

TOWN BOARD  
AUGUST 9, 1995

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  
Frederick C. Webster, Councilman  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Freeman T. Putney, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Purpose of tonight's meeting is a public hearing on the Draft EIS for Southgate Commons. This is a meeting that is jointly held by the Town Board and the Planning Board, who is on our left. The purpose of tonight's meeting, basically, is to hear from you. We welcome your comments, your concerns and we ask each of you when you come to the microphone to speak that you please identify yourself. I am going to ask this evening that we waive the reading of the legal notice, the call of the hearing, because that would only add probably 15 minutes to our meeting. I would ask for a motion to waive reading the notice of the public hearing.

Public Hearing  
Draft EIS for  
Southgate Com.

The motion was made by Mr. Webster and seconded by Mr. Putney to waive the reading of the notice of the public hearing. The motion was passed by the following vote:

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

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STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)  
NOTICE OF COMPLETION OF DRAFT EIS AND  
NOTICE OF SEQR HEARING

Lead Agency: Town Board of the Town of Bethlehem.  
Address: 445 Delaware Avenue, Delmar, New York 12054  
Date: June 14, 1995

This notice is issued pursuant to 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 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 August 19, 1995. A public hearing on the Draft EIS will be held on August 9, 1995 at Bethlehem Town Hall at 7:30 p.m., 445 Delaware Avenue, Delmar, NY 12054.

Name of Action: Southgate Commons Shopping Center

Description of Action: Proposed construction of 424,000 +/- square foot shopping plaza with two anchor stores, a commercial strip, and four outparcels. Parking for 2,606 cars is proposed on the 75.7 +/- acre site in the Town's Planned Commercial Zoning District (PCD). As part of the proposed shopping center development, highway improvements are recommended for State Route 9W, Route 9W and Bender Lane, Route 9W and Feura Bush Road, Route 9W and State Route 32, Route 9W and Corning Hill Road, Route 9W and Hoffman Avenue/I-787 Ramps, and Bender Lane.

\*\*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. Advance notice is requested.

Location: State Route 9W and Bender Lane, just south of the intersection of Route 9W and State Route 32, Town of Bethlehem, Albany County, New York.

Potential Environmental Impacts:

1. Site clearing and grading operations will create short term impacts including soil erosion and sedimentation, dust and noise.
2. Several ravines on-site are proposed for filling which will result in substantial alteration of the site's topography.
3. Two oxbow segments of Tributary #1 to the Normans Kill will be removed on the site, thereby channelizing a portion of the stream.
4. Increase in stormwater run-off from the site.
5. Approximately 53 acres of vegetation will be removed from the site. The vegetation removed consists primarily of successional field grasses, brush and saplings. This will create a consequent decrease in wildlife habitat.
6. Approximately 5.59 acres of non-contiguous federal jurisdictional wetlands will be filled.
7. Demands for community services, such as police, fire and emergency medical services will increase.
8. Traffic will increase on Route 9W and the interconnection arterial and collector highway network.
9. Construction will potentially impact two pre-historic archeological sites.
10. Demolition of an on-site structure deemed to be eligible for the National Register of Historic Places.
11. Introduction of almost 10 acres of buildings and 37 acres of pavement for parking will alter the visual environmental of the site from its current undeveloped (former farmland) state.
12. The proposal is consistent with the Town's Zoning Law but is not consistent with the Town's draft Master Plan which recommends smaller community scale commercial development on the site.
13. Change in the community character in this area of Town from rural to suburban.
14. A net increase in tax revenues to the Town of Bethlehem and the Bethlehem Central School District.
15. Creation of approximately 525 jobs during construction and about 740 full-time equivalent jobs after construction is complete.
16. A long term increase in noise levels as a result of the increase in traffic in the area.

A Copy of the Draft EIS may be obtained from:

Contact Person: Jeffrey Lipnicky, Town Planner, Town of Bethlehem Planning Department.

Address: 445 Delaware Avenue, Delmar, New York 12054.

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

A Copy of this Notice Sent and Draft EIS Sent to and on File With:

Michael D. Zagata, Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233.0001.

Louise Basa, Environmental Analyst II, Department of Environmental Conservation, Region 4, 1150 N. Westcott Road, Schenectady, New York 12306-2234.

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

Kathleen Newkirk, Town Clerk, Town of Bethlehem, 445 Delaware Avenue, Delmar, New York 12054.

Douglas Grayson, The Rubin Organization, Inc., 220 South Broad Street, Philadelphia, Pennsylvania 19102.

INVOLVED AGENCIES

Douglas Hasbrouck, Chairman, Town of Bethlehem Planning Board, 445 Delaware Avenue, Delmar, New York 12054.

Steven Lukowski, Director, Albany County Health Department, Division of Environmental Services, South Ferry and Green Streets, P.O. Box 678, Albany, New York 12201.

Donald Robertson, Program Research Specialist 111, New York State Department of Transportation, Region I, 84 Holland Avenue, Albany, New York 12208.

Bruce Secor, Commissioner of Public Works, Town of Bethlehem, 445 Delaware Avenue, Delmar, New York 12054.

Greg Sagendorph, Superintendent of Highways, Town of Bethlehem, 445 Delaware Avenue, Delmar, New York 12054.

Heidi Firstencel, Army Corps of Engineers, NY District, Albany Field Office, Foot of Bond Street, P.O. Box 209, Lansingburgh Station, Troy, New York 12180.

A Copy of this Notice Sent to:

## INTERESTED AGENCIES

Leslie Loomis, Superintendent Bethlehem Central School District, 90 Adams Place, Delmar, New York 12054.

Richard Webster, Chief, Elsmere Fire Department, 15 West Poplar Drive, Delmar, New York 12054.

John Foorman, Director, Capital District Transportation Committee, 4 Computer Drive West, Albany, New York 12205.

Larry Smith, Director, Albany County Planning Board, 112 State Street, Room 1006, Albany, New York 12207.

J. Winthrop Aldrich, NYS Department of Parks, Recreation & Historic Preservation, Agency Building 1, Empire State Plaza, Albany, New York 12238.

Environmental Notice Bulletin, Environmental Business Publications, 6 Seville Drive, Clifton Park, New York 12065.

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM

Kathleen A. Newkirk

TOWN CLERK

DATED: June 14, 1995

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State of New York)  
County of Albany )

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 26 day of July 1995.

/s/ Mary A. Ahlstrom

Sworn to before me this 26th day of July 1995.

/s/ Kathryn Olsen  
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on July 26, 1995, 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  
9th day of August 1995.  
/s/ Catherine T. Picarazzi  
Notary Public

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SUPERVISOR FULLER: Ask that it be indented and written in the minutes.

The motion was made by Mr. Webster and seconded by Mr. Putney 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. Webster, Mr. Lenhardt, Mr. Putney,  
Mrs. Davis.

Noes: None.

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SUPERVISOR FULLER: Before we start this evening, I am going to ask Mr. Jeff Lipnicky, our Town Planner, to let everyone know what occurs after tonight's public hearing. What the next step will be, Jeff.

MR. LIPNICKY: Thank you, Sheila. Basically as the Town Supervisor has said, the purpose of tonight's meeting is to take comments on the draft environmental impact statement that was prepared by the Southgate Commons developers. After tonight's public hearing, everybody should note that the public comment period on the draft EIS extends through August 19th, 10 more days after tonight where the Town will continue to receive public comments on the draft EIS in written form. Those comments should be sent here to Town Hall and they probably are best sent to the attention of myself. I am the contact person for this project. Upon conclusion...

SUPERVISOR FULLER: Jeff, if I may interrupt you for a minute on that, they also have been sending comments to me, so may that continue, they are turned over to you.

MR. LIPNICKY: Yes, any... what I should say also is that I know there are also comments sent to the Planning Board and to the Planning Board Chairman -- all those comments will come back to me, so that they can be collected. What we will do with those comments both the ones... the written ones and also the comments received here tonight, is to compile them in the form of a final environmental impact statement. The final environmental impact statement will address the comments that are received. And, that final environmental impact statement the process of preparing it, essentially, at that stage goes back to the Town Planning Board. The Planning Board will receive a draft of that final environmental impact statement once it is prepared. The Planning Board will review it and make a recommendation to the Town Board as to whether or not to accept the final environmental impact statement. Assuming that the Town Board does in fact accept the FEIS, again, the Town Board will also have to make an independent review and decision on the final EIS. But, assuming that the Town Board does in fact accept the final environmental impact statement, what will happen after that is that there will be an additional 10 day waiting period so that the public and interested involved agencies in this project will have another chance to consider that document. After that time period is completed, the next step is that, again, at the Planning Board level, a draft findings statement will be prepared on the final environmental impact statement. Essentially what a findings statement does is it outlines potential areas of environmental impact of a project and also outlines proposed mitigation and measures to minimize those environmental impacts. Once the findings statement... the draft findings statement is prepared by the Planning Board, that will be forwarded to the Town Board and the Town Board itself will have to review that and come to its own independent conclusions with regard to the findings statement, with regard to potential impacts and with regard to impact mitigation on the project. Once the Town Board itself adopts the findings statement and only until such time as a findings statement on this project is adopted, no decision will be made with regard to either approving or disapproving the project itself. There is something that everybody has to bear in mind here, what we have is two processes that are running simultaneously. One process involves SEQR review under the State Environmental Quality Review act and that is the purpose of tonight's meeting here. Simultaneously there is another process that is underway and that process is review of the Building Project application or essentially the site plan of the project. Under the Town Zoning Code, a second public hearing will also have to be held on the building project application itself. That hearing is held before the Town Planning Board. Under that process what happens is that the Planning Board reviews the application, reviews the specifics of the site plan and development proposal and the Planning Board, after it completes that process of review after the hearing, is then required under the Zoning Code to make a recommendation to the Town Board as to whether or not the project should be approved, approved with modifications or disapproved. Upon receiving that recommendation, the Town Board here is the ultimate decision maker with regard to approval of the project. So, that comes back as a recommendation to the Town Board and then the Town Board independently will have to decide whether or not the project is approved. Again, just briefly, tonight's hearing... the purpose of this is to take comment on the Draft Environmental Impact Statement and again, in addition to tonight's public hearing, there will also be an additional public hearing on the building project application itself.

SUPERVISOR FULLER: Thank you, Jeff. We have with us Mr. Lynn Sipperly, Consultant from Smith and Mahoney who will be doing the presentation for the audience on Southgate.

MR. SIPPERLY: Mrs. Supervisor, you will be hearing from counsel to the Rubin Organization.

MR. SWEENEY: If I can just have a moment to introduce the project, Mr. Sipperly will...

SUPERVISOR FULLER: How do you do.

MR. SWEENEY: My name is Don Sweeney. I am an attorney from here in Albany. It is my privilege tonight to be representing the Rubin Organization, the sponsor of this project. They have been the owner of this property and since about 1970. They have been in this particular phase of the development process for more than 2 years. This evening is the step in the process that was very well defined by your Town Planner where we are in the public comment process and this is a public hearing within that public comment period. The environmental impact statement you see over there on the table, the several binders and booklets of maps and so forth, has consumed that in excess of 2 years in its preparation and review by the Town. It has been available for your inspection for several weeks and tonight is your opportunity to put your comments on a record so that in the final impact statement that the Boards and the applicant can respond to them. We have a stenographer here who will take down every word that is said. There are audio tapes and there are video tapes of everything that goes on so what you will see at the end of the process is a question and answer format of everything you put down. Tonight will not be a debate or anything like that. You will get substantive, written answers to your questions. Tonight is your opportunity to put them on the record so that we can respond formally to them. And, again, I won't go through all the procedures of what's been before us and what is to come ahead. I think the Town Planner did a great job on that but let me turn it over to Mr. Sipperly from Smith and Mahoney Engineers to give you a brief review of what the project is about and then we will turn it back to the Board to take your comments.

MR. SIPPERLY: Thank you, Dan. Mrs. Supervisor, Members of the Town Board and Planning Board, thank you for the opportunity this evening to provide to you and the public the proposed Southgate Commons shopping center. I will be brief in my presentation because the Board has seen this proposed development on several occasions. Basically, Southgate Commons is located on the west side of Route 9W at the northwest intersection of Route 9W and Bender Lane. The property is 75.7 acres in size and as was indicated, the Rubin Organization has owned the land for many years now. The project occupies 2200 feet on Route 9W and 1500 feet from it on Bender Lane. What is proposed is the construction of a shopping center comprising 424,000 square feet laid out in the configuration shown on the drawing. Parking is provided for 2606 parking spaces. They will be 3 entrances on Route 9W -- one opposite Magee Drive, one at this point in the west of the project and the third entrance on the very north fringe of the site -- and one entrance on Bender Lane.

There is proposed an anchor store on the south end and an anchor store on the north end with some in fill retail connecting the two anchor stores and 4 out parcels which are along Route 9W -- the brown rectangles which comprise 29,500 square feet. Basically that is the project as being proposed. There has been a very comprehensive scoping document prepared by the Planning Board and adopted by the Town Board to instruct us to study various areas thought to be points of impact and that has occurred. I would like to provide one clarification at this time, in that in reviewing our documents, the document states 454,000 square feet. The project is 424,000 square feet but in our initial meeting the applicants requested latitude from the Town Board to vary that size by 5 percent up or down which would really be driven by proposed tenants the applicant would have for this project. We have studied the maximum threshold. We have taken the 424,000 and we have applied an additional 5 percent to that which is 454,000 which becomes the worse case scenario and the largest size shopping center that would be proposed. So, we have not

upped the size of the shopping center, we have really have only studied what might be the maximum size of the center under the most optimum conditions. As stated a bit earlier, a full environmental impact statement has been prepared for the project. It addresses, again a very comprehensive scoping document prepared by the Town Board and the Planning Board and we have gone forward with that document and first of all identified and described the natural characteristics of the site. Identified what are the project impacts. We have attempted to quantify the impacts that would be created by this project and we have also gone the next step and indicated what we propose to do to mitigate the impacts. So that, yes, there are impacts but we have also suggested and proposed and designed mitigation measures to deal with and accomplish these impacts. As part of the preparation of the draft environmental impact statement, we engaged many professional firms to assist us in various specialized studies. Some of those studies, as an example, it was an extensive site specific soils and geotechnical study that studied the soils of this particular site. There is a lot of literature available that indicates that the soils in this area are slippage prone soils. We realize that and we have gone much farther than that and specifically studied, in depth, the characteristic of this soil, have designed operations so that we can deal with those soils and are aware of the information they told us. Other studies that were performed was an extensive traffic study. The traffic study was coordinated effort between the Department of Transportation, Capital District Regional Planning Commission and also the Town of Bethlehem through their Planning office to identify again the issues of traffic that the project would develop and how we would deal with those additional traffic that would be generated. And, also to define what might be the... what I would call... the traffic shed. What is the area which would be affected by additional traffic from this development. We have also engaged consultants to do an in depth, comprehensive noise study to study again what would additional noise level that would be generated by this development. Air quality is another study that was undertaken. A complete archeological study was performed, actually 3 phases of the archeological study -- phase 1A and phase 1B on page 2 which reviewed the total site in depth. Also looked at the old farm on the site to quantify its architectural value and qualities. All these reports are summarized... actually they are contained in full detail in the environmental impact statement and also summarized in the first book of the environmental impact statement. The conclusion of all of the studies really indicates again what the impacts are, how they are mitigated. The impacts that are created by this proposed development we feel have been mitigated, perhaps not to the final degree yet, but at least we presented a solution to the mitigation. At least to their affect. Thank you, Madam Supervisor.

