A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 6:00PM.

PRESENT: Samuel Messina, Supervisor  
Joann Dawson, Councilwoman  
Mark Hennessey, Councilman  
Mark Jordan, Councilman  
Kyle Kotary, Councilman  
Nanci Moquin, Town Clerk  
James Potter, Town Attorney

Supervisor Messina called the meeting to order and lead the Pledge of Allegiance.

PUBLIC COMMENTS ON AGENDA ITEMS

Caleb Wister – represent Bethlehem Tomorrow – supports the Open Space Plan. Believes the Town should have a source of funding for land, input from an advisory group. It would help to keep Bethlehem’s semi rural character. There should be a selection process for land. The Town should administer the program.

Tom Newell – Wemple Rd. – Not in favor of the Open Space Plan. He thought it was fiscally irresponsible. He was also against the purchase of the Normanside Golf Course. The Town has identified areas to spend money for infrastructure which is very important. The Town doesn’t have the money for that. To ask the Town to spend $700,000 next year and 1.2 million dollars 2 years out with bonds is wrong. The large land owners were not involved. The money involved should be a red flag to the taxpayers.

Ed Kleinke – Mahar Rd. – not in favor of the plan. He asked the Town Board to have an extended period to have comments from the residents. He had participated in some the items in the document. The large land owners had voiced certain concerns and those concerns were not voiced in the document. The document tonight leaves the large land owners out as participants. Undeveloped land pays for more services than it uses. Open space is environmentally friendly. There is already a lot of constrained land in Town that can’t be developed. Why does the Town need more land to remain undeveloped? Farmers are the best keepers of the land so why do we need others to take care of the land. The report emphasizes perpetual easements. In the comp plan it speaks to temporary easements and tax abatement for large landowners. He didn’t think the report was flexible enough. The last group that met on this subject, they could not come to a conscience.

Jeremy Near – 682 River Rd. – not in favor of the Open Space Plan. He noted that the Wemple Corners is a zoning issue. He thought the Open Space Plan was a government land grab. The CACC has been discontinued. He agreed and suggested disbanding 20/20 also. He thought the Town is tired of the special advisory groups. The Town Board was elected for a reason. The report calls for another advisory group. There will be expenses incurred with the new group. In 2012 the Town will add part time staff and $700,000 to buy 2 parcels of land. The suggestion is for an open space program property tax. In 2013 there will be an additional 1.2 million dollar bond to buy more land plus a full and part time position. We cannot afford this program. The mission focuses on one strategy to protect open space; to buy land and
development rights. He thought the land owned by the Town it will be protected from taxes, new citizens and business. He said it doesn’t say how much land will be purchased and who will decide. He thought the 2 ways to protect open space was by the private acquisition of land and proper zoning by the Town.

Linda Jazinski – She said the dates on the documents show this plan was presented earlier to the Supervisor and the Town Board but it wasn’t made public. She sees this as a new bureaucracy level. It’s using tax payer money to take care of a special interest group. She didn’t think the Town had the money. She agreed that the CACC committee didn’t’ agree on everything but they had presented their documents. The large land owners have asked for a temporary lease of development rights to be included and they haven’t seen it yet. She now doesn’t trust the Town to do what they say they will do. If the government or a not for profit buys the land, it will be taken off the tax rolls. She is concerned with the selection of land. She doesn’t believe in protecting land from development forever. In the future, who knows what will be needed to be done with the land in twenty years.

Valerie Newell – 25 Wemple Rd. – She was surprised when she saw the Open Space Plant on the agenda. The CACC, a committee on which she had served, in 2009 had presented a work product to the Town Board with next steps and priorities. She wanted more time to look at what Bethlehem Tomorrow has provided to the Town Board. She wondered what they were trying to save the land from. She didn’t think a group should take away the purpose of land at the expense of the people who own the land. She thought the CACC had done a good job presenting information and taking information. There was a lot of public outreach. Bethlehem Tomorrow wasn’t tasked with developing a report about Open Space, if the Town Board wanted that, CACC should have been tasked with that job. The CACC’s work was not reflected in the Bethlehem Tomorrow paper.

David Van Luven – He is in favor of the Open space plan. He served on CACC. He said CACC was together for years but didn’t make any progress or consensus. He thought it was irresponsible for the Town not to have an open space plan. He said communities up and down the Hudson Valley and in New York State have found that residential development costs more than open space. The Town needs a combination of residential development, commercial development and open space. The plan suggests purchasing land from willing land owners. It will not take land from people that don’t want to participate. He thought the Town needed a program to make decisions on how to invest Town, State and Federal dollars. Without an Open Space Program, the Town will not be eligible for funds from outside of the Town to help pay for the services.

