

TOWN BOARD
MARCH 31, 2004

A Special Meeting to hold a public hearing by 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: Want to welcome everyone this evening to a special hearing of the Town Board to consider proposed local law number 3 of 2004, which is basically the moratorium language. Before we get started, I'd like everybody to stand and do the pledge.

Thank you. Ms. Newkirk please read the call of the special meeting.

TOWN CLERK NEWKIRK: I have not received the Notice from the Spotlight; however, I do have the one that was published in the Ravena News Herald.

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing at a **Special Meeting** on March 31, 2004 at 5:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law to consider acceptance of Moratorium.

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)

Rena Shanagher being duly sworn that she resides at Ravena and that she is a principal clerk of the Ravena News Herald, a newspaper published in the Town of Coeymans, County of Albany, State of New York and that a Notice of which the annexed is a copy has been published in the newspaper once in each week successively, on the 18th day of March, 2004.

/s/ Rena Shanagher

Sworn to before me this 19th day of March 2004.

/s/ Josephine Bruno
Notary Public, Albany County

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

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KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on March 18, 2004, 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
31st day of March 2004.
/s/ Catherine T. Picarazzi
Notary Public

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

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

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SUPERVISOR EGAN: Thank you. Okay at this time, before we get started, I'd like to announce a couple of things just so that everybody has a clear understanding how we are going to proceed this evening. If anyone would like to speak this evening, we're asking that they sign up in the back, there are cards. We just ask for names and addresses. We need that information for the public hearing. We're also going to... to be able to maximize the participation of everyone here this evening; we're going to ask that you limit your comments to 5 minutes or less. I know that may be difficult in some cases but I am asking, please, nicely so that we can get through as quickly as we can and be able to entertain as many comments as we can this evening. I'm also going to ask everybody to limit their comments specifically to the language of the local law. Obviously, this moratorium is being proposed in conjunction with the comprehensive planning process that we committed to undertake last month, however, for purposes of this special meeting, it is only in regard to the language of the moratorium. And, again, I think copies of that were provided and we can get you more if people still need that. I'm also going to ask everyone to be respectful of the opinions of others and we will get through this as orderly as we can.

Also before we start, I think the handout was available in the back of some information that we wanted to share with all of you before we got started. I thought it was important that we share some of the housing and demographic trends that we've seen here in Town. Since 1950 the Town has averaged 170 new homes per year. Sometimes, it's been a little higher, sometimes a little lower but that I what the average is. From 1970 to 2000 we've had a 70 percent increase in homes ranging from 7,440 homes to 12,459 housing units. In 1990 there were 10,341 households in the Town and the projection for 2010 is 13,595 if we proceed at the rate that we are growing at this point in time.

Currently in the pipeline... when we started this process, one of the things I asked the Planning Board to do was give me some information in regard to projects that are in the pipeline, if you will. At this time, there are approximately 3,000 housing units at various stages in the development pipeline. It's also important to note that in the Bethlehem Central School District, K through 12 enrollments increased from 4,252 to 5,143 in just a 10-year term. And, I believe it just came out we have 100 new students just this year alone.

We also have some information that you can read in regard to the cost of what it is going to take based on the information we received from the School District to support new students. And, basically newly constructed single family home must be assessed at approximately \$269,000 to pay for the cost of .79 students, which I

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always laugh as to what a .79 students is but basically for one student you have to have a house assessed in excess of \$269,000.

As most of you are aware throughout the last year, year and half, there has been several initiatives undertaken by the Bethlehem IDA, as well as, Bethlehem Tomorrow Group in regard to what the concerns are of the citizens in town, as well as, how they would like to try to remedy or mediate some of those situation. And, those findings can be found on page 3 of the handout. It basically included expanding town planning, identification of appropriate development sites, addressing infrastructure needs, preserving open space, attracting quality commercial investment and development, control sprawl and expand the tax base.

We do have one sheet that is not included in the packet but I thought the information was important to share with you this evening. We've gone back today and looked at the differences in the assessment values of agricultural, and residential land versus commercial and industrial land, versus wholly exempt property. And, what we found was from 2000 to 2003 there was a 35 percent decrease in commercial assessments, which amounted to a \$235,000,000 decrease in assessed values for the Town of Bethlehem. From 2000 to 2003 there was a 10 percent increase in those same residential assessments. So right now, the proportions for 2003 for agricultural and residential is about 59 percent where the commercial industrial assessments account for only approximately 22 percent of the tax base.

The comprehensive planning process that I spoke about earlier that will be undertaken with Saratoga Associates and as most of you know, the Bethlehem Planning Advisory Committee – or what we are affectionately referring to as BPAC – was constituted last week and what we are looking to see come out of the comprehensive planning process is to establish a shared community vision for the future of our town. In addition to that... equally important is to amend the Zoning Ordinance to be able to implement those visions that we are able to establish through the comprehensive planning process. Also, we hope to improve growth management, prioritize the infrastructure needs, foster fiscally and aesthetically responsible growth and enhance the quality of life.

We thought long and hard about... before we proposed this moratorium and there were several things we took into account. First and foremost it was a temporary to relieve the development pressures during the comprehensive planning process. There is an excess of 47 projects before the Planning Board and as I said which accounts for almost 3,000 housing units. During this moratorium we hope... also hopefully will alleviate the current backlog of those development projects during which time we can also assess the infrastructure needs and priorities that are coming out of such stressful and increased residential growth. We've got stress on the infrastructure with traffic, water, sewer and other things that we really need to take a step back from to look at, see how we can help that as well as to let the comprehensive planning process move forward.

The important features, again, it's a temporary moratorium. I know I've had several people say well can you just stop it forever. No, we can't stop it forever. Let's clear that question up right away, nor should we. I mean in order to be, you know, a thriving community we need to be growing and it's important just to be growing in a smart way. So, what we are proposing with the language this evening is a temporary moratorium, which would lapse in 12 months. That number was arrived at through consultation with the Saratoga Associates. I really had hoped to do it in a 6 months time frame but after many discussions with Saratoga Associates, they said to be realistic and to really let the comprehensive planning process work effectively, we really need those 12 months.

The moratorium feature will also limit the Town Board, the Planning Board and the Board of Appeals and the Town Hall staff from reviewing certain residential projects. And, again, let's remember it's residential projects. Projects not subject to the moratorium are commercial and industrial projects, subdivisions with prior

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preliminary, conditional, final or final plat approval, lot line applications, subdivision for 4 lots or less, planned commercial and manufacturing districts with no more than 20 percent of total floor area dedicated to accessory residential use. Projects not subject to moratorium also include site plan application for a 2 family dwelling, commercial, industrial or other non-residential subdivisions and applications to amend or expand an existing planned residence district for the purpose of providing certain housing for senior citizens.

An important... like I said, the 3,000 units or so that are in the pipeline right now based on the proposed language as we just talked about would have certain impact on those projects. There are approximately 1,000 housing units in the pipeline that will not be impacted by this moratorium. So, in essence, approximately 1,000 building units... housing units will continue even with the moratorium accepted as written. There are approximately 1800 to 2000 units pending rezoning, subdivision, building project and site plan applications that will be impacted and will be affected by this moratorium.

Again, before we get started, I'm going to ask again everybody to try to... we're going to try to do it in order. I know there are 1 or 2 people that have asked if they can go because they have prior commitments elsewhere that we will try to work them in. But, again, if everybody could limit their comments to 5 minutes we would really appreciate it and we'll get started.

TOWN CLERK NEWKIRK: Please ask them to state their name and address when they come up to the microphone.

SUPERVISOR EGAN: Right. Dr. Loomis... is Dr. Loomis here? He didn't come in. Okay. Antonio Califano.

Mr. Califano, excuse me, I just need to interject too, could you just do your names and addresses for the microphone too. We have them written down but it will help Ms. Newkirk. Thank you.

MR. CALIFANO: Sure. I'm Antonio J. Califano, 41 Barrington Court, Niskayuna, New York 12309. And, I'm here to make a statement on behalf of RDA Associates. I'm specifically here to request language be put into the current law for the moratorium to accommodate our unique project and circumstances which are currently before the Planning Board review process. RDA owns 48 acres of land in North Bethlehem that has been in the Fulani family since the 1930s.

The stockholders of RDA are the granddaughters of Erma Fulani who was a donor of the 25 acres of land for the North Bethlehem Town Park on Russell Road. That's where our project is and who also own the Fulani Lumber Company that was located on the property from the 1930s to 1970 when the sawmill was closed. The owners of RDA are proposing a 28 lot home subdivision known as Millwood Estates. Early on in our project it was known as RDA Manor. This project is within the Guilderland School District.

RDA submitted plans on this project to the Planning Board in fall 2002 and was given, what I guess we would call, pre-preliminary approval for the proposed subdivision in early 2003. In mid 2003 I obtained a 2-lot subdivision to build my own home on existing flag building lot, which will be part of the Millwood Estates development. The town also granted approval for me to construct a 300-foot private sewer line with 5 house laterals, one for my own home, which would become a public sewer for the Millwood Estates subdivision. RDA paid approximately \$2,000 in sewer inspection fees to the town in order to use this sewer line for the subdivision. The drawings for the Millwood Estates were updated to include the results of this 2-lot subdivision as required by the Town Engineering Department and submitted to the Town Planning Department in December 2003. We are waiting additional comment and a Planning Board date for continued review of our project.

