrial, commercial hamlet and mixed economic development districts. We would remove from the list of exempt signs the paragraph that relates to religious holiday decorations. We would add a new paragraph to the standards for the rural,

rural hamlet and hamlet districts that indicates that any sign related to a business use conducted in the building or on the immediate premises thereof may be 40 square feet in area. That does not currently exist in those districts.

We would add language to provide for free standing signs in all zoning districts. And finally remove the cap of 100 square feet of signage in the industrial, rural light industrial districts and allow signage in these districts to be a function of a 5 percent of the façade area of the main structure and of course, we would define façade in the code.

With regard to special permits and site plan review, the proposed zoning law transfers responsibility for special permits from the Zoning Board of Appeals to the Planning Board. The purpose of this is to provide additional continuity in the development review process as the Planning Board will now be responsible for both special permit and site plan review. Today the Zoning Board of Appeals handles the special exception and the Planning Board handles site plan review and there's a natural break in continuity in the review. This will streamline the process.

With the modernization of the code, there are many new uses and new definitions of uses and the draft as presented does take a very conservative on how the uses should be regulated and suggests that more than 70 uses require special use permits. The current law requires about 35 special use permits which are currently called special exceptions. We've reviewed the list in great detail and believe that the amount of specially permitted uses could be significantly reduced to more reasonable level.

Our recommendation with regard to special permits and site plan review are first to reduce the number of uses that require special use permit to an amount that is more consistent with the Town's current zoning law and we would suspect that would be in the 25 to 30 use category. We would also streamline the interface between special permit and site plan review to enhance the efficiency of the development review process to avoid duplication of effort and increase cost for project applicants. We would also transfer the home occupation regulations from special permit to site plan review.

With regard to land disturbance and stream corridor protection, certainly one of the main... one of the immediate recommendations of the comp plan was to develop zoning to protect stream corridors, wetlands, steep slopes and flood plains. The draft zoning law does include provisions in this regard. The current law has no requirements related to land disturbance activity and does not specifically address buffers and set backs from streams or steep slopes. The regulations regarding lots bordering streams relate to the 5 following streams – the Normanskill, the Vlomanskill, the Onesquethaw Creed, the Philipinkill and the Dowerskill south of Route 32 – and indicate that no building permit will be issued for the construction of a principal or accessory structure within 100 foot buffer area, although land disturbance activity may be permitted by permit.

Recognizing the distinction between the organized rural areas of Town, the staff has several modifications... recommendations for modifications in this regard. First, amend the threshold for regulation of land disturbance activity from ½ to ¼ acre other than agricultural activities. Secondly, amend the threshold for regulation of excavation or filling activity to be 200 cubic yards of material per acre with any parcel or contiguous parcels in any 12-month period. This creates a tiered approach to how much land you have in relation to how much you disturb it.

Third would be to add additional language to the zoning law that prohibits construction and land disturbance within a slope set back area based on an angle of proposed set back line of 20 percent which is an engineering standard and we would include provisions for alterations of the set back if a site specific geotechnical report is prepared by a professional engineer. We would also add language that provides relief for approved agricultural operations with the rural and rural light industrial zones. We would have language that establishes that land disturbance operations that adversely affect an established drainage course or adjacent properties are strictly prohibited.

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And, finally with regard to permit process, we would have a requirements for a performance bond or escrow payment to ensure that land disturbance activity is performed in accordance with the approved permit and the burden for correction would not land on the taxpayers.

With regard to planned development districts and the mixed economic development districts the new code eliminates the existing planned residence district, planned commercial district and planned industrial district and substitutes the planned development district which is a floating zone and the mixed economic development district which is a PDD like zoning district that is in place, sites have been located. It eliminates zoning districts for pretty much for commercial and industrial uses and we have certain recommendations and these are important. I think I will just try to summarize some of these. We need to add a lot more specificity to the process in terms of what uses are permitted. We need to streamline the process from what is suggested. There is a lot of improvement opportunities for efficiency and how this works and so there are a number of recommendations. I'm not going to go through them all with regard to the planned development district process.

In terms of terms defined, there are many definitions in the code that did not exist in the current code but we've identified at least 35 uses that are not yet defined and we'd like to define as many of them as possible. We'd also like to add a definition of farmstead design to this section. We think it is a relevant issue related to rural design and architecture. We'd like to add the definition of historic property that requires eligibility for nomination or inclusion on the State or National Register. And, we would also like to add a definition for banner that distinguishes between advertising and decorative banners.

In terms of several miscellaneous recommendations, I'll just quickly go through these. In the rural district we'd like to encourage farmstead design as a district purpose and in the design guideline section in the rural and rural light districts we'd like to add language to permit farm stands within the minimum front yard setback. In the rural and rural light industrial districts we'd like to amend the maximum height for non-agriculture accessory structure to 25 feet but a little bit taller than the principal structure on the property. In the rural, rural light industrial districts we'd like to permit accessory structures in the front yard but not within the front yard setback. In the residence A, B, C, multi-family corridors and residential riverfront and all commercial hamlet and rural hamlet districts we'd like to remove existing language regarding size of accessory structures and substitute language that allows for accessory structures to be as much as 5 percent of the total lot area. I would note that these restrictions do not exist in the industrial general commercial or rural light industrial zones. And, finally we'd like to move accessory apartments... we've added those to the code and defined them to again offer flexible housing options.

Finally, I've added a supplement to these comments that are really more technical in nature based on legal review and I just quickly will review these. With regard to conservation subdivision, modifications should be made regarding the provision on maximum density unit calculation to properly allow for the deduction of environmental sensitive lands when necessary permits have not been obtained. Secondly, with the sign law, we'd like to modify the law to eliminate distinctions between commercial and non-commercial messages on signs in accordance with court decision. Under site plan we would like to require the recreational land be set aside or money in lieu thereof obtained with regard to site plan review as well. It's in the subdivision law and should also be in the site plan. And, finally with regard to subdivision, we want to include the appropriate time frames and procedures for decision making in accordance with Town law.

So, in a summary, those are some of the principal recommendations. We will continue to work on these. We've been in communication with our consulting team and certainly our counsel and our recommendation would be to have us produce another draft for your consideration, subject that to another public hearing and we can get much close to the state of intent in the comp plan.

SUPERVISOR EGAN: Thank you, George.

COUNCILMAN LENHARDT: George, don't run away. Certainly these are substantial in my mind and I concur with your recommendation about having an additional public hearing.

In the Memo or some fashion where you reduce the number of special use permits, could you identify what you eliminated specifically for us?

MR. LEVEILLE: Yes.

COUNCILMAN LENHARDT: And, going back to a point that I raise before, in the proposed zoning code you are doing away with Memorandum of Understanding that has existed for some period of time between the Tow Board and the Planning Board in reviewing of PDDs. It's going strictly by what the Planning Board's decision as typically their decision came back to us and we were the final decision body unless the individual disagreed and then they went for an Article 78. I noticed that in the code, you have appeals. If a resident or a developer disagrees with the Planning Board's decision they go immediately... there appeal process is to the Supreme Court and I think... in certain instances that would probably make sense and other instances – and I can't be specific, I'm sorry, I think it's putting too much burden on the... possibly individuals something should be added in there that allows us to have appeal or puts us in the appeal process.

MR. LEVEILLE: Very good.

COUNCILMAN LENHARDT: I can talk to you more specifically at a later time.

MR. LEVEILLE: Great.

SUPERVISOR EGAN: Okay, before we start with testimony, does anyone else have any questions of George? Okay. Thank you. Thank you very much. And, I want to just convey my thanks to staff. I kid when I say they couldn't go home tonight. I don't think they've been home for the last 3 nights. So, they're really... from... on my behalf and on behalf of the whole Town Board, I want to thank all of you that have been involved in this. Okay. We'll move onto the testimony phase of this. Again, we will ask for your cooperation in limiting your comments to 3 minutes. I have a stack of cards, we'll proceed through them. First speaker is Jeff Vadney and Barbara Carkner follows him.

MR. VADNEY: Hello again. My name is Jeff Vadney. I'm still a half century resident of the Town and my parents are still ¾ century residents. Not much has changed.

SUPERVISOR EGAN: It may seem a little longer though now, doesn't it Jeff?

MR. VADNEY: Yup. As I said before, we followed the process of this plan from its outset. I did do my best to read and understand all 143 pages of the zoning. And, I've tried to comprehend what you just went through and George went through. The fact is you are making changes, is going to temper what I had to say somewhat because I believe he has addressed some areas of concern.