SUPERVISOR FULLER: Thank you. We also have present with us this evening Mr. Richard Kumerly of Tectonic Engineering and Mr. Ted Fink from Greenplan Inc. who are the consultants who have been hired to assist the Town in its review of the document. Okay. It is now time for anyone from the public who would like to come forward to the microphone, please begin by giving us your name and commenting, please.

MR. FLETCHER: My name is Steve Fletcher and I appreciate the opportunity to talk to you tonight. For the past 2 years I have been associated with an organization called Citizens Monitoring Southgate, a Town-wide group of interested citizens that have followed the project with the notion of providing the Town Board and the Town residents with information on the impact of the project on the Town, as well as, to offer our conclusions about whether to Town should accept the project or should seek modification. For the past year or so, I have been associated with the traffic sub-committee of Citizens Monitoring Southgate. We have reviewed and analyzed all of the documents prepared and submitted by the developer. We have talked to Town officials. We have talked to State engineers, as well as, the Town's consultants. Regretably, we have concluded after digesting all of that information that the 445,000 square foot project proposed by the developer would have a serious affect and cause a serious deterioration on traffic in Glenmont for several reasons. First of all, and based on the developer's own information and even assuming that he carries out the mitigation projects that he has outlined, 11

intersections in Glenmont would either provide new congestion to traffic in Glenmont or would, based on the scale of ratings that the State uses, fall 1 or more categories of utility. What that means is, today an intersection might be graded "c" which is passable except at peak periods. It could fall to "f" which means not passable much of the time at all. So, if 7 intersections... 7 intersections in Glenmont would fall in quality, we have 4 new intersections provided by the project that themselves add congestion in Glenmont. Obviously, though, many intersections in Glenmont even those that technically don't fall in quality, will experience new traffic because of the project. We have such key intersections as Wemple Road and Feura Bush Road which would fall to the lowest State category which means virtually impassable at periods of peak use, such as Saturday mornings is a period of peak use.

Secondly, the proposal offers no assurance that the mitigation measures that are outlined in it, will, in fact, be built and some of them seem to us to be questionable. For example, the proposal includes a reconfiguration of the jug handle where 32 and 9W merge. That could be a major project. That is on the Federal aid system, the State has to be involved, how rapidly and what economies that could take place we are not certain. Also, the mitigation plan calls for a turning lane, southbound on Feura Bush Road, but as we look at that, we are not sure where the land comes from to put that lane in there. There is just a little strip of grass and then you are into the parking lot of the little shopping center that is there.

Third, the Southgate proposal or all of the traffic projections in it, only project traffic to the year 1996 which is the year that the project would open. Presumably there would be growth in the project and its traffic in the years following. Ignored in the proposal is the estimate of State engineers that by the year 2000 Route 9W from Feura Bush to the jug handle will be at its maximum capacity. Also ignored is the collared log jam and bottle neck between Bender Lane and Feura Bush and 9W as the commuters try to get home. And, finally the developer claims that Bender Lane has a capacity of 625 vehicles per hour and, therefore, will play a part in serving the traffic for Southgate. The best I can say is that I hear the laughter behind me, that is highly unrealistic of anybody that actually traveled on Bender Lane. That 625 vehicles per hour is 1/4 of their estimate for 9W. And, we think that on the face of it, raises certain questions. Clearly if Bender Lane then cannot serve as part of the traffic flow for Southgate that traffic is going to have to be served by other roads and highways in the Town.

We regret that the developer in putting his traffic plan together gave us no information on what the smaller development would entail. He does sketch out a 250,000 square foot development which would be consistent with LUMAC because it would provide a community based or community sized shopping center for the area. But, we really don't have any traffic information to make a judgement as to whether that would work or not work. There is a little mitigation for the 250,000 square foot plan offered but it is fairly sketchy and we really couldn't get our teeth into that. We would urge the Town Board to consider whether maybe one of the next steps is for the developer to come back and offer more extensive traffic information on the 250,000 square foot development so a judgement could be made about that. Thank you. Any questions. No, thank you.

SUPERVISOR FULLER: Thank you.

MR. HARMON: Hi, my name is Oskar Harmon. I live on Brightonwood Road in Glenmont. And, I want to thank you for the opportunity for me to offer some comments on the developer's plan. The first comment I had, just as a traffic impact on my road where I live on Brightonwood, that that is not mentioned at all in the traffic report. But, as the previous speaker mentioned, there is going to be a lot of congestion at Wemple and Feura Bush and right now a lot of traffic comes through our way -- speeding traffic, by the way, that we have trouble with for our kids that's cut through because there is no blinking light or traffic control device other than a stop sign and it's... people like to avoid that in the rush hour both coming and going. And, they don't mention that in the report and I wish

they would because maybe they could have some sort of control that would help us out and rather than aggravating our situation.

A couple other comments I have that you may not have noticed about the report is that they have estimates of the cost of community services and rather than... or the way they approached that issue is to look at some other studies that have been done of other towns and what they do... from these other studies they find out that it costs about 25 cents to provide... for every dollar of revenue raised that is 25 cents for the services for every dollar that they receive from the development for commercial and industrial. And, in looking at the technical appendices of those reports which I ordered through the companies, it turns out that it looks like a free lunch but that might not really be one. Because what they are saying is that that dollar of revenue that you are getting, 75 cents is the property tax for your schools, it does not go to your general fund, it goes to your school fund and I don't see how it is going to be transferred over to pay for the community services. Now, but there is 25 cents that comes in revenues that can go for the community services but 5 cents of that is Federal revenue sharing funds. Now, I don't know why the report is allocated that as revenue coming from commercial industrial property. Perhaps, there is a good justification but my question is, that 5 cents from what I read in the paper, it doesn't look like it is at all guaranteed that we are going to get Federal revenue sharing funds at least maybe block grant wise but not dedicated the way they currently are. So, I wonder if these are really self financing this development and whether it is really something like a supply side economics which Business Week seems to think a little less of.

Now, the other 2 things that I don't really know much about but I will offer them up anyway. It seems that... the previous speaker mentioned this about a bottle neck that is created there between Bender Lane and Feura Bush. Well, it seems to me that that is what you are creating, if you have a 2 lane highway constructed and then it comes to 1 lane. You don't have a bottle neck now, really, at a least it doesn't look like one but it sure would look like you are designing one. And, I would think that maybe you just make a double lane highway come all the way down with a right hand turn lane or something. That would seem, from an uneducated point of view, somewhat better.

Then, I also notice that they don't have any sidewalks proposed. And, I was just... I was looking at sidewalks at other shopping centers around the area after I read the report and most of them seem to have it. I couldn't find one that didn't, not that I did an extensive survey. But, the reason they offer for not having a sidewalk was they don't observe people right now walking along Route 9W. Well, it didn't seem like a reason to throw in there. Maybe that was a typo for some other report or something. But, in any event, they also said that they can't many residences within walking distance. Well, I went to the fireman's fair the other night and there's a big community back there that is within half a mile and there's also on the other side what was I told, 16 4-unit apartment type of developments back there. They are all within 1/2 mile. I don't know whether they didn't see them or they figure half a mile is not far enough to walk. But, I can tell you just from driving on Feura Bush, there are a lot of kids anyway... teenagers that seem to go down from up my way, that is more than 1/2 mile to go down to the current shopping centers down there. So, I am not sure that that is a good judgement and I wondered if you could look into that. Thank you for your time, sorry I was long winded.

SUPERVISOR FULLER: Thank you.

MR. OLINZUCK: Good evening. My name is Wayne Olinzuck and I live at 25 Brightonwood Road and I am also a member of...

SUPERVISOR FULLER: Excuse me, can you hear in the back of the room?

AUDIENCE: Not very well.

SUPERVISOR FULLER: Please use the silver mike that is the pa.

MR. OLINZUCK: Okay, my name is Wayne Olinzuck. I live at 25 Brightonwood Road and I am also a member of Citizens Monitoring Southgate. Tonight I am going to be presenting comments not only for myself but also for Mr. Dombrowski who couldn't be here tonight. I will start with his comments, if you don't mind.

I guess the major question that I can pose to the Town Board here and the Town Planning Board is that do we want a shopping center for your Town or do we want our Town to become a shopping center for a region by which the developer's own data will include high crime areas, will put additional burdens on our Town police, fire, emergency and road maintenance services and will create noise, air, light and visual pollution. The developer states that 54 percent of the traffic will come from the Town of Bethlehem and from points south and east. So, actually something less than 54 percent will actually be coming from Bethlehem, we don't know what the percentage of Bethlehem residents are going to be using the shopping center. We do know that 22 percent, nearly 1 out of every 4 shoppers will be coming from the south end of Albany, 12 percent from I-787, and 12 percent from the Thruway. Anybody who has traveled the route... the exit 23 entrance to the Thruway knows there's problems get on and off of that thing right now. I don't know of any mitigation measures that are being proposed by the developer to mitigate that traffic jam. This shopping center is going to present 745 low paying jobs. Okay, how many Bethlehem residents will actually benefit from those jobs? Now, the developer seems to only be serious about this big shopping center and the question has to be why? Simply because they need to draw from outside the Town of Bethlehem to make some money. How come the developer just didn't design 178,000 Super K and 110,500 square foot other big box retailer. That is about 289,000 square feet within the guidelines of LUMAC and it would be good for our Town. But, is it a reasonable alternative to the developer, that is the question. Okay. The other plans just seem to be poorly designed substitutes that the developer put in as a throw in. And, the reason I am going to say that, there is reasons behind that. They gave one of their proposals as a 360,500 square foot shopping center. You've got a big Kmart, you have a ravine and you have a strip mall and some out parcels. Okay. You go to shop at Kmart, to get over to the other side you are going to have to get into your car and drive over, especially in the winter. People are not going to be walking that bridge in the winter and the winters last pretty long up here in Albany. This project still exceeds LUMAC by 110,000 square feet and this ravine makes the proposal ridiculous because I don't think Kmart is going to want to stand alone store. They are going to want traffic from a lot of different stores coming into their market. Okay, the smaller scale one is 250,000 square feet. That is merely a Super K with a small little strip mall across the ravine. Again, if you want to go to Kmart, you get in your car, you go to Kmart, then you have got to go and drive over to the other side. Economically that is ridiculous. I don't think any Kmart or I think any national retail stores that are going to try and come into this mall if it is built as it is, they are not going to want to use this 250,000 square foot design. Okay.

Mr. Dombrowski who is somewhat of an expert in developments in the area has recommended an alternate proposal and I just want to go over it very briefly. He suggests why don't we get the Price Chopper that they want to build in Slingerlands, bring it here, and then subdivide the area and make an office park. Now, there has been recent information saying that the downtown Albany area is very soft as far as retail office space but Mr. Dombrowski has provided me with an article here that says suburban office space is a strong market right now and it is economically feasible and I have copy of these that I will distribute after I speak tonight. And, that is the end of my comments from Mr. Dombrowski, the rest will be mine.

As a member of Citizens Monitoring Southgate, I looked at the environmental issues, specifically noise and air pollution. And, I just want to give an overview of what this thing is going to do to that area of Town. To accomplish construction, there will have to be a substantial alteration of the site's topography. Okay, you are going to have to remove 53 acres of vegetation; fill in 5.6 acres of federally protected wetlands -- and we don't know where they are going to recreate these wetlands, that has not been given to us;

Okay, you are going to have to fill in 4 out of the 5 ravines on the property; relocate 2 segments of the Normanskill; demolish a mid-19th Century farm house; and destroy 2 prehistoric archeological sites. Okay, according to the developers own words here, the project size and proposed roadway widening will contribute to the area's changing character from rural and undeveloped to more suburban and commercial in nature. The changing character cannot be mitigated.

As far as air quality goes, the air... the State or Federal standards set the minimum concentration... the maximum concentration of carbon monoxide for an 8 hour period at 9 parts per million. Okay, predicted carbon monoxide levels at receptor sites number 10, a proposed building on Route 9W and number 29, the abandoned house on Route 9W had 8 hour levels of 8.7 parts per million, very close to the allowable maximum concentration should Southgate be built. The confidence levels for the predicted concentration were not provided. In addition, they did no air quality measurements by the Glenmont school. They said it is too far back. Okay, however, anybody who is driven on 9W knows that prevailing wind goes from a west to an east direction right across towards the school. If you look at appendix D of the developer's own revised draft environmental impact statement, it says that a wind direction perpendicular to the roadway maximizes carbon monoxide concentrations farther back from the roadway. I submit we need to know what the air pollution levels are going to be by the school. We have a lot of kids with asthma there who are being treated, you just have to speak to the nurse, Miss Powell, there an you will see that it is a major problem. And, I don't think they have really addressed this.