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To this point our small family owned business has invested well over \$250,000 for surveying, engineering design, site plan mapping, preparation, sewer and road and road clearing, environmental assessments, legal and accounting fees. Much of this investment was incurred based on the favorable comments of the Planning Board on our project. Based on our limited financial resources we will experience financial hardship if our project is on hold for any period of time for moratorium. Considering that the Fulani family has been in the town for many years and committed to the Town of Bethlehem, we are respectfully requesting that the Board grant the RDA Millwood Estates project an exemption from any building moratorium particularly with adding the language to the law that would accommodate this. The above economic reasons and the fact that this has been an ongoing project before the Town Planning Board further supports our request. It has been almost 4 months and we should have been granted another Board meeting on the project and maybe we would have had the preliminary approval, which appears to be the language in the law. It appears that our project has been held up to date as a result of this moratorium plan and not the moratorium itself.

Thank you.

SUPERVISOR EGAN: Thank you.

COUNCILMAN MARCELLE: Can I ask you a question?

MR. CALIFANO: Sure.

COUNCILMAN MARCELLE: Did you read the appeal procedures in Section 6 of the local law?

MR. CALIFANO: Yes, I did.

COUNCILMAN MARCELLE: Is that what you are talking about or are you looking... I mean...

MR. CALIFANO: I'm talking about right now I believe the language stated in the moratorium talks about preliminary approval. If you had asked me how my project was doing, I would have said I am in a pipeline I don't have preliminary approval. But, if preliminary approval means the next step that I am going for in the process, then because I have spent so much money and it's a project that appears the town is happy with, we should be given some consideration. So, I don't know if that means pre-preliminary should be included in your law or conceptual, I'm not really sure. That's really what I'm talking about.

COUNCILMAN MARCELLE: I guess my question is more particular. There is a section 6 of the local law appeals procedure, which talks about hardship, and the ability of the Town Board to make review of particular hardship.

MR. CALIFANO: We don't know at this point if we are out of the box. Again, I don't know if our project is one of the ones that is part of the preliminary or one of the ones that's not. So, that's unclear to us. If, in fact, it turns out if it's one of the ones that is not in the pipeline but would be subject to the moratorium then yes, we are going to probably going to appeal.

COUNCILMAN MARCELLE: Thank you.

SUPERVISOR EGAN: He is subject to the moratorium, I know he is. Thank you. Frank Venezia.

MR. VENEZIA: Frank Venezia, 5 Placid Lane, Glenmont, New York. I'm a Member of the Town of Bethlehem IDA Board and during 2003 we held 2 economic forums where we had citizens come and discuss with us issues related to the Town and its growth and one of the things that was communicated to us was an overwhelming desire to have a comprehensive plan for the Town for further

development. We believe that that's an appropriate thing for this Town. From the IDA's perspective, a moratorium gives the Town some time to plan, to figure out what we're going to do as a Town and to plan for economic development in this Town. We support the moratorium and would like to see that it be passed as the law is written right now. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Venezia. Albert Penk.

MR. PENK: Yea, I'm going to pass now. Just one question, this concerns mainly the Bethlehem Central School District if I'm not mistaken, correct?

SUPERVISOR EGAN: Pardon me, sir.

MR. PENK: This is pertaining to mainly the Bethlehem Central School District is what I'm listening to.

SUPERVISOR EGAN: It is a town-wide moratorium, which includes all 3 school districts. It is not particular to just one school district.

MR. PENK: Okay, thank you.

SUPERVISOR EGAN: Tom Connolly.

MR. CONNOLLY: I'm Tom Connolly, 12 Louise Street, Delmar. I support the moratorium language. Frank Venezia referred to the work of the IDA in identifying property that could be planned for future development as tech parks and office park to increase the tax base and without increasing students in the school system. One of the things I observed in that process was that many of the parcels have been lost to residential subdivisions and that the inventory of available property for commercial and tech park uses has been diminished. I think that the comprehensive plan and an updating of the Zoning Ordinance is essential for the Town to preserve a balance between residential growth and commercial and industrial growth. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Connolly. Michael Trout.

MR. TROUT: I'm Michael Trout, I live in the Beckers Corners section of Selkirk and I am very strongly in favor of the moratorium simply because this Town needs a plan and there's just too much pressure on the Boards to come up with a plan while working on everything else. It is very vital for this Town to have a plan and therefore, I think this moratorium is just to me it shouldn't be controversial at all. It seems to me it ought to be a done deal but obviously we are going to have some discussion. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Trout. Barbara Leonard Carkner.

MRS. CARKNER: Good evening. I'm Barbara Leonard Carkner, I live at 83 Elsmere Avenue in Elsmere, New York. And, my family ancestors leased their owned land in the Town of Bethlehem and Albany County since the 1600s and today my 3 siblings and myself, the Leonard family, collectively own 2 parcels of land comprising 110 acres in the villages of Delmar and Elsmere. I'm the only one who still resides in New York State. Rather than attempting to divide our jointly owned property 4 ways, the Leonard family has found it more satisfactory to meet our family needs and health considerations to sell each parcel as a whole unit. We currently have a purchase option contract on each of our parcels. These purchase options are held by 2 of our Town's local contractors or developers.

This evening I would like to submit that the proposed local law number 3 of 2004 be amended exempting from the moratorium senior citizen residence districts, which would directly relate to one of our parcels of land. The parcel I am speaking about is the 98 acre piece currently zoned AA residential on VanDyke Road encompassing part of the Phillipen Kill. The developer had in the fall of 2003 submitted a preliminary concept map for a senior citizen residence district to the

previous Town Board which was approved.

The change we are requesting is to allow senior citizen residence district projects to be accepted for review, continue review and hearings and decisions be allowed to establish such districts. The basis of our request is as follows: Firstly there is and will continue to be a great need for senior housing in the Town of Bethlehem. According to our Town's website showing a population demographic of the recent 2000 census, I noted the following: of a population, and this is year 2000, 31,304 people 24 percent of our Bethlehemites in the year 2000 were over the age of 55. An additional 17 percent will be over 55 in 6 years. Only 30 percent of our population in 2000 was under the age of 19. This translates into an astounding 41 percent of folks who reside in Bethlehem being eligible to belong to AARP and potential residents ... senior citizen housing and that includes me and probably some of you.

SUPERVISOR EGAN: Not all of us.

MRS. CARKNER: Another 15 years maybe, 20. Based on these numbers it would appear that Bethlehem senior citizens could benefit from an additional senior housing opportunity unless, of course, folks in Bethlehem would rather live in the Town of New Scotland's proposed senior housing. The Spotlight indicated that that was going to be a 94 unit senior housing plus 11 additional 4 unit complexes housing, in my guess and I it was just a guess, about 150 folks potentially using Bethlehem water. And, I understand that there is some kind of agreement between the Town of Bethlehem and the Town of New Scotland that if they are on that waterway on Route 85 that they are able to tap into our water supply.

Secondly, in the recent Democratic campaign it was indicated that because of the overcrowding of our Bethlehem schools and uncontrollable suburban sprawl, that a moratorium will be put in place among many other very good reasons. A senior residence district wouldn't affect the student population of Bethlehem schools nor the Ravena-Coeymans-Selkirk nor the Guilderland school districts.

Thirdly, a SCRCD would also help expand the school and property tax base and not negatively impacting all the services provided in the Town. Lastly I'd like you and our Town to know that by having a purchase option contract with a local developer, as opposed to selling outright to an out-of-town developer, I personally have been able to speak into somewhat of what was being put up there. The design process which now includes lots of green space, landscaping, clustered housing, a community center with guest housing, walkways, and trails. And, I thank you for your consideration and I hope that you will consider amending the proposed law.

SUPERVISOR EGAN: Thank you, Mrs. Carkner.

MRS. CARKNER: I have a copy.

SUPERVISOR EGAN: That would be great, thank you very much.

MRS. CARKNER: I have a copy for everybody.

SUPERVISOR EGAN: That's great, that's excellent. That's fine. Thank you, Mrs. Carkner. Ellen Prakken.

MRS. PRAKKEN: Hi, I'm Ellen Prakken, 202 Orchard Street. I just wanted to say I am in favor of the moratorium. I think it would be a necessary and beneficial thing to get a comprehensive plan in place in Town. And, that would help with the schools, traffic, open space, water... all the issues that everybody is concerned about. Thank you.

SUPERVISOR EGAN: Thank you. Katherine Daniels.

MRS. DANIELS: Katherine Daniels, 16 Lyons Avenue. I would like to say that I

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am in support of the moratorium before you this evening. No community ever looks forward to or is happy about having to adopt a moratorium. It's an admission of past inattention to long range planning and zoning, in fact, but this community has now embarked on a new process of developing a comprehensive plan with a long range vision for us that we will all be a part of and I believe an accompanying moratorium will allow us to pull back, gather together all of our resources, including the resources of our own Planning Department which until now has been devoted almost exclusively to reacting to and responding to current development proposals, allow us to use the resources of our own department and unleash their creative energies and let us refocus our attention on comprehensive planning process and take stock of where we are and where we want to go. I think that a moratorium is a necessary parallel tract that will actually help keep us on tract. Help us finish this comprehensive plan within a specific length of time. We are bound to do that. We have to do that within a year. Help us focus our energies and come to consensus while at the same time reducing our vulnerability to potential residential development that might be at odds with the ultimate policies that we develop as part of the comprehensive plan. Thank you.

SUPERVISOR EGAN: Thank you. Loretta Simon.

MRS. SIMON: I'm Loretta Simon. I live at 24 Commonwealth Drive in Glenmont. I'm in support of the moratorium as it is written. I am concerned about the suggestions tonight that exceptions be made to the law. I think it would weaken the law because it would put the Town Board in the position of justifying why one party is favored over another. If they are ever challenged in court, I think that would be a problem for the whole law.

I think that the issue is more than schools. There is a lot of creative ideas being developed by the planning profession and new laws being written that allow development to happen in more creative ways so that the neighborhoods in the future can look distinctive from one another so we don't have cookie cutter development. And, take into consideration providing for all ages. I see children playing in the streets because there are no playgrounds nearby. They have to be driven some place. We are all seeing ourselves in cars all the time. There are concerns about energy issues; traffic issues and a comprehensive look at the Town could begin to see where development parts are beginning and what commercial and professional uses might be sited closer to neighborhoods. We're called a walkable community and I really appreciate that and I think there are a lot of ways to improve on that so that children and adults will be safe and not have to get out on busy streets and such.

