

TOWN BOARD  
MAY 9, 2001

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

PRESENT: Sheila Fuller, Supervisor  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Daniel G. Plummer, Councilman  
Susan Burns, Councilman  
Kathleen A. Newkirk, Town Clerk  
Robert J. Alessi, Esq., Town Attorney

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SUPERVISOR FULLER: Good evening, welcome to a meeting of the Bethlehem Town Board. I would like to invite all of you to join us in the pledge of allegiance.

Before we begin, I would just to ask at the very beginning of the meeting – if there is anyone here who came here for the 3 public hearings, not including Nigro, I know most of you are here for the Town Center public hearing which is first on the agenda... but the other 3 public hearings scheduled for tonight, I had asked the Board if we could reschedule and we will be getting to those later on this evening. They are going to be tabled tonight and rescheduled for May 23. So if someone is sitting in the audience looking for the 9:00, 9:15 or the 9:30 p.m., it will not be occurring this evening.

The first item on tonight's agenda is the public hearing on the Draft Environmental Impact Statement for the Nigro commercial development on Route 9W, Bethlehem Town Center. The format for tonight's meeting will be a brief presentation from Mr. Palumbo. We will take some questions and answers. We will entertain some statements and then we will have you speaking in favor or in opposition. Everyone will have an opportunity to speak. We may be here til the middle of the night but we will all be here together. And, I would ask for your cooperation so that as you come up to speak, we'll try and limit your comments to try and give everyone in the room an opportunity to be heard here tonight. That's all the rules and regulations for this evening. Welcome and we enjoy seeing such a big crowd and I'm sure we'll have some lively discussion. Thank you. I'll ask the Clerk to read the call of the public hearing.

TOWN CLERK NEWKIRK:

**State Environmental Quality Review Act  
Notice of Completion of Draft EIS  
and  
Notice of SEQR Public Hearing**

**Lead Agency:** Town Board

**Date:** April 11, 2001

Town of Bethlehem

**Address:** 445 Delaware Avenue

Delmar, NY 12054

This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Draft Environmental Impact Statement (Draft "EIS") has been completed and accepted for the proposed action described below. Comments on the Draft EIS are requested and will be accepted by the contact person until May 21, 2001. A public hearing on the Draft EIS will be held on May 9, 2001 at 7:30 p.m. at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, New York.

**Name of Action:** Nigro Commercial Development – Rt. 9W  
Bethlehem Town Center  
Building Project Application – PCD No. 2

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

**SEQRA Status:** Type I

**Description of Action:**

The proposed action involves an application for Building Project Approval in an existing Planned Commercial District. The proposal is to construct a 349,630 square foot shopping center with associated parking lots. The center would consist of five free-standing structures housing a discount superstore, home improvement center, restaurant, fast food restaurant and bank. Project acreage equals 75.78 acres, of which a 44.5 +/- acres will be developed. The project concept plan indicates access would come from two driveways along U.S. Route 9W and an additional driveway along Bender Lane (a Town Street).

**Location:** West side of US Route 9W between Bender Lane and Route 32, in the Town of Bethlehem, Albany County, New York.

**Potential Environmental Impacts:** Traffic, slope stability, grading, drainage, utilities, erosion and sedimentation, archaeological and historic resources, wetlands, aesthetic and visual resources, community and neighborhood character.

**A Copy of the Draft EIS may be obtained from:**

**Contact Person:** Jeffrey Lipnicky, AICP  
Town Planner

**Address:** Planning Department  
Bethlehem Town Hall  
445 Delaware Avenue, Room 204  
Delmar, NY 12054

**Telephone Number:** (518) 439-4955, ext. 159

**A Copy of the Draft EIS is on File for Public Inspection During Normal Business Hours at the Following Locations:**

Bethlehem Public Library 451 Delaware Avenue Delmar, NY 12054	Town Planning Department Office Bethlehem Town Hall 445 Delaware Avenue Delmar, NY 12054
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Town Clerk's Office  
Bethlehem Town Hall  
445 Delaware Avenue  
Delmar, NY 12054

**A Copy of this Notice and the Draft EIS Sent to:**

Mr. Michael Higgins, NYS Department of Environmental Conservation, Region 4,  
1150 North Westcott Road, Schenectady, NY 12306-2014

Mr. Jack Nasca, NYS Department of Environmental Conservation, Environmental  
Permits, 50 Wolf Road, Albany, New York 12233-1750

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

Town Board, Town of Bethlehem, 445 Delaware Avenue, Delmar, NY 12054

Planning Board, Town of Bethlehem, 445 Delaware Avenue, Delmar, NY 12054

Mr. John J. Nigro, The Nigro Companies, 20 Corporate Woods Boulevard, Albany,  
NY 12211

Mr. Kevin J. Novak, NYS Department of Transportation, Region 1, 84 Holland Avenue,  
Albany, NY 12208

Mr. Stephen S. Lukowski, P.E., Albany County Health Department, Division of  
Environmental Services, 175 Green Street, P.O. Box 678, Albany, NY 12201

Ms. Heidi Firstencel, U.S. Army Corps of Engineers, Albany Field Office, P.O. Box  
209, Lansingburg Station, Troy, NY 12182

Mr. Gregg Sagendorph, Superintendent of Highways, Town of Bethlehem, 445  
Delaware Avenue, Delmar, NY 12054

Mr. Bruce Secor, P.E., Commissioner of Public works, Town of Bethlehem, 445  
Delaware Avenue, Delmar, NY 12054

Mr. Kevin Shea, Building Inspector, Town of Bethlehem, 445 Delaware Avenue,  
Delmar, NY 12054

Mr. Donald R. Odell, Albany County Planning Board, 112 State Street, Room 1006,  
Albany, NY 12207-2021

Mr. John Poorman, Capital District Transportation Committee, 5 Computer Drive West,  
Albany, NY 12205-1606

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Delmar, NY or call 439-4955, extension 158.

Ms. Ruth L. Pierpont, NYS Office of Parks, Recreation and Historic Preservation,  
Historic Preservation Field Services Bureau, Peebles Island, P.O. Box 189,  
Waterford, NY 12188-0189

**A Copy of the Notice Only Sent to:**

Environmental Notice Bulletin, 6 Sevilla Drive, Clifton Park, NY 12065-5013

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 )

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 25<sup>th</sup> day of April 2001.

/s/ Elizabeth Bradt

Sworn to before me this 25th day of April 2001.

/s/ Sharon A. Doldo

Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on April 25, 2001, 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  
26th day of April 2001.

/s/ Catherine T. Picarazzi

Notary Public

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SUPERVISOR FULLER: Thank you. Mr. Palumbo.

MR. PALUMBO: Thank you and thanking you for reading all that so we don't have to. Thank everyone for coming tonight. My name is Frank Palumbo and I am with the Sere Brown Group, an engineering firm here in Albany and I'm representing Nigro Company the developer and the sponsor of this project. What we would like to do this evening is give you a brief overview of the project. What we have in the room, just for your sense of it, the board that I am presenting at here is the identical to the board over on that side. So, we know it is very difficult, very packed room and may have trouble seeing from the back there but we've tried to make it as advantageous as possible.

Briefly, just to describe the project, as most people are aware, the project is on 9W. 9W on this plan runs from the north here, down to the south end at this point. Bender Lane is along the southern edge of the property. Along the western edge of the property are

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lands of Niagara Mohawk and there are vacant lands to the north. Just to the north of that, people may be familiar with the Vanderpoehl house which is right up by the interchange. So, there is a short section of vacant property then the Vanderpoehl house on the corner and the interchange is right at about this point. It is approximately 700 feet north of the property.

What we are proposing... also to point out some special features. There is the tributary to the Normanskill which begins on our property or first comes onto our property at Bender Lane up in this southwest corner, traverses across this corner, goes off the property to the west, eventually meanders back onto the property and eventually winds its way down to a point where it goes under Route 32. There are some steep slopes in this rear area that go down to that tributary. Above those slopes is primarily flat land that we are trying to maximize the use of for the building situating on the site so that we can avoid any of the steeper areas and the environmentally more sensitive areas at the rear of the site.

What the developer, Nigro Companies, is proposing is a proposed Walmart super center which includes the normal Walmart department store and also a grocery store in one building. The grocery store will be on this side of the building, department store with seasonal garden and the tire and lube center that people may be familiar with at other Walmart's on the southern side. Also proposed is a Home Depot home improvement center with attached to that a 24,000 square foot retailer, that is not a determined tenant at this point. We also have a Wendy's fast food at this location, an Applebee's restaurant very close to the center main entrance and that's a family style restaurant and then a Charter One bank which is located down closer to the entrance that we are showing off of Bender Lane.

All of this does total approximately 357,000 square feet. That's slightly larger than what was read into the record but is what is in the environmental impact statement and I just wanted to make that clarification. Some of that is with some minor additions that occurred to the buildings such as the truck dock here. The project will have a principle entrance at the center of the project and we would be proposing to signalize that and I will go further into some of the improvements we will be making out on Route 9W in a moment. We would also have a northern driveway up at this point and as noted, the Bender Lane access. To give people a frame of reference also, Magee Drive is right here. So, our primary entrance is not aligned directly across from Magee and I know that was something that had been a matter of some misperception because a former project that was done here, the Southgate project, had had their entrance across from Magee. But, we have moved that down to be more centrally located on the property. The Glenmont Elementary school is directly across from this corner of the property. Their driveway is right at this point and the building sits just out of plan view, right here. Next to that is the Farm Family Insurance building which has a driveway access right out at the light at Bender Lane. We'll talk a little bit more detailed about the school and the functioning of that as well and how they utilize that access.

We have done this plan to attempt to best utilize the site. We think that it is a plan, as opposed to some other plans that were previously done on this property, is... the size of it is much more in concert with the amount of land. What we have is possibly 56 percent green space on this property. Just to give people also a reference why we have some different colors green here, this area here is all very heavily wooded existing. It will remain that way. There are some other areas that were at the time the survey was done which was about the time of the Southgate study, these areas were more of a succession of fields, so they have grown up but we are not touching those areas with any of our development. So, you can see in areas like this, in here and some other areas, these areas that are like a different shade of green give you an idea of areas that we do have some development of the site, some grading that is necessary to situate the buildings. We also have and this will point out one of those areas where we are not doing any significant restructuring of the property, is right here across from the school and between the school and the Walmart. Two reasons, one is that there is a large portion of the existing wetlands there and we want to try to avoid that as much as possible so that we won't have to do any mitigations for it. But, it also, gives us that

opportunity to leave as much of the natural buffer between us and the school. We have added additional buffer area and berms alongside where Bender is here and directly across from the school to supplement that which we're leaving and the existing natural vegetation there.

We also have through this process have gone through approximately 17 meetings with the Planning Board and in doing that we have consistently tried to improve upon the project but one thing that has maintained consistent is that we're leaving a very substantial buffer in the front area of the property. The Route 9W Corridor Study had established a planned corridor setback to any pavement area of approximately 80 feet from center line of Route 9W. At this point here, we're back approximately 190 feet and the closest point here is about 160 feet or almost double what was the recommended standard. We've made a concerted effort to do that landscaping there and provide as much area as possible to give us the room to do some... some really significant landscaping, berming, with plantings along the berm. We also will have some of our wetland mitigation areas in there for the main reason that many of the wetland areas were up close to the road and we feel that we have the best opportunity to create a more natural system by keeping those as close as possible to some of the existing wetlands.

The other thing that we did was we tried to respect, as much as possible, the center ravine area and we did end up having to do some grading in this area but we feel we are going to be able to do some revegetation of those slope areas. Previous plans that have been proposed for this project that had buildings directly across there but we wanted to do was try to separate the main buildings of the proposal and the project to break down some of the maps of these buildings. It also separates the main body of the parking areas from being one mass area in front of both of the buildings by separating it with some green area and also setting them back and putting the parking that is necessary for each of the building entities close to those buildings rather than having one mass field there.

I will leave my comments on that but certainly, you know, questions may arise that we can get some more specifics. But, I want to talk a little bit about the environmental impact statement. What some of you may have had the opportunity to see so far is the document which has been available for public review at various locations, here in the Library, the Town Hall, the Planning office. What some of you can probably see along the top of the tables here is the main body of the environmental impact statement. That... in the main body there's... there were extensive reports done for this. All that... this is the traffic study that was done for this project. This was the air quality study that was done for the project. And, the third set of appendices included a geotechnical study, a noise study, a cultural resources study, the visual resources study, the visual resources analysis, the storm water management report. I'm not holding those up to... to be showy, I'm emphasizing there that as a reference, all those meetings that we had with the Planning Board, the scoping process that was done determined that those were studies that we needed to do and those studies were done to try to get this project moving in the most environmentally and best possible framework for the Town and for the project. Those studies give a representation of how much work has been done on this project. We have... we have tried to accommodate many of the questions that have... that came forward during the scoping process and feel that we have adequately, and I think the Town Board and the Planning Board, felt we had addressed that scoping statement.

The traffic study was one of the most extensive traffic studies that I, personally, had been involved with for this type of study. There were 16 intersections that were analyzed. We went through very extensive preliminary review with... the Town hired a reviewing consultant, for not only that but many of the other studies... but the traffic study has had many iterations just to get to this point. We believe that we have now the traffic mitigation measures that are associated with those potential impacts. Some of those include that along the entire stretch of the front of the project, we will be adding a third lane to the Route 9W. What that will entail is a northbound and a southbound lane with a center left turn median. That center left turn median was seen as very important

for some of the issues that were raised in terms of safety. There was a sense of, currently, existing without the project, that people who were having to turn left into Magee, left into the school, left into the Farm Family driveway would have a sense that the traffic was bearing down on them from behind. And, although the speed limit of the road may be less, we believe that the record from DOT showed it... the average.. the travel speed was about 51 miles per hour. So, there was a sense of need there in terms of having the turn lanes. The project was fine for that and in doing so it does help mitigate some of the impacts that the project will cost. We think to the point and we think that the reports shows that does that to a point of mitigation satisfactorily addresses that and will await the final review from the consultants and also DOT. That was a specific requirement because our project had that impact.

Another area of concern was the furthest road intersection. What we are doing at that point is providing a right hand turn lane for the south bound lane – right hand turn lane onto Feura Bush Road. And, then also providing a left hand turn lane as you come off of Feura Bush Road to head north bound. That lane itself although it may get talked about in terms of a mitigation measure, is really more necessary for an existing problem at the intersection, that is the morning traffic that is headed out of the... some of the residential areas that have been developed to the south and headed north to Albany. So, the project will include that left hand turn lane.

As I stated, we also have done the geotechnical study because we know there were concerns in terms of a slope stability and anyone who is aware of... I think most of the people in this room, are aware of the Delaware Avenue slide. We had extensive studies done, extensive borings that were done new to this project and we also included information that was done at the time of the Southgate studies. We basically have 2 geotechnical reports that stand side-by-side and reach mostly the same conclusions.

We did a wetlands inhabitat study for the site. We will have areas that we have impacted wetlands and we will be responsible for obtaining a permit from the Army Corps of Engineers for those wetlands impacts. What we have shown practically on site is our area of wetland mitigation throughout and, as I said, trying to keep them mostly as possible attached to the existing wetland areas. That process will be one that goes concurrently through with the Army Corps of Engineers. We provided visual resource analysis and photo simulations from various points as selected in conjunction with the Planning Board to show different points of view of the project showing some existing photographs and then computer simulations of those buildings. Those are all included in the document.

We did a land use analysis that gives some comparisons with studies that have been done previously, the LUMAC report and the Route 9W study. And, then also, the cultural resource study which will be required to get approvals from the Office of Parks Historic Preservation. We also did a municipal impact analysis showing some of the detailed emphasis on tax revenue that will be generated by the project and how that will be distributed among the different Town and school departments.

I mentioned some of the traffic improvements. I mentioned the berming and the landscaping that would we would provide in there. I wanted to talk a little bit more specifically on the school impact. We have met with the school and understand some of their concerns, the school administration. One of which is that presently they utilize Farm Family driveway as the primary egress from the site. When kids are on the bus, they use that driveway because it is safer to exit those buses at the light. We have understood from the school that there was really never ever a written agreement on that and so we are working with Farm Family and the school to try to secure that as a final agreement.

SUPERVISOR FULLER: Excuse me, Mr. Hummel, I see you in the back, can you determine what's giving us this feedback, please. Thank you, sorry.

MR. PALUMBO: So, the school does have that concern and we are working towards a way that that agreement can be reached so that the school will always have the safe

point of access across that driveway. We also have talked with them about adding some additional visual buffer to what I describe at this point, here where we have some of the natural area and then the berming that we were adding on our side of the road, we will be adding some at their request on the front side of the school property between the road and the parking lot. A third request that we are working with them on is to provide a paved play area in the back of the school. Presently when the fields are wet, the school has no other option really than to have the kids in the parking area. And, that's, obviously, a cause for concern as it's really not meant for that and there is no physical barrier between any of the vehicles. So, they would like to have a safer area for the children to play and we are working with them in terms of determining an appropriate size for that and how we could possibly accommodate them.