In general, kind of find the proposed new zoning a little too restrictive especially when it comes to rural areas. As you read this, the zoning in the rural area reads very similar to zoning in a suburban area now. You know, you have suburban, rural, apples/oranges. I know you've been bombarded with this theme all night but that should be an indication to you that this is something you got to look at.

Special use permits. I understand you're going to cut the number of special use permits way down but you have to remember that having these go through the Planning Board to streamline the process, as George says, gives them a lot more power than they ever had before. They've got control of a lot more of the process than they used to and they're unelected officials. The loopholes exist if you read this carefully where the Planning Board can stonewall a project without admitting

publicly that they are against it. There are phrases in there like fees will be determined by the Town. Well to the best of your ability, you got to give us an idea of what those fees are going to be ahead of time because the Planning Board isn't just for developers anymore. It's going to be for every Tom, Dick and Harry that wants to put a shed in his backyard or put an addition over his garage that's higher than 18 feet, that kind of stuff. You're going to get all kinds of lay people coming before the Planning Board that are not developers. Development is an industry. Those people have a lot more financial resources and time to study all this stuff than the average person does.

As I read through the zoning, it almost... it sounds like its more like rules for... at a homeowners association may set forth for development. Some of this stuff is very, very restrictive and you can't... if you're going to move into a development you have a choice. Yes, I want to go by these rules, no I don't but you can't be so restrictive on a Town that's over 200 years old.

The zoning... it seems like it's somebody's idea of conforming to an aesthetic look and I think the Town should use a little common sense and realize that the Town of Bethlehem is not going to be a resort town or a vacation hotspot. It's a beautiful place to live but we don't have ocean front beaches, we don't have ski slopes. People aren't going to plan to come here from out-of-town and there's no need for us to look quaint. There is no need for the Town's residents to have a financial burden upon them to look like Stockbridge. And, I guess as you realize, there's no need to rush into this zoning regulations. We should take our time, it's very important and don't push it. Thank you very much.

SUPERVISOR EGAN: Thank you, Mr. Vadney. Mrs. Carkner and then Christine Duchek.

MRS. CARKNER: Yes. I'm Barbara Carkner. I'm very pleased with what the Town has done with the recommendations on the zoning. And, you're right, some of what I was going to mention tonight has been addressed and I'm very thankful for that.

I do have a couple items that I would just kind of add to that. One of my big concern was minor subdivisions the reason being I own with my siblings my grandfather's farm. I'm the only one left in Town. I don't farm. I rent it out to a farmer to do crop fields. I'm hoping at some point to settle it, to sell it and to settle my grandfather's inheritance that all of us got. So, one of the things I'm looking at and have considered over the years is being able to split the land up between myself and my three (3) siblings. And, you know, I see where the Town has made a recommendation to look at that minor subdivision and I would suggest and especially too our Town Attorney that you consider something like a simple lot split and the purpose of this would be to set out a process of transferring property pursuant to family exemptions or the family as it is. And, the requirements would be the family split is a division of land made outside of plotted subdivisions for the purpose of a single gift or sale to a member of the landowner's immediate family. And, the definition of family is any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent, or the parent of the landowner. It shouldn't be limited to just my kids. I'm in a situation where it's me and my brothers and sister.

I also would recommend that the purpose of this split would be to provide housing, business or agricultural needs for the landowner's family as previously defined. The conditions would be that my recommendation is that no parcels smaller than 2-acre lots created by the split could be further subdivided. And, I do have another recommendation that no limit be placed on the number of family splits because my great-grandmother had 16 children. I don't know if there is anyone who has 16 children today but I'm 1 of 4 and I know others who are 1 of 5. So that you are not limited and she was a Salisbury woman so she was a very strong woman. And, that's why we have a golf course, like Connie said.

And, that all splits adhere to the New York State Health Department regs for water and sewer. And, that splits do not need to have... this family type split do not need

to have the Planning Board approval that the approval process can free-up our Planning Board so that they can deal with all the special permits and I'll leave that for someone else. Thank you.

SUPERVISOR EGAN: Thank you, Mrs. Carkner. Christine Duchek and then George Waldenmaier.

MRS. DUCHEK: Hi, my name is Christine Duchek and I lived in the Town of Bethlehem since 1950. I'm very encouraged by Mr. Leveille's suggestions and I wholly support Mrs. Carkner's ideas and some of... I probably should have submitted some of this during the comp plan but I had comp plan and zoning ideas... 3 ideas that connect together.

The first was the minor subdivisions being very complex but that may be... to divide but that may be subject to change because in the rural landowners minor subdivisions would work and if we have to spend all our money getting approval, we'd run out of money to build a home. And, then since we really didn't want to really have to sell our land for housing developments, conservancy to keep it open, would be our only option that I am aware of and in an agriculture conservation easement according to Rowland R. Vosburgh a Director of Columbia County Planning Department who states that one of the conservation easement takes property rights away from the landowner and introduces a third party, the Land Conservancy. And, we were told at the BPAC meetings that if you do put your land in a conservancy the landowner is still responsible for taxes and insurances if someone gets hurt.

So, those are my concerns.

SUPERVISOR EGAN: Thank you. George Waldenmaier and then Ernest Carkner.

MR. WALDENMAIER: I'd like to thank George for all the work he did. He took most of my things away except for one thing here that I found in the zoning. Under Section 128-22 page 19, it talks about private garages and that you're only allowed one commercial vehicle. I've got two trucks, commercial plates, does that mean I can only put one in the garage at a time?

Other than that, thank you very much. Very good job.

SUPERVISOR EGAN: Thank you, Mr. Waldenmaier. Mr. Carkner.

MR. CARKNER: I, too, had many things. I'm Ernest Carkner and I'm 8th generation and he took many of my things away too. So, I have only 1 left. It was the definition of the difference between the rural property and the Town property. IN the majority areas in and around South Bethlehem you have many of the commercial drivers that are independents that drive for Callanan. They park their vehicles on their property overnight to come back and forth. With this Town law that prohibits this, you're creating a problem for a local business that doesn't have an option to go. You need to find some way of allowing that in that particular area and in that particular design or you put an awful lot of independent trucking people out of business and that is your small business. Thank you.

SUPERVISOR EGAN: Thank you. Lynn Jerabek. As you are coming up, George, Board wants to know if you have an answer on the garage.

MR. LEVEILLE: Special permit.

SUPERVISOR EGAN: I'm sorry.

MRS. JERABEK: That's okay. Many large concerns are being expressed here tonight. I want to address the fact that there are numerous small concerns that affect all the citizens of Bethlehem regardless of where in the Town we live. I'm concerned that there's contemplation of controls on the sorts of gatherings and the necessary parking that I can host in my home. I am concerned that there is

contemplation of limiting how I decorate my home, apparently colored flowers are okay all spring and summer but lights – clear, white or colored – are not considered attractive for winter decoration. The allowable time period misses most of the snow season when the lights are the prettiest. In the regulations these lights are called religious but really even for religious people the lights are traditional. If they are religious, it is a free speech issue. But, for many people the whole season in question is simply the winter holidays, not a religious observance at all. And, while I have not seen mention of it yet, I have to ask you to please not infringe upon my right to hang my laundry out to dry. I'm saving electricity so others can run their air conditioners.

These may seem like small concerns but to many of us, they are quality of life issues and since the quality of life in Bethlehem concerns us all, I hope you will take note. Thank you.

SUPERVISOR EGAN: Thank you very much. Giles Wagner and then David Frueh.

MR. WAGNER: Hello again, Giles Wagner. Just a small comment on the grading, and erosion and sediment control permits. I see that it was originally written a permit would be required for any kind of a ½ acre disturbance. It's not recommended that it be lowered to a ¼ of an acre. My thoughts are that maybe some adjustments could be made for that area for people that own large parcels of land. In other words, if you're in a rurally zoned area and have large acreage that an adjustment would be made where you wouldn't need a permit for just a ¼ of an acre enhanced... it could be made larger. That's all.

SUPERVISOR EGAN: Mr. Wagner, I would just direct your request and modifications. That is addressed, I believe, in the handout that was given tonight.

MR. WAGNER: Yea, it went from ½ an acre to ¼.

SUPERVISOR EGAN: Keep reading, it talks about changing grading.