My last comment and I will make this brief, is noise. The developer's used a noise abatement level of 16 dba's. Okay, when they measured noise they did it in the winter with snow cushioning the ground. I think that's a problem right then and there. Okay, they have already found that noise levels are about 60 dba's south of Bender Lane and they go progressively higher as you go farther north on 9W. By the developer's own statistics, future traffic noise levels on 9W will increase 3-5 decibels. And, Bender Lane will increase... an increase of up to 6 decibels which will likely be perceptible to the residents. I submit that there is significant problems with this thing being built and as for the smaller shopping center, I took a look at the 250,000 square foot shopping center. Okay, they give little information as we said before about this thing. What we do know is that they are not going to put any new additional traffic lanes in here. We are going to have some turn lanes but as far as traffic going, there is going to be 2 lanes. Okay. They conclude because there is going to be decreased traffic there won't be any violation of air quality standards and no air quality impacts are expected. You look at the projected traffic at the Saturday peak hour, for the 450,000 square foot shopping center, you have about 835 cars they are expecting to go in and out of this place in an hour. That is a lot of traffic, traffic we don't have now at all. With the 250,000 they expect about 1189 cars coming in and out of there. Okay, we have 1189 cars going onto a 2 lane highway here. Okay, trying to get in and out. Anybody who has traveled in the Glenmont area, knows that the Glenmont Plaza you can't always get in and out of there right away. Well, all these cars waiting to get in and out of a 2 lane highway, what's that going to do to the noise levels and the air pollution levels. These cars are going to be sitting there with their cars running. The developer has not given us information about that and I think that needs to be addressed, too. And, that is all I have to say, thank you.

SUPERVISOR FULLER: Thank you.

MR. O'SHAUGHNESSY: Good evening. My name is Dennis O'Shaughnessy. I live on Feura Bush Road in Glenmont. I am a 20 year resident, parent and business owner in this Town. I am very much in favor of Southgate. I hope it offers a variety of shopping and entertainment and employment and taxes for our Town. I am tired of going to other Towns to shop or to go to a movie or to go to dinner to do something like that. Or, to bring my children for entertainment or employment since our Town offers little. As a businessman, I am looking forward to Southgate attracting other people to our Town to spend their money here, helping our tax situation. I also feel the Rubin people

deserve their fare share. They have been a tax payer for 25 years. When they bought the land, they were allowed to build a shopping center and I feel they should be able to build one now. I feel that people who are against them building it, let them buy the land, let them turn it into a park or whatever they would like and they can do with it as they please. I am very confident that our Town leaders and our police department will handle any problems or any situations that will arise with this new situation. We have had a lot of different buildings and stuff going up over the past 20 years and there have been a lot of meetings in here, everything has turned out very well because we have capable people running our Town. Thank you.

Applause.

SUPERVISOR FULLER: Thank you.

MR. KALOW: My name is Steve Kalow. I live off of Kenwood Avenue in Glenmont and I came here to speak out against Southgate because Glenmont already has too many vacant stores and Southgate will only increase that. And, I use the word vacant but abandoned would be a better word for some of these sites. Let's consider the current situation in Glenmont, in the Town Squire shopping center at the corner of Route 9W and Glenmont Road, we have a Grand Union moved out 4 years ago still vacant. The True Value Hardware store moved out 3 years ago, still vacant. And, 4 other stores in a row there, vacant. Moving over to the Glenmont Center Square across 9W, we have a book store moved out 2 1/2 years ago, still vacant. A gift shop just moved out, vacant. Going across the road to the Glenmont Plaza, put up in 1991, still 2 vacant stores. That is what we have right now. In the future, if Southgate goes in, we will have the Kmart out and who knows what will happen to the Ames and Grand Union, two chains that are in bankruptcy right now. So, what we have here is a landscape that is becoming littered with empty stores. Is this what we want the area to look like? I don't want it to and I hope that all of you here agree. Now, to me an empty store is an eyesore. The developer is worried about Southgate, they are not worried about what happens to the rest of the Town. Let me throw out an abstract question to you. If there is such a need for retailing here in Glenmont, why is there so much vacant space now. I would like to prevail upon the Planning Board that if in the event that approval for Southgate is given that a condition be that the remaining businesses in the Town Squire shopping center be moved into Southgate with the developer paying the expense of moving them and the time... the Town Squire shopping center be knocked down. Thank you very much for your time.

Applause.

SUPERVISOR FULLER: Thank you.

MR. TRAVISON: Hello, my name is Thomas Trivison, Sr. I live at 104 Beacon Road in Glenmont. I have lived in Glenmont for the past 33 years on Beacon Road. I have seen the commercial property in the Town grow. Unfortunately, Glenmont has not been able to grow with the rest of the Town. Now that we have a new opportunity to have a full scale shopping mall in Glenmont, those who have not lived here very long trying to stop this project. I would like this project to move forward. Glenmont should have the opportunities as the rest of the Town to grow. This company is willing to spend \$33,000,000 on a Southgate in the Town of Bethlehem. We the people of Glenmont should stand up for this company.

I have another comment to make about one of the other speakers here making a derogatory remark as far as I was concerned. Referring to minorities from the south end of Albany coming out here to shop. Referring to our Police Department not being able to handle that. And, that to me is a real slap in the face to the rest of the people of this Town. Applause. We should stand up for our rights here. And, these people because they live in the south end of Albany or on Delaware Avenue shouldn't come out here to Glenmont to shop, unspeakable. It upsets me to no great end.

Another thing, slamming the door on progress. There is an article in the Spotlight, I would like a lot of people to read it. It is by

Richard Hart. I am not a big speaker. I don't like to be up here but I had to get up and say my little peace. I thank you very much. Thank you.

SUPERVISOR FULLER: Thank you.

MR. FEETOR: Good evening, I am Jeremy Feetor. I live at 58 Jefferson Road in Glenmont and I am here to speak on behalf of the Glenmont PTA. We as parents and citizens of the Town of Bethlehem, as well as, parents of youngsters in the Glenmont school, all have several priorities that must be blended and reconciled to arrive at what is best, not only for us and for our children, but for our Town as well. We emphatically support LUMAC, the Town's master plan as recently proposed to you. We all recognize and would like to realize the advantages increased tax revenues to the Town and to our schools for that matter that a well planned and properly developed and managed commercial development can bring to us all. We also recognize that the developer, just like everyone of us here, is entitled to develop his/her or its own property to the fullest extent possible. We have no intention of denying that to anyone. Finally, we would love to have another grocery store here.

Applause.

In short, we support the right of the developer to build on his property, however, we do not support what has been proposed and for the following reasons. First of all, aesthetics. All of our schools teach and we all know by this time, that we must adapt to our environment and not adapt it to us. What is proposed here is 31 acres plus of pavement and for want of a better way to express it, large concrete and steel boxes. This does not strike us as parents of school age children as a good model for our young citizens to learn about future development. It also destroys a ravine which also does not speak well of our concerns for the environment in general. Security, the more people in the area, the greater security must be heightened in order to protect our younger citizens. One need only read the Times Union and the Spotlight to see the challenge that faces our youth today from that, hopefully, small segment of society that seeks to take and exploit the youthful naivety of our young to their own advantage. Further and what should be obvious to all, is the larger the project the more it becomes an attractive enticement to those students who already are giving our teachers enough challenge for their attention. We also have problems with the question regarding air quality. That has been addressed by other speakers here and I am not going to belabor it but it should be obvious to all that the impact of increased vehicle exhaust is going to be upon Glenmont school because that is in the proximity of the shopping center and they are the ones who are going to be there day in and day out. You and I and other shoppers there will not be there every day. Lastly, traffic. The amount of traffic that would be generated by the proposal as it is presently outlined, would vastly increase the difficulty of ingress and egress to the school, as well as, increase the attendant danger to all vehicles, especially school buses in trying to turn into the school and leave the school. In conclusion, although lip service has been paid to smaller proposals for the site, we as the Glenmont PTA, do not feel that we can either support or condemn them at this time without much more detail being presented first. If there is a well planned, appropriately sized and environmentally sound proposal put forth by the developers, we as the Glenmont school PTA will support it. Thank you very much.

Applause.

SUPERVISOR FULLER: Thank you.

MRS. D'AMICO: My name is Joanne D'Amico. I reside at 79 Retreat House Road. I have been a resident of the Town of Bethlehem for 31 years and I have also been a member of Citizens Monitoring Southgate for 2 years. We employ the method of divide and conquer and I am addressing the areas that speak to community impacts. First thing I would like to speak about is the impact upon the Police Department. I have nothing bad to say about their capabilities. It is not a matter of are they able to come up to the task but should they have to respond to the demands that would be placed upon them by a

development of this size. The DEIS does state that there will be a significant increase in the number of service calls expected. There is no estimate on the number of calls expected because that is difficult to do. And, the response time according to the letter of response is about 4 to 5 minutes. However, if we do have traffic problems you might have to add a little bit onto that. If an additional officer is needed, the estimate of cost is \$50,000 to \$60,000 a year. Table 7 estimates that the tax revenue to the Town's general fund will be \$16,889. I see a short fall at a minimum of \$33,101. It has to come from somewhere if we have to hire 1 additional officer. It will be open 24 hours a day. That means we will need extensive security in the evening and early a.m. hours and I would like to note that Delaware Plaza does have its own plaza security for the parking area and that is 1/3 the size of the large end proposal of 425,000 square feet. Additionally, there has been a lot of incidences at other malls -- such as Crossgates, Northway Mall, Latham Circle Mall -- muggings, attempted child abduction, vandalism of cars, break ins of that nature. Also, today's Spotlight comes out with a report that we are having a little bit of a shop lifting spree in the area which the police are now turning their attention to. This is not their fault, this is just a matter of society.

The proposal has a number of people that the project would draw, 46 percent from outside. I am not saying from where, just from outside of the community. With a project of this size, the number of service calls for 1993 increased 17.3 percent for the Police Department, responding to calls without something of this size. That is just normal from year-to-year increase in the number of calls and the demands placed upon the Police Department.

Moving on to the fire. False alarms are expected due to a new system and employee inexperience. Can happen. 10 to 20 calls for the first year or 2. No estimated response time is provided in the narrative, however, the Chief does put in his letter that his response time is approximately 4-6 minutes. Please note that also something this size would almost certainly require a mutual aid call which they do have an agreement of all the fire districts in our area. That means that would place demands on other districts outside of the Elsmere Fire District.

The emergency medical services. Right now, the Delmar Rescue Squad, we have 12 EMTs and 7 paramedics. They serve Delmar, Slingerlands, and Elsmere Fire Districts. The unit is approximately 4 miles from the project site and the response time can total 15 minutes or more. This is including the off ramp time. The time they get the call, they leave and arrive at the site. Consider at this time the Town Board is considering the participation of Albany County Sheriff Department. They have a new ambulance service that is being set up. There was a very interesting quote in the Spotlight from the Delmar Fire Chief, James Kerr, that the calls from North Bethlehem have taken a huge jump which indicates a rise in the development from that area and also the existence of the Beverwyck retirement community in that end of Town. He also commented upon the availability of paramedics and he said most of the time is not good enough. The price tag for additional paramedic services are \$370,000 estimated at \$20 a household. For salaries which is a minor portion of it, vehicles, equipment and miscellaneous expenses -- it is also noted that one response vehicle generally lasts approximately 3 years, I assume with very good care.

Solid waste is also a very important issue in this time of garbage crisis. We have an excellent recycling program. It is very aggressive and I support it wholeheartedly in this Town. The developer has stated that they will abide by all of the recycling regulations. They give an estimate of 46 tons of waste per week. Approximately 8 to 10 packer trucks per week would be marching down Route 9W and Bender Lane, depending on which entrance or exit they are going to go into this facility to remove all of this trash. They don't say how much would actually be recyclable and how much would actually end up in the landfill. We are part of the ANSWERS consortium. The Rapp Road landfill is about to be closed. They have yet to site a new landfill. This would place a great strain on the

ANSWERS consortium and I think the other ANSWERS communities might have something to say about this as well.

Okay enough about that. And, then I would like to move on to the demolition of the Shefdecker/Mosher house which is representative example of traditional... transitional, excuse me, Federal Greek revival residential architecture. The developer is urging the removal from eligibility from the State's and National's registers of historical places. It is this eligibility status that requires the NYS office of Parks, Recreation and Historic Preservation which is OPRHP, be consulted before the State agencies, in this case NYS DOT, grant the approval for this project and that is under the State Historic Preservation Act of 1980. Also, on the Federal level, which is under Section 106 of the National Historic Preservation Act of 1966, that they are required to have the State's Historic Preservation Officer review the impacts because the Army Corps of Engineers also has to sign off on this project as well. And, that is primarily because of the wetlands but this eligibility status also brings their agency into play. As far as the house is concerned, yes, it is in a deteriorated state and restoration is not recommended and I understand that from a monetary standpoint. It really isn't feasible. However, any artifacts should be preserved if any demolition becomes necessary. These artifacts should be placed in the care of locally based historical societies such as the Bethlehem Archeological Group or its school district or some other group that might be willing to take possession of this. There is down in Cedar Hill, the little red schoolhouse is also a museum that might be willing to take an artifact or two. All components of historical value should remain within the Town. With all due respect, I do not feel that they should go to Mr. Donald Carpenter of Nassau, New York. He does make mention that previously the front door and, I guess, some sort of an archway had been used in construction in a house in Albany. I don't think that is appropriate use of something that has historical value to our community especially being that we celebrated our bicentennial, hence it is not really good.

Also, statements should back this up, per the Harken Archeological Associates Inc., in their building structure inventory form, statement of significance -- despite deterioration and some loss, historical architectural features, the house is significant as a rare, surviving house type reflecting the Agrarian past of the extensively developed suburban town. I think that speaks for itself.

Moving on to the prehistoric archeological sites. Stage 2, investigations recovered 1,047 separate artifacts. Many were charcoal features, they were identified and that possibly indicates that ... were in those locations. Prehistoric site number 1 has 7 such features. Prehistoric 2 has 5 of such features. And, since shovel tests were the only method used at some sites because of the vegetation, I understand, root system was quite extensive and there probably was a lot of gravel and it was previously used as a farm, so there was a lot of agricultural activity in that area but still, if those areas are to be gone over again, great care should be used so that nothing is disturbed that might be there that has not been found in previous excavations.

The alteration of the visual, environment -- it is going to be open 24 hours a day, lighting through the night. They propose 82 32-foot high poles. If they don't get that, okay, we will bring it down to 18 foot poles, however, we want 248 of them. This seems an outrageous sum, some sort of compromise should be struck between the height and the number of poles if this proposal goes through in any shape or form. It is excessive and even with the efficient lighting system that they say they have, that is supposed to control the spillage, this will be disruptive to the homes on Magee Drive and Bender Lane an area of total darkness now will be flooded with light. And, if not lit sufficiently, then we are also talking about a hazard to patrons using it in the evening and providing an opportunity of crime. So, we have a very delicate balance that we need to strike there with concern for evening light.