David Barnett – Normanside Blvd. He is in favor of the open space program. He said it was about community character and quality of life. He said there should be a dedicated fund for the Town to use. There can be a balance between the groups.

Bob Jazinski – He is against the open space program. He asked the Town Board not to support this. He didn’t think the Town could afford it.

Mike Waldenmaier – He is not in favor of the open space plan. The county is proposing a19.2% tax hike. The Town shouldn’t buy land and take it off the tax rolls. He didn’t have a problem with prioritizing land when someone buys it. The large land owners aren’t selling the land. They pay the taxes and not using services. What would it cost to maintain the land? The Town has owned 54 acres of land on Simmons Rd. for years that we haven’t done anything with. And 50 acres in South Bethlehem and 4 acres where the old rail road bed is located. He suggested making it a trail. He would prefer the Town to put the money towards sidewalks on Feura Bush Rd. so kids can safely get to the Town Park.
Karen Shaw – Adams Pl. - She supports the open space program. She is willing to pay for open space. She wants her children to see horses and cows on their way to school. She didn’t see any negatives with preserving open space.

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**SCOPING SESSION FOR THE WEMPLE CORNERS DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS), CONCERNING A PETITION TO REZONE PROPERTY AT THE INTERSECTION OF U.S. RT. 9W AND WEMPLE ROAD**

This application is a request to change ninety-five (95) acres of MEDD zoned land to a Commercial Hamlet District. The Town Board is the lead agency for this project.

Mr. Lipnicky said the reason for the zone change was to allow the applicant to have a mixed use project. The MEDD zone only allows multifamily as a secondary use only. The applicant wanted to have more housing options. The project concept calls for 526 dwelling units and 145,000 square feet of retail space. The application before the Town Board is for the rezoning of the land. Under SEQR this requires an environmental review. This is a Type 1 action which means the project is likely to have an impact on the environment. The Environmental Impact Statement is a document that shows the impacts on the environment and how those impacts will be either avoided, reduced or mitigated. The Board will take comments from the public and from other outside agencies. The final scope will be an outline for the EIS.

Donald Zee, Esq., presented. He said this is the beginning of a long project. The 95 acres are located at the intersection of Rt. 9W and Wemple Rd. Under SEQR the applicant is required to show the maximum development that could be allowed in the zone. The residential choices were decided by going through the Town’s Comp Plan to see the needs of the Town. The comp plan suggests rezoning this area to a hamlet with a variety of housing types and mixed uses that is a walkable community. The applicant’s proposal includes one hundred fifty (150) market rate senior apartments, fifty-two (52) town homes, up to eighty (80) condo’s, retail and office facilities. The population is aging and the MEDD zone doesn’t allow senior housing which is one of the reasons for the request to rezone. He said residential housing is needed to support retail development. The project is proposing improvements to Rt. 9W at its intersection with Wemple Rd. The Rt. 9W Corridor study said the improvements needed in the entire corridor could cost up to 16 million dollars. The applicant is proposing a single lane roundabout for the corner with sidewalks. The cost would be the applicant’s, approximately four (4) million dollars of work. They had looked to the Comp Plan for the design of the hamlet as to distance between residences and retail. They had worked up a draft scoping document for the staff to review. They have heard from some of the residents during an information meeting and have added those concerns to the draft scope. He went through the index of the draft scope as what will be studied.

Marie Capone – There is a problem with too many deer.

Lou Hauf – 426 Wemple Rd. - Asked why the whole 95 acres needed to be rezoned. He asked how many units would be rentals. If sewers are put in, they should include the areas to the north and south of the project. He thought the roundabout should be 2 lanes.

Markus Mastracco – 34 Huntswood Lane – Is there really a need for apartments right now. He thought Kendall Square was a test case and it’s not built yet. He thought the MED idea was to have traffic in the opposite direction than the current people by attracting businesses that would have people coming into it when others in Glenmont are going out. He thought they should expand the traffic study as far as Feura Bush to the north and down to River Rd. He wasn’t sure that a roundabout would help traffic because it

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move cars through faster but the traffic would gridlock further down the road. He asked how much lighting the project would generate. There is a huge parking lot near the townhomes. He asked if the noise level was being taken into consideration. He thought the retail should be in a different location on the project. He thought the numbers of rental units were very high for units.