MR. LEVEILLE: I think the distinction of the ¼ is that large area ... is ¼ acre lot and those lots should not be exempted from concern about grading. That's why that was added. The amount of activity that occurs ties into how large the parcel is. So, the question would be is there a different threshold in the rural area and that question is not answered in my memo.

MR. WAGNER: Okay, good. Thanks a lot.

SUPERVISOR EGAN: Thank you. David Frueh and then Katherine Daniels. Mr. Frueh chose not to speak. Ms. Daniels you are up.

MS. DANIELS: Hi. My name is Katherine Daniels and I'm a member of the BPAC committee that's been working on the comprehensive plan and revisions to the zoning and subdivision ordinances. Imperfect as it is, I hope that the Town Board will adopt the comprehensive plan tonight.

SUPERVISOR EGAN: I'm sorry, you gotta move that back because she needs it.

MS. DANIELS: I need this one too.

SUPERVISOR EGAN: You need both of them.

MS. DANIELS: I am sorry.

TOWN CLERK NEWKIRK: Thank you.

MS. DANIELS: Can you hear me? Okay. All right, first I have to say that I've never in my 20 years of working as a community planner seen a community that has done so much outreach and effort to include the public in the participation that we have seen here. I think there have been multiple opportunities provided and we

can feel good about that.

At the same time, the lengthy period of time required to do the work on the comprehensive plan has left us a rather short of time to do the needed work on the zoning ordinance and the subdivision ordinance.

A general observation, at the beginning of this process it was the Town's stated intent to streamline the development process by reducing the procedural hurdles while providing for meaningful review. While we've done some of that, there's still a lot of vague and discretionary ordinance language and important areas where there needs to be clarity. While flexibility can be a good thing, too much of it actually means there's little predictability for landowners, developers and neighbors, as well as, a heavy workload for the Planning Board. There needs to be some additional tweaking here.

The few specific thoughts on zoning... actually some of my concerns were already addressed by the Town planning staff that picked up on a few of the same issues that I had on zoning. But, one of the other issues that wasn't addressed was the fact that our proposed architectural review standards, design standards in the ordinance right now are pretty much limited to hamlet and commercial zones. At the same time, we've had some pretty unattractive townhouse development that have occurred in this Town lately, specifically I'm thinking of the Mansions, and even to some extent Walden Fields development. And, by that I mean these kinds of new developments that planners called snap-house developments where the garage just sat in front of the rest of the house and provides a real auto orientation to the neighborhood rather than a people kind of orientation. That can absolutely be... the garages can be required to be set back or at least be flat and level with the rest of the house. And, I provided some draft, very simple standards to our zoning consultant at the last BPAC meeting and I had thought that that might be included in the ordinance and I would still like to see that.

The draft subdivision ordinance hurdled right past us. We barely got a chance to look at it, however, several key provisions were discussed at the last BPAC meeting including various oversights and omissions that had not yet been corrected. These include some provisions that have to do with sketch plan review process. This is a great process in general that really be used to make sure...

MR. MATHUSA: You have 30 seconds.

MS. DANIELS: Okay. ...the developers in the Town are on the same page before significant investments are made in a particular subdivision layout.

I guess I'm not going to go into the specifics. I said them all at the last meeting. This process is still not coordinated with the conservation design process or the parkland set aside process. It's still not a coordinated process. Woodland protection... there's still nothing in the proposed subdivision or zoning ordinance that would prevent the unfortunate land clearing that was allowed at Elsmere and Feura Bush from happening again. Again, I have some specific comments. I'll give you my written comments.

A connected street... there's nothing required in subdivision ordinance that even recommends that streets be connected in new subdivisions. Finally, I think we all recognize that the proposed zoning and subdivision regs contain significant compromises. There are many areas I haven't mentioned in which beefed up standards and a higher bar would greatly benefit the Town as a whole as we look to the future. There's no growth management strategy, currently or proposed, to slow or fade the Town's rapid residential growth and essentially there is still no zoning in the southern end.

This may have to wait for another day. I hope that the Town Board will recognize the critical need to closely reexamine the comprehensive plan and implementing ordinances on a regular basis including as soon as next year to determine whether the community is growing and changing as envisioned or whether we need to go the next step in planning for the future.

SUPERVISOR EGAN: Thank you. We have Connie Tilroe and then Ken Kneff.

MRS. TILROE: Again, I live on Salisbury Road and for the Zoning Board I want to say, I believe different is beautiful. Salisbury Road there is every kind of house except a Victorian. If you go down that street, you can name every single type of houses on that street. And, I love it that way. I wouldn't like any zoning law that says they all have to be blank... whatever that blank is or they can't have garages in front or they have to whatever. Different is beautiful in this Town. The other thing... I am delighted that the suggestion is that you consider this. I love the suggestions that the staff has made. I think they've worked very hard and addressed a lot of my concerns and I would like another... you are going over it and make sure it goes with the plan and have another to make sure the zoning does meet the standards of the plan. Thank you.

SUPERVISOR EGAN: Thank you, Mrs. Tilroe. Ken Kneff and then Nancy Kneff.

MR. KNEFF: I would like to say that a lot of the issues I had were somewhat addressed but I'd like another meeting because I'd like to be able to read it to make sure that... because throughout this process there's been a lot of subtle wording slipped in at times and I would like to be able to read it and make sure that it's not there.

I do have concerns about special permits for a lot that's been mentioned. Minor subdivision is talked about. I have real concerns about making appearance an issue and I agree with the lady that just spoke, I like all the different designs too. But, that gets to one of the problems that really concerns me, this control that exists in the zoning that I've been reading. What people don't understand is that there is a lot of fear about these big box stores and these big developers. All right. But, if you put in all these special use permits and all these things that you have to go through, who does it hurt? Well, the big developers already have legal groups already set up to handle all that -- financially that's pennies to them. All the individual developers are destroyed. All the small businessmen are destroyed. Who built the unique homes? It wasn't the big guys, it was the fact that single developers could exist. And, there's very little in this plan. The fear to stop the big guys are going to kill the little guys, not the big guys -- they're still going to live. And, there's got to be a way for the small businessman because that supposedly is part of the plan, to help the small businessman, but this zoning not the stuff I've just heard but I'll just have to read it as written, the zoning, I think, will destroy the small businessman. And, the small businessman is a farmer too and you have to be allowed to be a flexible take on things. If something is not selling now, you have to be able to change.

I'm concerned about signage because signage... there's all this appearance stuff but people fail to admit that there's a function to signage. If you have a sign, it's to attract business. If it's designed in a way that people don't read it as they drive by, so that it looks pretty with the landscape, guess what happens to your business. It's gone and we want business to lower our taxes, supposedly, to do this, to do that but I have concerns about that. Thank you.

SUPERVISOR EGAN: Thank you. Nancy Kneff and then Val Newell.

MS. KNEFF: Just have a quick question. They presented all these new changes, will there be another public hearing? Is it going to be a discussion? When do we find that out or do I go through all my complaints?

SUPERVISOR EGAN: I guess I would address it and I don't want to speak for the other Board Members but I know we've had a brief discussion based just on the sheer number of requests from the staff before we even heard testimony this evening, I think there is a consensus that we will have another hearing on this matter.

MS. KNEFF: Okay.

SUPERVISOR EGAN: Which with direction from the Board, the staff will go ahead and make the changes. There will be another draft in the next 2 weeks-ish which will be circulated and then we would have another hearing.

MS. KNEFF: Okay. So, the plan... you are all feeling that we're going to be doing this again.

SUPERVISOR EGAN: Well, like I said, I don't want to put words in the Board Members mouths.

MS. KNEFF: To speak for anybody else.

COUNCLMAN PLUMMER: I concur.

SUPERVISOR EGAN: Okay.

COUNCILMAN PLUMMER: I mean first of all, I represented this morning yes. So, yeah.

MS. KNEFF: Because I mean, I feel like we're all standing here saying our complaints and maybe they're for naught if they are being changes. So..

SUPERVISOR EGAN: Which is part of the reason we had staff make the recommendations first. So, I think I'm seeing all heads nod that yes there will be another hearing on this matter. So, there will be another draft drafted and circulated and we would have another hearing. So, now you can decide what you want to do.

MS. KNEFF: Well, I'll still give my other complaints that weren't addressed.

SUPERVISOR EGAN: Okay.