So there are a lot of new ideas out there that I don't think the Town has taken into consideration up to this point and it's a real opportunity to make something distinctive happen in Delmar and Bethlehem as a whole. Thank you.

SUPERVISOR EGAN: Thank you. Jean Kerr.

MRS. KERR: I'm Jean Kerr. I live at 73 Jordan Boulevard in Delmar. And, I have lived there for more than 50 years. I have seen this Town grow dramatically in that period of time and many aspects of life when we first came here have been lost. I am supporting the moratorium 100 percent. It's time to step back and look at what has been going on and what we can do for the future so that our children and grandchildren will be able to see a town where it is really great to live. There are tremendous resources available in the area surrounding the actual village, hamlet of Delmar, but every parcel of property needs to be checked as to how big it is, what it can support in the way of building. All of these things are part of the planning process and in order for that to go forward comfortably, we need to have the moratorium. Thank you.

SUPERVISOR EGAN: Thank you, Mrs. Kerr. Henry Peyrebrune.

MR. PEYREBRUNE: I'm Henry Peyrebrune, 420 Delaware Avenue and I'm

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speaking for my wife, Sally, and myself. We feel that the purposes that were articulated in the preamble to the proposed law are exactly the feelings that we have for the reasons for having this law. We urge the adoption of local law number 3 as it is presently written. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Peyrebrune. Rick Rocoziński.

MR. ROCOZINSKI: Hi. Rick Rocoziński, 28 University Street, Selkirk. I'm speaking on behalf of my wife. I've lived in the Town for approximately 12 years. My wife has lived here all of her life and I won't tell you how long or else I won't be able to go home.

But, we are 100 percent behind the moratorium to give both the Town Board and the Planning Board the necessary time to develop good and meaningful growth for the Town. We live in a development called Elm Estates which has very narrow roads, no sidewalks, no pocket parks for the children to play. We don't have children but when you see the kids on the street and someone parks a car in the roadway in front of their house or whatever, it creates quite a traffic problem and a very... definite safety risk for anybody walking on these narrow roads. Also, the Planning Board along with the Town Board needs to hold the developers feet to the fire. That development was promised an access road to Route 32 for the purposes of the townhouses in the back to alleviate the traffic problems off of Fairlawn and University. We never got that. Another development in the progress is Haswell Gate or Haswell, that was supposed to have connecting roads to 9W, we haven't seen that yet. We need to alleviate the traffic problems. You need to work on the infrastructure with these developers. Development is good. It's good for the Town, it's good for the taxes, it's good for the children but it's got to be meaningful.

Just to add, we have to consider the emergency services both fire, ambulance and the :Police Department. Do we have adequate services and how is that going to impact with the residential development. And, I know I'm kind of jumping around a little bit but the other thing with these developments is blind intersections. There's not enough space... distance between the intersection... I'm just going... not picking on Haswell but there was an interconnecting road, Elsmere Avenue, which would have made perfect sense, it has a red light... to make that the main access road in and out yet we chose to put that development on a hill near... just off of Feura Bush Road making a very dangerous intersection. So, again, we are for the moratorium to give the Planning Board and the Town Board the time to look at these issues. To make again a very meaningful, safe and good development for the Town. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Rocoziński. Ed Kleinke.

MR. KLEINKE: My name is Ed Kleinke. I'm a resident of 62 Mahar Road, Slingerlands. I have 3 statements I would like to read this evening, the first being a statement of position from the Rural Landowners of Bethlehem.

The Rural Landowners of Bethlehem organized in the early 1990s in response to the local implementation of full value property assessment and the development of the LUMAC plan. The group consists of large and small property owners with the majority living in the southern half of Town, however, some members live elsewhere in Bethlehem – Glenmont, Elsmere, Delmar, Slingerlands and North Bethlehem as well. And, those lands where agriculture is still viable. The group also functions as a Local Affairs Committee of the Albany County Farm Bureau. The Farm Bureau is a non-governmental volunteer organization financed and controlled by member families for the purpose of address economic and public policy issues challenging the agricultural industry. Rural Landowners have been an active participant in discussion of planning matters in the Town of Bethlehem having presented a concept plan and map to the Town Board in October 2000. September 2002 a follow-up presentation was made to address the first steps of implementing this concept plan by means of an agricultural overlay district and

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definitions. In August 2003 the Town Board adopted the definition of agriculture and incorporated agriculture as a permitted use in the Town Zoning Code.

Rural Landowners of Bethlehem would like to take this opportunity to address several concerns regarding the Town's proposed local law number 3 of 2004. First the members of the Rural Landowners find it disturbing that section 1 purpose of local law number 3 does not reference any of the Rural Landowners reports or documents defining its planning concepts as presented to and accepted by the Town Board. Having spent a great deal of time and effort to address the Town's agricultural industry the Rural Landowners believe that this work which is unique in New York State to be considered by the Town Board by its omission to be irrelevant and useless with respect to this moratorium and with the planning process being initiated.

Second, the Rural Landowners of Bethlehem believe that this local law as drafted presents a skewed view of intent purpose and rationale. In discussing the proposed local law, several questions have been raised and are included in the following.

1. If one concern... if one issue of concern as publicly promoted last fall as the impact on the Bethlehem School District, residential subdivision and multi-family developments why should property outside of the Bethlehem School District representing about 52 percent of the Town's land area be subject to a moratorium. And, further, why include multi-family development which has a proven negligible school impact.
2. If one issue of concern as stated in local law number 3 is the impact on municipal water services from residential subdivisions and multi-family development, why should land outside the Town's water district representing approximately 50 percent of the Town's area be subject to a moratorium.
3. If one issue of concern as stated in local law number 3 is the impact on municipal sanitary sewer facilities from residential subdivisions and multi-family developments, why should land outside the Town's sewer district representing about 58 percent of the Town's area be subject to a moratorium.
4. If one issue of concern as statement in local law number 3 is the impact on transportation infrastructure from residential subdivisions and multi-family developments, why should land outside of both the Town's water and sewer districts where most of this development is occurring be subject to a moratorium.
5. Section 1 purposes states that the Town Board is taking steps to study and analyze existing land use to determine sufficiency of existing land use regulations and the possible need of such regulations. The question the Rural Landowners have is what specific steps have been taken and is the analysis referred to available for public review.
6. Section 1 purposes states 'existing procedures and laws have the practical effect of insuring that new development and redevelopment are in accordance with the Town's planning objects' and continues on to say the practical reality is that some of the land use regulations and procedures are not having this effect. The question of the Rural Landowners is what are the Town's planning objectives at this time.
7. If exceptions can be made for certain uses why shouldn't only those parts of the Town where issues of concern are sewer, water, school impact, etc., be encompassed by the moratorium.

Without benefit to these and other questions, the Rural Landowners, perhaps other residents in this public hearing tonight, can only speculate the underlying reasons for this proposed moratorium. Maybe it can be found in Section 1 purpose where it is stated 'further the Town is desirous of expanding its commercial and business tax base to help defray and stabilize the Town's revenue fund'. As a business perhaps the agricultural industry in the Town should be pleased with this statement.

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However, we know that agricultural lands provide a net gain of tax dollars over cost of services so again, why focus a moratorium on half the land in the Town where most of the development pressures identified are not applicable and agricultural land uses provide a positive tax dollar cash flow to the Town. To the Rural Landowners the rationale for this proposed moratorium is misdirected. If, however, the Town Board is intent on establishing moratorium, the Rural Landowners have several recommendations to make.

1. That projects designed for senior housing be exempted from this local law and be allowed to proceed through the appropriate review procedures.
2. That the residents of the southern half of Town be given equal... given representation on the Planning Advisory Committee equal to the representation to the northern half of Town.
3. The record of materials provided to the Planning Advisory Committee include the Rural Landowners planning concepts and such other materials as have been presented to the Town Board in public presentations.

Finally, the Rural Landowners of Bethlehem have members whose families have owned and worked the land in the Town of Bethlehem for over 100, perhaps 200 years. The land exists the way all of us see it today because those residents were determined to take care of it, make a living from it and have it be a part of their lifestyle. They have willingly shared the beauty of their land with all the residents of Town, however, they are staunch supporters of private property rights. In recent months some public discussion has occurred where the message conveyed focuses on agricultural lands as a Town asset, as open space, land accessible to the public, land to forever be the way it presently is. The Rural Landowners believe that agricultural lands are, in fact, the assets of the owners of such land.

As such, recommendation number 4, the future dialogue throughout the anticipated 12 month planning process recognize agricultural industry in the Town of Bethlehem for its contribution to the economy of the Town, for it's contribution to the beauty and character of the Town and for its status as privately owned property. The Rural Landowners look forward to positive participation in matters relating to future planning and zoning efforts of the Town and thank you for the opportunity to share these thoughts with you tonight.

And, that's under my signature as an Executive Member of the Rural Landowners.

SUPERVISOR EGAN: Mr. Kleinke, without addressing each one of those, I want you to know that the Rural Landowners concepts that you referred to earlier, have been provided to the Saratoga Associates as part of the package that went to them in regard to the information the Town has before it.

MR. KLEINKE: Okay, thank you, appreciate that.

COUNCILMAN MARCELLE: Ed, can I ask you a quick question?

MR. KLEINKE: Sure.

COUNCILMAN MARCELLE: Maybe Parker can answer it. What makes you think... or that the ratio to the north end to the south end is out of skew on the BPAC?

GENTLEMAN: Can't hear.