Jared King – 22 Paxwood Rd. – He thought the project should pay for itself, including the sewers. He didn’t think a one lane roundabout would be enough. He wanted the Town to take their time when planning for the road system. Rt. 9W is a state highway and changes need to be approved by the state. They shouldn’t build a hard curb, with a soft curb bikes can get off the road easier and a broken down car can get off the road and not interrupt traffic.

Howard Schaffer – 346 Maple Ave. – Asked if this will be a pilot program. Will it have sidewalks to nowhere? Will RCS have a patrolman? Did they have estimations how many more children could be expected in the RCS school district.

David Barnett - The scoping document should look at transporting kids to school. Under SEQR, the applicant should look at alternatives in terms of what will be allowed under the proposed zoning.

Valerie Newell – Wemple Rd. – She liked the variety of residential units. She approved of looking at the whole area into consideration when asking for the zone change. Is it typical for the Town to be reimbursed for the cost of experts for the Town? She was glad they were working with the soccer complex. As the Town looks at this project, she asked them to incorporate mass transit so that people who live in the new developments could take buses to work instead of their cars.

Eric Schorr - 9 Wilhelmina Way – Within the last 12 years there has been a lot of development. He wanted to take the traffic into consideration and all the other development that is being proposed in the area. He thought single family homes were being proposed. He said as a homeowner, he takes care of his property and he wanted to make sure the rentals units were properly cared for.

John Privitera – lives in Crosswoods near this corner. It is difficult under SEQR to consider the rezoning of property with no application for development. He asked for the Town Board to look at all the cumulative impacts and thought it should be in the scoping document. He said most scoping documents will look at energy impacts. In section 2.2 of the draft scope— the words bicycle, pedestrian and walker are not used. He said all the pedestrian and bicycle safety issues onsite and offsite should be looked at. He said the growth induced impacts must be looked at first and then the cumulative impacts. He asked the Town Board to look at all historic documents for the Rt. 9W corridor not just the one in 1997. He had been on an earlier committee that looked at Rt.9W.

Councilman Jordan asked if the applicant is the owner of the property. Mr. Zee confirmed. Councilman Jordan then asked how long he has owned the property and what was it zoned when he purchased it. Mr. Zee said the applicant has owned the property for about 25 years ago. It was mostly light industrially zoned at that time.

Councilman Kotary suggested adding the following items into the scoping document: Section 6, more information on the pros and cons of changing the zoning from MED to a commercial hamlet including a cost benefit analysis and cost impacts on Town services and revenues. Mr. Zee asked what formula the Town wanted them to use, there are different models. He asked if the applicant should use the comp plan as the template to do the computations. He wants to make sure the template to be used is acceptable. Mr. Lipnicky said the consultant for the EIS has expertise in this field and they will determine the modeling the applicant should use. Councilman Kotary agreed that the traffic study area should be expanded. And he suggested using different times during the study, such as weekends during soccer time.

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He thought the impacts of large storms should be looked at when considering drainage.

Supervisor Messina said an assessment needs to be done of the existing housing stock and the impact and need for new proposal. He wanted to see the factors of time and build out included in the scope. The project might need to be phased and the public might need to be protected from the prolonged impacts.

Councilwoman Dawson said the corner makes sense for a certain build out. She wanted more pros and cons of the development to be persuaded the change in zoning was necessary.

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REQUEST FROM TOWN PLANNER TO ASSIGN TDE REVIEW OF THE WEMPLE CORNERS DEIS TO CHAZEN COMPANIES UNDER THE TDE MASTER SERVICES AGREEMENT

A motion to assign Chazen Companies as the TDE for the review of the Wemple Corners DEIS was offered by Councilman Kotary, seconded by Councilwoman Dawson:

Discussion:

Supervisor Messina said there were three (3) proposals submitted for the project. The staff evaluated the proposals and Chazen Companies was chosen. The cost will be $34,000 and paid by the applicant.

Councilman Kotary was glad the residents were given the opportunity to comment on the scoping document. He believed in good well placed economic development that could bring jobs and sales tax revenues to the Town. He liked the diversity of housing. The comp plan has been mentioned throughout the presentation and he thought the plan should be looked at again to see if needs updating.

The Councilman Jordan asked if after this review, the developer had any paid rights to the Rezone. Mr. Potter said no, the ultimate decision on the approval of the zone change was with the Town Board.