One of the things we have specifically not raised many of our... the benefits... one of the particular benefits is the tax revenues on this project. We did it as part of the report but we have never before stood up here and said you know, this project is good because of the taxes. This is something that we have in there. One of things we were getting a sense though is that there was as sense that the taxes weren't really all that much. And, one of the things we wanted to stress is what we have developed with the... in concert with the Town Assessor's office is that the school taxes for this property in the year that it would be developed would be approximately \$420,000 per year. We looked at some of the current school districts proposed budget and saw that the... that would represent 1/7<sup>th</sup> of the planned additions to the budget this year. There is a referendum on the buses, 15 buses, that would represent the cost of 6 or 7 buses and it could also be greater than the \$391,000 that was shown in that budget for new staff members to meet the standards of the new regents standards and also the growing enrollment. A lot of which is being cause by some of the new residential development. So, from our standpoint, we do see that as significant. We do see it as something that will be beneficial and again, we are not touting that but we were getting a sense that that was really being delivered.

Also, a very good question that had come up at the last Board meeting about the amount of Town revenue that was being generated. In the report it makes it sound like there is only about \$9,000 being represented, it really is more in the like of about \$100,000. The way that the Town divides up their revenue sources and their distribution of it, calls for the \$9,000 for the municipal, about \$29,000 for the highway and then there's a success of other Water District, other features. But, that all adds up to approximately \$100,000. Also, a tax for that will be about \$100,000 that would likely come back and we think that's a very conservative estimate from the County with respect to the sales taxes. So, there is a revenue generation from this and we just wanted to make that point and clarify the point that had come up at the last meeting and also just state what some of the benefits we thought were attributable to the school.

Also, at the last Board meeting there was a discussion about why we're not providing a connection to Route 32. We've had follow-up discussions with DOT on this and what we were finding as we were doing the study was that one of the numbers, the traffic volumes were not providing the warrant – as DOT would call it – for that access. Route 32 when they built the bypass they used Federal funds for that and they had to buy the... it's a limited access highway. They pay money for that and then the Federal Highway Administration sets some very, very clear and definable criteria in terms of what type of public need needs to be established in order to allow that connection. So, there were probably even with some of our own misrepresentation about yes, it would cost a lot... the road would, it's about 1 million dollars a lane mile and we probably have that. The... we would be going across some very sensitive areas, as I said, the tributary continues down here and we would have to cross that at least at one point and it is also a very steep area. So, certainly there were reasons that we would not see as beneficial to the project but essentially DOT clarified for us that they do not see this as needing the access... the break in access analysis that would be necessary because it would not provide the substantial public benefit. I know that would probably be a matter of debate amongst people who live and drive the road, but under their criteria and how they establish that, they do not see it as we saw it.

And, I'm sorry if I went beyond what I should but I wanted to try to explain it and at this point, I will leave it open for either questions from the Board or comments from the public. Thank you.

SUPERVISOR FULLER: The purpose of the public hearing tonight is for public comment from you the people, so I would ask that you begin as soon as you are ready, step to the mike, just bring us your... yes.

MR. SWEENEY: May I make one comment on the process?

SUPERVISOR FULLER: Yes. And, you will also identify your name.

MR. SWEENEY: My name is Bob Sweeney. I am an attorney for the applicant and I just wanted to make one quick comment on process before we start so that you'll all know where this is headed.

As was indicated in the public notices, that were read to you, this is part of the public comment period. The public hearing is also an opportunity to provide written comments for the record on this project based on the environmental impact statement and everything you've heard here tonight. The next step in this process is that all of those comments are collected and there's a written response provided to all of those comments. Tonight there is a court stenographer here in the front of the room and it's her job to take down every comment or question that is made here tonight so that a response can be provided in writing and I stand here only to say she is going to do her best to take down everything that is said. We would ask only that one person speak at a time and you state your name and address so that she can get that down and we can attribute the question to the right person and provide you with an accurate response.

SUPERVISOR FULLER: Please come to the microphone and state your name, please, for the record. Thank you.

MRS. SILVER: Thank you. I'm Barbara Silver. I live at 4 Brightonwood Road, Glenmont. I would like the presenters to please comment on site review. If we have any input as to the aesthetics of the façade of those buildings. I would also like him to comment on abandonment insurance to restore the site if the stores stay empty for 5 years or more. I would also like him to comment on the possibility of giving the school its own traffic light. And, I would also like to know if the traffic lights at Feura Bush Road will reflect left turn, right turn or if it's only the cement that is being altered. Thank you.

SUPERVISOR FULLER: Thank you. The site plan review will be before the Planning Board. Tonight is simply the public hearing on the draft environmental impact statement. These questions and comments will be recorded and they will be responded to.

MRS. CAPONE: I just tried to remember...

COURT REPORTER: Could I have your name please?

MRS. CAPONE: Marie Capone, 440 Delaware Avenue, Delmar. I just was thinking of the letters I read in the Spotlight and I took some notes to answer those. At the corner you have McCarroll's Meat Market that seems to be doing very well. It's located between Hannaford and Price Chopper. So, I don't know why his market in Glenmont couldn't survive between Price Chopper and Grand Union.

I think that this gentleman is applying for a shopping center and the school has nothing to do with what he wants to do. This is Mr. Loomis's business.

In Glenmont, there's a woman that said it will eat up little stores. There's a little store... a little shopping center across from Ames, there's a little gift shop there called Roberta's and it was just a little thing next to the beverage center. Two years ago the

unit next became vacant and she more than doubled her size and it is a little store that lives with the big stores. So, I mean, they can survive all together.

What happened Kmart and Ames are financially like Grand Union. So, if they get out of there, then there will not be any of those types of stores left there. So, there's a need for whatever the store is bringing in.

People that have lived in this Town 30 to 40 years knows that on Delaware Avenue in those days we had little shopping centers, what we thought was a little shopping center. It was Price Greenleaf, the A & P, and Mullen Drug and it was located across the street from the Elsmere School and nobody saw anything wrong with that. So, let... it's bigger, so it's... Oh well, that's about it. Okay.

MR. PITZ: My name is Jerry Pittz, 98 North Street in Delmar. To the developers, God bless you. I've lived in this Town 42 years and I'm tired of spending money in Guilderland and in Colonie. \$400,000 in school tax money, come on. What has taken so long. Let's do it Town Board, it's time to do it. Please approve the project, thank you.

MR. SAMSEL: Bob Samsel, Beaver Dam Road, Selkirk New York. I just want to say amen to that previous speaker. Just to point out what I said at the previous meeting, that we are living in a shopping desert down in the Selkirk area. Bryant Market in Greenville is now putting fliers in our mail box in Selkirk and South Bethlehem. It's closer and quicker to drive to Greenville to do shopping than it is to get up to the Price Chopper in Slingerlands. I was just looking at my Master Card statement that came in the mail today. I spend close to \$400 over in North Greenbush between Walmart's and Home Depot. I would have loved to have that tax money be in this Town but you won't let me.

MR. JASINSKI: Good evening. First off, I want to thank you for the new system.

COUNCILMAN LENHARDT: Name.

MR. JASINSKI: My name is Robert Jasinski, 288 Bender Lane, Glenmont, New York 12077. I want to thank you for the new system, sounds good. I hope my voice is carrying to everybody. I know you got a little squeak here or there but that's to be expected...

SUPERVISOR FULLER: We're trying.

MR. JASINSKI: ...when you first use it. I take it this is about... we're first talking about the environmental impact, am I correct on this?

SUPERVISOR FULLER: Yes, that's correct.

MR. JASINSKI: To keep in proportion to what you're doing. All right. Number one, there is nothing been done before to any of these wetlands that set down where the creek runs or the slope area there. It's become, I would say... I would use the word lover's lane in certain sections. Environmentally it's been impacted by probably mud. Lots of the trees have come down. The wood probably still lays. I know there's one on the west side of the creek, the ravine there is so full of some of the area that's been logged that's never been cleaned up, you can hardly walk through it. I take it, this project is going to take care lots of this stuff.

9W itself right now you have a problem with. I mean whether you do this project or not, which I am all for this project, but whether you do it or not you got a problem with 9W. Go out on that road at 8 o'clock and you back up. Now, DOT has to wake up. I realize 9W is a State or Federal highway and is not really your problem. All you can do is push. And...

SUPERVISOR FULLER: And, we're pushing.

MR. JASINSKI: I realize you are pushing and DOT has to do something with 9W in this section. So, this would help it. As far as the school goes, environmentally, I can't see where it's going to impact that much. I think they're presenting a very good project in relation to this because we do have some problems with the school even if you don't put the shopping center in. You still got a problem with the school. You've got the wet area in back. You've got the road right there. You got exits that are not signed. Why the school let this go so long I have no idea. I mean any good, legal attorney will tell you that thanks to Farm Family they are able to get out safely. But, any moment, Farm Family could turn around and shut that off. So, this will benefit the school completely. And, I will be back to speak later on other subjects.

MRS. PEREZ: Hi, my name is Yvona Perez. I live at 19 Fairway Avenue, Delmar.

SUPERVISOR FULLER: 19 Cherry...?

MRS. PEREZ: Fairway.

SUPERVISOR FULLER: Thank you.

MRS. PEREZ: And, I have a statement I just want to read in. I will try and ... it quickly and I can give it as a written one if that will help. I want to say at the very beginning of my remarks that I agree with some of the opponents to this project that Delmar is very distinctive among suburban communities and it's very attractive because of that. And, we are like a self-contained little city but a city has to provide for the needs of its citizens and I don't think we can wear our uniqueness like it is a shield to any kind of change because, in truth, the Town has already changed and I think the opponents are clinging to an old Delmar that just doesn't exist any more.

According to the just completed census, the population of Bethlehem has grown a whopping 13 percent and I think we're all aware that people are tripping over each other to move into this Town and we have accommodated that growth by allowing one new housing development after another. But, that kind of growth can't happen without taxing this Town to its limits.

And, I am here tonight as a frustrated resident, a fearful taxpayer and most of all a concerned parent. So, those are the 3 areas I just want to address quickly.

First there are the expectations of the community in which we live. I moved here with my family 3 years ago for the same reasons most people do. It's a great deal for young families. Bethlehem boasts an excellent school district and Town services. We are served well by our Town officials who are able to give us all that and keep taxes affordable. But, there is something missing and it doesn't take long to figure it out once you've lived here. This Town offers some wonderful shops but it doesn't provide one single place that you can count on to shop for the things that we need everyday. And, if you are thinking about Kmart... and our so called super Kmart and Ames, let me say that I am talking about the quality and variety of merchandise that you can't find there. This would seem a good time to answer the concern of the increased traffic and I think that there are an increased number of residents in this Town. We are already out in the roads and we are heading out of town to do our daily errands. And, trying to find the time and wanting to spend the gas every time I want something from Walmart is a constant frustration. Why should I have to spend either to take my business and my tax revenues elsewhere when they could be of great benefit to my own Town.

This brings me to my second and third points which is happening financially to 1. our taxes and 2. our schools. Our Town cannot continue to provide the quality services and schools we expect without increased revenue. Tax revenue fuel our system and without increased retail development to compensate for the increased population and demand for services the Town is going to be facing starvation. We are already seeing the tightening of the belts by our school district and this year's school budget required about a 3 percent increase and that's before we take the hit if PSEG comes to Town. And, our schools could face dark times ahead if we continue putting yup road blocks to

any growth of our commercial revenue base. This is a long term problem and it impacts many of us with children in the district and one which must be addressed rather than later. And, I think our Superintendent, Les Loomis, has addressed this topic as well and he has met with the developers and is... seems to be fairly confident that they are willing to work with the school to ensure safety. And, I think... and he has said himself, an expanded commercial development and starting to slow the residential development is a part of the strategic plan for preserving the integrity of our schools.

In closing, I ask just once more to take a good look around the Town. It's kind of time for a reality check. There are more of us and more needs to be met and the addition of higher quality big stores won't stop any of us from browsing in I Love Books or picking up when we need at Ace Hardware. In fact, to those who complain we'll be driving out local business, I have to question if Bethlehem residents are so interested in supporting these local establishments, then why have there been half a dozen businesses coming and going in the Four Corners area alone just in the short time I've lived in Delmar. And, why is there empty retail space all over Bethlehem. I am sure the more organized opponents to this project are counting on bending the will of Bethlehem residents once again but I think they will be surprised to learn, as I have, how many people feel the same way I do. Thank you for your time.

SUPERVISOR FULLER: Thank you. I forgot to mention at the beginning of the meetings, all letters that have been sent in, are here and have been copied for the Town Board and will be copied for the Planning Board. All these letters are part of the record. So, if you were submitting a letter tonight, please make sure I get a copy of it. Thank you.

MR. BERGER: Good evening Board Members. My name is John Berger, I live at 70 Dinmore Road in Cedar Hill. I'm here to speak in favor of this project tonight. I think it is a much needed and much welcomed project for the Town. The taxes that it will bring in will help offset the loss in revenue from the Ni Mo project. It appears that the developers have gone over and above what you normally would see in order to enhance this project. Some people say well, you can drive 20 minutes and go to Home Depot or Walmart in Guilderland or Latham Farms or somewhere else but with gas heading to \$2 a gallon, I don't want to drive 20 miles round trip which would be basically 25 minutes each way when I could basically go 5 miles, 4 miles up the road and have 2 wonderful places to shop. If my wife were here, she'd second what I am saying.

I just think that the Town needs this project. It seems like they have, according to all the research they have done, they've taken into consideration every contingency that is possible. And, I would just urge the Board to vote for passage of this project. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. RIGGI: Good evening. My name is Bonnie Riggi. I live on Bender Lane and I would like to premise my remarks with... by saying that I'm not fundamentally opposed to the development. I agree with a lot of the comments that have been made so far but I think that the Bender Lane access is a real problem. I've given my comments already so I don't want to take a lot of time tonight but I think it is a dangerous road and I think that encouraging 2 way traffic on that road is a mistake and while everyone is very happy about having the revenue from the taxes I don't think they will be real happy when the Town ends up being a defendant in a personal injury suit when somebody gets killed on that road. I think that there are other options including blocking the road altogether past the Bender Lane driveway so that people can come in and out but have to use 9W or making the road a one-way road. I think to encourage the use of a road like this and I think everybody here probably knows what it is like to get in and out of that shopping center is a big mistake. Thanks.

SUPERVISOR FULLER: Thank you.

MR. STORCH: Good evening. My name is Rob Storch. I live at 86 Columbine Drive

which is in Country Meadows which is right off of Bender Lane. Initially, I would like to second the comments of the last speaker regarding the impact on Bender Lane. My understanding is... and this is 3<sup>rd</sup> hand... is that the draft EIS does not propose any remediation for Bender Lane and that's a huge mistake. We drive that road regularly, it is dangerous as it is. There are significant changes in grade and elevation. There are numerous turns which are very sharp as anyone who's driven it can tell you. There are various limited sight places on the road where you don't see cars until the last second coming at you. It's not lighted at night, it is very dark. In bad weather it is very slippery. The school buses... I have 2 young children who got to Glenmont elementary... take this road and as it is we're deeply concerned about that. My understanding is that the draft EIS estimates that there will be at least 100 percent increase in traffic on Bender Lane with this development. Frankly, I think that's a fairly low figure given all the people that will be coming from Slingerlands, from Delmar, from the west side of the district as we heard from. And, not to either make significant and what I expect to be very costly changes to Bender Lane or... and it would be a huge loss of convenience but... or just to block it off beyond the entrance there would, I think, just be courting disaster. And, I can just tell you, someone who drives it virtually every day that it's a real problem that needs to be addressed.

The second point I want to make, relates to the elementary school. I am trying to focus on areas where I have personal experience. I go over there from time-to-time in the afternoons to pick up the kids or do things and there's an existing serious traffic problem that I don't have to tell anyone here who goes over to Glenmont Elementary about. And, with the increase in traffic there is, in my humble opinion, no way that you can conscientiously consider a development of this size without putting in a dedicated traffic light for Glenmont Elementary school. It's again, just courting disaster, not to do that. I understand there are some negotiations with Farm Family, that's not going to address the problem. And, given the amount of traffic, given the traffic flow problems that already exist, I would strongly encourage the Board to consider requiring a separate traffic light for the Glenmont Elementary school.

Additionally, more consideration needs to be given to the impact on the school during the construction phase. And, the school is not air conditioned as you know, many of the teachers open their windows. I have gone to classes there with my young daughters and when it's warm the teachers open the windows and that's great, it's going to be a lot less great during the construction and I know there is some distance but it's going to be dusty, it's going to be noisy. I have talked with my children's teachers and they have expressed concerns about what they are going to do. And, I suppose the solutions to that are merried, one that simplistically occurs to me is to get air conditioning for the school which we wouldn't ask the School Board to pay for Mr. Loomis but it may be an appropriate thing to talk to the developer about working with. But, in any event, something needs to be done to make... excuse me... to make sure that that impact is reduced.

The final point I will make is one that I claim no expertise or personal experience on but I frankly was somewhat surprised by the estimates about the tax income and I guess my question there would be – whether that takes into account possible loss in income from other businesses that will surely be impacted. And, again, I am no expert on this but I think the history of Walmart, in fact, and the world of opposition – I'm not necessarily opposed to development – but the history of Walmart and it's ilk are that when they come into Town's, local businesses suffer and I think we are kidding ourselves if we think that because of the unique nature of our local hardware store or our local butchery or whatever it is, they are going to do just as well with a 24 hour Walmart super store, supermarket down the street and a Home Depot that has 10 times more supplies than the local hardware store could ever dream of. I personally drive sometimes to the Home Depot when I want to get something that is not available locally so there is going to be an impact on the local stores. That, I assume and you all are the experts, will have a negative impact on the tax revenues and the school board revenues that come from those stores. So, I think in any analysis of the benefits to the community, you have to take into account the losses too.