COUNCILMAN LENHARDT: Tom, you got to talk into the mike.

COUNCILMAN MARCELLE: What, Ed, makes you think that the ratio between North Bethlehem and South Bethlehem representation on BPAC is out of skew? I think I know at least 3 or 4 members from the south end of Town on that

committee.

MR. KLEINKE: Well, perhaps you could share that with the Rural Landowners. It's just their feeling from reading the list of folks that are on the committee.

SUPERVISOR EGAN: Do you want me to answer that?

COUNCILMAN MARCELLE: Yea, I thought we had a number of people from the south end on.

SUPERVISOR EGAN: Yea, I mean we have... first of all in regard to the Rural Landowners, we have John Mead. So, we have one of the members of your groups is represented. Parker wears many hats on that committee but I know his roots go back to the southern part of the Town. In addition to... additional our Planning Board member, Mr. Engel is also from the southern end of Town. It's only a 9 member board.

MR. KLEINKE: So, 2 residents of the Town in the southern part of the Town are part of the board.

SUPERVISOR EGAN: Yes.

MR. KLEINKE: Okay. That's perhaps different than Mr. Marcelle's impression.

COUNCILMAN MARCELLE: No.

SUPERVISOR EGAN: I don't know that that's different.

COUNCILMAN MARCELLE: I think that's what I was saying, I think I knew of Mr. Engel and Parker, certainly... like the Supervisor said, roots go there. And, I knew Mr. Mead was on there.

MR. KLEINKE: Yes.

COUNCILMAN MARCELLE: And, certainly these meetings are open to the public.

MR. KLEINKE: I'm not... please don't... I'm not suggesting that the Rural Landowners or the folks in the southern part of Town are not represented on the committee. They appreciate certainly being part of that committee. The suggestion the Rural Landowners have is that there be a little more equalization of residents form the areas that are affected by the moratorium.

COUNCILMAN LENHARDT: Madam Supervisor, can I say something.

SUPERVISOR EGAN: Absolutely, Mr. Lenhardt.

COUNCILMAN LENHARDT: Since there are some members here of that committee, I dislike the term representation of a small section of Town. I think every member of that committee should be representing the entire Town from North Bethlehem to South Bethlehem.

SUPERVISOR EGAN: Point well taken, Mr. Lenhardt.

MR. KLEINKE: Thank you. Second statement I'd like to read just very quickly, Supervisor Egan. As a design professional I represent the Watkins family of Glenmont, 140 acres of land extending on Route 9W east to the New York State Thruway, directly south of the VanAllen senior housing complex. Land is presently zoned CC commercial, about 30 acres in Light Industrial, about 110 acres. It's partially in the Water District of the Town of Bethlehem and the Bethlehem Sewer District. The site is located entirely in the Ravena Coeymans School District.

For several years I've been exploring with the owners development options for the property which have ranged from shopping center retail to office park to technology manufacturing facilities to attached single family housing to senior housing. Last fall I began to prepare a layout and design for a mixed use plan that includes senior housing, small office complex and neighborhood retail commercial. This concept in a different scale and form have been introduced to the Planning Board several years ago. Senior housing component of this plan would be included in the proposed moratorium as presently drafted. As such any further work on the project would have to be curtailed pending outcome of planning work to be accomplished during the 12 months of moratorium. The owners of this property believe the imposition of a moratorium on senior housing for this site is inappropriate for the following reasons. The site is in the RCS School District. Senior housing has virtually no impact on student demographics for the RCS School District. Access to the site is from 9W a major highway running north/south through the Town. Senior housing traffic impact is minimal during morning and afternoon peak hours. Senior housing should be located in areas where services can be provided as in a mixed use development envisioned for this site. Senior housing helps expand the Town's tax base, provides a net dollar increase over cost of services provided.

I have been requested by the owners to seek a remedy for this matter that would add an additional item to Section 4, application as follows. A site plan application for senior housing in the CC commercial district to be added to the list of exemptions. By exempting senior housing from the site from the proposed moratorium, design of the project could continue and be ready for Planning Board review and approval during this year. Thank you for your consideration.

SUPERVISOR EGAN: Thank you, Mr. Kleinke.

MR. KLEINKE: One more.

SUPERVISOR EGAN: I guess it's 5 per.

MR. KLEINKE: Thank you. This is as short as well but this one a little more dear and nearer to my heart. As I said, my name is Ed Kleinke. I live at 62 Mahar Road, Slingerlands. And, just as many of you, I've grown up in the Town of Bethlehem and chosen to live, work and raise my family here. You've heard me present 2 different statements here tonight – one for a client, one for an organization that I am a member of. But, I also find myself being in a somewhat unique position as a landscape architect and planner in private practice here in Delmar and as a resident to be able to view this proposed moratorium from a different perspective.

As a landscape architect I would like to think that expanded commercial and industrial opportunities bring new clients to my office. But, with expanded commercial and industrial opportunities, I know that we as a community must expend significant dollars to improve services such as water, sewer and highways before we can really attract new businesses and industry and as a resident I translate that into higher taxes for me and my family. I know as a planner that tech parks can bring a whole new kind of industrial uses to the Town or in my office we refer to it as technology manufacturing. And, as I know from my professional experience in Rensselaer County that the RPI tech park took about 20 years to reach a million square feet of lease space and relied significantly on IDA incentives such as graduated tax payments and PILOTS – payment in lieu of taxes.

So, the resident taxpayer in me wonders if as a Town we are willing to wait an extended number of years for the benefits of this kind of development to accrue. As a design professional, I know that the quality... quality design is not necessarily a direct function of how extensive a Town's rules and regulations and review procedures are. From my office that could translate to the more rules, the more possibly the design end of the project would be. Yet, I know that more rules and higher design and review costs do not always result in higher quality or more

appropriate design amenities for projects.

As a taxpayer, I wonder if I am willing... if I am, in fact, willing to support more rules and regulations because they, in fact, increase project costs and create bureaucracy that must be supported by tax dollars.

As a design professional, I know from experience the time, effort and expense necessary to undertake a planning program such as now being proposed and contracted for. I know from my professional activities that every issue identified in local law number 3 can be accomplished without necessity of a moratorium. While I recognize the Town Zoning Code needs significant updating and revisions and believe that this needs to be done, the taxpayer in me wonders if all of... where the expenses of moratorium and planning program will get us Even such modeled purposes as found in section 1 purposes of local law number 3. By some estimates there are about 1,000 single family lots in some level of approval process today, reflective of your comments at the beginning of the hearing, with a good percentage approved for building purposes tomorrow, reality is none of these will be affected by the proposed moratorium. So, the taxpayer in me wonders if the single-family residence construction will continue for the next 6 months as it has during the past 12 months... excuse me. I wonder if the single-family residence construction will continue for the next 12 months as it has during the past 12 months so why establish a moratorium in the first place.

Finally, I believe that many of the Town's goals and objectives have already been expressed and that there are many ways by which they can be implemented. I do, however, look forward to the opportunity to participate in those discussions with all of you with or without a moratorium. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Kleinke.

MRS. CAPONE: I could not sign a card because I did not know what was coming. But you started an exception for this one or that one you're going to lose the principle of it.

SUPERVISOR EGAN: Okay, Mrs. Capone, we're going to try and keep this in order. Please, if you want to... there's cards in the back and anyone else... again, if anybody else wants to add their name to the list, please just see Kim in the back and sign up and we'll get to you to be heard. Caleb Wistar.

MR. WISTAR: Hi, my name is Caleb Wistar. I live at 93 Winne Road. And, I also support the moratorium, local law number 3. I just wanted to amplify some of the things that Supervisor Egan said about the need for this moratorium. Bethlehem is actually the second fastest growing Town in the Capital District. Its population has increased by 30 percent in the last 20 years. If the moratorium were not to happen, Bethlehem could accommodate over 48,000 new dwellings and 120,000 more people, which would significantly strain resources. Traffic would be much worsened, for example traffic on Elm and Cherry Avenues expected to increase by up to 60 percent over 1990. Feura Bush Road traffic jump again by 55 to 98 percent.

He 3,000 or so housing units that are in the pipeline that Supervisor Egan mentioned is something that could also generate the need for 3 or 4 new schools by themselves. So, I really feel that the Town needs a plan that takes into account the pressures of growth both on the Town's fiscal capabilities, obviously, and it's quality of life. Various forums that have been held, the IDA and Bethlehem Tomorrow forums, have all basically said we need a plan and this is a major step towards that direction. So, I applaud your efforts, thanks a lot.

SUPERVISOR EGAN: Thank you. Dan O'Dell.

MR. O'DELL: Dan O'Dell, 11 Sunset Drive, Elsmere. As a Member of the Planning Board of the Town of Bethlehem since 1995, I've seen the pressures for

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residential development grow and become more complex. Over time, the tools available to the Town to effectively manage growth including the Zoning and Subdivision Codes have become outdated and are losing their effectiveness. Given the situation, the ability of the Planning Board to effectively review applications for subdivisions and site plan approvals has been challenged. There is a critical need today for an effective growth management plan for Bethlehem. One that directs and paces residential and other growth in keeping with carefully thought out planning objectives. It will take time to put such a plan together. If residential development is allowed to continue as currently permitted while this effort is going on, especially in areas where effective controls are needed, it will undermine the plan which will emerge from the process. The proposed local law number 3 as currently drafted provides an appropriate limit to residential development while the necessary planning takes place. The moratorium's restrictions are clearly defined and a mechanism is appropriately provided for an appeal. Prior to the moratorium's expiration the more permanent changes can be made effective. Enacting the moratorium now, will serve the best interest of the people of Bethlehem. Thank you.

SUPERVISOR EGAN: Thank you, Mr. O'Dell. Howard Shafer.