MS. KNEFF: Minor subdivisions, of course, have been addressed but my concern is that the way they are being addressed may not actually be as easy as what we contemplated the minor subdivision was designed for which was basically to give us 4 free splits in 10 years. You would only have to go to Building Department because the requirements when you live in the area where there's no water or sewer to build a house area already very stringent. You know, your building plan, you got to go get your sewer approved, your water approved. It's not like you're just going out there building houses left and right. It doesn't work that way. So, I'm worried that the minor subdivision process be designed the way it was intended.

The other concern is in the plan itself says rural light industry will have all the allowed uses that are allowed in the rural... or in rural area. That's not how it exists on the spreadsheet, everything that is allowed by right in the rural area is not necessarily allowed by right in the rural light industry. In the plan it specifically says that all those will be allowed.

Accessory buildings... I do have concerns over the size 18 feet is too short. I mean I look at my own garage, which, you know, if our house is 30 feet tall, if our garage is 18, it's going to look kind of ridiculous. There's some comment in the hamlet area about not wanting flat roof buildings. Well, I look at the hamlet that we all love here it's Delmar and I would say 80 percent of them are flat roof buildings.

One more thing – that might be it. Yea. I guess that's it.

SUPERVISOR EGAN: Are you sure?

MS. KNEFF: Well, the rest I think... I'm hoping... I just want to make sure that, you know, we're going to get to see it all again and really go through it again. That's my issue.

SUPERVISOR EGAN: You'll get to see it again.

MS. KNEFF: Thank you.

SUPERVISOR EGAN: Thanks, Nancy. Val Newell and then Linda Jasinski.

MRS. NEWELL: I guess I'd like to really thank George for all of the changes that he made. But, having some problems with multi-tasking makes it really hard for me having looked at all this stuff to then listen to it and then try to speak to it all in the same night. So, I'm really glad to hear we're going to get another draft, even if it will cost us \$25 to buy it at Mail Boxes, Inc.

SUPERVISOR EGAN: We'll burn a CD for you, Val.

MRS. NEWELL: Cool, then I can waste all that paper reprinting it out. But, the thing that... one of the questions that I was asked to bring up front is can we submit things to be included in some of the changes that you're going to be making to the plan as part of the staff?

MR. LEVEILLE: Yes.

MRS. NEWELL: Suggestions and things that really haven't appeared there? You know, we happen to be farming in a residentially zoned spot. So, while all this stuff that's been done for the rural parcels is great, like the minor subdivision, I have 3 children so I can't avail myself to breaking off an acre or so for each child. I have to go through a subdivision process. I'd like to suggest... I mean I manage the cemetery here in Bethlehem that for families in situations, whatever zoning you're in, if you could have like burial rights, it follows in perpetuity so that you would have a family exemption. Because it kind of makes it unfair for people that are trying to live an agricultural life in a residentially zoned area.

You know, there are some things too that worry me about protections for new types of keyhole type lot holders. You know, I'm seeing a lot of issues going on with that and that's really not addressed in this zoning. You know, I'm looking forward to seeing the new product and I'm looking forward to working with all of you guys in terms of saying okay, what about some of these specifics like ours. Because I think, you know, maybe we opened the door to a little bit less division and more receptive process. And, I thank you for that.

SUPERVISOR EGAN: Thank you. Linda Jasinski and then John Smolinsky.

MS. JASINSKI: First of all, I have to say that not every farm is in the agricultural district. Not every rural land is being farmed. So, we have to keep that in mind as we look at the rural areas. I'm just appalled that this zoning was released the way it is. With things in it like the sign ordinance against religious signs, that never should have even been in there. I don't think anybody looked at it to begin with. So, I'm hoping that you really do look at it. You change it, you give us enough time to review it again ourselves and then we can have another public hearing.

I'm very concerned about the pretty police. I don't know where we're going to hire them from but everything seems to be how it looks. And, again, diversity is great and the hamlets that everybody talks about is because someone got to build the house that they wanted to, situated the way they wanted to on the lot that they had. And, if you are going to regulate it, you're not going to get those hamlets again. You are just going to get the same old thing.

I also have a problem with special permits and the light noise, odor type thing. Down where I am, I am near the biggest rail yards in the east. I can't imagine anything I would want to do on my property would make more light noise, vibration after the explosion we had, and with the manure being spread I can't think of anything that would smell worse. So, I think that you, you know, have to let the rural owners make the use of their property as they can. And, especially when you've got a lot of property and you might have plans in the future of some little business venture or whatever.

The other concern I have is in home businesses. It mentions in there that the property owner has to live there and run the business. And, for somebody who might have a great idea for a business, sell everything they have, rent because they can't buy in the area that they need to do it, they are not going to be able to there. And, again, we want to try to get the small businesses going and we want to support them. And, I think, we want to make it easier for them in different ways. Thank you.

SUPERVISOR EGAN: Thank you. John Smolinsky and then Peter Frueh.

MR. SMOLINSKY: John Smolinsky, Orchard Street, Delmar. Thanks again for another opportunity to comment. The zoning code required a lot of different inputs and balancing factors just as the comprehensive plan did. There's several areas of the code that I want to bring to your attention because the balances aren't quite so obvious.

First I'd like to talk about the special use permits a bit. In the rural zone, many different and often conflicting land uses are allowed. The code allows many of the diversified uses provided special permit is issued or site plan is review is conducted. Given the potential conflict between uses, the special permit or site plan review is appropriate in order to protect adjacent landowners. Minor subdivision of land simplifying minor subdivision of land in the rural zone might be appropriate but subdivided property can be used for any of those 50 or 60 allowable uses or as George is now informing us, perhaps 30 allowable uses. If all that subdivided property were used as residential property the concerns would be minimal but the conflicting concerns would be minimal and further regulation could be minimized. However, if one use of subdivided property is residential and another is one of the other potentially conflicting uses on an adjacent property, you need some method, whether it be a site plan review or special permit to investigate and, perhaps, mitigate impacts between those land uses. And, remember, once a plot is subdivided to someone else – whether it be family or maybe not family – and they develop one of those other uses, the next use may be residential, it may be something else that requires at least investigation of that potential conflict.

Second, with respect to minor subdivision again, the comprehensive plan stated that the Health Department requirements and approvals must be met before minor subdivision is approved. This constraint is appropriate given the... designation is appropriate given the codes designation of no minimum lot size for minor subdivisions in the rural zone. So, this Health Department requirement helps define lot size. The interpretation of the code should be clear that while no minimum lot size is specifically designated, the lot size is, in fact, defined by set back and area requirements, Health Department standards, environmental constraints such as wetlands, streams, steep slopes and by potential requirements for screening or other mitigation. The phrase no minimum lot size should not be interpreted to be a blank check to build anything on any size piece of property. It was intended to allow flexibility but with consideration of neighboring landowners.

Third, I think it is important for developers to seek out opinions and concerns from landowners adjoining their project. I think the code suggests that such public outreach is a laudable... suggests such public outreach and that's a laudable extension of your approach... of the Town Board's approach to open planning process.

Personally, I wouldn't hesitate to require public outreach for major projects if for no other reason than to get issues to be table at an earlier stage of review process. With respect to the changes, George suggested, and those that BPAC suggested at its last meeting, I think another draft would be appropriate and I look forward to reviewing it. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Smolinsky. Peter Frueh and then John Mead.

MR. FRUEH: Yea, I'm Peter Frueh. I had things I was going to say but George has addressed them but I would like to do is thank George and you, Theresa,

particularly, especially like to thank John Mead and the rest of them for the rural landowners that have spent such dedicated time at a large expense to them because they are not wealthy like a lot of our elite ecologists here and land planners. And, I'd like to thank you all.

SUPERVISOR EGAN: Thank you, Mr. Frueh. John Mead and then Ed Kleinke.

MR. MEAD: I too think that maybe some of these things have been taken care of but I have over 100 signatures here of people who wanted these delivered to this meeting. So, I'm going to read it and I'm going to give them to you.