And, the final thing I will say, is development is wonderful. To me, the question is is this a development that meets the needs of our community or are we putting a regional shopping mall in our community that creates more issues, more costs, more services issues than benefits for the community. And, if it is the latter, can we address those in a way that doesn't barr development but does it responsibly. So, I hope that's helpful. Thank you.

SUPERVISOR FULLER: Thank you.

MR. ENGLISE: Hi, my name is Dave Englise. I live at 267 Bender Lane. I'm just down the street from the project. And, I believe it is inappropriate and unfair to those of us who live on Bender Lane to build a shopping center such as this on the windy and narrow residential street that we live on. To provide access to and from the shopping center on Bender Lane is akin to building it on Bender Lane. If this is done, traffic volumes on Bender Lane will greatly increase, quality of life, as well as, property values will greatly decrease. To believe otherwise is a simple denial of common sense. As a resident of Bender Lane, my intelligence is insulted by the statement in the draft environmental impact statement that the traffic impacts of the project on Bender Lane does not reach a level of significance. Bender Lane will become the access road to and from the shopping center for everybody approaching it from Route 32. There will be traffic jams, higher speeds, more accidents and certainly injuries if not deaths. It will completely change the nature and atmosphere of Bender Lane for the worst for all of us who live on it. The solution to this is simple, build the shopping center and provide access to it exclusively from Route 9W. Simply dead end Bender Lane so that it can't be used for access to and from the shopping center. Make the south end of Bender Lane adjacent to the shopping center passable for emergency vehicle use only. Major regional shopping centers such as this should be built on major State highways such as Route 9W, not residential windy back roads such as Bender Lane.

I am adamantly against the building of this shopping center if Bender Lane is not dead ended. Thank you.

MR. CROWLEY: I'm Peter Crowley. I live at 26 Forrest Road, Delmar. First off is that I want it very clear, I am in favor of commercial development. However, I have very serious concerns about destination shopping centers. The type of traffic that will occur and I'm not talking specifically about 9W or Bender Lane. People will come from all over the area, Albany, outside Bethlehem to come to this destination shopping center. The traffic impact is not just 9W and Bender Lane. It would be naïve if we believed that. Delaware Avenue will be affected, Elm Avenue will be affected. Cherry Avenue will be affected, Kenwood Avenue, possibly people trying to take short cuts through Roweland Avenue. Many of our side streets in our communities throughout Bethlehem will be adversely affected with traffic.

As I said, I am all for commercial development. I am very disappointed in the Town Board and the elected officials for not courting office buildings through Picotte and BBL. The traffic patterns with office buildings is predictable and reliable – morning/afternoon. The traffic patterns we're going to get from this major shopping center like this with destination shops will be after 4 o'clock, heavy on weekends and unthinkable during the holiday season. People have mentioned that this has no affect on the elementary school. Again, I think we are being naïve. What's being constructed is called an attractive nuisance. Elementary school children are going to want to dash across the street to go to Wendy's. What are the safety issues if and when that happens? Lastly nobody has mentioned the fact is we as taxpayers will be footing the bill for increased emergency services needed for a shopping center like this. We will need to increase police on our Bethlehem Police Department, as well as, possibly other emergency services. That happens.

I am very disappointed again that we're not courting office buildings. They would bring in the same revenue, would not be the same disruption to the Town, would not have the same safety issues for the Town for the children and noise factors that would occur. Again, I would hope the Town would look in a different direction. Thank you.

MR. DAWSON: Hi, my name is Charles Dawson. Live at 2 Olde Coach Road in Glenmont. I am here as a resident of Colonial Acres which is off of Feura Bush. I'm also the County Legislator whose district this project is in. I'm not here to criticize Mr. Nigro, who has an excellent reputation but I do have a few concerns about the project that I want to voice tonight.

First, I'm concerned that after the substantial commitment from the State to improve and widen 9W and that's not just from Route 32 to Feura Bush but maybe further and also perhaps to add that new exit off of the Thruway but this retail warehousing development and its associated traffic would chock out any possibility of the kind of real economic development that this Town needs – such as a tech park on or near 9W, such as a corporate woods type of project or even a corporate woods type of development on the project site itself. The reason is simply that the increased traffic will... volume from this project is going to strangle the 9W corridor to such an extent that no other substantial tax based broadening economic development is going to be able to be permissible in the vicinity. So, this is penny wise and pound foolish. Yes, we do get some increased taxes from this project but I think we forfeit a much bigger return from other kinds of economic development.

But, again, I am not opposed to this project. I think we need to down size it but I don't think it can stand as it is right now.

Second, I am concerned for the viability of our small businesses despite their best efforts to compete and despite the efforts of our Chamber of Commerce to help them. The competition is fine except when we shoot ourselves in the foot and end up with vacant stores, ghost malls and lost taxpayers and neighbors who are part of the fabric of our Town. Does anyone think you can go knock on the door at Walmart and ask for an ad to support the Bethlehem Tomboys? Do you think you can ask them to sponsor a team, Little League team over at Magee Park?

AUDIENCE: Yes.

MR. DAWSON: Where... where... where are these teams? That would be nice, good luck.

SUPERVISOR FULLER: If we can limit this to comments and I would ask that you address your comments to the Town Board. That is the purpose of tonight's public hearing. If you would do that please and we are not going to be debating with each other in the audience. There is a big crowd and we need everyone to have the opportunity to address the Board.

MR. DAWSON: The third concern I have is that our fire and especially our emergency medical services will be over taxed. If not today, in the near future as our departments continue to hemorrhage volunteers. And, I was wondering if there was any way that the developer, out of neighborliness, could work with our local fire departments to help them out with equipment such as thermal imaging devices or for other... may make a contribution to the Albany County Firefighter Recruitment and Retention Fund. Also want to know if the site is going to have defibrillators.

Fourth, on Glenmont Elementary School I am concerned, again, lies right across the street. I think consideration should be given to having the developer, in exchange for building a new elementary school in a safer and more central location for the school's ... area, should be allowed to take title to the school and seeing as how these 2 mammoth retail box stores will now constitute the center of our Town, we're told, it only makes sense that the developer provide public meeting space and perhaps a library annex drop off point as well and in this case they could use the old Glenmont school for that purpose.

Fifth, I'm concerned about the resulting traffic and the lack of sidewalks and bike paths on 9W, Feura Bush, and Glenmont Road, Elsmere and Murray. As many people have

already said, it's plain unsafe to walk, job or bicycle along these roads and the project is only going to increase vehicle traffic while attracting pedestrians.

I have 75 petitions from residents of Colonial Acres alone, including a recent Congressional candidate, asking for sidewalks on Feura Bush. There is no single issue that I get more questions about from my constituents on both sides of Feura Bush than the sidewalks issue.

Drivers can't get out...

MRS. CAPONE: Mrs. Fuller asked you to face the Town Board, not the public.

MR. DAWSON: Thank you. I would like to talk to my constituents too. On my fifth point about traffic, drivers can't get out of Wemple Road onto Feura Bush in the same day as it is now. With the increased traffic volume generated by this project, it will become downright unsafe not to install a traffic signal there. Who is going to pay for the installation of operating a traffic light there and what about the accidents waiting to happen further up the road at Hasgate and Murray? Did we move here to have a bunch of traffic signals every quarter of a mile so we can get safely in and out of our neighborhoods? On the other hand, someone is going to get seriously hurt if we don't do something. So, hopefully this project will drive home the point that Glenmont has its legitimate needs for health and safety and infrastructure improvements.

Sixth, I am concerned that there are no provisions being made with the likely even that one day, one or both of these huge boxes will be vacant. Won't that be attractive. It's taken how many years to rejuvenate the Town Squire Shopping Center and lastly I want to know if the Town has contracted for the performance of an independent cost benefit analysis of this project to determine what the ultimate cost of this project is going to be both with respect to tax dollars and quality of life.

Thank you.

SUPERVISOR FULLER: Mr. Dawson, do you want to leave a copy of your remarks here?

MR. DAWSON: No, I'll give you a final copy of them.

SUPERVISOR FULLER: Okay, thank you. Yes.

MRS. SACCO: My names if Gayle Sacco. I live on 43 Brightonwood Road which is off of Feura Bush Road in Glenmont. Mr. Dawson addressed a couple of the comments that I also wanted to make. First of all I need to say I have been here for 15 years, I have 2 children in the school district. I've seen a lot of businesses come and go. It's really easy to keep business here, if you choose to shop in it. And, for years the people in this community have chosen to spend their gas money to go other places. So, the stationery store went out of business, restaurants go out of business, 4 corners can't be stable. People have to decide to shop in the community whether it's a Walmart or something else for the community to remain viable. And, this community has never really been willing to do that.

I have concerns about the residential quality of the area and about the lack of attention to some of the things that were in the LUMAC plan. In particular I am concerned about the fact that this project has 55 lights that are going to be 40 feet high each. And, that... they are talking about having these stores open 24 hours a day and that is going to really impact the sky and the light and give us a lot of light pollution. I believe the LUMAC plan recommended that projects on 9W have 18 foot lights as opposed to 55 foot lights.

I'm also very concerned for the residents about the pollution that comes from the trucks and increased traffic and what the long term impact is in terms of the things that grow there and the things that come there and on us. Home Depot in particular gets a lot of construction business and that big heavy trucks with big heavy pollution that comes and

go and drop their stuff on our roads and their pollution in the air that my kids are breathing. And, I am really concerned about that. I'm also... my 5<sup>th</sup> grader recently decided that she was able to ride her bike, she is very responsible. She is very ready for 6<sup>th</sup> grade. And, she is very responsible and careful and I walk on Feura Bush Road. She has a friend who lives maybe a quarter of a mile away, so she has to go out Brightonwood, onto Feura Bush and then in Presidential Estates because her friend lives in that new section of Manor Drive that was developed. I'm really afraid to let her do that. You know, because there's no room to walk. The traffic does not slow down at all. The quality of a community is the people and the way that this is developing, there's really a lack of consideration for the people to be able to remain a community in the way that they have. There already is a problem now because where Feura Bush Road crosses 9W, is a red/green stop light instead of a red/walk/green stop light. So, if my daughter has a friend on one of the other areas, I can't let her go there. And, I have a lot of concerns about how we are going to keep that quality with all... and I don't hear anybody addressing those concerns. Thank you very much.

SUPERVISOR FULLER: Thank you.

MR. SCANLON: My name is William Scanlon and I live at 18 East Bayberry Road, Glenmont, New York. I have some questions for the Board since that is what we are doing.

The first question is and maybe this is a confession that I haven't done my homework and you will assign some to me. Has... Has the Board put out a statement about the Town's need for this project? Why does the Town need this project? That's my first question. You can answer it or not. The second question is has the Town said we need to have this project there and why? And, thirdly, how has the Board – and I'm talking right to the Board now – has the Board made some analysis of, I guess, the dead LUMAC plan? How this would – even that LUMAC plan which is in somebody's drawer – I hope not yours, Sheila –

SUPERVISOR FULLER: It's not mine, it wouldn't fit.

MR. SCANLON: Give you... we'll give you a bigger drawer. You know, how this project will conform or not conform with the LUMAC plan and all the stuff that went with that. So, there are those questions, I don't know how you want to deal with them. And, my final concern is I just have to share everybody else's concern, this has to have – I think – terribly negative impact on Delaware Avenue which doesn't look very good now and hasn't gotten very much better since the 30 off years that we've lived in the Town and I don't think this is going to help it get any better. So, I do have a concern. I don't know whether I am for or against the project until I hear you tell me more what are the needs that you see that are going to be fulfilled by this and how it conforms to all the work we did in the LUMAC plan. I can't make a decision. Thank you.

MRS. BASSINSEN: My name is Meg Bassinsen. I live at 36 Roweland Avenue in Delmar. I am against this project. Walmart is not a neighbor. They are a multi-billion dollar corporation. When they move into a small community they cost that community jobs because they're in direct competition with that community's businesses and grocery stores. Walmart made 3.5 billion dollar net profit last year. They don't make that profit by treating their workers fairly. 80 to 90 percent of their clothing is made in overseas sweatshops. They're American workers are paid under the industry standard wage that is above minimum wage but by the industry standard it is low. 38 percent of their workers have health care through Walmart, only 38 percent. I have children, I don't want to tell them that I welcomed this corporation into our community. I will not shop there and I do not support them moving into our community. Thank you.

MR. TRAYLOR: Good evening, my name is John Traylor. I'm at 31 Wander Court in Glenmont. I'm trying to fill some remarks for Kathleen Martens tonight who is attending a function at Glenmont Elementary School, as we know right across from this project and I am presenting some comments on behalf of Plan 9W.

Let me start by saying that most of us recognize the changing nature of development in Bethlehem and the need for well planned, cost effective commercial development. Our Town is experiencing rapid residential growth and the impact this brings to our schools, roads and Town services. While at the same time, we are faced with potentially significantly declines in our industrial tax base. To keep our Town the way it was is really not an option. We must accommodate growth and the costs that come with it. Invest in our streets, our schools, in our public facilities and deal with erosion of a tax base. We must plan wisely and well. The question really becomes what type of development is appropriate for Bethlehem. Does that development pay for itself? Is it in keeping with the community character in the aesthetic sense of our Town? How does it fit into the larger plan for orderly development over some period of time? How do we deal with the adverse affects on traffic, our schools and public safety? We must ensure that new development adequately addresses these issues and helps solve the problems it will create. Using these benchmarks, Plan 9W, has some significant concerns about the impact of the Bethlehem Center Shopping complex and the proposed mitigation being proposed by Nigro developers. Those concerns will be outlined to the Board in a formal written commentary to you. So, in brief, I just wanted to touch on some of our concerns.

This 350,000 square foot 24 hour regional shopping center expects to draw customers from Greene County to Albany. A retail development of this size is going to generate a lot more traffic and have a significant negative impact on a road system that's already struggling with double digit population growth and more housing developments on the way. Plan 9W thinks that the base level of trips generated by this project as estimated by the developer is too low and that the proposed mitigation for traffic access and pedestrian safety is inadequate. The developer must adequately address the traffic congestion that will be produced on 9W, Bender Lane, Wemple and Feura Bush Roads to name just a few that are affected. By the developers own calculations, intersections at 9W and Feura Bush, 9W and Beacon Road and Wemple and Feura Bush will fall below acceptable standards unless significant improvements above those proposed by the developer are made. Access to the site via Route 32 has been ruled out, as we heard tonight which will lead to significant safety risks on Bender Lane which will suffer an 83 percent increase in its traffic according to the estimate by the developer.

Finally the mitigation proposed for 9W is insufficient adding 50 percent more car volume, bikes, pedestrians, buses and delivery trucks to an already crowded road without expanding to 4 lanes would be extremely short sighted. In fact, without adequate traffic mitigation by this development, future growth along the 9W corridor and its arterials would be forestalled. Mitigation must be provided to Glenmont Elementary school and I was thrilled that the developer is in negotiations with the school district on those items. Unfortunately, none of those items he mentioned are in the draft environmental impact statement. Issues such as bus access, pedestrian safety, and the school playground security must be satisfactorily resolved. And, I am glad to see that they are talking about permanent signal traffic access for the school, some type of berm or buffer in front of the school and a winter playground space across from the road.

The DEIS does not analysis the impact on community character and aesthetics as called for in the scope of the document. There simply is no analysis of a smaller sized alternative such as the 100-250,000 square foot center outlined for this area in the Town's master plan. The visual impact analysis does not use any type of sophisticated photo simulation showing for example, what happens to visibility on 9W when it does get 4 laned and wipe out much of the buffer provided by the developer. Nor, does it take into account any future widening of 9W and that impact on all of the proposed screening. Lighting, signage and parking layout, as some of the other speakers have said here tonight, is not clearly detailed in the DEIS. Finally, although not required as part of the DEIS, the Town Board should require that Nigro fund a cost benefit analysis of this proposal before proceeding and which is done by many other towns. For example, the developer believes that significant increase sales tax revenues will be generated for the Town from this development. We did not believe that is a valid assumption because, I am sure as the Town knows, sales taxes are generated at the

county level and distributed to the Town according to a formula. So, as long as somebody shops in Albany County, you get a slice of that sales tax revenue.

It also seems possible that this type of development could cannibalize some of our current property tax base. What do the developers economic impact numbers look like if Kmart, Grand Union or Ames closes down in response to Walmart competition? What impact will a 24 hour regional shopping center have on the need for future police overtime, fire protection, highway maintenance and traffic safety given our current Town growth rates? What are the costs to providing improved highway access, bike paths and sidewalks to name just a few of the areas that will generate costs over time? These questions need detailed analysis.

We would urge the Town Board to delay final action on this proposal until these issues get resolution. Let's not rush into a project that will have a permanent long lasting and potentially adverse impact on our community until we are absolutely certain we are satisfactory answers to these questions. Let's not have development at any cost. Let's have the right development at the right cost. Thank you.

SUPERVISOR FULLER: Thank you. I wondered where you were.

MR. LOOMIS: I've never gotten that kind of sustained applause before. We'll see how people feel about my remarks.

I'm Les Loomis. I'm the Superintendent of the Bethlehem Central Schools, 90 Adams Place, Delmar. I've sent Sheila Fuller and the Town Board a letter about the project and I just want to read it and then I have some additional comments.

The Bethlehem Central School District, Board of Education and I are appreciative of everything that you and the Town Board are doing to attract appropriate commercial development to the Town and school district. We know that an expanded tax base is essential to making a high quality education for BC students affordable to district residents. As part of the public hearing process on the draft environmental impact statement for the proposed Bethlehem Town Center, Nigro project, I want to express the Bethlehem Central School District's viewpoint on the project.