Also, I would also like to make mention that they respond to the master's plan and its consistency. Well, in the master plan, the

community commercial areas which this sort of falls under that category are suggested as appropriate for retail plazas or community scale shopping centers, however, it is in the range of 100,000 to 250,000 square feet. Also, the number of out parcels are to be kept at a minimum -- I don't think 4 is exactly a minimum. And, by the way, we already have a McDonald's, we don't need 2. Change in community character from the rural to suburban in this area, that is a big problem. I put it in red. Change in community character cannot be mitigated. I understand that and I think that that is something that should be a guiding principal in reviewing this process. In the Town planning survey out in August of '91, the number 1 element of Town character that the respondents believe contributed to the unique character of the community was small town and village atmosphere. 67.7 percent of the respondents indicated that the Town should discourage large centers. In assessing the need for consumer establishments, 67.8 percent of the respondents indicated no need for large shopping centers. 40 percent indicated no need for home improvement centers, which I think the big box on the other end falls under that category. 54 percent of the patrons are anticipated to come from the Town. However, according to the survey, 67 percent don't want it. Supermarket -- yes, power center -- my own personal opinion, no. Thank you.

SUPERVISOR FULLER: Thank you.

MR. POPE: Hello, my name is Kevin Pope, 8 Peel Street in Selkirk. I am a local businessman who does business in the Town of Bethlehem and as I am waiting in line, I am looking at that art work on the wall. And, that is what I moved into when I moved into this Town 8 years ago and started a business in this Town and support the local businesses in this Town. It is something for my kids to enjoy and to get close and to get to know people. A center like this, my concern is what will it do to the businesses in Town that we all feed off of. The businesses that support the Little League, the softball, the what have yous, the schools and all their little ways and all their little safe havens where children can get a job part time after school and learn and grow and become a part of the community. Something like this may take that away. The towns are in trouble enough, there has been businesses try to get into Town that are having trouble getting in that would work and the construction would all be done locally by local stores and by local contractors and it would support the Town. Whereas a mega center comes in, and it doesn't really do anything for the local businesses in Town. And, I don't believe -- I am sure there is a compromise somewhere. I am not anti-anything, I am no pro-anything but I think a look at the center of Delmar and the heart of the community is what we really are living here for needs to be looked at before any decisions are made. Thank you.

SUPERVISOR FULLER: Thank you.

MR. INGLIS: Hi. My name is David Inglis. I've lived in Delmar for the past 4 years, currently building my new home at 267 Bender Lane in Glenmont. I believe that the increase in traffic volumes that this shopping center will produce on the portion of Bender Lane between driveway 'c' -- that is the driveway located on Bender Lane for the shopping center and the Route 32 bypass is greatly underestimated in the draft environmental impact statement. I believe that the increases in traffic volumes will completely ruin the current rural nature of this portion of Bender Lane. Currently this road is a quiet residential area that joggers, pedestrians, bicyclists and joy drivers frequent as a peaceful contrast to the surrounding developed suburban landscape. I, therefore, request that if this shopping center is indeed built that traffic control devices be installed which will effectively make it illegal to use this portion of Bender Lane for access to and from the shopping center. The purpose of this would be to protect the current treasured and frequently enjoyed rural nature of this portion of Bender Lane between driveway 'c' and Route 32 bypass. Thank you.

SUPERVISOR FULLER: Thank you.

MS. BONVENTRE: Hello. My name is Karen Bonventre. I am at 15 Dover Drive. My first comment I would like to address to the audience. I

am very pleased to see so many people here. I think it is because we all think it is an important issue and I would encourage everyone here to at least write a line or 2 on a piece of paper to tell the Town how you feel if you don't get up and speak, that we have boxes in the back we would be glad to put that information around or post cards available if you would like to mail something to the Town.

I would like to say I am a member of Citizens Monitoring Southgate. It will be 2 years next month that we have been reviewing this proposal. And, the reason so many people have been involved is because we think it is really critical to the Town what the decision is made on this. I would submit we are not NIMBYs, we are not opposed to commercial development. We understand this is commercially zoned land on a State highway. The developer has every right to develop it, however, we don't like this particular proposal. And, we have a number of reasons why. The most important is that it doesn't conform to LUMAC. LUMAC is a thoughtful process on how the Town should grow. And, it... this clearly does not fit within that. LUMAC calls as many have said for the range of 100,000 to 250,000 square feet of retail space that serves the community. This, by its very nature, is going to get 50 percent of its traffic from outside the Town, is a regional shopping center. That is particularly what LUMAC says we don't want in this Town. We want commercial development, we want it to service the Town residents. There are many reasons for that. So, it would be in scale with the community. Right now we are semi-rural, suburban, this would change the entire character of the community. Which I think, is the reason so many people have put a lot of effort into reading the thousands of pages of the environmental impact statement. Because, we think it will change the character of our Town.

We do want another grocery store. We all do. I don't think, however, that we need something that would be the size of the first floor of Crossgates, if we were to get another shopping center. Yes, taxes would be nice and we support commercial development for that reason. But, I think we should be clear, what we would be getting and what we would be paying for with this proposal. We would be getting about \$150,000 in Town taxes and a lot of that would be spent for the increase in cost in community services. As we all know, Crossgates mall now has its own police station. We would be getting about \$500,000 in school taxes which would be very nice, however, that is an insignificant portion of our \$35,000,000 school budget. And, if you weigh that against the unmitigated impacts on our Town, I don't think it is worth it. Also, these figures don't take into account the tax revenue that is going to be lost by local businesses because Southgate goes in. I think it is too big, I urge the Town Board to be guided by the LUMAC plan and I think this is really a turning point in the Town if something like this is approved. I would hate to see that the process of LUMAC and a decision like this to go against what I think is a very thoughtful plan. One of the major reasons I think it is not worth the taxes that we are going to get, is the traffic. I would like to reiterate the traffic on Bender Lane will be unacceptable. I would like to reiterate that Route 9W between Bender Lane and Route 32 will be 2 lanes. The developer is proposing significant improvements to 9W right in front of his project but at Bender Lane south it will go to 2 lanes. It is existing -- they call it... the developer's data is now existing at 12 percent capacity. If this is built, it will be minus 19 percent of capacity. We can all figure what is going to happen when you go down to 2 lanes. As someone has said many intersections will deteriorate substantially at peak hours. And, to give you the range, how much this is really going to deteriorate, I will give you a few examples and percentages. If you look at the Route 9 Thruway entrance, if nothing is built, it is going to decline 17 percent in the next few years. This is the developer's own data. If Southgate is built, it will decline 156 percent. Now, I think that is... and there is no mitigation offered for that. That is going onto the Thruway from Route 9W. I think that is a big price to pay. Route 9W and Beacon would decline about 10 percent just by normal growth without Southgate. With Southgate, it would decline 81 percent. Now, Feura Bush and Wemple would decline 36 percent, just in normal growth. With Southgate, it would decline 108 percent. We are talking lots of impact here. I think we should all be clear on that. There are other examples.

I would like to talk about the entrances and exits to Glenmont school. No one else has ever done on how we could get in and out of Glenmont school. There will be an entrance... a traffic light at Bender, a traffic light at Magee and I guess those lights will give us windows of opportunity to dart out into Route 9W. I am not very comfortable with that. The developer's data is not very accurate with regard to Glenmont school. The number of car trips going in and out is grossly understated. They took the number of employees and multiplied it by 2 and said that was the number of car trips. I go to Glenmont school a few times a day, so do many people in this room, right now they enter... the buses enter and exit through Farm Family. I would like to say that that is by the purely by the graces of Farm Family. It is not a permanent solution and it is only during limited hours. The hours are so limited, in fact, that Farm Family has recently put in fencing -- a gate, to make sure we don't use it when we are not supposed to use it. It is not a solution. Glenmont school is a real problem.

I would also like to address the impact of Southgate on Glenmont Plaza, the Ames/Grand Union plaza. No analysis has been done. Now, picture this, you... all the traffic comes to Southgate and they are going back to Delmar and they go down 9W to Feura Bush Road. There are all kinds of curb cuts into the Glenmont Plaza. There is now, a right on Feura Bush Road, there is a McDonald's and you know Ames and Grand Union on your left, there is the Town Center on your right with a curb cut then there is a traffic light. No one else has this been done. I can give you what I think would happen if nothing else is been done, it is going to be a big mess and I think that is a real traffic concern.

I would also like to raise the issue of parking. The amount of parking I think is excessive. It exceeds what the Town requires. If the developer thinks that they are going to need more parking spaces, then it exceeds the normal standards, then maybe they are going to have more traffic and if that is the case, then there traffic count should be raised or their parking lot should be decreased. I don't want to see 31 acres of pavement if I don't need to see it.

I am also concerned about the light, the noise pollution, the air pollution. I would just like to reiterate that in the scoping document air pollution at Glenmont school is specifically required. It has not yet been done and we are concerned about that. We are concerned about the aesthetics. One of the reasons people and LUMAC say they don't want a regional shopping center is not just the traffic, they don't want to look at it. They don't want to look at a huge regional shopping center displaying everything black with all of that pavement. And, that is one of our concerns with it.

I would also like to reiterate that there are no sidewalks. I know someone had mentioned it. You know, there is a big trend, toward intermobile transportation, let's accommodate the pedestrians here. There may not be many pedestrians now but with a big shopping center, I am sure there will be.

Again, there are too many out parcels there, 4 out parcels. LUMAC calls for a minimum. I want everyone to know what happens if you approve an out parcel. It doesn't necessarily get built now, 5 years down the road, puff, Burger King comes up and everybody wonders where it came from. As with the McDonald's that just went up on Feura Bush Road. To many of us, it seems like it just puffed out of thin air, but of course, it was approved when Glenmont Plaza was approved. The same thing would happen here for the 4 out parcels. I think there are too many.

I would also like to reiterate your concern about the impact on local businesses from something of this size. And, that we are hoping for Town review of this proposal. That there is independent review of the Town that it is not only that you respond to our comments, although many people have spent a lot of time looking at this proposal.

I would like to make note that when Crossgates Mall just expanded, the Town of Guilderland acquired significant things from the developer. For example, \$375,000 over 15 years for a patrol officer;

a \$400,000 donation to the Guilderland Pinebush Protection fund; they required sidewalks, bike paths, things like that. I would encourage the Town Board not to hesitate to require mitigation from the developer.

I would also like to address the question of the alternatives. I would reject out of them, the same for 360,000 square foot for the same reason of the 450,000. It is way too big, it is a regional shopping center. It is way out of scale. So, let's start with the 250,000 square foot shopping center. I would agree that the design seems somewhat silly with the little bridge over the ravine. I would also like to note that the developer really reduces the amount of mitigation... traffic mitigation, particularly on Route 9W and I couldn't find anywhere what they call the mid block capacity Route 9W will be in front of this project. I mean, it was hard to look through a lot of the data but I couldn't find it and I would suspect it goes down substantially. Also, the entrances to the smaller alternative if built, there are 2 alternatives, one has a level 'e' entrance at 'a' being the best, 'f' being existing failure. A level 'e' and the other alternative had a level 'd'. Now, I don't think you should have a shopping center proposed where you start out with level 'e' and 'd' to get into the shopping center. So, as I say, we went to quote LUMAC but we are looking for a well planned commercial development and I don't think there is one alternative at this point has it.

I would like to conclude by thanking the Town Board saying that I think you have the authority and responsibility really to reject the proposal as it stands. Thank you.

Applause.

SUPERVISOR FULLER: Thank you.

MR. SCANLON: My name is William Scanlon. I hope you can hear me. I have lived in the Town for 20 years and almost enjoyed and don't object to the rising taxes. We have to pay them. Government is expensive and government services are expensive. That's okay.

I am going to try not to be petulant with the Board. I am going to try. I don't know if I will succeed. Yogi Bera says I think dejavu all over again. Okay. I thought by now that the LUMAC plan would be either put to bed or a Town plan approved. Mrs. Fuller, excuse me, where is it?

SUPERVISOR FULLER: Do I have to answer this question?

MR. SCANLON: Why haven't we voted on it? Mr. Kaplowitz said no, we couldn't put it to a referendum when the last time we met, I suggested that but it ain't anywhere, where is it?

SUPERVISOR FULLER: I know where it is, Mr. Scanlon.

MR. SCANLON: It's in Jeff's office, isn't it?

SUPERVISOR FULLER: Yes, it is.

MR. SCANLON: Why doesn't it get out of there?

SUPERVISOR FULLER: In all honesty, a lot of comments have been received on the LUMAC plan and technically they all have to be addressed and responded to in writing. Jeff has been working diligently on it as best as he can. Also, there has been many other things that have gotten in the way. Some things we did not expect to be in the way.

MR. SCANLON: This may be one of them, Southgate.

SUPERVISOR FULLER: This is one of probably about 10. So, it is being worked on.

MR. SCANLON: Okay. All I will say is I think it is high priority, Mrs. Fuller, because how can this Town citizenry and Board make a decision of the magnitude of Southgate without having a land use

plan. We are doing the same thing we have been doing for the last 20 years that I know of. Oh, yes, we have a plan but it is not official, it is in somebody's drawer in somebody's desk. I just don't see...

Applause.

MR. SCANLON: I just don't see how we can be going through what we are going through now in the absence of that plan and said I was going to try not to be a burr under your saddle -- and I just wonder, you know, I just wonder how you can not agree with that and how these things progress. I think... okay... I think this is really a philosophical problem that we have to deal with. A philosophical problem is this, the use of somebody's private property versus the community will. That is what is at question here. You know, the right of someone to own and use private property as they want to, as they need to, as they think they can -- maybe to make a profit, maybe not, I suppose to make a profit -- in opposition to the will of the community. Now, you have to get to know the will of the community. One of the way I say you can get to know the will is to get to the LUMAC plan and that will tell us very much what the will of this community is. You know... now I will go away after this, I promise, I promise... you know they are ugly, Delaware Avenue is ugly and we ain't making it more beautiful since we are here, it's ugly.

Applause.

MR. SCANLON: Okay and I live in Glenmont, okay, what a lovely shopping plaza the Grand Union shopping center -- it's ugly. The one across the street is ugly. And, I think you are going to have a big ugly coming on 9W.

Applause and laughter.

SUPERVISOR FULLER: Thank you.