This letter is for inclusion in the public hearing regarding the proposed zoning regulations on June 22, 2005. There are many items regarding the proposed zoning that are not acceptable. The first item is that the proposed zoning and subdivision regulations do not follow the intent of the comprehensive plan. Under New York State Law which gives the Town's the ability to create master plans, it is very specific that the zoning that is to be adopted must follow the comprehensive plan. The proposed zoning does not follow the goals set out in the plan. The proposed zoning is too restrictive, requires a special permit for almost all property utilizations. How is this helping to retain the economic value of the rural lands? The special permit process is costly, cumbersome, subjective, and is not at all business friendly. Additionally it is just not feasible that the Planning Board will be able to cover all the special permits that will be required under this process when they struggle to get through the agendas they currently have. Proposed zoning imposes suburban rules, regulations and review procedures on rural land areas. The proposed zoning is an overreaction to all of the development within the water/sewer districts by penalizing those outside the area serviced by infrastructure with a very restrictive zoning. Let's keep in mind that only a handful of building permits were issued annually for these areas not in the water/sewer districts. Zoning needs to recognize that what is appropriate for ¼ acre lot is not necessarily appropriate for a 20-acre parcel. A perfect example is that zoning requires a fill permit of 100 cubic yards. As this may be appropriate for ¼ acre lot, it's not reasonable for a 20-acre lot. Another example is the height limitation on accessory buildings of 18 feet. Perhaps that is reasonable for ¼ acre lot but a 20-acre parcel should allow the accessory buildings to be, perhaps, the height of the main structure. Many examples are found throughout the zoning that impose these unreasonable restrictions throughout the Town without consideration to the area of the Town being affected. Proposed zoning must recognize the rural setting and must be written with rural design context. Such examples of how this rural design can be met are farmstead design and rural architecture – which George talked about. Zoning needs to assess the impact according to the scale of the use and property size, as well as, provide alternate review and permitting procedures.

The minor subdivision regulations are another area where the regulations do not follow the intent of the plan. According to the plan a landowner must simply wish to split off a lot or 2 for a friend or relative or generate some needed cash. The discussions regarding this minor subdivision were due to the current regulations which only allow 1 split before you have to go through the very costly and time consuming subdivision process. The minor subdivision was to make it so you could split 4 times over a 10 year period without having to qualify for a major subdivision, however, when regulations for minor subdivisions were drafted, they included all the same steps as the major subdivision except the preliminary approval by the Planning Board, hardly an improvement to the development review process. Land use regulations must be in accordance with the comprehensive plan. The Town has the opportunity to create and adopt a unique zoning code that addresses Town of Bethlehem land use issues as it is a diverse community.

The proposed zoning needs significant revision. A revised zoning code needs to be made available for public review. The revised zoning code needs an additional public hearing and if these regulation are to impact our lives for years to come, shouldn't they be done with due diligence and not just rushed through.

Thank you very much.

SUPERVISOR EGAN: Thank you. We have Ed Kleinke and then Christine Neal.

MR. KLEINKE: Good evening. My name is Ed Kleinke. I reside at 62 Mahar Road, Slingerlands. Like to again thank everyone for the opportunity to address proposed zoning regulations that have been put forth as part of this public hearing.

In my work with communities I've long been an advocate and supporter of... what I would call design-zoned regulations. And, by that I mean zoning regulations that reflect the needs and site conditions and environments and have specific goals in mind. And, the result of those kinds of regulations we find more appropriate design and development occurring. I think such regulations might be characterized as custom zoning versus off the shelf zoning. In looking at the Town of Bethlehem and our current situation with respect to the proposed code, I think if its truly to be reflective of our comprehensive plan, then the zoning must differentiate between the more developed more, suburban, and the less developed, rural, areas of Town. And, I think that must be our goal and anything less puts us in contradiction with our comprehensive plan. I tend to think we have a great opportunity to really design a code here in Bethlehem that is truly reflective of our Town's needs and not simply a translation from... from off the shelf kinds of regulations.

I've had the opportunity and I appreciate it very much to review the proposed zoning regulations and I've also spent some time with George Leveille and with staff and discussed many of what I see are shortcomings to the proposal. I appreciated that opportunity and I feel it as productive and very worthwhile.

Understanding that the proposed regulation is in need of some major modifications as underscored by George's presentation at the start of this hearing, I certainly think it is most appropriate to recommend that the Board direct staff to provide a proposed and revised draft code and it be modified over the next couple weeks and then put out for public review and then another public hearing be held on it. And, at that time, perhaps, a lot of the comments – certainly what I have and other people have – will be addressed or will be able to be addressed. Thank you.

SUPERVISOR EGAN: We have Christine Neal and then Robert Jasinski.

MS. NEAL: Hello. My name is Christine Neal and I live at 77 Waldenmaier Road. The proposed zoning would cause a dramatic change to our road's character and would negatively impact all of us who live there and raise families. We purchased property on Waldenmaier Road with restrictive zoning away from commercial and retail businesses. The biggest impact is the section that is zoned as rural. We are currently zoned as residential. I understand there is a large interest in equestrian within our community. One of the proposed uses is riding academies. We are not against allowing people to have horses. My husband, Scott Neal, and I have horses. If these uses are allowed, these needs... they need some controls put into place. Site plan or reviews would address public and safety issues. There needs to be adequate parking, fencing needs to be maintained, maybe possibly limit the number of horses and manure management. We shouldn't have to have 50 horses on 2 acres.

There needs to become some consideration for the neighbors, the people that have to live there. Thank you.

SUPERVISOR EGAN: Thank you, Ms. Neal. Mr. Jasinski and then Jerad King.

MR. JASINSKI: Good evening again. Bob Jasinski, Bender Lane. I would like to kind of put you on the spot and ask you what the timing is going to be on this because you have to put this in the paper again that we're having another public meeting.

SUPERVISOR EGAN: Not necessarily because we can just adjourn this hearing. We would put it in the paper again but we're not statutorily required to. To answer the question, we are looking at probably doing the next public hearing on July 27th.

MR. JASINSKI: Okay. And, then when would you after the public hearing how long will it be before you'll have a meeting to either pass or reject?

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SUPERVISOR EGAN: Again, subject to counsel telling me otherwise, I think we could actually vote that evening or the Board can decide any time after that to vote.

MR. JASINSKI: So, then we have to get all the changes and look at it and then... I mean there's going to be additional changes. I mean I can see a few of them right now that might take some finding in here but I'll mention a few eventually. All right are these zoning codes going to be put in Town-wide? In other words, you've had lots of rural and lots of Town but this zoning codes are for everyone. Am I right? And, its going to be enforced.

SUPERVISOR EGAN: Mr. Jasinski it's testimony, this isn't question and answer. So, if you want to provide testimony that's fine.

MR. JASINSKI: All right. Okay, let's go the other way. Well I have questions as far as who and what cost there will be to the Town. I worry about the cost because we are getting a reevaluation come spring so there's another cost. So, money is money.

I'd like to point out a couple things that I have picked up and it seems a little problem and I just want to point it out to George and he's got enough problems so what the heck, one or two more wouldn't even matter I don't think at this time.

All right. No building permit shall be issued for the construction or installation of any permanent or accessory use in any district within 100 feet of the bank of the following streams – or within 100-year flood zone of said streams. So, let's go back and reads it partially – no building permit shall be issued for the construction or installation of any permitted or accessory use in any district within the 100 year flood zone of said streams. So, does this mean that the 100-year flood zones of these streams are non-buildable because we've always had it as buildable but under certain conditions. So, I want to point that out to George.

MR. MATHUSA: You have 30 seconds.

MR. JASINSKI: I ain't gonna make it. All right. There is one buried in here, George you find it. It says containers will have a permit and it will be for 9 months and not renewable and it will have a fee. What's a container? Is that one of these containers they set in your driveway and take the roof shingles off? Do we need a permit for that?

And, I ain't gonna make it, right? Am I over?

MR. MATHUSA: Yes.

MR. JASINSKI: All right. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Jasinski.

MR. JASINSKI: I will come back again.

SUPERVISOR EGAN: And, you will be welcome. Mr. King and then Shawn Collins.

MR. KING: First of all I'd like to thank the Town Board and the Town Supervisor for extending this process because it's just a matter of good governance. This would be... definitely needs to be looked at.

The first thing I would like to comment about is that zoning it seems to me should be about preserving an area such that others may enjoy... the quiet enjoyment of their premises. So, the comments of Ms. Neal are appropriate and also Mr. Vadney and it shouldn't be arbitrary designations of certain parts of the Town are for certain things and parts of the Town that are not for other things and we, as essential planning group, are going to decide what those places should be. With that in mind, one of the sad things, one of my greatest criticisms of Saratoga

Associates as a planning firm was the fact that even in our public hearings – Sheila Powers I know, brought this up very early – is the idea of use zoning. In other words, our responsibility... what you should be doing as a Town Board should be doing is to regulate the use of property and not necessarily designating certain properties for certain types of uses.