MR. SHAFER: My name is Howard Shafer. I live at 346 Maple Avenue in Selkirk and I am speaking today as a member of one of the 3 school boards, the Ravena-Coeymans-Selkirk School District. I think the comprehensive plan will allow school boards an opportunity to develop their budgets for the future years. So, I support the comprehensive plan and I also think as a representative from the hamlet of Selkirk, the comprehensive plan would prohibit or eliminate the possibility of future battles as occurred when the attempt was to move Waste Management into our area of the Town. I think consideration should be given to the senior citizen projects, not that I plan to be in one of them very shortly, but I don't think it stresses the tax base and maybe consideration to the Califano project, which you indicated, was in the pipeline. I thank you for your time.

SUPERVISOR EGAN: Thank you, Mr. Shafer. Robert Jasinski.

MR. JASINSKI: Robert Jasinski. Bender Lane, Glenmont. I have a couple questions, I have to ask too. Am I to understand this is a one-year moratorium?

SUPERVISOR EGAN: As proposed, 12 months.

MR. JASINSKI: With an extension?

SUPERVISOR EGAN: Not as proposed.

MR. JASINSKI: Well, how... if you want to extend it, how would you extend it?

SUPERVISOR EGAN: It would have to go before the Town Board and they would have to vote on it and there would have to be good reason shown for the extension.

MR. JASINSKI: So all members of the Board... in other words, the majority would have to extend it.

SUPERVISOR EGAN: That's correct.

MR. JASINSKI: Okay. Would you consider 6 months with an extension of 6 months?

SUPERVISOR EGAN: Mr. Jasinski, I originally had talked about doing a 6 month last fall when we were considering this and it was after consultation with Saratoga Associates that we arrived at the 12 month number because they thought that... that was the amount of time that it was going to take to appropriately and adequately address the comprehensive planning project to allow all the input that they thought

was going to be needed to formulate that plan. So, that's how it evolved to the 12 months.

MR. JASINSKI: All right. For the record, I'm against this moratorium.

Will any employees... because you'll be doing... lack of year of doing any of, let's say, future planning or something... will you lay off any employees with the Town?

SUPERVISOR EGAN: There's...

MR. JASINSKI: Or, what will they do?

SUPERVISOR EGAN: There's plenty of projects, as we indicated in the beginning, we still have 1,000 building units that are in the pipeline in addition to the commercial and industrial plans that are before the Boards.

MR. JASINSKI: Okay, now you're talking about businesses coming in and to get the businesses so you have a base.

SUPERVISOR EGAN: Correct.

MR. JASINSKI: Now, you already got development that's going up New Scotland behind the Price Chopper, now will this moratorium affect that that's done by the County, you have money...

SUPERVISOR EGAN: This moratorium only affects residential dwelling units, not commercial or industrial developments.

MR. JASINSKI: Okay, now because you are talking about businesses and one of the major corridors you have is Route 9W, which you have no control as far as the roadway itself, which is a 2 lane highway in lots of spots, what is going through the Board's mind as far as getting the State to fix this road because there is no sense in putting businesses on the road if you don't fix the road. I mean we got a dog and a tail which is wiggling what?

SUPERVISOR EGAN: Okay, Mr. Jasinski. First of all I won't presume to know what's going through this Board's mind. They can speak for themselves but at this time again, I'm going to ask you to address the language of the moratorium. These questions seem to be related to the comp plan as opposed to the language and there'll be adequate forums to address those issues.

MR. JASINSKI: Okay. The other thing I question is you're talking about a 9-member panel... committee that's going to offer information to the Saratoga people that are doing this, I notice that there's 2 members from the Planning Board itself. Now to me, 2 members out of 9... excuse me I do have a throat problem, 2 members out of 9 is what 24 percent come from the Planning Board, is that all right? Does it settle with you? You have no problem with that?

SUPERVISOR EGAN: I have no problem with that. And, again, if we could restrict the comments tonight to the moratorium language, I would appreciate it.

MR. JASINSKI: Well, my final view is if you pass this moratorium you're going to get lots of ... if you do some of the things you want to and it comes to being, you are going to wind up using eminent domain. I think you are going to find that where people years ago were willing to work with the Town, they're not going to work with it now. You are going to have to go into legal justification and use the eminent domain if you need any right-of-ways and such. And, personally, I think the minds already set on this so thank you for hearing me.

SUPERVISOR EGAN: Thank you, Mr. Jasinski. Dr. Loomis.

DR. LOOMIS: Thank you, I'm Les Loomis, Superintendent of the Bethlehem Central School District and I'm here to represent the interests of the District. Having conferred with our Board of Education and also...

GENTLEMAN: Can't hear.

TOWN CLERK NEWKIRK: You have to talk closer to the microphone.

DR. LOOMIS: All right. I am here on behalf of the Bethlehem Central School District and having conferred with members of our Board of Education and with members of the President's Counsel, I bring you our point of view. The President's Counsel, by the way, is the President's of the 12 major parent support organizations in the District including the 7 PTAs. We in the District are strongly in favor of the moratorium. I think that it makes a great deal of sense and I just want to... I want to be brief but I want to give you a little bit of background.

With... for 17 years in a row now we've had increasing enrollment within the school district and within the past 5 years, as you are well aware, we've had over 600 single family housing starts within the school district itself. And, it has been difficult for us to keep up with that pace of growth. Everyone is aware that we have asked the community for their support and we appreciate the fact that we did get a positive vote on a large bond issue that will expand our school capacity. But, again, for next year, we are projecting 100 more students and I think it is important that the Town of Bethlehem and we in the school district in cooperation with you have the opportunity to take just a little time out to plan adequately for the future.

I attended the Bethlehem Tomorrow meetings and from my point of view, one of the major points of consensus that came forward was the need for more advanced planning on the part of all of us within the community and that's exactly what this... your Board and your new Town Supervisor have done. For years the district has cooperated with the Town and we're appreciative of the opportunity to do that. We've done joint planning involving your Planning Department. Every year your Building Department... every year we project the number of additional houses we expect to be developed for the 3 years that would follow. And, as Supervisor Egan has taken office, we've met twice already. We are very committed to continuing work to plan jointly. I think the moratorium will help in that regard. We have also worked closely with the Town's IDA on a number of issues we have, I think, common interests here. We're very interested in seeing the rate of residential development proceed in a reasonable way but at the same time, we want to continue to work with you to expand the commercial tax base in ways that are appropriate and bring the kind of development to the community that will maintain the character of the community.

So, just to conclude, again our parent leaders, our Board of Education, and I, as the Superintendent, am very supportive of the plan for the moratorium. As has been stated, just as I came in, there are plenty of residential units currently on the books and I'm sure that that will keep people... hold people in good stead. So, thank you for the opportunity to express our point of view.

SUPERVISOR EGAN: Thank you, Dr. Loomis. David Bulnes.

MR. BULNES: Good evening, I'm David Bulnes. I live at 34 Chamberlain Street in Glenmont and I just wanted to say that I am in support of the spirit of the local law number 3 in as much as it is an effort to curtail growth and manage it rather than let it get beyond the... to let the Town become a place that's not as desirable as it has been in the past. As we look at our Town, it is easy to see what areas are desirable... the 4 corners, the mixed use environment... and other areas are also easy to find where it is not so desirable and I just wanted to say that perhaps the residential moratorium doesn't go far enough that perhaps we should also put some kind of limit on the maximum number of square feet for commercial development as well.

My initial reaction to the senior housing limitations is that that's just mean spirited and anti-person. And, if our ancestors who came here a number of years ago had encountered a sign that the native Americans put up saying please let's not have any more residential development here, move along, what would our Town look like today. And, but then when I look at it and say most of these senior housing projects are over a certain number of square feet, they're going to impact the Town in a certain manner, then it indeed is wise to place a limit on that aspect of the Town's growth. And, I think it is also wise that we are putting economic interests aside and considering just how we can make our Town more livable and in that I applaud this effort.

SUPERVISOR EGAN: Thank you, Mr. Bulnes. Mrs. Nemore.

MRS. NEMORE: I want to commend you for your leadership in proposing this moratorium and responding to the concerns of the citizens of our Town. And, I wanted to thank you for this opportunity to speak on it. I want to say that I support the moratorium for all the reasons stated in the law, all the stressors -- severe pressure on the water supply, agricultural lands, open and recreational space, rural character, natural resources, transportation infrastructure and, of course, what's happening to us taxpayers, tax wise. I appreciate the need for a temporary moratorium to prepare a good comprehensive plan that I assume will also take into account the need for commercial/industrial growth.

So, I would like you to consider extending the moratorium to all growth, including commercial and industrial growth because this moratorium is not just about what sector of society is paying what percentage of the tax base. While I agree that residential growth is driving up the cost of services disproportionately to other... to the commercial and industrial growth in this Town, still we have to accept that commercial and industrial growth is contributing to the stresses mentioned in the law -- traffic, water resources, crime and other quality of life concerns. But, ultimately what we are really gathered here to talk about is the wise use of our land and the natural resources that we all depend on. And, so I would like to end with the statement that I believe land is not merely a commodity, it is our community.

SUPERVISOR EGAN: Thank you. Ms. Nemore I just need your address for the record.

MRS. NEMORE: 184 Roweland Avenue.

SUPERVISOR EGAN: Thank you. Dennis Stevens.

MR. STEVENS: My name is Dennis Stevens, I live at 167 VanDyke Road in Delmar. I would like to wholeheartedly support the moratorium as it's proposed. I have some comments on certain aspects of it.

I would not at this point in time allow senior housing to proceed without a more intense review. That intense review might take place separate from the moratorium but I do have some problems with senior housing in some of its proposed forms. I, unlike the previous speaker, I would not impose the moratorium on commercial growth in the Town. I think that would be short sighted.