MR. JOHNSON: My name is Bob Johnson and I have 5 very brief comments I would like to make. The first one, I have talked to and listened to many of the residents of this Town and it is very apparent that our Town does want another shopping center. Number 2, I have attended many of the meetings of the Southgate folks and have tried to inform myself on what is going on with this project over the last few years. I studied the LUMAC proposals. I give Jeff and his folks a lot of credit. I think they did a marvelous job. We have some excellent guidelines to run our Town by and if we stay with these, I think that there is a possibility for a compromise for everybody. I am extremely concerned as one of the other gentleman spoke about our local businesses in Town. The people that take care of us. The people that donate to the Little Leagues and all those kinds of things and I would like to see as many of our businesses in Town be able to continue to succeed and bring some new ones in. Lastly, we are dealing with so many intelligent people here it really seems like there ought to be a way to work out a compromise for the smaller size shopping center that would be acceptable to everybody and that is what I would like to see. Thank you very much.

SUPERVISOR FULLER: Thank you.

MR. FITZPATRICK: Hi, my name is Mike Fitzpatrick. I live at 301 Bender Lane in Glenmont. I want to look at this from 3 perspectives. One as a community member, I am opposed to this project based upon the fact of the traffic problems, community character and the fact that it is located so close to the Glenmont school. I don't want to dwell on that because I am sure you have heard enough about those issues.

The second thing I want to talk about is the fact that I live on Bender Lane in Glenmont and that... that road... that appears, by their own projection we are going to get significant amount of traffic. That will have to be dealt with some way. I don't know how. I didn't see any mitigation in there but somehow that is going to be dealt with because at the current time, I have only lived on Bender Lane for 2 years and we have so far had 4 accidents and none of them have been at an intersection which is normally where you are

going to find your accidents and it is because of the unique character of the road. And, anyone who has ever driven the road, knows what I am talking about, 90 degree turns and stuff like that. And, I don't think you can just say as the developers have said, well, it is below the 625 cars per hour that were allowed on any type of 2 lane road. I couldn't imagine 625 cars a day going down that road. So, at this point, I think that is something that has to be addressed and it is something we are very concerned with.

Right now, my house has 2 driveways. One of them I don't use because I don't feel I can get out of it safely with the line of vision that I have and cars approaching have, it is very short and it would just be too dangerous for me to go out. Mrs. Bailey is behind me, I know is talking about putting some addition onto her driveway so that she can go out with a running start. Always going out forward. Mrs. Clyne lives across the street from me, she doesn't use her driveway because she feels it is too dangerous, she just comes across the lawn. So, we have some unique problems on the road and I think before anything happens here, we have to address that issue of Bender Lane. That it is a little bit unique, that there's very sharp turns and very, very limited sight distance, especially around some of the driveways.

The third thing that I would like to talk about is my perspective as Southgate's next door neighbor. I happen to border their property. My property and their property border, so that makes us neighbors and I am concerned that they haven't done anything I can see to mitigate the impact of the fact that you are going to be putting a mall next to my house. Basically, they are saying existing vegetation will take care of that. I won't have a problem with that. The fact is, I am approximately 20 feet higher in elevation than the mall and when all the leaves fall off the trees, I will get to stare at it day in and day out, night and day. And, I don't think that is really what we are looking for here. As a good neighbor, I would think they would try to mitigate this in some form and that hasn't been done at this point. If you look at some of the landscape -- and, I am not sure really how that is going to block me from looking at this 450,000 square foot mall, a few trees behind there. What I would propose or what I would like to see is some way and I will leave that up to the creativity of the developer, of blocking the vision of the mall. I don't think that anybody should have to stare at a mall from their house, when they look out the window, I shouldn't have to see this mall, especially in the winter. And, I think they could conceivably develop a way to block this from our vision. Also, the part that I would be looking at would be the back of the Super K which is also their delivery and service road. So, I get to see the trucks coming in day and night too. And, I would prefer not to see that. Also, with the lights on, I would be able to see the lighting and I think that that would have a negative impact on our quality of life and for all the neighbors that are near by whether they are going to speak tonight or not, we all have the same concern that they are really not taking any steps for the people that are right next to it. I mean, we live on residential property, we border commercial property -- there needs to be some sort of buffer. We shouldn't have to stare at the mall day and night. And, I think that can be addressed in some regard and it hasn't been at this point. And, so that's why we have a significant number of objections. The people that are right next to the mall and all the residents of Bender Lane, we have a problem with the way this has been developed. Thank you very much.

Applause.

SUPERVISOR FULLER: Thank you.

MRS. BAILEY: My name is Mary Bailey and I am the one getting the running start going out the driveway soon, I hope. It has never been safe to back out of our driveway. We live at 309 Bender Lane. We will be just about as close as you can get to this developed property. What I am concerned primarily about is 2 things. One of them is noise, my youngest child is 9 and I finally get to sleep through the night. I don't want to hear beep, beep, beep all night from trucks backing up as they pull up to the back of these buildings to unload. The other thing is that I think we could count all day

for several days before we ever reached 600 cars traveling up that road. And, I had to laugh a few years ago when the Town put a speed limit on the road of 30 miles per hour. If you travel that road, you know that, that's not even safe. You can't go 30 miles per hour for most of that road. It is much too narrow, there are places where 2 cars have to put vaseline on their doors to get by one another. So, this is a real problem. I really... I have to say I have been there for 17 years. I am not a newcomer. And, yes, we do not own that land so we cannot say what we hope would be developed there but we have to trust the Town government to protect us from inappropriate use of this land. And, what the question is, is what is inappropriate. And, I really feel that for the sake of a grocery store, we are being asked to swallow this enormous change in the 9W corridor. From beyond Bender Lane down to the intersection of Feura Bush Road, there you cannot now go any more than bumper to bumper at about 4:30 in the afternoon. Try it and you will see what I mean. I really am concerned that you haven't addressed these issues or that the study, I should say, has not addressed these issues. Thank you.

Applause.

SUPERVISOR FULLER: Thank you.

MR. BRADY: My name is Tom Brady and I live in Glenmont. Development that exceeds a community's capacity to absorb it that triggers the abandonment of prior public and private investments, helps neither the local economy nor the local tax base in the long run. I wish I could take credit for that but it comes from How Super Store Sprawls Can Harm Communities. As the Town Board Members review the alternatives in the Southgate draft environmental impact statement, they should keep in mind, that the draft master plan prepared by LUMAC is a public investment in intelligent planning and it reflects the community needs. Board members should be guided by its goals and objectives. SEQOR requires the draft EIS to discuss a range of reasonable alternatives and not every conceivable alternative has to be considered. Given this requirement, the Southgate draft environmental impact statement is inadequate because there is no real range and the alternatives presented don't appear reasonable even in the eyes of a lay person who is untrained in engineering design, like myself. The public is now skeptical about whether the developer deliberately proposed poorly designed smaller scale alternatives to force the Town into considering the preferred regional scale alternatives. You should investigate whether these similar alternatives have ever been constructed any where else in my opinion.

Now, I know that some of the stuff I am going to say now has been mentioned but I really want to reinforce it. The road and bridge across the ravine which are part of alternatives... are part of the alternatives 1 and 3, assure that people will be required to get in their car and travel from one part of the shopping center to the other. And it actually looks like 2 shopping centers. Like the poorly designed Latham Farms shopping center, these design alternatives are going to contribute to traffic flow problems within the shopping center and are not conducive to foot travel from store to store. If the Town Board believes that a traffic... that traffic and other impacts from even a small scale development on the site can be mitigated, it should be sure that the urban sprawl, asphalt and auto dependency are kept to a minimum and that it should require more creativity in the design. This would be in keeping with the draft master plan. You can refer to pages 17 through 18 there, which calls for planned commercial areas with development concentrated on parcels between 100,000 to 250,000 square feet in size which provide integrated access, internal circulation between parcels, generous set backs, landscaping and buffering to residences and the public highway system. Clearly the Town's public planning process to date, has already rejected the proposed regional shopping center as not meeting our Town's needs. The draft master plan contains goals and objectives expressed by the community which should guide the Town Board in its review of this proposal. These include a planning goal to provide for attractive, neighborhood and community scale commercial opportunities at appropriate locations to meet the current and future shopping needs and service the needs of Town residents. These also include an objective to maintain a scale in new commercial

development that is focused on providing goods and services at the neighborhood and community level rather than the regional and subregional markets. And, you can refer to pages 6 to 11 to see that.

These goals and objectives reflect the consensus that the Town's infrastructure cannot withstand the influx of people and traffic that a regional commercial development needs to attract in order to be financially viable. Bethlehem is not Colonie and it is not Guilderland and people have chosen to live here because it is different.

Applause.

MR. BRADY: Route 9W should not and can't be altered to become a Wolf Road. The Town Board starting point for reviewing this alternative... this project is alternative 1. However, even that 1/4 of a million square foot development may be too large for the Town to absorb. Remember, the draft master plan states centers in the range of 100,000 to 250,000 square feet of area or less are most appropriate for the number of out parcels being kept to a minimum.

I guess in conclusion I would like to say the Town Board should reject both the proposed regional development alternatives which are project and alternative 2 and the smaller scale alternatives which are 1 and 3. It should require the developer to prepare a supplemental environmental impact statement which contains additional and workable alternatives to alternative 1 that are within the acceptable 100,000 to 250,000 square foot range with no out parcels or perhaps 1 or 2 out parcels so that the community's needs will be met by this development. Also, the structure should be designed so that it can be adapted and reused for other purposes, should this development flop like the Town Squire has. The vacant commercial space in nearby shopping centers and its ugly reminders of the parcels of allowing too much commercial development and suburban sprawl should be avoided this time around especially in view of all the business closings we have had in Town recently.

Applause.

SUPERVISOR FULLER: Thank you.

MR. SCHAEFFER: Good evening, the hour is late and you are probably bored at this point and I can understand the feeling. I have served on many committees like you have. My name is Dan Schaeffer. The reason I am here is one thing only. I am president of the Crossroads Neighborhood Association. We represent 82 single family houses, probably the highest taxed and assessed in Bethlehem township. We are located right in back of 9W. I think you have heard people talk earlier in terms about why we moved here. I for one moved here because of a relocation. I am not an original person from this part of the country. But, I assure you when I moved here, the realtors I worked with alerted me to the fact and so have my neighbors, if you would look at Crossroads, we are probably all transition people. We have lived in large cities. We have lived in suburban areas, a lot larger than this part of the country. We are aware of some of the activities and what you are going through -- believe me, I served on a Planning Board myself in another part of the country so I know what you are facing. But, I think one thing you have to keep in mind as you deliberate in terms of what your decision is going to be and you heard it here tonight, we did an extensive survey written and verbal, we are going to present to you by the deadline, the 19th of August, our reactions from people who are not really that native to this part of the country but have lived in different types of situations. And, as you can see, we will provide that in writing. I am not here for any additional comments, other than to say is -- you have a different kind of group of people here in this particular development and we have been working for 2 1/2 years quietly among ourselves. Some of our people who spoke tonight represented traffic commissions, noise commissions, etc. So, we have a lot of extensive data. If you care to talk with us, we worked with Jeff, we like LUMAC, we support it 100 percent. So, I thought I would just share with the idea is, as you look at your final data and what one has to look at, keep in

mind, there are other reasons why people have moved to Bethlehem. Thank you very much.

Applause.

SUPERVISOR FULLER: Thank you.

MR. CARR: Good evening, Members of the Board. My presentation to you is a little bit different from those that I have heard tonight. My name is Howard Carr. I am a licensed real estate broker. I am President and Principal of the Howard Group located in Albany. I have come here to speak on behalf of the project and on behalf of the development. I have come to give a different slant and a different viewpoint to what this market is about. I am probably one of the most quoted resources for the Business Review as far as the retail community is concerned. I have been in the real estate business now for 28 years. My primary function today is that I am a representative and involved with developers that do these types of projects in communities like the Town of Bethlehem.

The type of tenant that is out there today for a developer to develop for is very different than it was 5 years ago, 10 years ago, 15 or 20 years ago. I have heard many of the residents speak about the demise of Town Squire Center. A year ago, we did work on behalf of the owners of that to try and come up with an alternative plan. The alternative plan is not one that they like because of the obsolescence created as a result of not something that the community has control over and not something that the developer has control over. But, something that evolves, and that is the socio economic wants and needs and desires of the people in the community. So, the fact that you have a Kmart that is 77,000 square feet or you have a Grand Union that is the wrong size and went across the street and built a new building is not the fault of the developer or the owner. These things change. A supermarket as an example, 20 years ago carried probably 17,000 different items. The brand new super center that just opened with Price Chopper in Westgate carries over 100,000 items. Things change, you need bigger buildings. The alternative is that we have to build to the demands that the population places on the retailer. Because the retailers, never, ever is a pioneer, he is always a follower. The people have got to be there first before he comes because if they built this in the middle of the prairies of Kansas, no one would come. So that you have a better understanding of it, this is probably without question, the most active part of the retail industry, is development of what is called big box. But, that is because those are the retailers who are here. We don't have a lot of people who go out today and form new businesses. We don't have a lot of mom and pops. If you go through Crossgates Mall today, you will see that there are larger and larger stores there and not the small little local tenants. Not that they won't rent to them because renting for near nothing is better than not renting at all. So, having some tenancy is better than none. So, when you see vacancy in Town Squire or you see it in Westgate before the redevelopment or you see it in any of them, part of it is related to obsolescence because these centers are 25 and 30 years old and things have changed. You need to take that into consideration as you shape and help mold the future of your township because if you don't keep pace with it -- these businesses and this activity will leave and the small businesses which are the failures -- I don't want to say failures, the vacancies that have been caused on Delaware Avenue are evident of that, it is proof. There is a reason why a hardware store has difficulty existing today, a 3,000 square foot hardware store, because when Home Depot opens 100,000 foot store, everybody migrates to it. So, that the tenant who is on Delaware Avenue didn't do anything wrong, it is just that things change and people wanted something more.

So, you need to understand as the members of the municipality and the governing body that there are opportunities that have to be taken and have to be presented to the community. And, part of that opportunity is developing for what we see today and what really will take us into the next 10 years because I don't know what goes on after that. I can't project it. I can tell you we have seen a lot of programs over the years but I don't know what will happen tomorrow. But, the

Crossgates of today was not the Crossgates we show 15 years ago on the Planning Boards.

I am unable to respond to the question of whether or not the developer has adequately mitigated the environmental impacts of the proposed development. I am not qualified for that, however, just looking at the length of the DEIS, and the fact that both sides -- both the municipal side, the citizenry side and the development side, have had consideration in the creation of this program I think is one which shows that there has really been a lot of thought and consideration given to all of the best alternatives that are out there and available.