Let me give you an example. Let's assume that for whatever reason a person said, you know what there's a real demand for, I perceive as, use for ATVs. I want ATV trail so that people don't have to trespass or something like that if people are willing to pay for it. You might say well okay, then what we should allow is, you know, a certain amount of acreage such that there is a buffer between other properties but we shouldn't necessarily arbitrarily designate, say that property can only be used for such and such a purpose, etc. -- same thing goes with raising horses, etc. Make sure there is adequate property and buffer from others and that's basically it.

Second point, these are my big broad comments – there's clauses about the grandfathering of property, I am a little concerned about. I don't like that notion very well. I like the idea of the fact that if there is a property that is in existence that it should be able to be maintained that way but that it can also... buildings should be able to be repaired in the way that they already existed which is not the way this zoning is being driven. It says that if things are changed... changed going more consistent with the plan. I also believe that people should have the same level of impact in the use of their property than allow them to use it as they see fit. Good example would be Meyers Funeral Home and Verstandig's Florist.

In Meyers, the plan does call for a change of zoning to a rural hamlet which will allow the Meyers the ability to sell that property for insurance agency or law firm or something that is a very low impact. I mean, obviously, where it's located near the school it's something you wouldn't want something very seriously commercial there. But, I would also suggest that same kind of treatment should be given to Verstandig's Florist which is currently not allowed in this plan that is the zoning has been changed to a multi-family zoning and it seems to me what should be allowed there is not only the continued use as a florist but any sort of low impact commercial. If he wanted to rent space to a law firm or an accountant or something to that effect. Obviously multi-family would have more a demand on that area of the Town because of the traffic and things that Mr. Verstandig, himself, have suggested such as senior housing or the use of the fire department are certainly appropriate but allows him the flexibility to address any concerns he has in terms of disposing of his property.

MR. MATHUSA: Thirty seconds.

MR. KING: Okay, I'm sorry, then I'm going to have to go quickly here. One other comment was the special permits. That is something I have talked about with people in Town and they are not... were aware of the fact that for a home business and things like that they would need a special permit. In our current zoning, you need... you're allowed a home business, you're allowed a dress making, millinery... things that other normal home occupations but the... it's being enforced as a way that they don't allow any other home occupations. The point here is that you shouldn't have special permits for every use such as jewelry repair... anything that is not a problem for other people. You know, I can understand you saying limit the number of cars in a driveway but don't sit there and say, okay you can only have "x" number of customers or anything like that. That's just the bases process.

I'll address some of the other stuff. I will write it up and obviously there are specific things and you're obviously addressing some of these. But, thank you very much.

SUPERVISOR EGAN: Thank you, Mr. King. Shawn Collins, then Bill Gregory.

MR. COLLINS: I appreciate the forum, the long hours and tireless effort of BPAC, The Town Board, the Town staff, the rural landowners and various citizen groups

that have contributed to this plan. Could we all agree that the plan is better because time was taken? I had a question for the Town planning staff. On this busy day I would venture to say I wasn't the first or only call today and each staff member did call back and I appreciate that very much.

Most agree that the plan is acceptable, even good, however the zoning lacks the flexibility that showed such great promise in the comprehensive plan. The zoning does not follow the plan as New York State Law provides that it must. I feel more time needs to be devoted to the zoning aspects not to beat a dead horse I know we did talk about that but I just wanted to reiterate that it's further strengthened by the pages of the zoning provisions that I did receive as I walked into the door.

Under the plan, minor subdivisions are purported to be an easy and flexible option for properties to have 4 splits over a 10-year period. Can we simplify the process?

How many farms today would be here today if the children could not have built on the land? Please let's take the time to get the zoning right. With the wave of a pen a neighbor, a friend, a father may have to tell his daughter she may not be able to build on the farm. If the family cannot grow and build, they may sell which may change the rural flavor in the community we've all come to enjoy.

SUPERVISOR EGAN: Thank you, Mr. Collins. Bill Gregory and then Jeff Anzevino.

MR. GREGORY: Bill Gregory, 270 Waldenmaier Road. Thank you guys for the tireless work you have been doing. It's quite a process you guys have been going through here. I recognize the need for the plan, obviously, there's been a lot of rampant building and we're trying to curb that. I've been a resident now of Waldenmaier Road for... since 1993 and had quite a few neighborhood meetings, seem to feel that the residents of Waldenmaier Road want to have the road pretty much stay a residential road to keep in the residential flavor of what it has been. It's not densely packed residential but it is residential.

We also recognize that the Town does need additional tax basis. The southern end of the road where there's a very large area off of 32 does make sense to some of us to potentially expand that to a larger lot size for light industrial uses. You know, there is concern there about buffers and this was a concern that we had when we thought we weren't going to have another review period, but obviously, we're going to and that is going to help us out a lot so, we appreciate that.

There is a change proposed for the middle of the street which takes it to a rural designation which we're a little bit concerned with as long as that is going to be along the lines of a residential flavor that's one thing. But, the residents of the road... the lifelong residents really, don't want to see industrial parks crop up or things like that. We would like to see the 300 to 400 foot residential setback on the road stay there except where the natural boundaries basically keep the either heavy industrial or light industrial areas off the street.

That's about it. It is a very fracturing process, what's going on here for the Town. Everybody's basically looking out for their best interest and I certainly appreciate that. And, it's certainly going to be a process after that of healing for the whole community anyway. Thank you.

SUPERVISOR EGAN: Thank you, Bill. Jeff and then Chris Frueh.

MR. ANZEVINO: Jeff Anzevino from Scenic Hudson. On behalf of our supports that are residents of the Town of Bethlehem, we'll provide more detailed comments on the zoning to you so that they can be incorporated into the next draft before the public hearing but I want to just address a couple aspects. First, we actually agree with many of the comments by the rural landowners that the zoning does not provide a great enough difference between the rural part of Town and the more developed northern part of Town. And, the main reason is because there is 2... no minimum lot size in the southern end of Town and that if there would be a larger minimum lot size in the southern, rural part of Town, that would keep the rural

flavor more intact and keep the suburban look out of that part of Town.

I want to put in a plug and commend the Town for its prohibition about building structures in the hundred-year flood plain that protects downstream property owners from additional flooding. Some of the problems that we have with respect to flooding in the Hudson Valley... the very bad floods in April because of all the development in flood plains that basically pushes the water around those buildings and imposes it on properties downstream. So, we would certainly support prohibitions of building in flood plains.

Sign regulations are not inherently bad. I agree with the comment that was made that some of our most vibrant business communities have good sign regulation. Anything goes approach to signs is not necessarily a good thing. If everyone can have signs that are as big as they want and flashing and spinning, then the signs compete for so much attention that nobody sees any sign. They just see a hodgepodge of blur. So, I would encourage you to have good sign regulations. We'll take a look at that and make some recommendations. In particular freestanding signs are not a good idea in hamlet areas. Projecting signs and wall signs are better there. Free standing signs are more appropriate in highly commercial areas and then the free standing signs would best be constructed and permitted as monument signs rather than pole signs.

That's all I have right now. We'll take a look at the zoning and provide you some more detailed comments. Thank you very much.

SUPERVISOR EGAN: Chris Frueh and then Paula Szelest.

MR. FRUEH: I'll try this again. Chris Frueh. I have concerns about the erosion control measures that the Town is going to put in place that exceeds what the State requires. I don't feel that the Town needs to exceed what the State requires on developers and all that. I've talked to some developers of what they have as far as cost to... to a... put these measures in place at this time and I've been told by some of them that they are paying as much as \$4800 per lot to put these measures into place. That's a significant amount of money and when we're talking about reval and how homes... the cost of homes, we're trying to get everybody on... at 100 percent, you know, the existing homes have this additional tax burden because we're adding all these extra expenses. So, to make it even more than that by exceeding what the State requires, I just don't think it is necessary. I feel that the State should mandate those things.

The other thing is, I know there was things in the code about 5 loads of dirt. Now, maybe that's changed but I'm in the earth sculpting business, I'll put it that way, and we do a lot of residential excavations and one of the problems we're finding with a lot of these developments today is in the design process we're... and the difficulty of the properties that are left to develop, there's excess amounts of fill and I'm talking large quantities and we have a tremendous problem of removal of this fill. In a lot of cases, the fill isn't very good fill and it's hard to get rid of. I know the one project I'm involved in, I got into a situation this year where I just ran out of places that we could bring it legally and the Town Highway Department was my option. I brought it to the Highway Garage and they took it for free at the developer's cost.