The planning in the Town to date unfortunately has reminded me of a... of a saying my grandfather was fond of and that saying was the further we go the behinder we get. And, we are getting behind with respect to appropriate planning in the Town. I applaud the Board and the Supervisor for taking this initiative and would welcome the planning process to take place during this moratorium period. Thank you.

SUPERVISOR EGAN: Thank you, Mr. Stevens. Marie Capone.

MRS. CAPONE: I'm going to take only one minute, I'm that fast. Listen, I am a

SUPERVISOR EGAN: You've got to step up to the mike.

AIUDIENCE: Can't hear you.

MRS. CAPONE: Listen, I am astonished at the number of people that are here and that support you. Ed Kleinke was an exception to the moratorium for somebody. Well, if he starts with that today, by the end of the week you'll have 6, by the end of the month you'll have 20. So, you do or you don't, that's it.

SUPERVISOR EGAN: Thank you. Nancy Heinzen.

MRS. CAPONE: And, I didn't take but one minute.

SUPERVISOR EGAN: It was less than one minute, give you another 30 seconds if you want. Nancy Heinzen.

MRS. HEINZEN: Hi, my name is Nancy Heinzen. I live at 20 Glendale Avenue. Although I may be better known as someone associated with Bethlehem Tomorrow, the testimony presented tonight represents my own views and not that of Bethlehem Tomorrow. My involvement with Bethlehem Tomorrow, however, has been educational and colored my own thinking regarding the proposed moratorium.

This Bethlehem Tomorrow experience has taught me that things are often not what they seem and there are many dimensions to the development story. I also believe that despite the seemingly detractable attitudes and habits regarding how we develop a plan, there is the potential to define and codify a vision for the Town that is more responsive to the day-to-day needs that relate to community character, open space, property rights, agricultural interests, walkability, the tax base and traffic. I say this because I've been trying very hard in many different capacities over the past year to reach out to others. I've done this with a somewhat naive belief that if we all work together and talk and share some of the suspicions can be softened and that deep down once we start to trust each other, we will discover similar concerns and hopefully a viable consensus about how to get there. This, however, will take time and the likelihood of finding this consensus depends on the willingness of those most affected by the moratorium to graciously give of themselves both in terms of their personal time and, more specifically, their willingness to forego financial security and opportunity.

This is a lot to ask of any individual and any business. However, if we want the best possible consensus regarding the future of the Town at a practical level, I don't know how else we can truly define and codify where and how we want to develop unless we have the participation of the Town planning and engineering staff; local experts that delineate wetlands or surveyed land; construction workers that understand the natural tendencies of soils and geology; landowners that have grown up on the property knowing the vegetation, wetlands and streams; and developers that understand residential and business market place. These are the individuals that can be the most helpful in translating the wishes of residents and business alike into a viable consensus document as embodied by a comprehensive plan and updated zoning code.

The difficulty as I see it is that such participation, namely a shared effort, in creating a comprehensive plan without a moratorium means that those individuals directly involved in some aspect of the development dance will also simultaneously be presenting and reviewing site plans. They are being asked to consider both the issues surrounding a particular development project and how this project fits with the larger needs of the community. Knowing the time and emotional energy that goes into reaching out and creating a genuine consensus I think the Board needs to carefully consider whether or not site plan review can occur while creating a comprehensive plan and updating zoning code.

Given the task of the Planning Consultant and the many opportunities for public

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input as described in the February 25th fact sheet, I think we would all benefit from the very focused one year effort that allows all of us, Town, staff, residents and developers alike to get our development act together. We need time to take a breath and establish a direction that truly reflects as best as possible what we all want. I do hope that if the Board votes in favor of the moratorium, that the development community chooses to become actively engaged in the process. We need your help, insight and expertise. All of us will be better for it and if you feel a little uneasy consider letting it go because a small piece of trust and honest information brings us closer to real solutions.

SUPERVISOR EGAN: Thank you. Ed Feinberg.

MR. FEINBERG: Hi, I'm Ed Feinberg, Juniper Drive, Delmar. I'm one of the local developers, etc. that's been referred to by Mrs. Carkner and I'm also a resident of this Town. I have children in the school district and we also own Adams Station a major property in this district.

Instead of addressing the merits or no merits of the moratorium I thought part of this process was to address the enactment itself. One of the things that we've always faced... we've had moratorium in other jurisdictions, we've had generic environmental impact statements. You have gone to the trouble of hiring Saratoga Associates. You've gone to the trouble of appointing a board to review their work and the work you want to go forward in the comprehensive plan yet you haven't referred all of the matters pending before the Planning Board which are moratorium to that body. We think enmass, they should be directed to at least consider those in what they've done and not throw out the work done by the planners, by the Planning Board, by the professionals in this process going forward. We've never found it in any community to try and plan in a vacuum. If you already have a significant number of projects being proposed by persons that economically or another reason think those projects go there, that should be a consideration that Saratoga Associates and I forgot the acronym you have used.

SUPERVISOR EGAN: BPAC.

MR. FEINBERG: Okay, that acronym. Try to incorporate that and be directed to incorporate that. You have mandated that the Town Board and its employees not look at this data any further if the moratorium is enacted. We think somebody should look at it so that at the end of the process we don't start afresh. We start with saying, oh yes, we think that project would go there, let's get done with it. Let's finish the SEQR on it or no, don't put that property there. And, as one of the former persons in front of me said, this is a majority decision. You an put the moratorium in today, you can vote it out tomorrow, you can extend it for whatever time period you would determine rational or a court would determine is rational.

You have already indicated that you are looking this moratorium to address a comprehensive plan being developed. Why shouldn't the moratorium language include in it that as a stopping point or the goal point that once that plan is adopted, the moratorium is over so that everybody has a goal. If you are a developer, your goal is to get the comprehensive plan developed if the moratorium is imposed. And, we hope the Board wants to have this moratorium as short a span as possible.

Thank you.

SUPERVISOR EGAN: Mr. Feinberg, don't go. I'm not letting you off the hook that easy. First of all, I just for the Board's record, Rex Ruthman also sent a letter in to me. Mr. Ruthman and Mr. Feinberg are partners.

MR. FEINBERG: Are partners.

SUPERVISOR EGAN: Thank you I wanted... and again, it's a reference to the VanDyke Spinney project and a request, again that you know we would reconsider part of the language having to do with senior housing and that particular project.

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MR. FEINBERG: Correct.

SUPERVISOR EGAN: And, I will provide that to the Board. But, with that being aside, I want you to know and feel assured that every project that is in the pipeline, is going to be referred to Saratoga Associates. There are already outlines that are prepared for them to look at what is already proposed, what's in the pipeline and where it is in the pipeline. So, certainly, the idea and what you just outlined has already been taken into consideration and is actually in process.

MR. FEINBERG: But, shouldn't that be in some enactment? You've already... you're putting forward an enactment saying that Town employees and Board Members may not address that material. You're specifically prohibiting them from it.

SUPERVISOR EGAN: That's correct.

MR. FEINBERG: Should there be language in the enactment specifically referring that that reason is in part because they are being referred to Saratoga Associates and BPAC?

SUPERVISOR EGAN: Yea, I don't think that the requirement that there has to be a form in an enactment. What the moratorium addresses is exactly what is proceeding, as far as, Town review goes. Those projects all 47 or 48 of them, like I said, have already been outlined and to a certain degree detailed to Saratoga Associates with maps so they know exactly where those projects are, what particular projects are proposed there. But, I don't think there needs to be an enactment within the moratorium law.

MR. FEINBERG: And, has Saratoga Associates been asked or directly to contact the proponents of those plans?

SUPERVISOR EGAN: I... I... I have not requested... we haven't gotten that far in the process.

MR. FEINBERG: Do you think that should be done then?

SUPERVISOR EGAN: That's going to be up to Saratoga Associates based on the information and the detail that the Planning Board is able to provide to them. I think the Planning Board certainly is... has an ability to summarize what the projects are and where they are and where they are in the pipeline.

MR. FEINBERG: Because, currently we are doing a generic environmental impact statement in North Greenbush and essentially it is the developers in tandem with the Town and the County that are providing the material to develop a plan. So that everybody knows what they are talking about. It's not a vacuum, it's not a...

SUPERVISOR EGAN: I would disagree. I don't think that Saratoga Associates will be working anywhere near a vacuum that they will be working closely with the planning and the zoning boards and being provided information. There will be, you know, at least 12 plus 5, probably 17 different opportunities and public forums for anybody with a project that they want to be addressed to be heard in a public forum over the next 12 months.

MR. FEINBERG: But, to the extent it's necessary, if the Saratoga Associates needs any input from engineers on our behalf...

SUPERVISOR EGAN: I'm sure they'll give you a call.

MR. FEINBERG: We're more than happy to give them.

SUPERVISOR EGAN: Thank you. At this time, I'm out of cards. So am I to

assume nobody wants to say anything else at this time? Okay.

Before we go any further, I do want to indicate that I received a fax today from John Stevens from Infinigy Engineering in regard to the Pines at Normanside subdivision which basically reads:

Dear Supervisor Egan,

We are in receipt of your March 17, 2004 letter whereby you made all subdivision applicants aware of an impending moratorium.

Our project has been before the Planning Board and staff since October 2003. We have received excellent comments from planning staff and have worked diligently to address these comments and issues raised at the December 16th Planning Board meeting.

Our efforts and expense on this project have been extensive. We have procured boundary and topographical surveys, wetland delineations, geotechnical analyses, zoning drawings, environmental testing and endangered species determinations. While these efforts have not yet been sufficient to obtain preliminary plat approval, our meetings with planning staff have been extensive as we've sought to address all the issues prior to continually submitting exhaustive, preliminary and incomplete documentation.