I think that you need to understand that this is not a regional shopping center. I have heard that here tonight quite a bit and just as -- let me be the expert amongst you -- a regional shopping center draws typically from a 50 mile radius from its center point. A super regional is what Crossgates is, draws from greater than 50 miles. It typically serves in excess of a 1,500,000 people. A center like this located at where this is going is not going to serve anywhere near that. This is going to be a large community center, it is going to focus on a larger community but it is not a regional shopping center. And, the reason it is not is because there is no interstate highway that abuts it or is immediately close to it. There is no major intersection of major 4 lane and 6 lane roads that are immediately within its proximity. So, the physical constraints of the property itself and where it is located, say that this is not a regional shopping center. This is a community center. Now, you have to go based on what this community is and each community is different. If you look at this... and a perfect example would be to take a look at Latham Farms in Latham because I was involved in that development. That happens to draw in certain cases about 30 miles but that is about it. And, the only reason it draws the 30 miles is because when you look to the east, the retail alternatives in the Troy and beyond and into southern Vermont, just don't exist. So, those people migrate down into the Albany area but it doesn't draw 30 miles up to Saratoga. It doesn't draw 30 miles beyond Schenectady and into Amsterdam because there are too many other alternatives. This will probably draw 30 miles to the south but it won't draw 30 miles to the north.

And, that relates to its sizing. And, that is part of what you need to understand is a function of the market place. Because the home improvement stores are the size that they are. The supermarkets today are the size that they are. The... what we call for lack of a better word, okay, the guys who have been in the business longer than I call the old discount stores -- the Kmarts, the Walmarts, and other tenants such as that and some have gone by the wayside of Korvetts and Almarkets and all that -- but, their sizes have changed. If you took a look at the old Korvetts that was in Northway Mall, it was 89,000 square feet. Today the Walmarts are over 100,000 square feet. So, that is how they evolve and that's what you need to understand will take place over time.

The development that is here in the Town of Bethlehem that exists currently, and that is something you need to have in your mind, that this may appear to be rural but I swear to you come to me with Potsdam if you want to see rural. Delmar and Bethlehem, I mean I have lived here all my life, I grew up in Albany, all right... I have been in the real estate business here for an awful long time, Delmar is a suburban community. That is what it is considered. It is not rural. It is not 95 percent of your population is gregarian. It is not. This is a bedroom community. It is a primary employment place of Albany. And, that's what it is. So, that qualifies as suburbia.

Relating to the issue that I heard brought up about the parking requirements. Parking is driven by the tenants to the developer. You know, I can give you books out of my office that say that the typical shopping center needs a 5 1/2 spaces per 1,000 ratio but yet the centers that are built with 5 1/2 per 1,000 don't work. There are tendencies today and people in general have utilized retailing as a form of entertainment. They spend more time there and the reason is real simple, because if you looked at Colonie Center 25 years ago and took a snapshot of it, their typical look would be that there

would be a woman walking through there at 10:30 in the morning, okay, pushing a baby carriage with another child. She also spent 78 percent of the retail dollars that came out of the family's budget and the only thing she really didn't buy for her husband were his suits and his shoes. But, everything else she purchased. If you look at Colonie Center today and you take that same picture at 10:30 in the morning, the average age of the person in there is excess of 55 because it has become an exercise forum. And, what happens now is that the bulk of the shopping and the retail activity occurs after 3 p.m. in the afternoon. The reason being is that there is... there are so many more working households where both people in the household work, right. And, our kind of society the way that we live, it has just changed. So, what that causes is that we need more parking for when the rush is because if we had the 5 1/2 spaces per thousand when everybody comes between 3 and 9, we don't have enough parking for them. So, that is what it is related to. On the weekends we get into other uses because some of this is considered entertainment and it is utilized as entertainment with the indoor playgrounds for children and things like that. And, it really does become an entertainment factor where it is not somebody we go in and buy a loaf of bread and leave. It is something that goes on in that manor.

And, I can tell you from our experience that with Latham Farms and if you take a look at Route 9, the small businesses haven't gone out of business, if anything they have thrived. Developments like this create activity. They bring more business to a community. That business relates to you people in many different ways, as tax dollars, with sales tax revenues and all of the other related things that go with it. And, yes, there are negative sides to it but I can tell you from my past experience and from the experience of most townships, all right, that this is the wave of the future and this community has to move to the future if it is going to survive. And, provide the necessary services and goods to the members of the community. Thank you.

QUESTION FROM AUDIENCE: Where do you reside?

MR. CARR: I reside in Loudonville.

SUPERVISOR FULLER: Thank you.

MR. EBERSOLD: My name is James Ebersold. I live in Slingerlands off of Orchard Avenue. Fortunately, not near the new development and my sympathies to those who spoke who will have to live near it. The previous speaker made a point that this is not a rural community and that's true but it also doesn't matter it's a suburban community and a lot of us, I think, moved here particularly a newer resident, like myself, small children because of the smaller Town atmosphere of it because we didn't want to live in a place like Colonie and have to pull out onto Central Avenue or anything like that. One of the other speakers made the point that a lot of these developments are ugly and that is probably going to be the case no matter how many trees they slap down in front of it, it is not going to be a pleasant thing that people will want to drive by. It is also not clear that people in the Town really need it. There's... a lot of us do go, I am sure, out of the Town for the larger types of stores, Builders Square and that kind of thing... I certainly utilize those myself and for my convenience, yes, it would be nice occasionally to have a Home Depot or other type of facility near by but is it really going to matter to me that it doesn't show up there and the answer is no it is not. I would rather have the inconvenience for that time when I need to go further than to have to have this large scale development because as the previous speaker said, look at Crossgates Mall 15 years ago or look at the original plan and compare it to now... well, let's look at this one now and think of what it might be 20 years from now.

Applause.

And, what will our children or grandchildren have to be... will the sprawl just reach the further and further out and then we will live in a giant piece of asphalt. So far this Town, I think, has managed to control development better than most of the other towns in the surrounding areas to what serves the interests of the community. One

of the prior speakers said, you know, it is private development... or private use versus the wishes of the Town. Now, I would say so far based on what is it that the wishes of the people who live in the Town would be... they are not interested in a development of this size. There was a comment of Town Squire being inappropriate to the current business climate, well somebody could take that, knock it down and put something up, maybe, that would be more appropriate without having to turn another stretch of 9W into commercial development. I think that the general perception here is that and so far is that there is opposition to this plan and I hope that the Town Board takes this into careful consideration and just look at it now and say to yourself... well, where is it ever going to stop. Where does it end and the answer is it doesn't because things don't get undeveloped they just keep getting developed and let's keep that in mind when we think of approving this plan. Thank you.

Applause.

MS. MASTRIANI-MC MANN: My name is Patricia Mastriani-McMann and I live at 8 Bobwhite Drive in Glenmont. I am a member of the Citizens Monitoring Southgate group, the environmental sub group and I have been reviewing the developer's documents for the past 2 years as well. I am opposed to the project as proposed for many of the reasons already stated and personally, I would prefer to see commercial growth in the form of office buildings as well. I think that that alternative would provide responsible, long term, higher paying jobs and would be more compatible with the school right across the street. I think it should be noted that the school... the windows are open most of the school year except for the winter, so the construction activity, as well as, all the pollution will be a major part of that school day for each of those children. And, also the 9-5 traffic would be much more desirable than 24 hour traffic there.

I want to comment on a couple of the environmental issues, the project sponsor has identified wetland mitigation site on the Normanskill and there are very sketchy details on that. I would like to see extensive details on that creation? How much they plan on creating? How much more needs to be created? There are 5.6 acres that need to be created over all. The DEIS is not complete without that and FEIS should not be accepted without that as well. And, this is something the developer has been sketchy or jogging around for the last year or so and that we still haven't seen an definitive proposals.

With respect to the solid waste, the DEIS discusses solid waste management but there is no discussion of capacity of the existing landfill, the ANSWERS plant, the problems that currently exist and there has been no discussion at all about the construction, demolition debris -- where that is going to go and how that all is going to be handled.

There are major light pollution issues that have not been addressed at all. Just the mere fact the lights are going to be on for 24 hours and the height of the lamps and the intensity of the lights going to change the character and basically bring it darkened area to light totally.

The other major issue too is that the Town's consultant along with the joint venture group identified approximately 350 problems with the DEIS. And, that has concerned our Southgate group initially because I, personally, have dealt with quite a few draft environmental impact statements. I have never seen it held up this much in the completion issue stage of the process. So, there are 350 problems that were identified, 250 that were targeted as completeness issues, more or less and 150 that were targeted as technical issues. The developer then went back and addressed 250 of the completeness issues, almost completed, almost discussed and all but I would like to see discussion and resolution of the 150 technical issues that were brought up by the joint venture Town's consultant. The FEIS should not... should discuss all of them and also should not be deemed complete or accepted without a full discussion of all those technical points.

The construction of this facility is going to take between 8 and 12 months, roughly, that also is going to impact on the school significantly. And, I would like to see some more discussion about the exiting and entrancing mitigation measures to the school. And, another question... another big question I have is, what is that other box at the end of the mall? Home Depot is now in Guilderland, I cannot foresee them coming into Bethlehem only 20 miles away or less than 20 miles away. So, what is the other store there? And, Super Kmart in and of itself is on shaky water, so we're dealing with a mall that we really don't know too much about at all. I am concerned about that.

I just wanted to stress to all the people here too that this process is not ended and there is still a lot of time that the FEIS has not been accepted and that I would like to see everybody too write and make their comments known to the Town. Thank you.

Applause.

SUPERVISOR FULLER: Thank you.

MR. KIDALOWSKI: Hello, my name is Ray Kidalowski. I am at 193 Bender. And, I am one of the new comers on Bender Lane. I have only been there 14 years and on Bender Lane, that is one of the new comers. And, I wanted to address primarily Bender Lane but basically the traffic problems. I spent time in a lot of areas of the country, spent a number of years down on Long Island and in Long Island you can go from a housing development to a shopping center to a housing development to a strip mall from town to town and they all look the same, there is nothing that separates them. I moved up here to the Town of Bethlehem because of the quality of life and I think there are some unique things up here. And, that's why I like it. Our family lives right on the curve on Bender Lane over near 32 and for many years, not during the wintertime, but during the summertime my wife puts a flower bed out front and we would have a car or a truck or a motorcycle go through it. And, a lot of times we didn't do anything about it because there is nothing you can do but we have had cars in our front yard. And, we started to call up the police every time it happened and the Town was finally nice enough to do something about it and they put signs up. So, there are big yellow signs with arrows going this way and this way. And, it has helped. The flower beds now are there all the time it is just the sign go down all the time. Okay. It is a little joke but it is true. My next door neighbors there they have had cars in their front yard. They had a car that overturned on their driveway, and went right down their driveway. Bender Lane cannot handle lots of traffic. It just is not possible. In one of the earlier sessions and I have been to many of these, the developer had mentioned that they didn't think people would be using Bender Lane so much because it is twisty and turny. That is not real. I mean, many people use it now. Our traffic is increasing already and if we have a major development over there, how are people going to get from Delmar and all those other areas over there without using Bender Lane. I think that we are going to find that they use it relatively often. All right. Now, in thinking of Howard Carr a little bit earlier noted that there are no major highways getting to and from the shopping center and he is quite correct, I agree with him there. What I would like to do is just paint a little picture if I can of the other major shopping centers, Wolf Road, or you get to Crossgates or anything else, there are a lot of 4 lanes highways. There are a lot of major highways getting in and out of those areas. Put this shopping center up, make it maybe the first week in December, we got a little snow storm, now there is a fender bender at 9W that ties up the traffic. Where do people go? There is no place to go. 9W will be tied up forever. And, there just is not that many options on how to get to and from these areas. So, I think the traffic, not only on Bender Lane, but on 9W in general will be a problem. The developer certainly has a right to earn a profit on that property but again, in the LUMAC proposals -- and I attended many of those meetings -- this shopping center is far, far too big. It does not fit with those proposals. LUMAC took years of study, years of questioning, years of analysis to come up with their suggestions. This isn't even close to what is in there. And, I think as a Board, no LUMAC is not adopted yet, but you've really got the first major test of it. And, if you support this

development, that means you might as well throw all the rest of LUMAC out the window, in my opinion.

Applause.

There has also been mention, certainly, of the other shopping centers. There are many of them in the area. Yes, it would be nice to have a shopping center near by. It probably would be. Do I have a problem getting to any of the others, no. I get on the Thruway and in 10 minutes I am there. It is not a problem. The biggest problem I have is getting into and out of the shopping centers, not getting to them. So, again, I am not so sure we necessarily need another shopping center. We certainly have lots of empty space in Glenmont, we know that. Take a look over in Rensselaer, you go over the river. There are shopping centers there that are vacant. Most of the major shopping centers right now, have empty stores. Our economy in this area, has got a lot of problems. We don't need another major shopping center. I don't know how anyone can support it. In all of the meetings I attended to LUMAC, I think it was an excellent study. I agree with much of that. I do support LUMAC and as someone mentioned earlier, I do not support the big ugly. Thank you.

Applause.

SUPERVISOR FULLER: Thank you.

MR. DANKERS: My name is Harry Dankers. I am Jack's neighbor and live on Bender Lane. And, I am pro-development. I believe everybody has a right to develop and... it's all about money so that they can get a return for their investment, however, the Town is in the process of adopting a plan, a master plan and this property... the proposal is here for... should not be accepted until the Town pass the new LUMAC plan and then this plan should be in line what the people want. What the Town has approved. Traffic wise on Bender Lane, there is no way that we can have any more traffic on this road, it is dangerous. People... it is a 30 mile an hour road, people speed through that road. People at night fly through there. We have a lot of people going through there at night that fly through there. I can hear them skid through the turns and a lot of times, they don't make it. It is a dangerous road and we cannot afford additional traffic. Thank you.

Applause.

SUPERVISOR FULLER: Thank you.

MR. MOLHO: Good evening, my name is Eric Molho and I also live on Bender Lane. First of all, I would like to make a short comment and then I have 2 questions for the Board. I would like to thank the experts from Howard Real Estate for teaching me something tonight. He has taught me tonight that the reason why the current failed malls are here is because 20 years ago what was popular, is no longer popular. Now, I plan to be here in 20 years, hopefully if I am healthy, and what this means to me is that 20 years from now this will no longer be popular.

Applause.

And, that doesn't seem like such a great future to me for my neighborhood.

Now, I have 2 questions. The first question is is there any process by which we can have a public referendum on this issue and if not, why not.

SUPERVISOR FULLER: Which attorney would like to handle it?