SUPERVISOR EGAN: Thank you, Gregg, so he didn't do anything illegal with it.

MR. FRUEH: I don't know what he did with it.

Let's see, the other thing, with all these extra rules and regulations, the burden is really on the middle class so the middle class wants to do their own project and they can't afford it. Therefore, it just makes the land easier for the developers to take or big business or government. And, this is one of my concerns. Thank you.

SUPERVISOR EGAN: Thank you. We have Paula Szelest and then Joe Gardner. And, if anyone else likes... would like to speak, please fill out a card because if not, Mr. Gardner is our last speaker.

MRS. SZELEST: Tonight's lotto is 10, 25, 22. Okay. My name is Paula Szelest and I have lived here for almost 40 years. I lived in Van Wies Point all my life and now I live on 528 Wemple Road. And, my concern is... I am a very passionate speaker and that's why my voice shakes and trembles. I am a proud wife of an Albany Police Officer and I have 2 beautiful small children who will be going to the Bethlehem Central Schools. I have also gone to Bethlehem Central and so has my husband and we have built our house at 528 Wemple Road and we chose to stay in Glenmont. And, we chose to do that because of the hometown and the beautiful home ties that we had to our families and to the land. And, we are very fortunate that we were able to purchase land and to build our own home.

And, my concern is with all the developing that is happening, I realize that you can't stop development and I'm all for it. My concern is I lived in Van Wies Point which was a very beautiful area of the community and I saw that Glenmont has been changing very rapidly and some of it not particular liking. And, I wish that a little bit more... I apologize, I just... my main focus here is to say that my main concern is to caution low income housing because rumor has it that Wemple Road is slated... my rural Wemple Road is slated for many apartment complexes and duplexes that are going to be on the books and it is for middle to low income. Let's take care of our elderly, let's take care of our own, let's take care of our own community. I did not choose to live in Albany. I don't want Albany to cross into the borders and I just would like Glenmont to regain some of its character and some of its integrity.

Thank you.

SUPERVISOR EGAN: Thank you. Joe Gardner and then Karen Burrows.

MR. GARDNER: Again, as a 30-year resident and for the Bethlehem Tomorrow and the Appalachian Mountain Club, again thank you. We consider zoning and building regulations as part of the overall process. I know you've split it up into the comprehensive plan and GIS but thanks a lot for all the effort. Hey, hang in there.

SUPERVISOR EGAN: Thanks, Joe. Karen Burrows and then Brian Lyda.

MRS. BURROWS: Hi. I have just a couple of desperate comments. One of them I just wanted to make a correction about the minimum lot size in the rural areas that there is a 2-acre minimum lot except for minor subdivisions. So, that was my understanding.

The other is about the rural hamlet designation as it goes out Delaware Avenue, needs to conform with the other rural designations, such as rural and the rural light industry so the surrounding properties... it kind of is less regulated by hamlet and maybe more in tune with the rural area surrounding it.

The other thing I would like to request is that maybe the Town should avail itself of the Department of Ag and Markets and allow them to look at the plan and to the zoning as it relates to the Ag Districts within the Town and that... I don't know if that's a regular thing that the Town would do. That might help to mitigate future conflicts with the Town zoning and the Ag District law. Thanks.

SUPERVISOR EGAN: Thank you. Brian Lyda.

MR. LYDA: Thank you very much for your opportunity tonight. I was just listening to some of the comments this evening and I want to appreciate from the public what you are doing for us. But, some of the concerns that I have are some special use permits and the streamlining process that was mentioned in the recommendations by staff. The current zoning is 25 to 30 uses and the proposed zoning is more than 70 uses. I concern a bit because the level of regulation in effect takes from us, the public, and gives to the government some powers that we may not want to relinquish and the time frame that is developing here. We've spent months and months on a comprehensive plan and just a few short weeks on

the zoning issues. I think some more time should be given to the zoning, not necessarily for me, I'm approving of the plan as it is so far but I think the zoning is an issue. I don't know how we are going to pay for this. I think there is a lot of staff issues that will be resolved if you give everything to the Planning Board. I think there should be some more thought put into that. Thank you very much.

SUPERVISOR EGAN: Thank you. That is the last card I have on the zoning. Any last takers? Mrs. Carkner's cheering over here.

MRS. CARKNER: Yes.

MR. CARPENTER: Just want to ask one more question. Are you going to continue to take written comments on the zoning?

SUPERVISOR EGAN: The question is and I guess this is up to the Board at this point. How you want to handle this? I guess... I'll go first. I guess my suggestion would be we know that we're going to have another public hearing on this that we would continue to take written comments on it up until the next public hearing would seem to make sense. George, we're okay with that staff wise?

COUNCILMAN PLUMMER: Yes, let me, if I can. I agree with that but I would encourage anyone if they have comments to get them to George immediately. He's obviously got a lot to do and it's all falling on him and his staff's shoulders. So, I wouldn't wait to... just before the hearing, I would get it to him as soon as possible so we can all air it that night and hopefully, at least in my judgment that would be the final hearing. So, I would encourage everyone to get their comments to him as quickly as possible.

SUPERVISOR EGAN: And, I would add to that, the sooner he gets them, the sooner he can redraft, the sooner it can be redistributed. So, I know there is some concern about how people are going to review it.

MR. LEVEILLE: I think practically, we could probably produce a draft in 2 weeks so having comments by next week... give us an opportunity to really evaluate ... So, I would encourage as soon as possible.

SUPERVISOR EGAN: In regard to how to proceed at this point, again, I guess my suggestion would be that we adjourn the hearing until July 27th and that would allow staff a couple weeks to get it redrafted, allow for redistribution and review and then we would be back here on the 27th for the second hearing.

Tim, Tom...

MR. LEVEILLE: I would also suggest that on the 13th, we'll provide a status report at the Town Board meeting.

SUPERVISOR EGAN: That would be great. Tim and Tom you all right with that time frame?

COUNCILMAN MARCELLE: Yes.

COUNCILMAN GORDON: Yes.

SUPERVISOR EGAN: Okay. So, what we will do, is we will allow written comments up until July 27th. Again, encouraging you all to get them to us ASAP. What we will do, is we will adjourn the hearings until July 27th. We will provide public notice to basically, hopefully, satisfy all the naysayers out there as to what's technically required. So, we will do both of those things. For any of you, we're not quite done yet, we have another hearing. I know all of you are looking to get out of here.

So, at this point, do I have a motion to close the zoning and subdivision ordinance to continue this portion.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to adjourn the public hearing at 9:30 p.m. to be continued at the meeting of July 27, 2005. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

Town Clerk

Hearing began: 9:52 p.m.

SUPERVISOR EGAN: Okay if we can get started. So, again, we will open up the third part of this this evening. Kathy, please include the notices in the minutes.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on June 22, 2005 at 7:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider Draft GEIS regarding adoption of Comprehensive Plan.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, ext. 183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM

Kathleen A. Newkirk, CMC, RMC

TOWN CLERK

- - -

State of New York)
County of Albany)

JULI HEBERT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for 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 8th day of June 2005.

/s/ Juli Hebert

Sworn to before me this 8th day of June 2005.

/s/ Sharon A. Doldo
Notary Public, Albany County

- - -

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 8, 2005, 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

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

17th day of June 2005.
/s/ Julie McNeil
Notary Public

- - -

The motion was made by Mr. Plummer and seconded by Mr. Gordon 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: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

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SUPERVISOR EGAN: Okay. First speaker, this is again on the SEQR and GEIS portion of this. Peter Frueh is our first speaker, Joe Gardner next.

TOWN CLERK NEWKIRK: Mr. Frueh is not going to speak.

MR. GARDNER: Again, a chance to thank you folks, particularly the Planning Advisory Committee and the Board for a year's and plus effort. Hey, thanks a lot. We're getting closer and we can't thank you enough for the time and effort that's gone into this. It's all part of the package, we look at the comprehensive plan, building/zoning and the GIS. Thank you very much.

SUPERVISOR EGAN: Thanks, Joe. Nancy Heinzen.

MRS. HEINZEN: Is this working?

TOWN CLERK NEWKIRK: The silver one.