The motion was approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none
ABSENT: none

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PRESENTATION BY THE SUPERVISOR OF AN OPEN SPACE PROGRAM (OSP) FOR THE TOWN OF BETHLEHEM

Supervisor Messina said he had placed this item on the agenda for transparency. It was a document that had been submitted to the Board. He did not think this document had any downsides for the Town. CACC had produced two (2) good documents. In discussions with Bethlehem Tomorrow and the large landowners they had come to a consensus that CACC had done its job and was no longer needed. The Open Space Program is not a plan. It is a limited program to have a system in place to work with willing land owners if they are interested. If we have this in place it could help gain funding from other sources. He thought of it as tool for open space preservation. The program could be applied to saving smaller pockets of land. Bethlehem Tomorrow is not a special interest group. They are volunteers and they gain
any benefits for themselves. He was impressed with the document. The Supervisor said his memo has some different recommendations from what was in the report. He didn’t recommend any funds for the project. Supervisor Messina said Bethlehem is not going broke; there is a balanced budget this year. He didn’t agree with the statement that this program was a government land grab; it was not. He said there may be an opportunity for temporary leases in the program as suggested earlier. He never said CACC would continue and some of the comments about the group from the CACC director were that there was dysfunction in its current format. He commended the work done by Bethlehem Tomorrow and said he received the report in September but had not moved it forward until now. He saw no negatives in the program. He recommends the Town go forward and build the program. The Town Board would be involved and need to approve many items in the program. The Town Board would also need to approve any acquisition.

Supervisor Messina had reached out to a resident, Leah Farrell, wants to volunteer to help move this program forward. Ms. Farrell said she has been a resident for about three (3) years, had worked as a planner in the south. She thought there are benefits to an Open Space Plan. She wants to see smart planning in the Town and thought an Open Space Plan should be included.

Councilman Hennessey said the Town has spent a lot of time speaking about open space. There are options and he would like to see the conversation to continue. The Town has seen neighborhoods change in with development. He thought zoning is one way to address the issue. Bethlehem Tomorrow doesn’t want to force anything on anyone and they don’t want to take rights away from large land owners. Both groups are neighbors and not advisories. They can work together.

Councilman Kotary said there are two (2) very different sets of ideas. If one of the goals is to provide incentives for the large land owners, the Board needs to make sure they are the types of incentives they want. There are different tools that can be used. The Town does have financial restraints and increased costs and this is a program that includes more spending, more borrowing and more staff. We need to look at it very closely and listen to the people who own the land.

Councilwoman Dawson said she was glad the material was put forward for further discussion. The Town doesn’t have the money to put into the program right now but it would help the Town be better prepared if Open Space opportunities arise. This is about the future of the area and she wants to continue the dialogue.

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REQUEST OF THE SUPERVISOR TO ADD THE BETHLEHEM YOUTH COURT, INC. AS A NAMED INSURED TO THE TOWN'S PROPERTY AND CASUALTY INSURANCE POLICY

A motion to add the Bethlehem Youth court, Inc. as a named insured to the Town’s property and Casualty Insurance Policy was offered by Councilman Jordan, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none
ABSENT: none

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APPROVAL OF TOWN BOARD MINUTES FOR 9/28/11

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 518-439-4955.
A motion to approve the Town Board minutes for 9/28/11 was offered by Councilman Hennessey, seconded by Councilman Jordan and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none
ABSENT: none
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REQUEST FROM THE ADMINISTRATOR OF PARKS AND RECREATION FOR ACCEPTANCE OF DONATION OF FIELD IMPROVEMENTS TO LINE DRIVE FIELD 12 VALUED AT APPROXIMATELY $3,000

A motion to accept the donation of field improvements to Line Drive field 12, valued at approximately $3,000 was offered by Councilman Jordan, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none
ABSENT: none
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NEW BUSINESS - none

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PUBLIC COMMENTS ON NON-AGENDA ITEMS

Mike Waldenmair – He would like to see a sidewalk on Feura Bush from Elsmere to Elm Ave. Councilman Jordan said a long range goal was to put sidewalks in that area. It is a matter of funding.

Linda Jazinski – In the Town there are organizations already that by land for conservation. She doesn’t know any willing land owners. Change in the use of land could be good for the Town.

Shirley Cylor – She recommended limiting the amount of time for each person to speak. The debate for the Supervisor was well run.

A motion to adjourn this meeting and go into executive session in regards to potential litigation was offered by Councilwoman Dawson seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none
ABSENT: none

The meeting ended at 8:36pm.