We are neither advocates for nor opposed to the project. Rather, our concern is that the project address the proposed development's impact on the Glenmont Elementary School. The district is concerned about both safety and aesthetics. First, we are not convinced that the DEIS adequately addresses safe entrance and exit from the school for buses and other vehicles. The school's use of the Farm Family driveway as an exit is based upon Farm Family's good will. I'll want to comment a little further on that.

Second, we would like to see a commitment from the developer for extensive landscaping on our property to visually shield the school from the shopping plaza. It also seems reasonable to ask the developer to create a paved play area at the rear of the school so that the students are not playing at recess in view of the shopping center's patrons.

On behalf of the District we ask the Town Board to seek the developer's cooperation in resolving these issues which are essential to the safety and well being of Glenmont Elementary School students, staff members and parents. Thank you for your consideration.

As has been mentioned, John Nigro contacted me, Theresa Fuller the Principal of the Glenmont Elementary School and I had met with Mr. Nigro and some of his people at his request early before the project got under way but we wanted to discuss these particular points with Mr. Nigro and his representatives. When we met last week, we talked about the fact that we are, first and foremost, concerned about safe entry and exit to the school and from the school. We don't believe that without additional consideration that's going to be the case. I don't know that it's feasible to think about a traffic light at the current entrance and exit of the school but I'm no traffic expert. I

appreciate the fact in talking, Sheila, that you indicated the Town Board is working with an independent firm – I believe it's Vollmer Associates – that will provide you with an independent analysis of the traffic situation. We too will look to their expertise in terms of making determinations as to what the right kind of arrangement would be for the safe entry and egress from the school.

We also feel that, obviously, this involves Farm Family. They have been a very good neighbor and we've been in touch with them. I spoke with their Chief Counsel, actually we do have a limited agreement with them. It's not just totally good will for the use of their driveway for exit purposes only at particular parts of the day. We... The Council indicated to me that Farm Family would be receptive to a proposal from the District to, perhaps, change and expand that arrangement. Certainly we see that as a very hopeful sign. I asked Mr. Nigro and the other representatives from his firm whether the developer would be willing to consider paying for changes in the configuration of the driveways both on the Farm Family and school property and he answered in the affirmative.

I... We then talked about the issue of the playground and the play area. It's not been ideal for us. It doesn't drain... the land doesn't drain well to the rear of the school and as a result we have children... the main play area is the... part of the front parking lot cordoned off. That's never been a good arrangement. We don't want the children out there playing with a major plaza across the street. Again, Mr. Nigro was, I think, forthcoming, and quite honest in saying that they would certainly consider that and asked us to present them with a design as to what an acceptable play area project might look like. And, we are in the process of doing that.

Finally, we are very concerned about a plaza of that size across the street. They spoke with us about the setbacks and the landscaping that they intend to do on their property and I think Mr. Palumbo presented that quite clearly this evening. But, we requested that on our own property, closest to 9W they consider doing extensive landscaping with berming and evergreens that would visually shield the school from the project and from 9W and, again, they were certainly responsive.

So, we appreciate the initial positive indication that we have gotten from the developer in those ways. I do have to emphasize that its essential to us that those considerations be addressed and be addressed adequately for us to feel that our concerns have been met.

And, finally, I want to express my thanks to Farm Family for the consideration that they have given us thus far and their willingness to consider, perhaps, additional steps.

Thank you.

SUPERVISOR FULLER: Thank you.

MR. DRAKE: My name is Todd Drake. I live at 6 Hoyt Avenue in Glenmont. I didn't come here with a prepared agenda and I've been listening to many of the comments that have been floating around and I wanted to tell something to the Board because I think I represent something that hasn't really been up here and that is a younger generation of people who are moving to Delmar and Glenmont and no offense to anybody. I want to just point that out, my wife and I are in our twenties, we're expecting a child. We moved here last summer. The primary reason that we moved here is because of the uniqueness of the community. Because it is a bedroom community. We're aware that the taxes are higher. We're aware that the school systems are very good and certainly is one of the reasons that the taxes are high.

There has been a lot of cost benefit analysis and in business, a cost benefit analysis always involves more than just economics. It involves lots of qualitative measures and I think people have brought up a lot of great points tonight. I want to state a couple of things and ask for the Board's answers in these areas. The first is if... pertaining to what Mr. Dawson brought up – if the Board has considered trying to get in a little bit

higher caliber type of commercial development, no offense to the Nigro company, but technical industry, you know, commercial office space. I think that as a long term that is going to be a much more beneficial impact on our community. Walmart is the number 1 and largest owner of vacant real estate in America. I can't see that as a long term commitment.

The other thing is I'd like to ask if the Board has considered the relative size of the project and compared it with... as a regional project now. Other regional projects, most notable the Washington Avenue extension, I believe it's Crossgates Commons. I believe this project is, if not equal in scope, perhaps larger. That is served by a 4 lane highway – Washington Avenue Extension – which is in turn served by I-90, I-87, Fuller Road, Western Avenue – the only one of those roads that's not 4 lane in its entirety is Fuller Road. I think we are talking about here a 2 lane road in a bedroom community and I think that the scope of the project exceeds the capacity. I think that once you open the door to retail development, more will follow. I checked on the asking price on the lot across the street, it's 1.96 million for 14 acres. Clearly people expect to continue development and I think that's going to cause serious problems by way of traffic mitigation. So, I'd like to know that – I am aware that DOT has no plans for the next 5 years for mitigating the 9W situation. We are aware, at least qualitatively that the traffic problems exist already on 9W. I would like to know who will fit that bill for reconstructing the jughandle area where 9W meets 32 on the north end there. Who will widen the road later when other retail or other corporate development follows, if in fact other commercial follows, if in fact other commercial development does follow.

Also, pertaining to the safety issues, Town services. I don't have hard facts with... and so I will say that I have heard that Walmarts of a similar size and of similar hours will draw 40 to 50 additional police calls per month. That to me is frightening and if you know where Hoyt Avenue is, it is probably maybe  $\frac{3}{4}$  of a mile as the crow flies. I think that for me and expecting to raise a family that is a serious consideration. My pocketbook means considerably less.

So, I want to talk about some of these issues and have the Board address... I think another gentleman mentioned, what does a Board see as a need for development in this area and is that a regional or is it a local level. I urge mitigation of the project, not complete closeout of the project. I don't think that is something that can be considered at this point. I think it's more, can we bring this to a level that fits with the community and serves the needs of our community rather than the needs of South Albany. And, in deference to people from Selkirk, I think they're also going to have to still continue to drive a long distance and perhaps, we want another development down towards Selkirk and Ravena which is also a burgeoning area. So, we may want to consider, I think, a larger and broader view of this development.

The last thing I want to point out is, many people have been wowed by the \$425,000 tax budget based on, I believe, a \$20 million assessment – that represents 8/10ths of 1 percent of our school budget for this year. It might even be less cause I think it is \$53 million. I don't know. That to me is not enough to outweigh some of these more negative impacts including the traffic.

While I'm on the traffic, my other question for the Board... I keep saying that... my additional question to the Board is when would... what days were this traffic study... was this traffic study performed on? I've heard that one was a holiday in which school was not in session. If that is indeed the case, an outside contracted traffic study is certainly warranted because I think that is what is called massaging the numbers.

I've also heard that in this case comparisons between impacts by other Walmarts and Super Walmart centers have been somewhat tongue in cheek because a. there are few other super Walmart's. The only one in the area is in Wilton, I believe at Exit 15. And, also that Nigro's used comparison properties... other Nigro properties. I think that, again, an independent study on a lot of these matters as part of an overall cost benefit analysis is warranted.

Thank you very much.

SUPERVISOR FULLER: Thank you.

MR. ABRAMS: My name is Sam Abrams. I live at 10 Placid Lane.

SUPERVISOR FULLER: The other microphone.

TOWN CLERK NEWKIRK: The silver mike.

MR. ABRAMS: Sam Abrams, 10 Placid Lane. It just seems like there is no plan for what's going on. And, this development seems to be very short sighted. As we've talked about, Walmart does have a lot of vacant buildings and is not the optimum tenant it would seem like for this Town. We have talked about office buildings, technical industries, seems like that would be a much better option than Walmart which... and Home Depot would seem to run away after a little while. And, it would just seem like this Town character that everyone is talking about and would like to preserve is at a very great risk if there's no comprehensive plan akin to the LUMAC plan which I know, from my sources, is not legislation. It's not law but, people keep referring to it. It just seems like it would be very important to have some set goals and some set guidelines in order to develop the Town instead of haphazardly taking each project as it comes and, you know, it just seems like something needs to be done so everything is working together again with the traffic concerns. If... it just seems like this is very short sighted and better things could be done if a plan were implemented. And, that's it. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. HEINZE: My name is Nancy Heinze and I live at 20 Glendale Avenue in Delmar. Okay. These are written... this is a written statement and here it goes.

The prospect of a nearby Home Depot and Walmart is in ways enticing. I do most of the shopping in our household and driving out to Crossgate Commons is inconvenient and depressing. The pricing and selection at both of these stores is, however, enough of a draw to make the trip worthwhile. But, to the degree that I love a bargain, I also love in a more profound and intense way, healthy eco systems and strong connected communities.

In September, I decided to learn more about the Planning Board and started to attend meetings. I wanted to know how land use decisions are made and who makes them. Each meeting has been instructive and has revealed to me the legal, economic and philosophical realities that influence land use decisions. I did really want to learn about the Bethlehem Town Center. The prospect of any land being paved over is painful to consider but because this proposal has dominated the agenda by default this is what I've become familiar with.

I've watched the players in action and witnessed the uneasy dance that takes place between developers, Town staff planners and the political appointees that serve on the Planning Board. For better or worse I am extremely familiar with the site plan. Fundamentally, the vision I have of what the development will look like leaves me deeply troubled. For some reason my thoughts keep turning to what it would be like for Glenmont school children. I live on Glendale Avenue in old Delmar which I mention proudly because something amazing happens every day – kids walk to school, then walk home and stop at CVS for a candy bar. It takes them 15 minutes. Such a human innocent act used to be common place but increasingly because of the brilliant way we have configured streets, design commercial space and eliminated sidewalks, this has become an unusual activity. Given the proposed site configuration, your typical candy loving Glenmont 4<sup>th</sup> grader heading home to Woodhill Estates would have to cross an expanded 9W, negotiate a Town Center sidewalk system that barely exists, then cross a maze of parking spaces just to get to Walmart. Once the candy bar is purchased, the truly adventurous might cross Bender Lane and try to cut through the back parking lots

heading home.

What does this walk through a parking lot offer a child for beauty? Will they meet a friend as they negotiate the cars in the Walmart parking lot? Will they be safe? Will they look out at buildings with intriguing shapes, interesting colors? Will they see something they have never seen before? Something unique, special to their own community? What the Town Center offers to children is a visual landscape that is profoundly sad. If neighborhood communities are created by easy, non-threatening conversations, I wonder as the child walks along which faces will be recognized enough for a familiar hello.

I am very nervous as you can tell.

In all fairness to Nigro Corporation, they've tried to anticipate and accommodate community concerns. They've adjusted the placement of Home Depot and Walmart to preserve wetlands and open space. They've tried to hide Home Depot and Walmart behind trees and below berms. They've suggested legal agreements to guarantee proper maintenance of the property. If Town officials don't want a footpath, they take out the footpath. Perhaps the developer shares with the Town some environmental and aesthetic concerns. Or, more likely, the anticipated revenues are so attractive that such accommodations are worth the effort. Whatever the motivation, these site plan modifications don't change the fundamental reality. The Bethlehem Town Center is a large 349,630 square foot sub-regional shopping center that will change the land and Town significantly.

If Nigro can stay the course and continue to appear to be infinitely accommodating and the Planning Board and the Town officials continue to be attentive to the commercial taxes generated by this project, it seems inevitable that this deal will go through. Eventually, we too will have a Home Depot and Walmart in our backyard. Before yielding to a peculiar momentum that seems to allow this project to go forward, I would like the Town and Nigro to seriously consider some options. During the course of the Planning Board meetings, the Nigro representative presented a simulated photograph of what the Home Depot and Walmart would actually look like at the proposed site. The photo showed existing vegetation in the foreground and Home Depot and Walmart in the background. Perhaps, others are familiar with this visualization technique. I wasn't and it was very impressive although possibly misleading given the vulnerability of trees. That aside, the photo brought home... the photo brought home to me the value of actually seeing what something would be like and on the basis of that, deciding whether or not it was something you could live with or, perhaps, want to change.

Recently I attended the SMART growth conference here in Albany organized by the National Audubon Society, and sponsored by a variety of organizations including builders and environmentalists. Most of the neighboring municipalities had Town officials attending. Bethlehem did not which is unfortunate for many reasons. During lunch, Tony Neilson, a nationally recognized planner demonstrated his visual preference survey. His firm has a library of residential and commercial images including sidewalks, trees, facades, parking spaces, 2 story buildings, 3 story buildings, etc. that can be incorporated into existing real images of your town to simulate what a commercial strip could look like. As workshop participants view an array of simulated images, they fill out the visual preference survey which becomes a statistical analysis of what the group likes or dislikes. Eventually the group develops a mutually agreed upon 3 dimensional model of the commercial strip. He then uses this model to produce a zoning code which becomes the legal foundation for future development. The visual model also becomes a device for marketing the commercial strip. The entire workshop process can take 2 months and there's some success stories throughout the United States.

The Planning Board is obligated to consider any development proposal that matches the zoning code along 9W. The Board can adjust setbacks, tinker with the position of buildings, try to save a tree or two, ask developers to work on wetland requirements but without alternative zoning or more specific zoning, any of the 9W proposals currently

under consideration could eventually get built. Over time, what we get is a commercial strip that is fragmented, ugly and automobile dependent. We need a vision for what we want on 9W and we need to quickly develop a zoning code that reflects this vision and legally allows Bethlehem Town officials to accept or reject development proposals.

I would strongly urge our town to hire Tony Neilson's firm to help us begin and to complete this. The cost is a consideration but with some creativity and community good will we could do it. Given the anticipated residential development proximity to Albany and proximity to the New York State Thruway I suspect that the developers won't go away and that by delaying a decision at that site, Nigro, Walmart and Home Depot may back off but another developer would come along shortly or perhaps Nigo, Walmart and Home Depot will take a few risks, join using the visioning process and dare to develop the area in an aesthetically pleasing way.

Tony Neilson has some compelling numbers that demonstrate for developers the financial bottom line advantages of the visualization process. There might be a way to still have a Walmart and also create a walkable aesthetic space along the 9W corridor.

Finally, concerning the existing site plan. I would like to Town to consider preserving as much green space as possible by using alternatives to pavement for overflow parking. This is done in Europe and in West Farms Mall, a large regional shopping center in West Hartford, CT. I've enclosed information about this along with the necessary contacts to pursue it further. This is proven technology that would do much to protect water resources and minimize storm water run off. Also soon there will be a new... soon there will be new Federal storm water regulations to mitigate non-point source pollution. And, these standards should be incorporated into the site design. I couldn't tell if they are but as a Town we should ask the developer to do so. After all, water flowing off the site eventually enters the Hudson, a National Heritage River and we should anticipate Federal mandates.

In closing, think about that Glenmont child walking home from school. Is the Bethlehem Town center the best we can do as a Town and as a society?

SUPERVISOR FULLER: Thank you.

MR. REILLY: Hello. My name is David Reilly at 107 Elsmere Avenue. I really didn't plan on speaking today. I just...you know, is a requirement for PIG class and I was just going to take some notes and write a paper on this but I find that I've really been intrigued by some things that have been said here and I've seen a lot of people come up here and, you know, a lot of adults giving their point of view how they have children and their concerns about that and elementary schools and what not. And, I just felt, that I might come up here and give you a fresh point of view from a person talking about the quality of life in Delmar.

Pretty much, I've lived in Delmar for a good 10 years. I spent a great deal of my life in here and I've always taken pride on the fact that it was always a place where you wouldn't have to be afraid to go out and play in the street unless it was Elsmere. And, you know, just generally a nice place to raise a family. You know, it's busy but not too busy and in defense of the businesses around here, I truly do not believe that we have such a need for such great business expansion as you are talking about here today. I truly believe with all my heart that the stores and businesses around here in Delmar have worked their hearts out to give us as much as what they can possibly provide. And, I think they... if I may say so... a damn good job at providing what we as a society generally need.

Now, these stores that would be put in would be more of a specialty... specialty... they would have more of a specialty appeal, if you will. And, I personally feel, you know, we don't really need that. And, one question that we must ask ourselves is... is it really worth sacrificing the quality of life that we have right here... the quality of life that people look at us from all over and they think, man I really want to live in this place. And, you know, and there might be some people who disagree with me here but I

personally feel that Delmar and Bethlehem in general should...would be a lot better if it stayed a place that would be great to raise a family and not so much a great place to raise a business. That's what I feel.

SUPERVISOR FULLER: Thank you.

MR. CARTWRIGHT: Good evening. My name is Rob Cartwright. I live at 5 Penn Lane in Glenmont. Just have 2 quick concerns for the Board this evening.