MRS. HEINZEN: Okay, ya, first of all, I'd like to thank the elected officials and Town staff for reaching this point tonight. I think it's a milestone and something we should all be proud of. I deeply appreciate your time and effort. First of all, I didn't have a chance because I was out of the area but I wanted to go on record as supporting the comprehensive plan, if that's appropriate at this time and second what follows are some concerns and questions I have about the stated environmental benefits of the comp plan and zoning code as described in the GEIS, generic environmental impact statement. I will paraphrase some portions of that.

Beginning with the purpose of a hamlet district, commercial district and hamlet district is to encourage compact, mixed-use commercial and residential development or redevelopment in identified hamlet areas. This is a little unclear to me. Would you please explain in the GIS the environmental benefit of compact mixed-use hamlets. If the goal is to direct higher density mixed use growth into one part of Town, doesn't that mean lower density development should occur elsewhere in the Town and how does the comp plan and zoning accomplish these lower density objectives throughout the rest of the Town. I love your comments in the middle, I won't include those in the interest of Town but I will have that as part of my written record.

The next comment, it states the adoption of the comprehensive plan and the zoning and subdivision amendment will not have an adverse impact on water resources in the Town because among many things, the plan recommends and the zoning provides a tool for residential development and that tool is the use of the conservation subdivision design. I would like to focus on that option. My question is, what happens if developers choose the cookie cutter form of subdivision development instead of the conservation design? How will that impact water quality, water resources in the Town? Because the conservation subdivision design is optional, this could happen. Will the Town tract the down... the number of conservation subdivision coming through the Planning Department and take action if this proves to be an unused planning tool. This is something... I will be going into details about what they do in... I think it was Rotterdam that made it to that.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

The next question is, why is a 20 percent slope used to identify constrained lands. Typically slopes greater than 15 percent contain clay, silt or sand soils represent a high to extreme erosion risk. Given the soils and slopes within our Town, I believe the Town Board should consider another slope threshold more in tuned to the erosion risks defined by New York State and the State's standards for erosion and sediment control. This is looking at water quality generally and is particularly the minor subdivisions and septic systems. Currently minor subdivisions rely on the Albany County Department of Health septic system standards to define lot size. While providing owner flexibility, there are important water quality issues. Typically septic systems fail within 20 to 30 years and unless a large lot using these Albany County standards... unless a large lot using these Albany County regs there can be insufficient land area for second back up leach field. Septic systems sited in the New York City watershed require enough land area to accommodate 2 leach fields -- the original leach field and the backup leach field. The New York State and Albany County regulations are less stringent, however, the Town given the growing storm water responsibilities should consider zoning in the stronger New York City watershed standards for septic systems as a way of really crawling through that standards belief that the comp plan actually protects water quality.

Next what is the effect of the comp plan and proposed zoning on imperviousness? One of the most significant indicators of water quality is the amount of impervious surfaces – mainly paving, roof tops and sidewalks – throughout a watershed with a 10 percent impervious, an indicator that water quality has deteriorated.

MR. MATHUSA: 30 seconds.

MS. HEINZEN: Oh, okay. It's almost done. Once the moratorium is lifted, more houses and businesses will be built and the percent imperviousness overall from these various land uses will increase throughout the Town impacting water quality in the Normanskill, Vloomanskill and Onesquethaw watershed. The potential long-term impact of imperviousness from development goes unmentioned in the GEIS. This impact should be mentioned in the GEIS if only to acknowledge that development and growth will negatively impact water quality despite the best intentions of the comp plan and zoning code.

Finally, I have in this package some suggestions for what to imbed into the zoning code and I realize I am sort of slipping into the zoning code which maybe I should have testified earlier regarding things that you can slip in now in the code that would protect water quality and work towards the goal of fulfilling the storm water program obligations, one of which is in the hamlet design option for landscaping parking lots. I think you should include there recommendation for buyer retention facilities and the last one is in the off site parking section require that developers use pervious materials such as pavers and coarse asphalt for a certain percent of the parking lot. This is a cheap thing you can do. It won't cost the Town anything but if you put it into the zoning regs now, it really works to your benefit and overall, you know, be progressive regarding the water quality piece because it's to our advantage and we are all aware of the issues facing the Town in terms of cost and limitation of the 2008 storm water program.

That completes my comments regarding the GEIS. I just think you should read that more carefully. I think there is a lot of things that you're saying it will do through the comp plan that it may not do and I think the language should reflect that. It may be trying to do it but it will not actually happen. That completes my comments.

SUPERVISOR EGAN: Thank you. Anyone else want to speak on the GEIS matter?

MR. KLEINKE: Thank you. I thought I was signed up for it but in any case, I appreciate the opportunity.

SUPERVISOR EGAN: Just want to show the flexibility of the Town Board, Ed.

MR. KLEINKE: Great. Well, we can stay a little longer if you'd like.

SUPERVISOR EGAN: Well, you can stay about 34 more minutes is just fine with me.

MR. MATHUSA: The clock's running.

MR. KLEINKE: Okay. Generic EIS is at least in my experience are very appropriately tied into comprehensive plans. In other words, using the comprehensive plan as a principle document and basis for the generic environmental impact statement. With that said, it is important that the generic EIS conform to the SEQR regulations, State Environmental Quality Review Act, and with respect to that the issues of social economic and environmental impacts really needs to be addressed.

So, the good news is that the comp plan can serve as the basis for the generic EIS along with any attachments. The bad news is the GIS has to be... say something productive and reasonable and appropriate. My view, the proposed GEIS does none of that and I think specifically with respect to an economic impact. And, I've cited several points that I would like to offer here tonight and I have copies of these for your review.

First, the comprehensive plan states as a goal to achieve a balanced tax base yet neither the plan nor it's attachments seem to address the economic specifics of that. While we all recognize that perhaps more non-residential development would accomplish this, what would be a reasonable growth scenario, what tax surpluses would be achieved, how would IDA involvement influence such purposes, surpluses, etc.

Secondly, the comprehensive plan identifies as a tier 1 action to actively coordinate development of the proposed Vista Technology park in Slingerlands. Yet, no assessment of the costs of providing Town sewer and water to the site have been presented or incorporated as part of any GIS assessment. The responsibility for covering such costs if it's expected to be by the Town for all or part should be analyzed as well. And, this should be incorporated into the GEIS.

And, then, thirdly, on page 7.40 of the comprehensive plan which is the inventory and analysis there are 2 graphics that show 2 different analysis – one net fiscal impact per acre of residential development and second, new net physical impact per acre of non-residential development. There is no reference made to the physical impact methodology in determining the associated values assigned to the different uses, non-residential and residential and as such, it is questionable whether a true picture of fiscal impact is presented at all – residential versus non-residential uses. Since much of our approach and idea of having a comprehensive plan is to achieve a balanced tax base, it's really important that I think the public have some idea of what the consequences of our comprehensive plan and our zoning regulations are going to be with respect to those costs. And, I would like to submit those comments to you.

SUPERVISOR EGAN: Thank you. Mr. King. This is just on GEIS now.

MR. KING: I appreciate that. One of the things with respect to the GEIS is it seems to me that it is wholly dependent on the comprehensive plan itself and the goals therein. If you want to maintain the rural character of the Town, then it is very easy to do, all you do is stop building sewers. In the Town of Coxsackie where there's been a lot of commercial development, one of the things that is driving that commercial development, one of the things that all the commercial companies required is sewers. So, if you don't have it, you don't get the commercial development. If you want commercial development then you obviously build sewers.

But, all that... the ideal here is that it's all dependent on the plan itself. You really can't talk about the GEIS till you have, really, a consensus or at least some sort of agreement as to what the plan should... what should the Town look like because

that's how you drive your, you know, development but all right.

SUPERVISOR EGAN: Thank you, Mr. King. Going once, going twice, anybody else this evening on the GEIS?

Okay, Board Members, In as much as the SEQR and GEIS kind of travels with the planning and the comp plan, my suggestion would be we again, Tom on your last motion, is just continue this until July 27th and we will provide the adequate notices on that.

The motion was made by Mr. Marcelle to adjourn the public hearing at 9:50 p.m. regarding the Draft GEIS regarding adoption of the Comprehensive Plan to be continued at the meeting of July 27, 2005. The motion was seconded by Mr. Plummer and passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

Town Clerk

Supervisor Egan next clarified that the zoning and the SEQR hearings were closed and she believed that the comp plan hearing was closed.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 10:06 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: None.

Town Clerk