We would respectfully request that our application not be included in the moratorium and that at a minimum, we be allowed to continue the review process with the Planning Board. Our project is centrally located within Delmar, and is generally of a smaller size and location as to not adversely affect any of the broader issues the moratorium intends to address.

I can be reached at your convenience at (518) 330-4147. Thank you in advance for consideration of this request.

Regards,

/s/ John S. Stevens, P.E.
Engineer/Developer

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I also received a letter from Lynn T. Sipperly & Associates in regard to the Gra-Bil Estates and again:

Dear Supervisor Egan:

Thank you for the courtesy of providing notice of the public hearing to be conducted on March 31, 2003 on the proposed Town of Bethlehem residential development moratorium.

This letter is forwarded at the request of our client Mr. Elias Weis, the owner of property located on Wemple Road, TMLP No. 97.00-1-12.1 (95.7Acres). Our firm is the Engineer's representing Mr. Elias Weis who is also the application for Proposed residential subdivision entitled Gra-Bil Estates-Section 3. This proposed subdivision has been before the Town of Bethlehem Planning Board since February 2001 and the applicant and our firm has been actively pursuing the various development stages, environmental investigations and clearances required by the Town Subdivision process to allow the Planning Board, Town Planner and Engineering staff to evaluate impacts and compliance with SEQR and the Town's subdivision regulations. We have submitted Preliminary Subdivision plan application and engineering drawings to the Planning Board on February 17, 2004 and due to the workload of the Planning Office, it has not been scheduled for Preliminary subdivision review and approval by the Planning Board. As a consequence, Ga-Bil Estates Section 3 may not achieve the threshold of Preliminary Subdivision approval outlined in the proposed residential moratorium Ordinance.

Proposed Gra-Bil Estates – Section 3, while adding residential lots available for the construction of new houses, provides a significant transportation improvement identified by the Town as important to the "Town's Transportation Master Plan". Gra-Bil Estates would construct, as part of the development, a substantial length of the "East-West highway connector" connecting Elm Avenue on the west and Wemple Road – Route 9W on the east. This East-West connector is identified as a major component in the Town's transportation master plan and

provides alternative route and transportation relief to traffic on Feura Bush Road and Beacon Road. Adjacent connecting sections of this East-West connector highway, on the east and west sides of Gra-Bil Estates, are either under construction, constructed or approved and mandated for construction pending the construction of the intermediate leg running through Gra-Bil Estates – Section 3. The Gra-Bil Estates portion of the East-West highway Connector would provide immediate transportation alternatives for emergency vehicles and to residents in Haswell Farms development and Dowers Kill Village – Section 3 in commuting back and forth to Wemple Road and NYS Route 9W.

Further, the inclusion of Gra-Bil Estates-Section 3 in a residential moratorium would produce personal economic hardship to Mr. Weis who purchased the property in good faith with the conviction that it could be developed in accordance with its' present R-3 Residence zoning parameters and in accordance with the Town of Bethlehem's land subdivision process. Mr. Weis purchased the property on March 7, 2001 at a cost of several hundred thousand dollars and has incurred additional costs upwards of \$100,000 in performing land surveys, engineering and environmental studies and preparation of land subdivision plans necessary for review and consideration by the Planning Board. Gra-Bil Estates-Section 3 has received pre-preliminary approval from the Planning Board on April 17, 2001, and if not for the long term interruption caused by the Federal wetland delineation and confirmation process, it would have been presented for Preliminary and Final subdivision approval much before this time. While there is no practical recourse against the Federal Government for lost time and opportunity caused by their administration of the wetland program, additional loss of time, opportunity and perhaps loss of value caused by the proposed moratorium constitutes a severe economic hardship to Mr. Weis. Mr. Weis is a responsible landowner in the Town of Bethlehem and has timely paid taxes and assessments levied on the property.

Thank you for the courtesy to review this letter and the points expressed regarding proposed Gra-Bil Estates – Section 3 with regards to the proposed residential moratorium. We request yours and the Town Board's consideration of the extenuating factors and benefits associated with this proposed subdivision and the severe personal economic hardship the moratorium would bring upon Mr. Weis and exempt Gra-Bil Estates from further delays.

We appreciate and look forward to the opportunity to present our points before the Town Board on March 31st.

Respectfully,
/s/ Lynn T. Sipperly

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MRS. CAPONE: You read very well.

SUPERVISOR EGAN: Delmar Elementary School training.

Okay, do we have any further comments at this time? Gentlemen.

COUNCILMAN PLUMMER: Okay. I am prepared to support the moratorium as it is written. I think it is essential as we go forward with....

AUDIENCE: Can't hear you.

COUNCILMAN PLUMMER: I'm prepared to support the moratorium as it is written. I think it is essential as we go forward with the comprehensive plan that we pass this. I think it is time. There is never going to be a document that's going to please everyone. I think it is very well balanced. It is difficult to find the right point where you are going to cut projects off in the pipeline. I think that those that put it together did an excellent job. It's not stopping the residential growth completely. There are 1,000 units that will go forward. That's plenty of activity to occur over the next year. In the mean time, we can all focus on the comprehensive plan. So, I'm very supportive and I would also say that if there was a particular hardship, there is an appeals process that is built-in. We all recognize that and that can be addressed before this Board. So, I'm prepared to vote in support of this tonight.

SUPERVISOR EGAN: Mr. Gordon, Mr. Lenhardt, Mr. Marcelle.

COUNCILMAN MARCELLE: I don't have any comment right now.

COUNCILMAN LENHARDT: I don't have a comment other than to echo Danny's comments. I feel there is adequate language in the existing law. I'm sorry. I'm echoing Dan's comments and I feel there is adequate appeal process language in this law to accommodate exceptions. I do have a question, though. Isn't there something involving SEQR that has to take place with this?

SUPERVISOR EGAN: No.

MR. LIPNICKY: To my knowledge the adoption of the moratorium is a Type II action for SEQR. So, the Board may want to acknowledge that it is a Type II action.

SUPERVISOR EGAN: Jim.

TOWN ATTORNEY POTTER: Yes, that is absolutely correct. The SEQR regulations provide that a moratorium is a Type II action and we don't have to go through the SEQR process.

SUPERVISOR EGAN: Mr. Gordon.

COUNCILMAN GORDON: Yea, I would just comment. The moratorium is not the corner stone of the comprehensive plan but I believe it will be useful and it will be an asset to Saratoga Associates that we don't end up with a number of new plans coming before the Boards while they are doing their work.

SUPERVISOR EGAN: Mr. Lipnicky, do you have something to add?

MR. LIPNICKY: Since the time of the drafting of the moratorium language I would like to point out to the Board that, you know, in drafting the moratorium what we tried to identify were certain thresholds in the approval process where we felt there was a clearly identified point in time where a project could proceed or not proceed. So, for example, during... in looking at subdivisions we looked at the preliminary plat approval point in the process as a point where the Board or the Planning Board had given its blessing to a concept plan for development and also is a point where the State Environmental Quality Review Act process had been completed and really a point where a fair amount of investment and money and time had been made in the process of review.

Since the time of adoption of the... not adoption but of presentation of the moratorium, there is a project that's in the development pipeline now that's reach the point of a public hearing on the preliminary plat approval and is very close to preliminary plat approval and a negative declaration. It is a relatively small project that would only involve 11 lots. Again, it is a project that has gone through the process substantially in terms of review and is really at the point of being ready for recommendation for preliminary plat approval. If the Board wishes to consider an amendment, and again this is at the pleasure of the Board, in terms of the language on exemptions under Section 4, item 1, where it says -- subdivisions for which preliminary plat, conditional final plat or final plat approval was granted by the Planning Board -- if the Board wants to insert the following language, or for which a public hearing has been held on the preliminary plat approval, again this is at the Board's discretion whether or not it wishes to do this but it is an additional project that is really very, very close to approval and we believe that would be appropriate to allow it to go forward.

SUPERVISOR EGAN: Mr. Lipnicky, just a question or two. This particular project has already gone to public hearing, correct?

MR. LIPNICKY: That's correct.

SUPERVISOR EGAN: Okay and are there any other projects in the pipeline that have had their public hearing?

MR. LIPNICKY: No, there are none. No.

SUPERVISOR EGAN: Okay.

MR. LIPNICKY: Or any that have gotten to the stage of having a neg dec issued on them.

SUPERVISOR EGAN: Any other questions?

COUNCILMAN MARCELLE: Yes. I don't know if you can answer this, Jeff, or maybe Parker can or George Webber. I am in favor of the moratorium. I have one reservation and that's Section 3, paragraph 5, the senior housing. Here's my concern. The demographics in this Town and this County and this State and the Country are tending for seniors to get older. I view the seniors in our Town as a valuable asset to the community and if we fall short on our housing stock for seniors, what I am worried about is grandparents not being able to participate in the children's lives... in their grandchildren's lives and moving out of Town.

Could you just enlighten me of what our senior housing stock is, how this moratorium would affect it if we adopt it for a year and why we chose this.

MR. LIPNICKY: Yea, I'm not sure I can name every project but the senior projects in Town consist of the Beverwyck, the Van Allen apartments on Route 9W, the Marie Rose project which is adjacent to Beverwyck which is the only... well, actually Van Allen, I believe, has some subsidized units but the Marie Rose project is a subsidized housing low-to-moderate income housing project for senior citizens, then the... on Rockefeller Road there is something like 36 units of senior housing there that was done under the State turn-key program. In terms of project that are clearly geared just to seniors and that's not including assisted living facilities such... again, along Rockefeller Road or the assisted living facility that is being built adjacent to the library here on Delaware Avenue or the assisted living facility that also exists up at Beverwyck. In terms of low-to-moderate income type of units, there are not a lot. And, there are not a lot of units that are dedicated solely to senior citizens. But, again, something like Beverwyck is really market rate housing. You know, seniors have the same opportunities elsewhere for market rate housing as any other resident of the Town. The Board's going to have to, you know, determine whether it wishes to proceed with allowing Senior Citizen Residence Districts to proceed. Right now we have one application for a Senior Citizen Residence District. It requires a zoning change in an area of Town that right now is rural in character.