The first is, to reiterate some of the traffic concerns, especially with relation to Bender... Bender Lane. In taking a look at the numbers developed by the developer, it appears that they are assigning to low for the trip increase to Bender. All Town residents know that is a short cut and would be much less travel time to use Bender to the side entrance to the development as opposed to taking 32 all the way down to 9W then back track to the south to where the main entrances on 9W. It doesn't make a lot of sense, I think that should be looked at as they address these comments.

In addition to that, the drainage and the storm water management controls proposed for this site are non-existent. In the EIS, saw that the current site right now will produce a peak run off of 60 cubic feet per second, proposed site 160 cubic feet per second. That's 2 and ½ times increase and with no mitigation at all. It says there may be some grass swails which they do have some benefits but not for that much flow and ... catch basins. Now, sunken catch basins, there's not an adequate mitigation to storm water pollution. They get silted up, they iced over in the winter and then as all the silt and sediment enters in the winter, it just discharges directly into the stream and also an issue of flooding for the downstream. Not mitigating that flow will result in impacts for the downstream in our Town and into Albany as ... the Port. I think that that would be a responsibility of the developer to look at.

Thank you for your time.

SUPERVISOR FULLER: Thank you.

MR. ROSENBERG: My name is Joel Rosenberg, 37 Hancock Drive, Glenmont. God love the democratic process. My concerns here tonight are regarding, obviously, this project. I'm looking for some explanations from, basically from the reading of the DEIS and I would like to have some comments made on this. The construction jobs, I guess we said 115 temporary construction jobs. Have we identified the general contractor? Is it going to be a local contractor or is it going to be the same firm from Rochester that's going to be building the plaza over in Scotia? Obviously, that money then leaves our community once again, even though we are saying we're going to be keeping that money local.

Obviously, new permanent employment at this plaza can't see that new employed are being trained here, these people will be coming from the Kmart and the Ames and the Grand Union just looking for different jobs when this plaza opens up because I don't see where there's going to be true economic growth in job development here.

As stated in the environmental impact study that private security was going to be provided by the developer on this project but at the last town meeting, I think Mr. Nigro stated that only during the holiday season will such security be provided. I mean, is there going to be security provided or is there... dependent upon our police force to take all calls here? The dates of your traffic study... as mentioned before, there seems to be some flaws in that just based on the days that were selected. The Friday and Saturday before the February school break, generally light traffic days in common sense mind. And, also the Friday and Saturday of the last day of school where school is technically open but nobody attends classes and once again summer vacations have started. I think that's taking the easy way out as far as traffic studies go.

Your book that you use, the trip generation 6<sup>th</sup> edition, were there other options for the traffic study and why were they not used? Why was this one selected? My assumption

is it is the most favorable statistics for this plaza. The stores listed I think were a supermarket and a store. I just want to make sure that it included this hypermarket or whatever the proper term is for the Walmart that the traffic flow is taken into account those items.

And, then another issue is the... most of the traffic areas in the Glenmont area are being downgraded. They're still saying they are acceptable levels but when all these areas are downgraded and I see my... the quality of life for those in Glenmont as being downgraded as well.

Plain and simple, 13 percent population growth, this is not your problem and it is somewhat the Town Board's problem... it's mainly DOT's problem, our infrastructure is not keeping up with the demand that is being requested of the communities that are being built around here and the commercial development. Something needs to be done and we're possibly chasing our tail here but by approving this project without the proper infrastructure serious problems are going to take place. Your study assumed a 2 percent projected traffic... population growth in the area, what impact would this have on a study if it was, say 3 percent or 5 percent? Will the traffic lights be coordinated? I don't need to have one light turn green so I can move up 50 feet to another red light. I would appreciate to know if all these flows will be coordinated with the timing changes. When will DOT be commenting on these items? Obviously, a lot of my opinion is based on what Department of Transportation has to say regarding these.

Getting back to the study, we stated... or the study stated 4 or 5 police calls a month to the sites. I think this was based on just your analysis of a Walmart plaza in Greenbush owned by Nigro Companies, as well as, a Home Depot stand alone in Schenectady, that's also owned. What about larger sites, such as Latham Farms or Crossgates Commons? Obviously, these are larger sites with probably closer to the square footage that we are talking about here and volume.

Is the tax revenue that the Town is going to generate, not the school district, going to be sufficient to provide the services of police and EMS the site as necessary?

Another concern is the plainness of the plaza. I mean, Walmart, there's an original concept. We have one in Greenbush, we have one in Latham, we have one in Guilderland. They are chocking the American landscape. Home Depot's opening and they're going to have a garden center just like the Home Depot... or just like the Walmart. Applebee's – recent consumer reports ranked them 42 out of 50 on these family type restaurants.

Why were these stores chosen over a Target, Lowe's, Chili's... the only reason I see is that they're grouped together with the stores that are going in in Halfmoon, Glenville, East Greenbush. This plaza is going to be called Bethlehem Town Center – I think Southgate is probably a more appropriate name. This is drawing from Delmar, it's drawing from Albany. It does not take into account the Bethlehem Center area.

The Southgate proposal did propose a rear entrance to the site. They were going to... despite the fact that Route 32 is a limited access road, they were still going to... they had a plan to do that. I don't see this as being an issue in Glenville where a road is being installed just to handle traffic from the Walmart that is going in there. Other, the NYS Thruway has gone as far as adding a turn... an exit into some of these areas.

And, then finally, LUMAC is a guideline for our Town. It's definitely... it's not the law because having nothing to do with this plaza's proposal. I really don't like hearing this... the engineering company saying that we're trying to follow LUMAC when this is proposing over 400,000 square feet, you know... I just don't see the common... you know, where they are using LUMAC as a guideline here. This is a guideline that the Town has requested... you know, has outlined for our residents to... for development. This is not a Town guideline. This is something regional here. I truly do believe that the developer is ignoring this.

In addition, this... the roads... I see this the word... term green space being used, you are paving over 25 acres, I mean, green space is a very weak argument. The only reason why I see 180 feet or 160 feet there is because eventually the highway is going to have to be widened to 4 lanes. And, so I just asked that I get... you know, some answers to these questions. Thanks.

SUPERVISOR FULLER: Thank you.

MS. LIPSON: My name is Karen Lipson. I live at 56 Fields End Drive in Glenmont. I am very sensitive to the Town's concern about expanding its property tax base. And, I am very concerned about the quality of our schools but I also have significant concerns about this development. Excuse me. I live off of Bender Lane and I do most of my shopping at the Grand Union in Glenmont and at Kmart and at Ames. I'm not going over to Guilderland or to North Greenbush. I find pretty much everything I need at Kmart and Ames. I have 3 major concerns. The first is Bender Lane and you've heard a lot about how treacherous that road is. I would urge each of the Board Members to drive down Bender Lane shortly before 9 o'clock in the morning when the elementary buses are coming and picking up the kids standing on the side of this narrow, winding road. It is really frightening and it is worse on a snowy day when the buses are just careening around those curves. I shudder to think about what would happen if there were more traffic on that road than there already is. I think that there should, in no way, be any access from this development, if it is built, onto Bender Lane.

Second, I want to talk about 9W. I have 2 children who attend Bethlehem pre-school and who will attend Glenmont Elementary School. Right now I'm on 9W twice a day dropping off the kids and picking up the kids and it is very difficult to make a left hand turn onto 9W or from 9W to Bender Lane. Sometimes I am stuck in traffic from Feura Bush Road all the way back down to Bender Lane waiting for lights to turn and cars to turn. If there's more traffic on 9W and that road isn't expanded, it's going to be a really hairy commute.

Also, I want to talk about Ames and Kmart. I don't think there is any way that those 2 stores can compete with Walmart. I think that those stores closing is inevitable and I hope that the Town takes that into consideration. Also, like Glenmont Elementary School, Bethlehem Pre-school has no air conditioning and the windows are open for much of the year. I don't know what the impact, the increased traffic and the construction dust and noise will have on the children that play in that playground and work... and go to that school.

Finally, I just want to say that this development is going to set a precedent for the Town and I hope that the Board takes a long term view about the development and what 9W is going to look like. Is it going to look like Central Avenue in Colonie and Albany or is it going to be a place that is green and has open space and attractive buildings and office parks.

Thank you.

SUPERVISOR FULLER: Thank you.

MR. RICCIARDI: Good evening. My name is Martin Ricciardi. I live at 22 Dunwoodie Road in Glenmont. And, because of the late hour and my daughter's civic's lesson is almost finished, I need to get her home. I will make my comments blessedly short. Also, because many of my thoughts have already been eloquently stated by Mr. Dawson, Mrs. Sacco, Mrs. Bassin and Mr. Crowley and most of all Mr. Reilly who spoke a few minutes ago. I hear the developer talk about putting in left turn lanes along 9W and I think that's something that we need now, not when we expand the development there. Left turn lanes are not going to do anything to aid the traffic congestion that backs up both ways down the street during rush hour and perhaps around the clock. Living down Feura Bush Road only a half mile, I shudder to think that it will take me 15 or 20 minutes to get past the Walmart's on the way to work in the morning or on the way home in the evening.

I think we are also fooling ourselves as was said before that \$100,000 in tax revenues is really going to do anything to help this Town. \$100,000 won't pay for additional teachers. \$100,000 won't pay much for additional police services and I really think that at the end of the day, we will end up with a net loss as we close Town Squire and the County takes that property for taxes. What revenues will we receive from that property? Glenmont Plaza closes because we lose the Grand Union as Price Chopper may already threaten to do because we lose the Kmart and the other small stores there. What tax revenues do we get when the County takes that property for non-payment of taxes? What revenues do we get when Curtis Lumber closes for non-payment of taxes? When True Value hardware store closes? At the end of the day, this is a sad sign for this community.

We also have the costs and I haven't had the benefit of reading the EIS and I'm sorry if these have been addressed there but I think it is important for the community to think about these issues, of the increased light pollution. I would like my daughter to be able to come at night after having been in her planetarium at school to tell me what stars are in the sky. She can do that now. I don't think she'll be able to do that a year from now with those lights on. I live only a half mile from this place. The dust pollution, the noise pollution, the rumble of 18 wheelers down the street, day and night, dropping their debris from construction vehicles has already been said. Those are great concerns of mine and of my neighbors.

I think more traffic lights is... is a sad fix this problem. More traffic lights will continue to back up the traffic down Feura Bush Road, down Route 9W from the south. If you need any evidence of that I hope you had a chance to travel Feura Bush Road in the morning during rush hour after we had the mudslide in Delmar. It was painful sitting through 4 signal light delays only being a half a mile from Route 9W and Feura Bush Road.

Lastly, I just like to recommend that we take a hard look at the traffic study that you are going to have developed. Be certain it addresses all of the issues that you have heard spoken about tonight and that we have adequate consideration for all of the speeches and all of the concerns that have been raised by the community here. We've had enough developers coming from outside our community telling us what they think we need because it's going to make more money for them. I have nothing against developers. I have problems when it's being... seemingly pushed to us and across us without having adequate input from the outside... from the community. It seems to me as though this almost sounds like a done deal and many of us here are trying to think of ways to mitigate the problem. I think if we're considering this a done deal already, we're giving our own community a short shrift and not thinking much about the voters and taxpayers of this community.

Thanks very much.

SUPERVISOR FULLER: Thank you.

MR. SHAPIRO: My name is Joel Shapiro, 59 Patterson Drive in Glenmont. I'd just like to state my opinion. This is our opportunity right now and I'd like to exercise that opportunity. And, I do have a few quick questions for the Board, since you asked for questions that will be responded to. I've only been living in this area for 3 years but many of my neighbors talk about a prior rejection of a Super-K or other large development on this similar site. I would imagine that there was a lot of public opinion and public sentiment and probably good reasons why the prior project was rejected and I want to know if the Town Board is going back into those archives, taking a look at that data and seeing if it has any applicability to the current project because we should not forget what we have learned in the past or what people have said in the past. Many of these people still live in the community and more people are joining this community.

Second of all, as many people have asked but I'd like to ask my... for my own response is I want to know if this so-called LUMAC study is being taken into account by the

Town Board and whether these recommendations that allegedly the Town of Bethlehem paid a good sum of money to have this type of long term planning done, whether they are even following these recommendations or...

SUPERVISOR FULLER: I need to correct you on one statement.

MR. SHAPIRO: Okay, go ahead.

SUPERVISOR FULLER: The Town did not pay...

MR. SHAPIRO: Town did not pay...

SUPERVISOR FULLER: ...any outside consultants for this.

MR. SHAPIRO: Those are the rumors going around.

SUPERVISOR FULLER: They are far from the truth. They were our Town Planner and a group of very dedicated volunteers.

MR. SHAPIRO: Okay.

SUPERVISOR FULLER: That put this together.

MR. SHAPIRO: Thirdly, so far nobody has asked about the synergistic effect of many of these projects. Many people are questioning the traffic impact on this project alone and obviously raising concerns but I've not heard any planning about the fact that there's going to be a Price Chopper in there. That there's a proposal for Glenmont Manor apartments just north of this project and that if the Town Squire shopping center is to continue its revitalization, obviously, there will be more of an impact there because, you know, of additional traffic in that immediate area and I haven't heard anything about the synergistic effects of this traffic.

I would like to just simply state my opinion, and it's only my opinion that you really don't need a Walmart or a Home Depot in this area. I don't think it's a major inconvenience to drive 10 minutes to an already existing Home Depot and in my opinion, the Walmart does not offer anything significantly better than what we already have in this community. And, finally, well, I have all these other concerns that won't waste the Board's time with because the... many people have elegantly stated all of my other concerns but I would like to go on record saying I don't want it.

SUPERVISOR FULLER: Thank you.

MR. ASPRION: Good evening. My name is Bill Asprion. I live at 6 Asprion Road, across from Beacon Road. When I was a young fella... I'm going to show my age... about 30 years ago, it was drilled into our heads as children, you do not ride Route 9W – on a bicycle or walk it. Every day I watch people jog up the road, my heart stops. I've been in the fire service for 25 years, we've had accidents in front of the house, up the street, down the street. Doesn't matter where you go, there's accidents everywhere.

As I watch this project I'm not real fond of Walmart, however, I'm going to tell you I'm in favor of it. I've lived in Glenmont for years. I'm tired of going to Albany. I'm tired of going to East Greenbush. I'm tired of going to Colonie and I don't go to the mall. But I must tell you, I've been driving a tractor trailer for 25 years, 18 wheels, I'm not running for public office. I have an office with the best view in America. I go to Connecticut, I go to New Hampshire, I go to Massachusetts. Every day I go out and I come back. I'm home every night so I'm not sleeping in the truck stop, in a hotel and I watch the trucks go by my house every day and God bless them. They are bringing us goods and we need it. Without them we don't need anything. I hear a lot of doom and gloom tonight and as I hear the gloom and doom, this is America and this is what we are here for and this is what we need. And, in my opinion, we need this because with gas going up to \$2 a gallon or \$3 a gallon, I'd like to go up the street and pick up a

couple screws, or a nail or some hardware. I go over to Kmart, I go to Ames... you go to both places and I ain't going to tell you how many people will agree with me, you go to Kmart they don't have. You go to Ames they don't have it. You go to Home Depot, you go to the hardware store in Delmar they may have it. You still may end up somewhere else. And, I believe that this is going to be a boost to us.

On the traffic issue, the problem with traffic on 9W is the condition of the road. This will fix it. If you go up 9W by the church just above Petrol, there is a dip there. People cram on their brakes, that causes accidents. You go up in front of the Vanderpohls house... I was up there house the other day... their house shakes from that one little blacktop strip that the State can't fix. This project will cure that. As far as a 4 lane road, I believe a 3 lane road will cover it because as traffic travels north and south... and I see this... I got to Hartford, Enfield all these places that have little towns like we do, bedroom communities... they put a turn lane in, they keep it a 3 lane road, the car turns in to turn into the plaza, traffic continues on. You put a 4 lane in, the car turns in, the guy behind him, boy, he has to get out there to get around him... causes accidents, causes a traffic backup. Three lane road would more than suffice for this project.

The traffic coming out of the south... they are there now. I watch the cars. I counted the other night, they're there now. I don't see a big increase coming out of the south. I do see an increase coming out of Albany, however, with the road structure we have, when the mudslide went down, boy the State jumped right out and fixed 9W up by the Big M truck stop. Boy, what a nice ride that is, nice and smooth. But, the problem when you go south, it's bad.

And, I just want to spend a couple minutes and just tell you that I am in favor for it and I have the utmost faith in the Town Board and I believe they will make the right decision. Thank you.

SUPERVISOR FULLER: Thank you.

MR. MOTEEL: Good evening Supervisor Fuller and Board Members. I ran into Mrs. Fuller on Saturday at the environmental hazard waste collection day and I didn't think this public hearing would be over for your second one at 9. I was at the last meeting.

TOWN CLERK NEWKIRK: Excuse me, would you give your name please, and your address.

MR. MOTILE: Oh, I'm sorry. Sure. Chris Motile, 71 Dorchester Avenue. I was at the last meeting and I found it interesting that although it wasn't a public hearing forum it turned into one but I just wanted to make a few comments. And, I would like to say that I am in support of development in Bethlehem but in a properly planned manner.

I moved here with my family about 8 years ago. I have a child in Glenmont. I've heard a lot of comments tonight so I'm going to try to make this short. My background is a professional engineer, worked with Mr. Palumbo on other projects in other municipalities and I think we need this type of development but I question too the location. And, I think there are some mitigations that can be considered.