ATTORNEY KAPLOWITZ: Off the top of my head, sir, the answer is no. The reason is the State... the law in New York says you may not have a public referendum on any subject other than those specifically allowed. I would have to look at the section but I am quite sure this doesn't fall within that. We have had the question come up many times over the years, fluoride was a big subject. The Attorney General of the State of New York has issued several opinions saying

you may not have it on fluoride because there is no authority, you can't do it. And, that is the only way I can answer it. I don't think a referendum is legal, permissive.

MR. MOLHO: Would a public vote aid the Board in helping them make their decision.

ATTORNEY KAPLOWITZ: I am not qualified to tell you what they are thinking.

SUPERVISOR FULLER: I can simply tell you that this comment period will be running 66 days. We appreciate an evening like tonight. We are getting letters. The comment period is extended until August 19th. We need to hear from everyone. Certainly, they are free to pick up the phone.

MR. MOLHO: Thank you. The second question, and this is meant with all due respect, is there any requirement on for the members of either Board to make public any relationships they have with the developers or the parties of this development either financially or any personal relationship. And, if so, where can we see that and if not, should that happen.

SUPERVISOR FULLER: There is financial disclosure. Where is Judi Kehoe our Comptroller? Is she here?

ATTORNEY KAPLOWITZ: The only thing I could suggest is there is sections of the General Municipal Law that apply to public officials taking gifts over certain amounts and that sort of thing. You can look at that.

MR. MOLHO: I am not really talking about gifts. In terms of any relationship in terms of investment or personal relationship with parties of the development or...

SUPERVISOR FULLER: You didn't think we would need you quite this early, did you.

MRS. KEHOE: No, I escaped where it is cool.

SUPERVISOR FULLER: Judi, we have a question. Would you repeat your question?

MR. MOLHO: The question was about public disclosure of the Board members of either Board about any personal or private relationship with the parties to the development.

MRS. KEHOE: I believe that that is required but I am not aware of any relationship that exists.

ATTORNEY KAPLOWITZ: It would be highly unethical for somebody to have a financial interest in the project and vote on it. I would assume anyone who did would disqualify himself or herself.

ATTORNEY POHL: (Planning Board Counsel) Article 18 of the General Municipal Law speaks to the requirements that deals with conflicts of interest. There are requirements there as to what interest must be disclosed and I can't tell you from memory what they are but that is where the answers are.

MR. SACCO: My name is Joseph Sacco. I live on Brightonwood Road here in Glenmont. I have been here about 10 years, so I guess I am sort of an intermediate resident. If I can make 2 semi specious comments, I think you should go and have the developer sponsor air conditioning for the Town Hall. Also, my biggest comment on getting to any of the big places that I want to do, is not getting in and out of the shopping malls or anything else, it is getting up 9W to the Thruway entrance because traffic on 9W has changed dramatically in the 10 years that I have been here. Rush hour now in the morning getting in, is much different than it was even 10 years ago. There are long lines there, if you travel at 8 o'clock, that's all I can tell you and I pity those people going into Farm Family that have been so nice to the school because even with the protected turn lane

to get in, they are lined up 20 deep every morning. And, I think we better keep that in mind.

I am not nearly as educated with a lot of the details of this project as most of the people who are here, but just from what I heard today, I want to make just 3 comments. One is the distance of Glenmont school from this has been commented on with regards to air pollution and noise pollution, I think we should keep in mind that if what I heard was correct, Glenmont school is no further away from this mall than its frontage on 9W. Just to put that in perspective.

Secondly, noise pollution is a lot more important than people think, especially with the school near by. I think what people forget and we hear a few decibels difference, 10 decibels of sound difference is twice as loud. Okay. My scientist has surfaced there a little bit. Its a log rhythmic scale is a big difference, not a little difference.

Third, is just the whole... LUMAC keeps coming up. I think the whole idea of LUMAC is to have a master plan and the plan implies something that we start out with that says, before we have the pressure of a specific development, what do we want our community to be like and how are we going to grow and not just be stagnant but to grow in a way that's sensible, compatible with our resources that allows us to adapt over time and I think that that is of paramount importance. LUMAC has problems, it is not official. There are issues that have come up there, but I think people worked on that for a lot of years and I think a lot of the essence of... LUMAC is in many ways a philosophical statement of what the Town looks to be like. There are things that are going to change with the plan, but I think the general tenure of the plan is something that everyone generally agrees with. And, I think what people have said tonight is not that these people shouldn't be able to do what they want, this is the wrong size in the the wrong place.

Applause.

SUPERVISOR FULLER: Thank you.

MR. JASINSKI: Good evening. My name is Robert Jasinski. I have been living in the Town of Bethlehem for 30 years, 1972 I moved to Bender Lane. And, at that time, I thought that there would be a shopping center on 9W and one of the reasons I moved to Bender Lane, I figured with the shopping center coming, I would have sewer, water, all that stuff like that. Well, unfortunately, nothing developed. The people that shot down the psych center for that property. The property, as far as I am concerned, is just a piece of junk. It is a lover's lane. It is a wonder you haven't found a body on it or murderer down there, eventually you probably will if it stays the way it is unless the Town takes the initiative and comes in under some rule or something like this and cleans it up, cuts it down. As far as the old house goes, it has been there for years. Lemmie's on the corner of State Street and Lark, they are going through the same problem. I don't know whether anybody has gone by it but it is an eye sore. I mean, what are they going to say. Whatever they can salvage, they can put down in the school and I am sure the developers will agree to that. I am for this development. Now, I no longer live on Bender Lane but I do own property on Bender Lane and one piece of that property, I will probably eventually move back and build a house on it. Bender Lane, to address the issue, is not going to take the traffic. I agree with everybody that lives on it. I have lived on Bender Lane from 1972 to up to last year, so that is '94. The problems that are there now, have always been there -- bad road, narrow, no drainage, curves, accidents down in the dip where the pumping station is, a narrow bridge down the pumping station -- that is not going to take the traffic. It is not going to take any traffic. Right now, I stop and let the other car go through that bridge. And, so Bender Lane is going to be a problem. But, Bender Lane is going to be a problem to you as a Town Board whether this development goes through or not. You are going to have a problem. You have one. The same way you are developing south of Feura Bush Road. Now, as you develop that into these different housing projects, and you are having one go in in Selkirk down there. All that traffic is going to come up 9W. By refusing this, you are not going to alleviate the problem of traffic. You are going to wind up

with that problem. You have it now and if you don't address it now, it is going to be like in 1970 when they first wanted to develop the property or when the psych center wanted to come in and they had a choice. So, sooner or later you have to face it. Something has to be done with this property. And, we are going to have to have some type of center like this somewhere in Town. Do you have an alternative place? Is there any place in Town? I don't see any other place. The only other place would be in Slingerlands and that has already been talked about, cut down. So, where else are you going to have it?

Now, I am the only one right now... I live in Selkirk, South Bethlehem to be exact, and I notice all the people that have gotten up and spoken and everything they all are from around the area, which is good. Everybody... Town Board, everybody kind of forgets about South Bethlehem and Selkirk. But, we are there and we need a shopping area.

Another topic I would like to discuss is LUMAC. Now, LUMAC is not accepted yet and I don't totally agree with it. I mean I have my problems with LUMAC. I heard it mentioned a number of times. I can't see where you can fall back upon that. The other thing is the school, Glenmont school. Glenmont school is an elementary school. It sets back from 9W. My God, I hope the teachers and the people that run that school are concerned with the students enough to be aware of every student there. That no student can get out of that building and just wander out onto 9W. I mean, it is bad enough when you go down some of the streets in the Town of Bethlehem now and people are using the streets for basketball court or something like this, the cars going by. But, if they can't control the kids and as I say, it is an elementary school and they should have total control because the parents that come there put the children in their care for the day. And, eventually you are going to have to come up with fencing on 9W for that school. Some way you are going to have to block it in or block it off or come up with some answers to that.

As far as taking business away from the other Town people, about 32 years ago, 34 years ago, I used to sell to business, it was diner called Dewey's diner on Fuller Road -- been there for years -- and Mrs. Dewey eventually started having competition, other diners were coming in and one day I said to her -- gee, Lil aren't you afraid that this is going to cut down your business? And she said, no, Bob, I am not. I have found that as long as people know that there are 5 diners up here or 4 diners, they know that one of them is going to have a seat for them when they come up to have a dinner. And, that's the way it did. And, her business actually increased. I thank you.

SUPERVISOR FULLER: Thank you.

MR. MADDEN: My name is Jack Madden. I live on 26 Penn Lane in Glenmont. It is too big. It is not within the LUAMC guidelines. It is going to be too much traffic. 9W and Feura Bush Road right now is a monster of an intersection trying to cross there and it is going to dump a whole bunch more traffic on there. Everything said about Bender Lane is the same thing, you are going to be scraping cars off the trees, pulling cars out of people's front yards. It is just too much traffic. It is going to be too much noise and too much air pollution. It is going to be too much light. It is going to look like Albany County Airport out there. Even if you do mid mast or high mast, it is still too much light.

We do need another grocery store to compete with Grand Union somewhere in the Town but this is going to be too much of a price to pay to get that grocery store. The people who own the land, the Rubin Company, you know, they have a right to develop their own property as any of us do, but you have to do it within the guidelines the Town establishes and that is your responsibility to do that and also the responsibility to adopt the LUMAC plan. What Rubin probably needs to do is go with the smaller 250,000 square foot development that is... a regional center is defined by the LUMAC plan -- I know our visible colleague from Howard Real Estate doesn't say that that is regional but, you know, and that this is not rural but I grew up in south Boston and if I throw a baseball here, I can hit a corn field -- to me that is rural. And, last thing there is this play

going on in downtown Albany called Damn Yankees where a guy, you know, thinks he wants something, he sells his soul to the devil and realizes that really wasn't what he wanted after all and then he manages to get out of it. Well, don't sell our soul to the devil to get a grocery store.

Applause.

SUPERVISOR FULLER: Thank you.

MRS. BAIN: I'm Christine Bain from Glenmont. I have lived in the Town since 1952. I am with the environmental sub group of Citizens Monitoring Southgate. I love where I live because of the environment and over the years I have seen more and more of the land put to uses that are deemed appropriate. I just wish that the Board would keep in mind that we do want to save some of the open spaces. I would love very much to save the space that we are talking about tonight. I get therapy every night as I drive past it coming home from work and look over towards the mountains. I remember in 1952 I used to drive along what was then the Kenwood Avenue connection with Route 9W and see the cows grazing in the ravines and I thought how beautiful and I hate to see that go. But, I want to talk about another aspect of that land right now and that's the fragile nature of it. I am in a way speaking for someone else right now... Yngvar Isachsen,, a Delmar resident and geologist known to many people around here. He is up in the north country right now. He would like to have been here tonight. He came to an earlier meeting when there wasn't an opportunity for comment and he very kindly shared with me his draft of a letter that he plans to submit to you. And, I am going to do my best to read from it if you will bear with me.

He says, if I can get to the important part here.

COUNCILWOMAN DAVIS: Maybe if you lower the microphone a little.

TOWN CLERK NEWKIRK: Pull the black part down.

MRS. BAIN: He doesn't know to what extent the revised DEIS addresses the costly stabilization measures that would be required to guarantee the stability and safety of this land slide prone area were it to become a major development site. The Southgate property is an absolutely classical site for land slides. It consists of thick glacial lake, Albany clay, silt and mixtures of the two and it is bounded on the west by a relatively steep slope. These conditions alone meet the conditions for a land slide prone area. Add to that the fact that the surface is indented by 4 ravines and the stabilization is severe. Two of these ravines reach 9W. The area has been declared land slide prone on a New York State geological survey map put together by the Mr. Fickes and Mr. Reagan and if anyone wants to consult that map it's NYS Museum and Science Survey map and chart series 36 done in 1982. He said Mr. Fickes has documented numerous land slides and areas similar to that of Southgate, the nearest being behind the car wash in Delmar. The cost of remediation for that one which involved no building but only slope stabilization was hundreds of thousands of dollars according to Fickes. A commercial development with a close parallel to Southgate is the Walmart complex at Messina. It was built on glacial lake clays near the edge of a bluff along the Grass River. Similarities between the two sites in terms of substraight and topographic characteristics are striking but extensive gullying makes Southgate a worse case. The attached photographs and topographic map show the results of the Messina land slide. He had earlier given our group some visual aids which I left in the back of the room and I do have a color photograph here somewhere that I will place in front of you when I find it so that you can see it in living color. But, it was a huge slide.

He says that land slides are spontaneous catastrophic movements. To absolutely prevent such an event from happening at the Southgate site, after the glacial clays are loaded with buildings, contents, personnel, parked cars and so forth, can be an extremely expensive undertaking. Considering the clay substraight and the topographic complexities at the Southgate site, I am moved to quote from a book by C. Veder, and the title of the book is Landslides & Their

Stabilization". Parts that he has marked here are it requires a high degree of experience and flexibility on the part of a designer and contractor, first to make the right selection among the often quite expensive stabilization construction and secondly, to react immediately and on the spot when it becomes apparent from new factors during construction work that the original design needs to be adapted to change requirements. Then he skips down to another section... there are instances where it takes some courage to accept a safety coefficient considerably lower than usual in order not to arrive at a design that is too expensive. High stabilization costs could render it uneconomical to carry out a construction project and make it preferable to leave the slide prone either by abandoning the project all together or by relocating. That is redesigning transportation routes to pass through more stable areas.

I think it is a question of monitoring. We have read in the draft environmental impact statement that the builder seems to feel... the developer seems to feel that things can be done to make sure that the land is stable. But, there has to be adequate monitoring and I have a question about who pays for that monitoring. I think it is a bad idea to build on the site period but if it has to be done, it should be a limited scale development avoiding, as much as possible, the ravine areas and taking into consideration the problems that exist.

I wanted to second what was said about the technical parts of the document that was put together by the reviewing group - Tectonic Consultants and Greenplan. They did not separate out the 2. It was afterward when the interested parties got together that they created these 2 separate lists. I hope that every issue that was deemed technical will be addressed fully. I wanted to say that the phrase that keeps going through my mind in all of this is, paved parking lot... paved paradise, put up a parking lot. It seems to me that's what's happening here. The people on Bender Lane are going to have an influx of the mobile wild life or the rest of the wild life is going to be destroyed. Let's save as much of it as we can.

Applause.

SUPERVISOR FULLER: Thank you.