COUNCILMAN MARCELLE: Where is that, Jeff?

MR. LIPNICKY: Along VanDyke Road.

COUNCILMAN MARCELLE: Back of the high school.

MR. LIPNICKY: Yes.

COUNCILMAN MARCELLE: That was the project that was...

MR. LIPNICKY: South of the Bypass.

COUNCILMAN MARCELLE: That was before us last year?

MR. LIPNICKY: That's correct. I can't remember the exact date but it was, I believe, in the fall.

COUNCILMAN MARCELLE: And, where is that in the process?

MR. LIPNICKY: At this point in time, the application is still before the Planning Board. It does not have any type of SEQR review that's been completed on it. It's one of the projects, again, you know there's over 1800 units of housing plus a fair amount of commercial development. It's a project that's in the order in which it came in terms of being reviewed and we simply haven't gotten to it yet because of staffing levels.

COUNCILMAN MARCELLE: Now, in your opinion as Town Planner, do we have an adequate stock of senior housing in Town?

MR. LIPNICKY: It's not a question that I have evaluated so I can't give you a profession answer to that.

SUPERVISOR EGAN: Mr. Lipnicky, just so we can refer specifically to Section 3, subparagraph 5, it refers to Senior Citizen Residence Districts. That is a district set forth in the Zoning Code?

MR. LIPNICKY: That's correct.

SUPERVISOR EGAN: Okay and is that something that has been working, if you will? I mean we've talked about different things in the Zoning Code that needs to be looked at and possibly amended and modified.

MR. LIPNICKY: In the number of years that it has been in existence and I think it's somewhere around 10 years, there's been 1 project that has been developed under that... again, the Marie Rose project and there's been 1 additional application that has been presented to the Town and that's the current VanDyke project. I would note that the projects are significantly different in that the Marie Rose project, again, is a subsidized type of facility geared toward low-to-moderate income whereas the VanDyke project is market rate housing.

SUPERVISOR EGAN: And, was there an intent when the Senior Citizen Residence District overlay or whatever we want to refer to it as... was there an intent when that was enacted to reach a certain audience?

MR. LIPNICKY: The intent... I drafted it... the intent at least in terms of my drafting and the intent of when it was presented and approved by the Board was to focus on low-to-moderate income senior citizens and promote low-to-moderate income housing. Okay. There is a lot in that ordinance if you read it that is clearly pointed in that direction. In fairness to the developer here, however, I would note that the Planning Board in its preliminary review of this had indicated that... and it was a split vote of the Board... but the majority of the Board did indicate that in their view that this project would fall within the definition of moderate income senior housing. Again, that's where the Planning Board was at. The first question that was asked to the Planning Board with respect to this project was -- does the Board believe that it meets the criteria for even being considered as a Senior Citizen Residence District? And, again, the Planning Board did determine, again by a split vote, that they felt it did meet the criteria. And, that's where that project is at right now.

COUNCILMAN MARCELLE: So, it's under the Section 5... I'm sorry Section 3, paragraph 5. In the pipeline there is just that one project on VanDyke, is that right?

MR. LIPNICKY: That's correct. And, again, it depends on how you define senior citizen because a Senior Citizen Residence District the answer is yes.

COUNCILMAN MARCELLE: That's my question I guess.

MR. LIPNICKY: Yes.

COUNCILMAN MARCELLE: Are there any other Senior... you know, kind of what's happening on Elsmere Avenue, that type of project, the empty nester project in the pipeline?

MR. LIPNICKY: The only project that I'm aware of is the project on Elsmere Avenue, Walden Fields. But, again you know, there's nothing that was required in our approval as a condition or anything of that nature that tied sale of units or living in the development to a certain age level. So, there's no way to know if... you know, I mean he has the right to sell them to whomever he wants.

COUNCILMAN MARCELLE: Right. So, the only one in the pipeline for the Senior Citizen Residence District is the one on VanDyke?

MR. LIPNICKY: At the current...

COUNCILMAN MARCELLE: That's the only one that this Section would apply to that's in the pipeline.

MR. LIPNICKY: At the current time, that's correct.

COUNCILMAN MARCELLE: Right.

SUPERVISOR EGAN: Any other questions of Mr. Lipnicky?

COUNCILMAN GORDON: There's nothing outside of the moratorium. Senior housing can be built outside of Senior Citizen Residence District though?

MR. LIPNICKY: Not under the moratorium because the only other way to achieve that would be through the subdivision process or through the site plan review process. In any district where multi-family housing is allowed, it would be allowed only after site plan approval and the moratorium would prohibit review of multi-family under site plan review.

COUNCILMAN GORDON: Right but outside of the moratorium?

MR. LIPNICKY: In other words, if there were no moratorium?

COUNCILMAN GORDON: Senior housing can be built in areas, it doesn't have to be a Senior Citizen Residence District.

MR. LIPNICKY: Right if there was no moratorium, that's correct. Beverwyck was built as a Planned Residence District. Walden Fields was built as a Planned Residence District. The assisted living facility next to the Library was built under... as a Planned Commercial District. So, yes, the answer is it could.

SUPERVISOR EGAN: Any other questions of Mr. Lipnicky. Thank you. What do you want to do guys? Are you prepared to take a vote tonight? What do you want to do? Tim? George? Okay.

COUNCILMAN GORDON: The unit that Jeff was speaking of, how would that be handled in the... under the present language of the law?

SUPERVISOR EGAN: Okay, let me just confirm. Are there any further comments? Okay, do I have a motion to close the hearing?

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to close the public hearing at 7:20 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.

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Town Clerk

The Supervisor said with respect to the particular project -- VanDyke Spinney project – under the moratorium as it is written right now, the project would be affected by the moratorium and would not proceed. Mr. Lipnicky confirmed that to be correct.

Councilman Marcelle commented that he remembered when the VanDyke project came before the Board and he thought it was received enthusiastically by the Board. He said it is the only project of its type that is in the pipeline. He stated his personal opinion -- knowing the demographics of the Town and how it is changing and the need for at least... the perceived need by people, for senior housing -- wonders if there is enough consensus to strike that provision.

Supervisor Egan said her response was 2 fold. She said this is a discussion of one project, but that is not to say, that if they pass it taking the exemption out or this provision that there will not be 10 or 15 projects that will come before the Planning Board tomorrow or next week.

Supervisor Egan said the second response is that she echoes the need for senior housing to be looked at in Town. She said as she has indicated in the past, it's like seniors are near and dear to her heart in as much as her grandparents raised her. She noted one of their comments was - I'm not leaving my house and I'm not leaving this Town. However, she said she thinks that is an issue that needs to be adequately addressed in the comp planning process because for example, with this project it is in an area on VanDyke Road that she is not sure how the zoning is going to come down once the comprehensive planning process is completed. She said at this point by allowing the project to continue when it does not appear to be real close in the pipeline to having preliminary approval, she said it could throw a crimp, if you will, in the comprehensive planning process because she is not sure how that is going to come down. She stated she absolutely agrees there is a need for continued review of and finding senior housing opportunities for the growing senior population in Town. She said she still feels strongly about keeping the language, as is so it does not get manipulated.

Councilman Marcelle said he does not wish to do that but it is his understanding of these senior residential districts, that they are pretty narrow in scope. He stated he does not remember the entire criteria because that was before the Board last year. He said that is the only thing. He said in other words, it is not a hole where he thinks you are going to see a lot of people trying to drive through although he does appreciate that concern and it is a valid one.

Supervisor Egan asked Mr. Lipnicky if he had a feeling on this. Mr. Lipnicky stated all he could say is, he sat in a lot of meetings with people in terms of development of projects and clearly there is a need or at least a perceived need for additional senior housing in Town. He said he thinks Walden Fields, for example from his understanding, had a waiting list on it. He stated whether that is true or not he did not know. He said by the same token, he shared Supervisor Egan's concern that the exemption may create is a number of projects that now come in under the guise of the Senior Citizen Residence District. He said it does not take much to change a proposal for an apartment building or apartment buildings to a proposal for senior apartments. He said he thinks that is a very real thing and he would not be surprised if there were a few more applications that would come in if it were amended.

Councilman Lenhardt said his feelings are that if this particular project is of that much importance -- and he concurs that we do need senior housing -- he feels they can come before the Board for an appeal. He said the Board is here to decide

on the ordinance. He said he does understand from what he has read and heard that there was discussion within the Planning Board and as indicated it was a split vote as to whether or not this fits the criteria of senior housing. He said first the dollar unit he heard on the units was a little higher than he would expect seniors to have to pay. Mr. Lipnicky said the dollar figure was up to \$1200 a month.

Mrs. Capone said she was here to represent the seniors and she thinks the Board should look more at the income of the seniors and the price the seniors are paying. Supervisor Egan suggested she come to the public forums on that.

Supervisor Egan asked if there was a motion to adopt proposed local law number 3 of 2004 as written and as amended Section 4, application subdivision 1 so that the modification will read – subdivisions for which preliminary plat, conditional final plat or final plat approval was granted by the Planning Board or for which a public hearing has been held on the preliminary plat approval prior to the effective date of this local law. She noted the rest of the wording remains the same.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the adoption of Local Law No. 3 of 2004, Acceptance of Moratorium, with the modification of Section 4, Subdivision 1 – subdivisions for which preliminary plat, conditional final plat or final plat approval was granted by the Planning Board or for which a public hearing has been held on the preliminary plat approval prior to the effective date of this local law. 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 thanked the Board.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to adjourn the Special Meeting of the Town Board at 7:30 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Town Clerk