For one, I didn't get a chance to review the entire 4 volumes as Frank pointed out are quite thick but I did review the plans in a lot of detail at the library the other day and in terms of setbacks and berms and landscaping, it's difficult for people to get a real feel without seeing a 3 dimensional model. In terms of visual analysis I do believe there can be improvements to that in the EIS. With respect to noise, I question the use... and I may be misspoken but I believe you used a noise study from the Southgate project that was done back in '94 so what the development that has come into Town, since '94 and the increase in traffic, whatnot, you may want to consider updating the noise study and in particular the statement that I saw in the report in the parts that I read had to do with the noise not being perceptible or perceivable at the Glenmont school front façade – and I'm not quite sure what that means but... I know that the students, as was mentioned earlier, do play outside in the front. There is a drainage problem in the back of the

school as the Superintendent pointed out earlier and I think it's important that this group works with the school to make some improvements. Perhaps, it doesn't have to be a paved area in the back. Perhaps, it can be a well drained area in the back that would allow for the students to play in the back. Closer to the road is not good with this development. And, right now, I have gone over there for lunch time, brown bag reading things, and I find the kids out not more than maybe 50 feet from the center line of 9W. So, another 160 feet and you are into your parking lot. What this all boils down to is 9W needs improvements. Undoubtedly the people on Bender Lane that are here tonight have a valid concern. I work in a municipality where Walmart went up, on a main road, 4 lane access with a residential road to the rear of the store and the residents were up in arms but the Town Board wanted the project and saw it come in. So, I think that understanding the need for second means of ingress and egress from the site... from a safety standpoint... I've sat on Feura Bush. I've sat on 9W, generally in the winter during a bad storm or an accident where it's backed up from 32... the intersection of 32 and 9W, all the way back even south of Feura Bush to 9W. How does an emergency vehicle then either get into Walmart or Home Depot or the restaurants or into the school. If there's another access at Bender Lane, is the only means of access then there needs to be some sort of a road, a shoulder that that emergency vehicle can drive on. So, even if you can't extend the 3 lanes, I think you have the 3 lanes extended for a total length of... and you didn't have the stationing on your roads, so I couldn't... without bringing a scale... couldn't scale that off but I believe the 3 lanes was running approximately... it looked to be about 1900 feet – and correct me if I'm wrong, Frank – but 1900 feet of 3 lane highway may need to increase. And, I'm not saying that his project should do it. I agree the developer doesn't have need to expand 9W from 32 beyond Feura Bush but undoubtedly the time will come when that road does need it. Perhaps our Town Board can lobby the DOT for this project. I'm very happy to drive 32 with the new overlay and traffic signals and turning lanes now that that pavement project is done from last year. Beautiful project, beautiful road to drive. Terrible accident at Bender Lane not too long ago because of their not being a signal. Undoubtedly, your 16 intersection traffic analysis may need to expand as others have said tonight outside just the immediate area. Again, I didn't have a chance to look at the traffic study, but it would be great to have some sort of a back access to the site from 32 and quite frankly, I'm not sure Southgate proposed that or not.

Beyond that my only other concern on storm drainage had to do with the discharge close to the Town's pump station. It is a... I believe a sanitary lift station... and looking at the elevations, I don't know whether 100 year flood could flood out the pump station and cause some infiltration and inflow into the Town's sanitary system. So, I think that's an issue.

Caliber of trees, in order to provide a better buffer may need to be greater than 2 inch. And, obviously, when you get into a larger caliber tree, you are talking a little bit more money but with the cost of this development, I think it can be done, perhaps with evergreens. The berms and that is a great idea.

Before moving to Bethlehem 8 years ago I lived in south New Jersey and I saw development at a rapid pace for 10 years. Likewise, I don't like going over to Home Depot or Walmart at Crossgates Commons. I don't think it's fair for anyone to look at Walmart as being an unfriendly neighbor to this Town because I do believe that Walmart has supported a lot of youth groups and... with sports and what not... they certainly support that type of activity and sometimes when I can't find something at the local hardware store, I do find myself over at Home Depot.

Scale of the project looks good. The green space looks good. I would only wonder if there was ever any type of configuration that moved the buildings further to the north of the site such that the Bender Lane issue could potentially be mitigated or the access to Bender Lane eliminated. Again, you need that second access, I believe, for emergency standpoint, if you have a total gridlock on 9W in both directions. The only other issue I would like to what the... Mr. Loomis said regarding the Glenmont school's concerns and I would be happy to help the school district with this, I am currently on the Big Backyard Committee. They have an environmental center behind Glenmont school that is

basically a wetlands area but they have worked on improving the nature trail and that. And, I think perhaps some improvements back there would be of benefit to the school but along with the safety and the ingress and egress, the school district should also be looking at the health aspects and at least during construction, keep it in mind, that things like dust with the prevailing westerlies could blow into the school site and, again, without air conditioning and windows open perhaps... I have been on enough construction sites, just a matter of making sure the water trucks are running. No one likes to have to call up the contractor and say get your water truck out here today but that dust could indeed affect the students and I assume Farm Family has air conditioning in that building but I think we need that improvement on 9W. When I ride into Town from the north end, I find the appearance of 9W coming... 32 being, of course, the type of road it is with limited access is it a visually attractive road to drive. But, 9W has some unattractive features on it, development is somewhat haphazard with the church, a school, a business.

I won't go on but last I would... I will provide comments in written form too. But, I would only encourage the developer to consider a movie theater in this complex. I think from the standpoint of a tenant and the Town, you would find that it would be packed and full house. And, I'm not talking a Cineplex 18, maybe just a 1 or 2 theater complex but this would be a dynamite addition to the Town's need for a local theater and perhaps something could even be tied in with for local arts and drama. Thank you.

SUPERVISOR FULLER: Thank you. I need to interrupt for one minute. Is there anyone here who came for the public hearing that was scheduled at 9 o'clock, the one at 9:15 or the one at 9:30? In the back of the room... did you get the door hanger this afternoon that the Town Board is rescheduling these public hearings. We haven't done it as yet. It's tabled tonight. It's on for May 23<sup>rd</sup>, the Groesbeck Place is scheduled for 8:00 on May 23<sup>rd</sup>. The Local Law stop intersections, Hamilton Lane at the intersection of Hannay Lane scheduled for 8:15 on May 23<sup>rd</sup> and the 4 corners off street parking is scheduled for 7:30 on May 23<sup>rd</sup>. I'm sorry if you did not get the notification. Our... we had some people going door to door putting the door hangers on for Groesbeck Place. For the off street parking, my staff in my office this morning, she spent most of the morning calling all the businesses and for the Hamilton Lane/Hannay Lane we had individuals go to contact them. Sorry for the inconvenience. I need to go back now to the continuation of the DEIS public hearing.

MR. ROONEY: My name is Mike Rooney. I'm at 16 Timber Lane in Glenmont, part of the Woodhill Estates development. First of all I would just like to recognize the Board's got a very difficult decision and I don't really envy you in doing that. However, just a couple comments regarding the project and the size of it and the traffic study more than anything else.

I'm really concerned that some times legal ease gets in the way of just common sense. There is a lot of things going on 9W as far as new development – the proposed apartment complex behind where the old post office was which, if you were here... what happens to the post office was the site of numerous accidents trying to get in and out of that facility and it's something... traffic safety is something that the Town should be concerned of and the Board should take note of as well. So, I want to make sure that that is being addressed as far as the amount of traffic that is coming in and out of that area.

Also as some other people have spoke to the Price Chopper moving into the Town Squire... also going to have an effect and the rebuilding of the Town Squire which is great. I really applaud that effort to make it a more viable center and I think that we just want to make sure that we are... and again, common sense looking at all these intersections to make sure that the traffic is safe for all parties. Because I know in this community everybody is running around to go to a soccer game, a t-ball game, and a mad rat race... that's just the nature of our society but we got to make sure it is safe for everybody.

The other comment I just wanted to make was in regards to another access road out of

this proposed complex to Route 32. I just see... just from a layman's perspective, I have no expertise, but I look at the fact that in Delaware Avenue landslide, they were able to move the Normanskill Creek a little bit to avoid any further problems. I don't see why this is of any more of a major impact by putting another access road out to 32 which is a 2 lane road and could handle a lot of traffic from Delmar and not make a bottleneck of 9W. I agree with the people on Bender Lane, although I don't live there, it is not a road at all for any sort of traffic coming in and out of that road. It is not meant for that. If they do shut that off and make it a dead end, which I agree is a proposal that should be considered, you have to consider the amount of impact that's going to have on additional traffic on Feura Bush Road and 9W.

And, that's basically all I just want... hopefully the Board will address all the issues that have been spoken tonight and more so than anything else, just think of it as a common sense approach. Thank you.

SUPERVISOR FULLER: Thank you.

MR. O'DONNELL: Hi, my name is Paula O'Donnell. I live at 29 Mallard Road in Glenmont and I am also the PTA President at Glenmont Elementary School. So, this is something I didn't think volunteering my time would get me into but here I am.

I would like to talk first as a resident of Glenmont and say that, you know, this is the year 2001 and we need things in Town, however, you know, so many of us are so resistant to change and I guess when I look at this, I see we are going from a little town of Glenmont where you can't get a slice of pizza after 10 o'clock on Friday night – which is a funny thing because my husband grew up in the Bronx and you could walk down the street at 3 a.m. and get one – I mean we can get them. We can call the Pizza Hut on Delaware Avenue. So, I guess when I look at all this and knowing that I drive to East Greenbush and my concern is going from this little town to a town with this great big huge thing. I want things here. You know, like I said I do drive to other places but I look at the parking lots and not even at Christmas time was the Home Depot in East Greenbush ever close to being full. So, I am asking that while we do need commercial development that the Board rethink about the size of things and, you know, what is brought in.

I will also let you know that I am guilty of many things. I am guilty of driving across Bender Lane. I don't live there. I use that as a short cut and it is a very scary road to me. I've seen children, I've slammed on my brakes because I didn't see a school bus coming around with their lights red. It's a big concern and I do use that as a short cut. I have also... I am also guilty of cutting through Kmart to get to my neighborhood which is down on Glenmont Road because I have to, you know, get a kid somewhere else and I just don't have time to wait in that long line at Feura Bush and Glenmont Road. I am also guilty of pulling out of the elementary school with my eyes closed just because I need to get out fast and I am afraid of what is going to happen. You know, I haven't caused an accident yet but I've seen many situations occur where accidents could happen. I will say that, you know, I've been working with Dr. Loomis and I'm aware of what's going on and want to thank Mr. Nigro for working with us and he is made himself available, you know, for our PTA meetings to address, you know, all the safety issues. As a resident, you know and a parent my concerns about the school, you know, are great. I appreciate the fact that you are addressing the needs and working with us. And, you know, that's a lot to be thankful for. There are other people that haven't returned my calls so... with other developments. So, for that I am thankful.

I feel I can wear 2 hats. One because of the school situation and the other being a parent and a resident and I hope that the Board will take all these things into consideration and to make the right decision for Bethlehem. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. MARTENS: My name is Kathleen Martens and I live at 32 Placid Lane in Glenmont and I have been working with a wonderful organization called Plan 9W and I

am so happy to see... to hear people saying things tonight that I have been saying for a very long time and it's nice to be in a room filled with people who think like I do and to be around people who I think like and I appreciate it very much. There's really not much left for me to say tonight which is wonderful.

I just want to talk a little bit about what this means in the context of 5 years down the lines, 10 years down the line. I've always been a big picture person and I see this development just looking at the traffic study as maxing out the capacity for development in Glenmont. I don't think that this is the kind of development we want to see on this corridor. I don't think this is the kind of development that we want to basically to keep other developments from coming in on the Route 9W corridor. And, I say that after looking at the traffic study. Everyone knows the levels of service go from A to F. I see a lot of Ds and a lot of Es. We are very close to F at major intersections. I don't think you want that. I don't want that. I don't want to have to wait longer at Beacon Road. It's not just an inconvenience though for me, it really is... what I want you to think about what we want Glenmont to look like the day after this project is built. Five years after this project is built. What kind of development do we want in Glenmont? Where do we want the Town center to be? And, while we were in Florida, we had to keep the kids inside during the middle of the day because it was so sunny and they would get so sun burned and we watched this show called Family Feud which we used to watch years ago and I kept thinking as I was writing my comments --The question is what type of development would we like to see on the Route 9W corridor? The developer says a 350,000 square foot Walmart Super Center, a home improvement super store. The survey says 100,000 to 250,000 square foot shopping center and of course, in our minds we think, Stuyvesant Plaza. That is definitely... that's the model for that kind of scale shopping center. The question is, how should 9W be improved? The developer says -- and this is the problem I have as you know... some of you know, some of you may not know... I do have a background in SEQ. I've had a lot of trouble going through this DEIS. I'm not sure what in it represents the developer's position and what in it represents the Town's position. The developer was supposed to say in the document where... and maybe this had to do with negotiations between the Planning Board and the developer that I wasn't privy to... but the developer is supposed to specifically say what is the developer's position. Why is all the mitigation proposed for this project only what the developer says he will pay for? And, again, I wasn't here I was at concert, so there are other things that have come up that apparently indicate that other mitigation is being offered. I don't understand why the only mitigation proposed for this project from a traffic perspective is what the developer is willing to pay for. The developer says or the Town says one lane new center turning lane and 2 turning lanes at Feura Bush and 9W. The survey says 10 years ago 2 lanes in each direction. The developer says 40 foot lights or 30 foot... I don't know there is a difference between the DEIS and the actual plan itself. The survey said... and I'm lumping in survey the land use plan, the survey that was done, the Route 9W Corridor Study, I'm lumping all those together... 18 foot lights.

The question is where would we like the center of Town to be? The developer says Route 9W at Bethlehem Town Center. The community says 4 corners. The question is do we need sidewalks at Feura Bush and Glenmont and Route 9W? The developer says no way. The survey says yes, in fact, we made an application to DOT for funding, it's about \$900,000 for sidewalks at that intersection.

The question is does the dip in the road need to be fixed? The developer says no way. The survey said yes. The dip in the road is not going to be fixed by this development. Except for requiring some internal landscaping why hasn't the Planning Board proposed any other changes to the project? Why didn't we require the same number of photo simulations for this development as we did for the Price Chopper in Slingerlands which was about 26?

And, this is something I do know something about, how could you ever say that this document is complete when there is no comparative analysis of 100 to 250,000 square foot shop-ping center. It is not in that document. The developer refused to do it. He said that the traffic mitigation would be the same for a smaller development so we are

not going to do it. There is no comparative analysis. By law you have to do a comparative analysis.

Why didn't we look at the impact of this development on the commercial character on the Town of Bethlehem? The whole Town of Bethlehem, not just Glenmont. Why didn't we do a cumulative impact analysis? You have the discretion to do a cumulative impact analysis of the impacts to Route 9W. We didn't do it, now... we have background growth rate of 2 percent. We are already finding out, I understand from the Planning Board meetings, that that background growth rate will not account for the new Price Chopper at the Town Squire. We could have done a cumulative impact analysis to really determine what the development will be on Route 9W so that this development doesn't suck up all the capacity for the whole roadway.

Sound a little upset about this. I didn't think I was going to be upset.

John Traylor did a wonderful job. The traffic impacts, I'm going to put everything in writing. The intersection, the accident rate – none of it is sufficient. They didn't do a good job on that. The capacity of Route 9W, the truck traffic – current truck traffic on 9W is 8 percent in each direction. We don't know how that compares to other roads. This project will bring 10 trucks per hour during a projected 30 day time period for site development and 10 trucks per hour during projected 60 day time period for delivery and building materials. This time period may not be continuous and excavation may require waiting periods do to the geology and slopes on the site. It is unclear how many trucks will bring initial stock deliveries. Regular deliveries could include 7 to 10 trucks per day for Walmart, 7 to 10 per day for Home Depot. These will be limited to operational hours but the supermarket at Walmart is open 24/7. Home Depot could be open from 5 a.m. to midnight. The discussion of truck traffic did not include the amount of time the truck will spend idling. How many trucks will be picking up refuse and recyclables. When that will occur. We need to know how we can reroute trucks to the bypass and to control the noise on Route 9W. We already have problems at the intersection of Feura Bush and 9W. There should have been a left hand turn lane going north into the Grand Union shopping center. We let the developer there get away with not doing that. There are accidents at that site. You can't go directly from Cumberland Farms into the Grand Union, you have to jog a little bit up. That was poor planning. You can't go directly from the Laundromat, the beer distributor into the Grand Union shopping center, McDonald's blocks you.

I think you need a supplement environmental impact statement. I think you rushed to do this DEIS to get it out there. It was a mistake and you are going to have to do a supplemental to analyze these issues. And, then I just want to say that we want you to give us a community that is comfortable and safe to live in. We know in Glenmont we have mixed uses already. We have shops, we have offices, we have single family dwellings, we have apartments, we have more apartments coming, we have a school, we have a preschool, we have churches, all on Route 9W. We want you to let us walk and bike to nice looking shops and to visit each other's houses to be able to cross Feura Bush Road. To be able to let our children ride their bicycles on Feura Bush Road. This is a project, Doris, where we have to have sidewalks. We want to keep the green spaces. We want you to actively encourage these things through your actions. We don't want you to discourage them with projects of this magnitude. Only you can give us what we really need. Walmart and Nigro cannot. Thank you.

SUPERVISOR FULLER: Thank you.