MR. KOHLER: My name is Mike Kohler. I live at 27 Placid Lane in Glenmont. I want to thank the Board for their patience tonight in listening to everyone and I know it is as difficult for you as it is for everyone here. When... I would like to preface by saying I am opposed to the project in its present form. The way it is being proposed. But, I don't... I want to support the rights of those who support the project to their opinion. The only thing I would say to those who support the project is that those who have opposed it in its present form have not said that we want nothing. But, what we have said is that we want developed scaled to appropriate size and appropriate use. And, there is a difference there.

Applause.

I also respect Mr. Howard and his years of expertise but in my research in looking up what constitutes traffic engineering, traffic flow, I came across the transportation planning handbook which is put out by the Institute of Transportation Engineers. In there they define a neighborhood center as 50,000 square foot, actually a typical with 3200 square foot as a range. A community center as being 150,000 square foot typical with 100,000 to 300,000 square foot range. And, a regional center as being 400,000 square foot typical with 300,000 to 1,000,000 or more, in terms of their range. So, clearly by... while Mr. Howard may believe that this is a community center, the Institute for Transportation Engineers believes it is a regional center. And, when you take a look at what that means in terms of profile... in terms of road, you have to take a look at life beyond Bender and life beyond Feura Bush. With all respect to our friends from Selkirk, the road profile that exists past Bender is still 2 lane, if 50 percent of the volume is going to be generated from south and east of the southeast portions of Bethlehem, the gross majority of that portion is going to come up 9W. And, so the question is, can that section of road handle it. Well, it is clear that the section of road that is going to be between Bender and Feura

Bush can't handle it because the section of road has no traffic going off of it by the developer's own estimate. So, that section of road is insufficient because it has the same load as the 4 lane section that he is constructing. So, the second question is, what happens below that. And, I went to some other traffic engineering books and I came across a book called, Traffic Engineering by Lewis Pignataro. Now, everything that I say here applies probably mostly for Bender Lane. But, it also applies to 9W south of Feura Bush. It says the increase in road volume... and I am not going to quote, I will just give you the substance. Increasing volume causes increasing accidents. Early we heard from a speaker who has a business along 9W and is looking forward to this project. That individual has witnessed in my life time here, several accidents including fatality right in his front parking lot because people tried to enter and exit his existing parking lot, his existing business and that is under today's conditions not under tomorrow's conditions. Narrow lanes, certainly on Bender cause high accidents. But, narrow lanes also take part on Route 9W, as well. Narrow shoulders, the narrower the shoulder the more the accidents and the recommendations are really for shoulders in the 6 to 8 foot range and none of the shoulders along 9W are in the 6 to 8 foot range. Alignment, both vertical and horizontal alignment curves. The more out of alignment there are, the more danger it is. All right and anybody who can look even from Feura Bush south, well from Bender south, can see the alignment problems that there are on 9W. Grades, the more grades there are, the more problems there are and the more problems there are in terms of traffic flow, as well. And, certainly this is different from the old post office but there also is the grades as you head back toward Ravena and Selkirk. These all really need to be taken into consideration, not because they are dangerous, because they are going to be dangerous, but the question is, what is going to happen to them once this is built and they are no longer able to sustain the traffic that is put upon them. And, who is going to have to fix it and who is going to have to pay for that fix. And, is it reasonable for the Town to have to pay for all these fixes going in or the State or the Town in anticipation of the State because it is a State road. To have to pay for all these fixes so that the developer can have the size facility that he wants rather than the size facility that the Town needs. Thank you.

Applause.

SUPERVISOR FULLER: Thank you.

MRS. DOLFY: I am going to be brief. It is getting late but I have never been one to when I am asked what my opinion is not say it and then complain afterwards. I don't believe in that. If somebody asks you, you tell it. For most... I am not a member of...

SUPERVISOR FULLER: May I interrupt you for one minute. Would you please give us your name for the record.

MRS. DOLFY: Sure, Marie Dolfy, 56 Bobwhite Drive, Glenmont. For all the reasons that Southgate pretty much said, even though I am not a member. I have never been to their meetings. I pretty much agree why we should oppose this size of a mall. For the years I have lived here, I have never once heard anybody say we need a regional mall. Supermarket yes, business yes, regional mall never once. I drive to East Greenbush for weekly shopping. I will continue to do it. Okay. I mean we can... Super K wants to come into Town Squire, there is lots of creative things this Town can do to get us a supermarket and business. We don't need a regional mall. Thank you.

Applause.

SUPERVISOR FULLER: Thank you.

MR. MOMBERGER: My name is George Momberger. I live on Feura Bush Road. When I moved here in 1950, across the street from me was a wheat field, behind me was a hay field. Today it is a shopping center and at least 14 4-unit apartment houses behind me. Well, we came here because I have had family lived in the Town here well, quite a few years. But, my main complaint is the traffic. I belong to a fire company. I drive apparatus and I know what traffic

conditions are on 9W. It is the same way going off of Feura Bush Road onto 9W, people make a left hand turn onto 9W from a right hand lane and give no indication that they are making a left hand turn. You go up the road with apparatus, the traffic is tied up, how do you get around them. You go on the wrong side of the road and if you get clobbered, brother. It makes it rough. So, my main concern is the road was built, if I am not mistaken, back in the 1920s a slab was put on each side of that road about 3 foot wide to make it standard to the State specifications and I believe, it is a Federal funded highway, 9W. So, if there are no government money, there is nothing much that can be done. I don't even know if the State would try to widen it even. But, that is my main concern, how can they take and widen the road out so it can handle the traffic that this development will take and handle it. And, brother, let me tell you even standing there directing traffic, you get scared, and I am a little short most vehicles can pass over me. Thank you.

Applause.

SUPERVISOR FULLER: Thank you.

MS. TUIT: My name is Carolyn Tuit and I live at 41 Beacon Road. And, I have been attending the meetings of Citizens Monitoring Southgate and they have just provided me with a wealth of information on the whole project. They have done a lot of work on it and a lot of research. Basically, I do feel that this is entirely too big for the Town of Bethlehem. I do feel that the LUMAC plan which was a well thought out plan, should be used as a guideline since it really wouldn't allow for anything this size which is considered a regional mall, I do believe. Something much smaller scale would be more appropriate and more toward a community sized shopping center and specifically another grocery store in Town would be just wonderful. I do feel that the 24 hour bright lights, the air pollution from the car exhaust and the 2600 car parking lot which is huge, the noise pollution and just the general eyesore of having this on 9W would not enhance the Town. The out parcels have not been designated and I do feel that they would end up being turned into fast food places, which again, you would have their logos attacking you on 9W and it would turn it into another Central Avenue. I do feel what could happen here because I've watched what went on at the Ames shopping center and I saw them struggle with their entrances and exits before it was finally resolved. And, I got very concerned when I saw Glenmont Plaza shut the temporary entrance sign finally came down a few weeks ago and it was replaced with the McDonald's logo and now I guess it is considered a permanent entrance. And, so I don't know what the problem was with the temporary entrance and then I really question was that really in the plan. Was it really supposed to be just temporary or was it just convenient to leave it as an entrance when McDonald's opened. And, I feel that the LUMAC, at least, provides you with some kind of a plan and if you just... with all the problems with something the size of the Ames shopping center, what are we going to have with this if some guidelines are not really adhered to.

And, I am also concerned that one store would use some 170,000 square footage in a Town this size. And, Kmart from what I understand they closed a lot of their stores. And, some of their Super K stores that have been on the building block have gone to the chopping block from what I understand. And, I am not sure Bethlehem could handle another vacant area. And, I am from New York City. I am only here 5 years and I came to the Town of Bethlehem specifically because it was a small town environment. And, I am really concerned that this is going to happen. We came up here, we bought a house and I really don't want a shopping mall in my backyard. Down in New York, I used to have to take a train, a bus or drive a half hour to get to a shopping center. And, up here, in 15 minutes you can be at Crossgates. And, I really don't see that as a great inconvenience. That I really don't see something like this serving the needs of the people in the Town of Bethlehem and my final comment would be in relation to the gentleman from Howard Realty, he referred to the shopping centers as community centers. And, I really take exception to that because I feel that they are not community centers. A shopping center is just that, it is a place for retail stores where you go and purchase goods. If you want your community centers, there's still our Town

hall, the library, the Town parks and maybe your community sized areas where you will meet your neighbors. But, it is not something the size... is not something that would be considered a community center, you know, according to my standards and it just wouldn't be. And, I just feel that the Town Board should be encouraged to respond to the community life which in my opinion does not reside in a shopping center.

Applause.

SUPERVISOR FULLER: Thank you.

MS. NAGEL: Last but not least, I hope. My name is Jean Nagel. I live at 11 Alden Court. I have been working with Citizens Monitoring Southgate for about a year and I think I've earned the nickname, first flush navel. I can tell you that it probably is impossible to quantify aesthetics. And, it is probably impossible to quantify Town character. But, it is fairly easy to quantify storm water run off. And, I don't think that the developer can meet the requirements to control storm water run off that he needs to get the Speedes permit. In case I am loosing the audience, if you remember what happened on July 15th after the severe thunderstorm -- the street flooding, the property damage, that was storm water run off and the Speedes permit is put in place as a result of the Federal Clean Water Act so that new developments would not contribute to this problem that we have in urban areas of damage from storm water. And, pollution of existing water from storm water run off, quantities damage. I would urge you before you make your decision to demand that the developer give you the calculations to show exactly how he is going to meet the requirements of the permit. I would urge you to demand the developer, before you make your decision, to see detailed engineering drawings to show how he is going to meet the requirements with the permit. You know from our response, our letters to you that we don't believe he can do it in the way it is designed now. He promises that he will meet these requirements. Let's see the data, let's see the drawings, let's see the engineering drawings and let's have it all reviewed by an independent engineering firm to check his calculations and to check his designs. I don't think he can do it. Thank you.

Applause.

SUPERVISOR FULLER: Thank you.

MR. CLEAVES: Earl Cleaves, Glenmont. I think the question before us tonight is, do we want to be able to look across the field and see a beautiful sunset or do we want the ground paved over and a lot of ticky-tacky stores -- more ticky-tacky stores built so that a Philadelphia outfit can make a big profit. That is the question.

Applause.

SUPERVISOR FULLER: Thank you.

MR. HUNSINGER: My name is Hunsinger. I live on Dumbarton Drive. And, I am opposed to the project and I agree with most of the comments in opposition that have been spoken tonight. One thing I would like to point out... one thing I would like to emphasize and not get lost in the shuffle here is I am concerned about the cost to the taxpayers to have this project go through. And, I would like to see more information on all of these other things that are needed that have been brought up tonight, ancillary to this project. What those costs are, what assurance we have that the developer is going to pay for them. I would like to see some specific information on assurances like performance bonds or whatever else is required to assure us taxpayers that they are going to pay for those things and if they are not going to pay for them, I think it should be made very clear to everyone in this community, every taxpayer, what it is going to cost us for this project to go through. Thank you.

Applause.

SUPERVISOR FULLER: Thank you. Is there anyone else who wishes to address the Board this evening? There were none. I thank you all for being here. I apologize for the weather. It is just as warm

sitting here as it is in the back of the room. I urge you to please contact everyone that could not be with us. They have until August 19th to accept public comment. We need all the comments we can get. It will help us with our decision. On behalf of the Planning Board and Town Board, we thank you for attending this evening.

The motion was made by Mr. Webster and seconded by Mrs. Davis to close the public hearing at 10:15 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

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

**Telecommunicators Agreement** The first item was acknowledgement of the signing of an Agreement between the Town of Bethlehem Telecommunicators, Local 3443, Council 66, AFSCME, AFL-CIO and the Town of Bethlehem.

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The following item was a request from Comptroller, Judith Kehoe, for approval to go to bid for Janitorial Services.

**Resolution for Comptroller to go to bid for Janitorial Services**

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

WHEREAS, the Town desires to advertise for bids for Janitorial Services, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 23rd day of August, 1995 and that bids be received up to 2:00 p.m. on the 14th day of September, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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**Approval for temporary employees to Receiver of Taxes** The following item was a request from Receiver of Taxes and Assessments, Kenneth Hahn, for approval of appointment of temporary employees for the months of August, September and October.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the appointment of Temporary Employees for the months of August, September and October as indicated in the Memorandum from Kenneth P. Hahn, Receiver of Taxes and Assessments, dated July 27, 1995. The motion was passed by the following vote:

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

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**Appointment of Election Inspectors and Poll Clerks**

The following item was the appointment of Election Inspectors and Poll Clerks as recommended by the Republican Committee for the term beginning July 15, 1995 through July 14, 1996.

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

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors and Poll Clerks as recommended by the Republican Committee to serve for the period July 15, 1995 through July 14, 1996 as follows:

Dist. 15	Carol Delaney, 62 Delmar Place, Delmar
Dist. 22	Stephanie Corbett, 17A Glenmont Ct., Glenmont
Dist. 27	Thomas Richards, 26 Linton Street, Selkirk
Dist. 1	Brian Simpson, 23 Cayuga Court, Slingerlands

The resolution was adopted by the following vote:

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

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The next item was to acknowledge receipt of the Quarterly Franchise Fee from A-R Cable Services, Inc. in the amount of \$32,478 for the quarter April through June 1995. The Supervisor asked the Comptroller how this compares with other times. Mrs. Kehoe indicated it was slightly higher than last year but still lower than the level 2 years ago. She further noted she would expect it might be higher with the new services in the next quarter. Supervisor Fuller thanked Comptroller Kehoe.

Acknowledge receipt of the quarterly Franchise Fee from A-R Cable Services

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The next item was a request from Chief of Police, Richard LaChappelle, for the appointment of Peter Resnick to the position of Police Officer, effective September 2, 1995. Supervisor Fuller noted Mr. Resnick is not a resident of the Town presently, however, he will be relocating. She further noted this is the second officer hired under the Cops Fast Grant.

Request from Chief of Police Appointment of police officer

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the appointment of Peter Resnick, Watervliet, New York to the position of Police Officer, Town of Bethlehem, effective September 2, 1995. The motion was passed by the following vote:

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

Noes: None.

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

Recreation request for seasonal personnel

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

Recreation Instructor I at a rate of \$4.60 per hour.

Jennifer Gould  
51 Fairway Avenue  
Delmar, NY 12054.

The motion was passed by the following vote:

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

Noes: None.

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Supervisor Fuller asked if there was anyone in the audience who wished to address the Board. There were none.

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

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve meeting in Executive Session to discuss negotiations following the close of the regular Town Board meeting. The motion was passed by the following vote:

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

Noes: None.

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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 10:32 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.