MR. TROUT: My name is Michael Trout. I live at 71 Lasher Road in Selkirk. I am very new to this Town. I've lived here less than 6 months. Six months ago I lived in downtown Albany. I was fighting crack dealers and youth gangs and now I am here. The letter I just handed Sheila, I am not going to read it or go through it in detail but basically I'm pointing out the fact that every economic ledger has 2 sides, there's a plus and a minus. We have some... a little bit of information out there on the pluses, we just got some more plus information here. I'm asking the Board to commission a full blown independent economic study of this project measuring both the pluses and the minuses

to review the figures from the developers to come up with real figures on what we can expect from this project so that we know what we are dealing with. Right now, I think this is really a big unknown and I am amazed that this hasn't been done. Many other towns have commissioned such studies before bringing such projects under review and in fact, many cases of the developers and retailers have underwritten such studies so this would cost the taxpayers nothing.

I'm all in favor of commercial development. I have no problem with commercial development in this spot. This is not commercial development. This is a commercial h-bomb. I speak from kind of a strange perspective, I was born and raised in North Eastern Oklahoma – most of my family still lives there. I lived there for 20 years, I still go back once or twice a year to visit. That's very close to Bentenville, Arkansas and all of that that implies. That area has been... has seen developments of this type for 20 to 30 years and when I go back to visit I see the economic impacts of these kinds of projects over that long span of time. Many of these small towns in Oklahoma were very much like Bethlehem 20 or 30 years ago. They are not any more. These towns have been.... All I can say is they've been economically gutted. I mean there is no place else to shop but Walmart. That's it. When my wife first came with me to Oklahoma, she was amazed at how everything else is closed. Everything is boarded up. And, we haven't had Walmart's in this area long enough to really recognize that that may happen. And, the fact that I've seen this and I see it every time I go back really bothers me. Plus, people have mentioned quite a lot of these stores close and the Town is then plunged into economic catastrophe. I know of 5 towns in Oklahoma that have filed for bankruptcy because of this very event. Everything was based on these huge retail centers which then closed. The town's wiped out.

I do have a couple questions for Mr. Nigro that he could address. Wondering how long of a lease he has with the retail tenants? Is he receiving a percentage of the sales revenue? And, the reason I ask that is that I am very familiar with the Walmart in Nowada, Oklahoma which was closed 12 years into a 20 year lease. The landlord sued Walmart and did win although Walmart claimed that they were still using the store for storage and an occasional meeting even though the landlord was losing all that money on sales revenue.

I am a little confused by those who say they are sick and tired of driving out of town to spend their money. I have an easy answer, shop in Bethlehem like I do. I have only been here 6 months but I have a lot of loyalty to this Town. I like it, I spend my money here. Try it, you'll like it. We've got 3 supermarkets... we've got 3 supermarkets that I can be at in 15 minutes and I live in Selkirk. That's to me... that's at rush hour I can be there in 15 minutes. I don't think that's bad at all. I have no problem with that. And, some people who don't shop in this Town wonder why the local merchants struggle. Well, there's your answer, you don't shop in the Town, they've already answered their own question.

A couple brief notes on police and fire. Mr. Nigro at one point said off the top of his head he thought maybe 4 to 5 additional police calls a month. Based on the large center of this type that I'm familiar with, I think he is underestimating by about a factor of 10. Also, I'd like to throw out something from the National Association of Fire Protection which investigated a Home Depot fire in Arizona, they were absolutely appalled by how quickly the fire spread, how dangerous it was to the shoppers and how dangerous it was to the firefighters based on the massive amounts of highly flammable and explosive materials in the Home Depot – fertilizers, pesticides, pool chemicals, all stored in huge racks which were falling down on the firefighters as they were trying to fight the fire. That's an issue for the local fire department.

I've heard some rumors floating around as I discuss this with people as to what the Board can and can't do or what the Board's powers are and I'm... you know, as a newcomer, I'm not all that versed on the exact details but I do know that in many states, including New York State, the courts have ruled that Town Boards including Planning Boards may vote down a project even if a project meets all the criteria. The courts have said that Boards may use public opinion, they may use their own opinion based on their

opinion that the project is not in the best interest of the Town. They may use quote on quote, common sense and they may also avoid repeating mistakes. For example, if a similar project was built in town x and the town decided that that project was a mistake, they could then say we don't want another one of these even though it meets all the criteria.

Finally, I'd just like to say that how the Board makes this decision to need tells me what your vision of the future of Bethlehem is. This is not just a Bethlehem Town Center, this is a direction the Town is going. What do you want this Town to be? Is this a special place, a unique Town? Is this the Town that produced that beautiful tapestry up there with that wonderful architecture? Or, are we going to become just another Latham, just another place like everybody else in America or is this a unique place like I thought it was when I moved here 6 months ago?

It's your decision, thanks.

SUPERVISOR FULLER: Thank you.

MR. FITZPATRICK: My name is Mike Fitzpatrick and I live at 301 Bender Lane in Glenmont. I know a lot has been said about the scope of the project and I'm not going to reiterate it. I think it's too big and I think there's better things to put in there but that's been said enough times.

I got to speak from a personal level because every time they describe the project, they say behind us, it's the lands of Niagara Mohawk. Niagara Mohawk owns a right-of-way about 30 feet wide. The lands that are behind the property that borders with the owners property is mine and Dick Valley's. This is our next door neighbor. And, we are not far away, down the ravine, up the ravine, that's where we live. I live at a higher elevation than this site right here. I know a lot of people have expressed concern about the Glenmont school. I have a son that goes there now and I have 2 other kids that hopefully will go there. When they are at Glenmont school a lot of people are concerned about the noise and the traffic and the impact it would have on them and I share that concern. When they come home from school, unfortunately, for them they are going to be closer to the project. I am right behind the project. I don't have a good arm but I might be... well, I probably couldn't send a baseball there. A good 9 iron though, I could reach it and it concerns me. And, I have mentioned this at a meeting with the developer. I live there, you know, you're just going to build there and walk away. Your employees will drive there and walk away when they're done. I live there. It's open 24 hours a day. The lights, let's go with the 40 footers. I want you to come to my house and sit on my deck and look at your place. And, I'm not saying not to build it. I think it's a bad idea but I'm not saying not to build it. I'm saying how about mitigating the fact that I need to sleep at night. That I don't need that light all night long. I don't need to hear the trucks all night long. I want somebody to specifically put something in this document that addresses that concern. I live there, my children live there. Something has to be done. I've spoken to the developer. He said maybe we'll put some berms in. Okay, let's start but I want some specific and I will be more than happy to sit on a committee and discuss it with them. And, if we disagree, I'll tell you what I think and they can tell me what they think because I know what Southgate said and I imagine it's going to be the same thing that these guys are going to say... naturally existing vegetation will mitigate that impact. Well, that's a bunch of bull. I can hear the Thruway from my house. I don't mind, the Thruway is there, you know, I moved in later than the Thruway. But, it is going to be a noise concern, the light concern. I am concerned about my family being able to sleep at night. I know they suggested buying air conditioning for the Glenmont school, if you want to throw that in, that's fine... in my house.

That's one concern I have again and that's a very personal one. The second one is the issue that has been brought up many times is about traffic on Bender Lane. And, the residents of Bender Lane in Glenmont, we've gathered a couple times to talk about the issue and we've discussed some of the options. Some people... Bob, he is up next... he doesn't want them to do anything or he wants them to improve the road but not to

dead end it. I don't agree with that opinion. I don't agree with Bob, he doesn't agree with me. I don't think you can fix the road. I've had a talk with people from the Town. How do you fix the road unless you're going to take peoples property and bulldoze their houses and I don't think that's really feasible. So, you really can't fix the road but people are going to use it unless there's a reason they can't use it and that's where the dead end issue comes in. We're proposing that Bender Lane get dead ended down by the pump house. That there's provision so that emergency vehicles can get through – that's not very hard to do. People bring that up as a big major concern. We sent a probe to Mars, we can figure out something for that dip in the road to put up a blockade to allow emergency access only. And, the reason I am so adamant about that is because the safety concerns. I talked to a woman across the street who is on her 3<sup>rd</sup> mailbox this year. You shouldn't have to take your life in your hands when you go to get the mail. I talked to Dick Bailey who had a friend of his in a car in the driveway that just got hit because someone went across the line and hit them in the driveway. Thankfully no one was hurt seriously. I talked to my neighbor down the road who switched his driveway to what he thought was a safer spot and he's still having the same problems. He still is scared to put his kids on the bus because they have almost been hit. I have another neighbor down the road who doesn't put their kids on the bus anymore because they've almost been hit. They drive them to school because they don't feel safe about... the bus driver gave the motion and someone came around a blind curve and almost hit their kid. So, now they drive their kid to school. I talked to another neighbor, she's afraid to rake her lawn. She's almost been hit raking her lawn. I talked to another neighbor who found a car flipped over in his front yard.

This road is dangerous now. I'm not talking about when this goes in or whatever goes in, this road is dangerous now. And, I truly believe that dead ending is the only possible solution. It will be a pain in my butt because I almost live where you dead end it and I am a ¼ mile away from the Glenmont school and I have to drive 3 or 4 miles to get to the Glenmont schools because my kids will be there and she'll have plays to watch and things like that. And, then I'll have to go around that crazy Hannay Lane turn around to get home. If I want to go to Home Depot or Ames or Kmart or whatever else is out there, I've just added another 4 or 5 miles to my own trip. Why would I do that? I don't think I'm that stupid. Oh, well, some people do but... it's because I am afraid for my family. I like Bender Lane. I don't want to have to tell my kids they can't play on the front lawn. I don't want to tell them they can't shoot baskets in the driveway and I don't want to tell them they can't go get the mail. I am going to tell them that they can forget about riding their bikes until they are in college because that road is just too dangerous to put somebody on a bicycle. And, I guess the biggest concern I have is every time I see a car go whizzing by my house and they try to make that turn and they drift over into the left lane, I always say to myself please don't let Eileen becoming up with the kids right now because it's just too dangerous. And, I can't tell Eileen not to drive on the road... well, I can't tell her anything anyways but I can't tell her not to drive... we live there. We have to drive on the road and it's just a matter of time even if nothing goes in there, it is just a matter of time before somebody gets killed on that road. And, somehow we need to address it and the residents have said, well the best thing that we can think of is to dead end it down there. Sure, there's going to be some hassles but right now I have 30 signatures on a petition that I'll be presenting later on that agree with me. We need to dead end that road for the safety of our kids and our families. Thank you.

SUPERVISOR FULLER: Thank you. Excuse me one second but following the rules that I mentioned when we started the meeting is, I can't let someone speak the second time until everybody has been heard.

MR. JASINSKI: All right, can I step aside.

SUPERVISOR FULLER: Sure. Thank you. Is there anyone who has not spoken this evening.

MR. BULNES: I am David Bulnes, 34 Chamberlain Street, Glenmont, New York. I just want to thank the Town Board for holding this public hearing. It's very... actually

it's required by law so... I'd like to thank Nigro for...

SUPERVISOR FULLER: By the way, it is not required by law. I chose to do this for the community.

MR. BULNES: Okay, well thank you.

SUPERVISOR FULLER: The Town Board made the decision to have the public hearing.

MR. BULNES: Then my thanks are in order and thank you for holding his hearing. And, thank you Nigro for all the work you've done. You've done a great effort for this magnificent project putting forth a lot of studies and other things and I just want to say I'm not against development. I am for SMART growth. Our Governor has designated this area Tech Valley. Whatever happened to having some kind of industrial... but I want to state the obvious, any development here is going to bring money, tax revenue and jobs. The question is how long will these dollars roll in and what... my question for Nigro is, what is the useful life span of these buildings? In your DEIS you mention that CSX is challenging their assessment but you neglect to mention that the Walmart up in Wilton is also challenging their assessment. So, what's to say that the tax dollars might get squeezed a little bit once this is in. Do we have any guarantee that there will be no challenges of the assessment that that will be a rock solid assessment? And, also the question, what kind of jobs will this bring? I am talking about the difference between a job and a career. You know, sure this is good for some kid who's coming out of high school and maybe he is going to want to work some place where he won't wear the clothes that come from the place but that's a whole other matter. Now, manufacturing, industrial, professional office development will all create more benefits to our community through spin off effects that I'm sure you are familiar with. And, as far as, Walmart or any big box development, the money that goes to these places is lost. A little bit goes to the clerks who work there or who say I'm sorry if its not on the shelves it must not be here. And, the rest of it goes off to China to the people who run the sweat shops and the slave labor camps. Sixty percent of the goods sold at Walmart, I've heard, are from China. And, just as we can't legally discriminate against a criminal who moves into our neighborhood, we can't say I don't want a Walmart here. And, despite the fact that Walmart is the defendant in numerous suits involving counterfeit merchandise sold bearing the names Tommy Hilfiger, Addidas, Niki, they've... they're still selling these goods as far as I know and we can't deny them access just because they've been named a litigant in a suit. I am wondering if anybody saw the 20/20 report on falling merchandise at big box stores where people are injured when these... they enter these places that are essentially warehouses and they become injured and we've seen in the DEIS that the police and EMS demand will be mitigated by the... by private security in the stores. Now, are these private security guards going to be public relations minded and quickly usher you to your car and say oh, you look okay, just go on home or go see your doctor or will they be public safety minded and call an ambulance when it is needed.

As far as the traffic impacts, in the DEIS you mention that there is not likely to be too much pedestrian and bike traffic. And, I just... a couple Saturdays ago I heard some kids riding up 9W talking about how much further the Kmart is. With rising gas prices, I am sure we are going to see more people using bicycles and pedestrian modes of travel. I think we have to get away from the automobile dependent model that we currently had, we call it sprawl. And, get away from that and create some kind of pedestrian friendly environment. I know here in our Town we pride ourselves on being on the cutting edge of technology and developments and something you might want to look into is transit oriented development where you have a cluster of businesses around... at a node where people can commute and walk to their homes, walk to shopping and enhance the community character. As far as community character goes, I notice that the DEIS mentions that there is a lack of a unifying theme along this corridor. Now, they've danced around the issue of scale. They mentioned it once in something that I wouldn't call a complete sentence and as far as scale goes, this project is 20 times the size of the church across the street, 6 times the size of our elementary

school and it will dwarf these civic uses. It's over 2 times the size of the Ames plaza. It's almost 3 times the size of the Town Squire that's currently being redeveloped and I think that indicates that there is sufficient retail in the Bethlehem Center area.

I would like to reiterate what some other speakers have said, that there needs to be an economic impact analysis. As far as the community scale goes, maybe Walmart would like to build a neighborhood market that I've heard that you people do build and Walmart... and Home Depot also has a villagers hardware which are around 50,000 square feet each. Maybe the numbers won't work if you're not bringing in 42 percent of your customer base from north of Corning Hill as the traffic study shows and I'm wondering if those numbers... we talked about some numbers being fudged a little bit. I wonder if those numbers were fudged a little bit so that they would come in under 50. I don't want to accuse anybody of that but as far as the berms and the setbacks on the site, this pretty much acknowledges that this is going to be one ugly building. We have all these plantings and things and there's been mention that we need more of the photo simulations so I did bring some of my own. And, I don't know, we're not supposed to address the crowd but these are actual environmental mitigation areas up at Latham Farms and this is my version of a photo simulation of what could come in here. You see here, the plastic bags gripped tight to the trees. Plastic bags there and if you look carefully over here, you see tractor trailers that are parked on the front of the Walmart. So, maybe we do need a good amount of plantings to hide that kind of a visual impact.

I lost my place so if you just bear with me, I have about one more page and I would like to thank everybody who has stayed here this long rather than just making their comments and storming out.

Now then, I am not against economic development. I am for community development and with this high volume of vacant land here, we have a unique opportunity to create a main street for Glenmont. This is our main street, 9W, Feura Bush Road, that's our main intersection. I think it is a cruel irony to call this thing Bethlehem Center when it offers nothing resembling a true town center. All it offers is a vast space where a person can go pursue their collection of material goods and go on with their lives. And, if they have to go there every day, I don't think they are really planning. I think people can figure out how to get to a store, get what they need and maybe go back another week. So, it's not so bad to drive 20 or 30 minutes or get what you need right in Town in the already existing retail. Anyway a big box super center, to me, is a band aid approach to economic development. What I'd like to see in our Town is a long term approach and I would like to ask Nigro to go back to the drawing board, come up with a proposal that won't divide our Town but that will unite it. Thank you.

SUPERVISOR FULLER: Thank you.

MR. HANNIGAN: Good evening. My name is Terry Hannigan. I live at 64 Columbine which is... for you folks who don't know about the new developments, we're right at the end of Bender. I want to echo some of Mr. Fitzpatrick's concerns and I think you have to give great credence to the people on Bender Lane. But, folks that road is a disaster now. Perhaps, Mr. Fitzpatrick's suggestion about dead ending it is the best but I will defer to those people.

I've heard a lot of comments tonight, some valid, some marginally valid. And, I know growth is inevitable. I don't know... I'm not as adamant as some of the people who spoken already but I am... or I was very encouraged by hearing Dr. Loomis and it sounds as though he's... his dialogue with the Nigro people was very informative, very profitable for the school district in terms of there's some concessions being made. I think this provides us with an opportunity. I don't want to say it's... this is the right project or the wrong project but I would encourage you to work the problems. I think it is doable given Nigro's reputation, certainly, and the encouragement from Dr. Loomis. Thank you very much.

SUPERVISOR FULLER: Thank you.

MRS. HILL: Hi. My name is Cindy Hill. I live at 132 Salisbury Road in Delmar. And, this is the only way out of the room, so I thought I would stop at the microphone on my way out. The night is late, I have 3 children at home. All right.

I've listened through the whole evening's proceedings and it's been very interesting for me. I am a Member of the Independence Party here and hold public office and am interested in what economic development can be developed in Bethlehem and initially I thought this was wonderful and would provide a tremendous tax base. There are some big problems here that I've heard through the people commenting and one of them is obviously traffic on 9W. And, we've got to figure out a way to get people in and out of there without using 9W as a sole source of entry if we can somehow build a second entrance off of 32 that would help tremendously. I don't know if that can be done because of the environmental issues. The other comments that I heard were on pedestrian accessibility. There are neighborhoods behind this complex. They're west of this complex and I went and visited a few of them this past weekend and asked the folks if the Walmart and Home Depot go up will you want to be able to walk to them and they said certainly. This plan doesn't allow any pedestrian access from the areas behind it and very limited access along 9W so we would have to really expand the pedestrian... the ways for people to get there by walking. People have called it a destination shopping center which means you go there, you shop, you drive back home. I think to fit in with Bethlehem plan, it would need to be something you could walk to, buy some things, walk back home, ride a bike there, ride back home. The one thing that we haven't addressed and has got to be addressed, is we're going to have a lot of traffic coming from Albany. And, I wonder if any bus routes have been talked about or... and I'd like to see what the plans are there. It would make a lot of sense to have buses coming in and buses going out instead 100 cars. That's all I had to say, I just wanted to make it accessible for pedestrians and people without having to drive there. Thanks everyone, good night.

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

MR. HUNSINGER: My name is Hunsinger. I live on Dumbarton Drive in Elsmere. I am at a bit of a handicap because I was not able to get here until 9 o'clock tonight but I agree with many of the comments that were made. I'm personally opposed to this project. I think it is too big and I think the unsavory character of the Walmart operation is an important factor. The one thing that appeals to me... I believe Mr. Trout said, an economic analysis, I think, would be very beneficial. I don't think the revenue issue that this project will generate will hold up under close scrutiny. I'd really like to see a very careful independent economic analysis done to cover that issue. That seems to be one of major attractions of this facility. That it's supposed to bring in a bunch of tax revenue and I'm very skeptical of that argument. Thank you.

SUPERVISOR FULLER: Thank you. Okay, last time I am asking. Is there anyone else willing to come to the microphone for the public hearing, public comments on the DEIS? Okay, Mr. Jasinski.

MR. JASINSKI: Thank you. Robert Jasinski, 288 Bender Lane, Glenmont, New York. It's nice that you know my name and you pronounce it so right and everything. Although it's been called and pronounced different.

Anyway, couple things I got. Does the Board have any control over 9W or is it strictly DOT?

SUPERVISOR FULLER: DOT, New York State does.

MR. JASINSKI: So, all these problems with 9W should fall to DOT to answer. I just don't like to see the Board take blame for 9W.

SUPERVISOR FULLER: That's what we're here for.

MR. JASINSKI: I want to thank Mike Fitzpatrick for his explanation about Bender Lane. As you know, I've been saying the same thing for years. We just disagree on what to do. I still say that if you improve Bender Lane and God knows you are going to have to whether you dead end it or not but if you improve it, you'll take some of the problems out of it. You got a couple crowns in there and the kids like to go over the top and see the wheels come right off the ground – all 4 of them. Nice to be young.

SUPERVISOR FULLER: Great to be young.

MR. JASINSKI: All right. Another thing I want to call your attention to is first off, I'm definitely against dead ending Bender Lane because we got some old people on the road that you are going to force out into the jug nut, Elsmere Avenue. You are going to force them into accidents. They drive, they drive safely, they drive nice but they go to Delmar and they go to Glenmont. When you start forcing them around, you're going to have me calling it to your attention.

All right. Ames and Kmart – now Kmart, their stock was down to what \$5.92, I wish we all bought it because it is up to \$10 and some odd cents. Well, they were threatening to close some stores. They did close some stores. So, there is no guarantee that they are going to stay there, even if you don't put this Walmart in. And, you know, it's funny but we're calling this a Walmart but, it's Mr. Nigro's project. I assume that he's renting to Walmart. Am I correct in this Mr. Nigro?

MR. NIGRO: Nodded indicating yes.

MR. JASINSKI: Walmart is not going to own this project, you are going to own it. So, therefore, once you put a building on up like any good owner, if it becomes vacant, he's going to look for occupancy. So, you are going to get somebody else in even if he has to turn around and break the building up into smaller stores, whatever he has to do.

All right, I said Kmart – Ames is the same thing. Their stock was down, they were talking about bankruptcy and everything else. Now they are a little more sound because the stock market has come back. I hope you all bought that Kmart at \$5 and some odd cents. I would like to know how many people think of Walmart... how many think enough of them to own their stock? I imagine quite a few in Delmar do. You know, if we took the position to chase development away, half the people in this room that were here tonight wouldn't be here because I know I've come and spoke for lots of these developments. You wouldn't have these developments. You wouldn't have the development where Swift put in at the end of Bender Lane because Rosen got permission to put that in years ago. And Swift took it over and through the Board and working together, you've put up some nice houses in there instead of apartments.

And, what are you ever going to do with this site if you don't have Mr. Nigro in there? He's going to pay 'x' amount of dollars to conglomerate out of New Jersey, I believe, that owns the site right now. If he don't buy it and put this Walmart up, what we gonna have another 40 years of having the old yellow Normanskill house there? So, I mean, you gotta... people are saying should we, shouldn't we and everything else and they all speak very good... don't get me wrong. I'm not saying that these people are wrong or right. The Board's going to have to make the decision. And, you are going to have to make the decision what to use... to do with this land. Now, it's nice to have a big hat and be a magician and pull out a 9 story building that only houses workers during the daytime but where you gonna get this? Who's coming to you and offering this to you? Have you had any other offers for this place? You refused, I believe and I may be a little wrong on this, towers... radio towers there, refused a psch center there, refused a larger development. Now you have this development. So, if you chase this away, what are you gonna have? I mean this Town is noted not to be friendly to businesses. This is America, if it's zoned for that, and they meet the requirements who are you to tell or who am I to tell them that they shouldn't put their business here. If your grandfathers or your fathers did this years ago, I mean, if somebody set there and says you can't put that Ma and Pa's store in there, where would you be today. Stores are going to come and they are going to go. Arbor Hill, where I was born and raised, it's gone from a... used

to be a very ethnic mixed neighborhood to really down, now it is coming back. Take other sections, the City of Albany, they're talking about the river front. I mean they've made mistakes, they put 787 along there. They never should, they should have moved it out but then again, I remember going down there and running the truck to unload a freight car and the water was up to the running boards. So, you know, you're going to have development and you better accept it and mold it to what you want. If you have a better item for this lot... this acreage, that's fine but I don't see no hat that you are going to pull a rabbit out of.

Well, that's about all except I do again want to thank Mr. Fitzpatrick he has valid things to say about Bender Lane which I agree with but I... we differ on how to do it. I say improve it and let it take the traffic that it's going to get. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. MARTENS: Can I clarify something?

SUPERVISOR FULLER: Sure.

MRS. MARTENS: I just want to clarify.

COURT STENO COUCH: State your name again.

MRS. MARTENS: I'm sorry. My name is Kathleen Martens. I just want to clarify a common misperception about Route 9W and who has control over Route 9W. When you talk about control, what happens on Route 9W, the land uses on Route 9W, are under your control. They are not under DOT's control. And, I just want you to remember that. That we can't be pointing fingers at DOT and then have DOT point fingers at the Town. Many towns are working together with DOT on improve... with DOT on improvements to roadways just like Route 9W. We control the land uses on Route 9W.

SUPERVISOR FULLER: I'm sorry I referred to the 9W. I interpreted it as the question of the highway itself. I'm sorry if I created this confusion. Okay, has everyone heard that wished to speak tonight for the public comment? Public hearing, public comment period will run until May 21<sup>st</sup> and your letters that have been handed in tonight we'll reproduce for the Boards.

COUNCILMAN LENARDT: Sheila, can I make one comment? I'd like to address a comment that Mr. Palumbo made earlier regarding limited access highway on 32. I am assuming that DOT will address that in their written comments to us stating that access to that highway is out of the question.

MR. PALUMBO: We can ask them to. They're presently reviewing the document.

AUDIENCE MEMBER: Can you speak in the mike, please?

MR. PALUMBO: We can ask them to. They are presently reviewing the document during the comment period just as many other agencies who are the involved agencies are. And, we'll... I guess what they would probably do is state the same criteria that they stated to us in terms of what it would take to get that access through. But, we will make a specific point to them about that.

COUNCILMAN LENHARDT: Thank you.

MR. LIPNICKY: Frank.....

COURT CLERK COUCH: State your name.

MR. LIPNICKY: What your questions...

TOWN CLERK NEWKIRK: Excuse me, Jeff, please come to the mike...

COUNCILMAN LENHARDT: Jeff, Jeff can you come to the mike.

TOWN CLERK NEWKIRK: ...and give your name. We're still under the public hearing and the court reporter cannot take your statement.

MR. LIPNICKY: Jeff Lipnicky.

COUNCILMAN LENHARDT: We got to hear it... the people in the back can't hear you.

TOWN CLERK NEWKIRK: We need to hear the whole comment, please.

SUPERVISOR FULLER: You need to come to the mike.

MR. LIPNICKY: Just to follow-up on George's question, was your question to DOT directed at driveway access or public road access?

MR. PALUMBO: Actually, both. The first and foremost was they spelled out the criteria for us in terms of a private access being that there is... that was cold and fast, that there was no opportunity to provide a single benefit to any land owner as part of that criteria. A single access driveway would be seen as such. Then we went further in terms of talking about a roadway connection and one of the things that they took into consideration... and I will leave this to their statements, I don't want to paraphrase wrongly or anything of what they said to us... but my interpretation, my understanding of it was that until such... such public need for that roadway was established by virtue of the traffic analysis that was done in the area, that that would not be allowed. And, again, not to put words into their mouth but I guess what they were saying was what they were seeing at the jug handle, for instance or on Bender, was not reflective of pointing out that public need. But, again, I will leave that for them to make their comment on.

SUPERVISOR FULLER: Okay, thank you Frank.

MR. BULNES: David Bulnes, Glenmont, New York.

TOWN CLERK NEWKIRK: Thank you.

MR. BULNES: The mention of the other access sparked something that I remembered you saying about the topography over there and the steep slopes and I would just like to ask that if... perhaps you could scale this development back to respect the topography that will be... that's existing in the back corners there where the steep slopes are and why you didn't address the slopes there in the same manner, saying that it wasn't feasible to build there although it is not feasible to do the connection because of the slopes.

SUPERVISOR FULLER: Thank you. Okay. I am very appreciative of all your comments here tonight and your patience and I am going to now ask for a motion to close the public hearing which is closing the public hearing, the public comment continues as I said earlier to May 21<sup>st</sup>. May I have a motion to close the public hearing?

The motion was made by Mr. Plummer and seconded by Ms. Burns to close the public hearing at 10:52 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Town Clerk

Supervisor Fuller again thanked everyone and convened the regular Town Board meeting following the close of the public hearing.

The Supervisor asked the Town Clerk to indent the notice of the public hearings for 9:00, 9:15 and 9:30 p.m. into the minutes and asked for a motion from the Board to do so.

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on May 9, 2001 at 9:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider a proposed Local Law amending sections of the Code of the Town of Bethlehem related to Off-Street Parking.

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

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

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
KATHEEN A. NEWKIRK, CMC, RMC  
TOWN CLERK

- - -

State of New York)  
County of Albany )

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 25<sup>th</sup> day of April 2001.

/s/ Elizabeth Bradt

Sworn to before me this 25<sup>th</sup> day of April, 2001.

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

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on April 25, 2001, 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  
26<sup>th</sup> day of April 2001.  
/s/ Catherine T. Picarazzi  
Notary Public

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NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 9<sup>th</sup> day of May, 2001 at 9:15 p.m. to consider a proposed Local Law Amending the Code of the Town of Bethlehem as follows:  
AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-36, Parking Prohibited at All Times as follows:

Groesbeck Place on the westerly side starting with the intersection with Laurel Drive southerly to the intersection with Delaware Avenue (New York State Route 443).

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

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

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
KATHLEEN A. NEWKIRK, CMC,RMC  
TOWN CLERK

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State of New York)  
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/s/ Elizabeth Bradt

Sworn to before me this 25<sup>th</sup> day of April, 2001.  
/s/ Sharon A. Doldo  
Notary Public, Albany County

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April 25, 2001, 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  
26<sup>th</sup> day of April 2001.  
/s/ Catherine T. Picarazzi  
Notary Public

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**NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 9th day of May, 2001 at 9:30 p.m. to consider a proposed Local Law Amending the Code of the Town of Bethlehem as follows:  
AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-10, Schedule VII,  
Stop Intersections as follows:

ADD: A stop intersection as follows:

Stop sign on Hamilton Lane at the intersection of Hannay Lane, Glenmont.

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

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

**BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
KATHLEEN A. NEWKIRK, CMC, RMC  
TOWN CLERK**

- - -

State of New York)  
County of Albany )

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/s/ Elizabeth Bradt

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/s/ Sharon A. Doldo  
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/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
26<sup>th</sup> day of April 2001.  
/s/ Catherine T. Picarazzi  
Notary Public

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

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

Noes: None.

Absent: None.

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Supervisor Fuller next asked for a motion to table the public hearings and reschedule for May 23<sup>rd</sup>, 2001 for Off Street Parking at 7:30 p.m., Groesbeck Place at 8:00 p.m. and the Hamilton Lane at 8:15 p.m.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve setting the public hearings as follows:

7:30 p.m. - to consider proposed Local Law amending sections of the Code of the Town of Bethlehem related to Off-Street Parking;

8:00 p.m. - to consider proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Parking Prohibited at All Times on Groesbeck Place on the westerly side starting with the intersection of Laurel Drive southerly to the intersection with Delaware Avenue; and

8:15 p.m. - to consider proposed Local Law amending Code of the Town of Bethlehem, Vehicle and Traffic, Stop Intersections, stop sign on Hamilton Lane at intersection of Hannay Lane, Glenmont.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a request from Administrator, David Austin, Parks and Recreation Department, for approval of Summer Personnel.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the appointment of summer personnel as requested by David Austin, Administrator, Parks and Recreation Department, as listed in the Memorandum dated May 9, 2001 at the titles and salaries listed. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The following item was a recommendation from Administrator, David Austin, Parks and Recreation Department, for approval of award of bid for the purchase of Sodium Hypochlorite Solution to the low bidder, Slack Chemical Company, Carthage, NY.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the award of bid for purchase of Sodium Hypochlorite Solution to Slack Chemical Company, Carthage, NY as recommended by Administrator, David Austin, Parks and Recreation Department, at the bid price submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a recommendation from Highway Superintendent, Gregg Sagendorph, for award of bid for a dump body sander to the low bidder, Arrowhead Equipment Inc., Albany, NY.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the award of bid for one dump body sander to the low bidder, Arrowhead Equipment Inc., Albany, NY as recommended by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a request from Building Inspector, Kevin Shea, for approval of a Dumping Permit for 24 Jericho Road, Selkirk, NY.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the issuance of a dumping permit with stated stipulations for 24 Jericho Road, Selkirk, NY, owners Robert and Linda Jasinski, as requested by Building Inspector, Kevin Shea. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The following item was a request from Kevin Shea, Building Inspector, for approval of Dumping Permit for 789 Route 9W, Glenmont, NY.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the dumping permit with stated stipulations for 789 Route 9W, Glenmont, NY, owners Carl and Margaret Barkman, as requested by Building Inspector, Kevin Shea. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The following item was a recommendation from Terrence Ritz, Engineering Division, Department of Public Works for award of bid for Precast Reinforced Concrete Manhole Sections to The Fort Miller Company, Schuylerville, NY.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the award of bid for Precast Reinforced Concrete Manhole Sections to The Fort Miller Company, Schuylerville, NY at the bid prices quoted as recommended by the Engineering Division, Department of Public Works. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a recommendation from Terrence Ritz, Engineering Division, Department of Public Works for award of bid for Corrugated Steel, Corrugated Aluminum and Plastic Pipe to Chemung Supply Corporation, Elmira, NY and Lane Enterprises, Ballston Spa, NY as indicated in the Memorandum.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the award of bid for Corrugated Steel and Plastic Pipe to Chemung Supply Corporation, Elmira, NY and Lane Enterprises, Ballston Spa, NY as indicated in the Memorandum from the Engineering Division, Department of Public Works at the bid prices submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a recommendation from Terrence Ritz, Engineering Division, Department of Public Works for award of bid for Iron Castings – Frames and Covers to Neenah Foundry, Albany, NY and Chemung Supply, Elmira, NY as indicated in the Memorandum.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the award of bid for Iron Castings – Frames and Covers to Neenah Foundry, Albany, NY and Chemung Supply, Elmira, NY as recommended by the Engineering Division, Department of Public Works at the bid prices submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was to acknowledge receipt of the Quarterly Franchise Fee from Time Warner Entertainment-Advance/Newhouse Partnership through its Albany Division in the amount of \$72,869.51.

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The last item was to approve the Town Board minutes of March 28 and April 11, 2001.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the Town Board minutes of March 28 and April 11, 2001 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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Supervisor Fuller asked if anyone wished to address the Board. No one spoke.

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

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

Noes: None.

Absent: None.

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Town Clerk

