

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
PUBLIC HEARING ON PROPOSED LOCAL LAW 4 OF 2008
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Supervisor Louis opened the public hearing of proposed Local Law 4 of 2008 at 7:30 pm, followed by the Pledge of Allegiance. Also attending: Councilwoman McKeon, Councilmen Kuenster, Norris, and Byas, Attorney for the Town Wukitsch, Town Clerk Brooks, Tax Collector Stuart, and 65 members of the public. Absent: Highway Superintendent Jordan.

Supervisor stated that this was a public hearing to be continued on Wednesday, November 5, 2008, regarding proposed Local Law 4 of 2008 providing for revisions to the Town's Zoning Ordinance, and added that there were sign-up sheets in the back.

Bernie Jones: (Statement submitted in writing)

John Cashin: I happen to be the Town of New Baltimore zoning officer charged with enforcing the zoning ordinance. I just wanted to speak a little bit to detail of the zoning ordinance. I've heard people say, "why do we need over 100 pages of zoning ordinance for the Town of New Baltimore?" I think it's very important that it be very detailed and very precise- otherwise you have one person, the zoning officer, making board interpretations of what the zoning should be. Otherwise the zoning board is going to be overwhelmed with interpretations that I send them, because I cannot make a decision. It's important that you have a, b and c that I can go to and make a decision. So it's important that it's very detailed and very precise. As a private citizen I sat on the Comprehensive Plan Committee. I think this zoning ordinance parallels what we worked on and I encourage you to pass it.

Nils Backlund: I was Supervisor in this Town from 1971 to 1981 and yes, myself and the board are responsible for the original zoning ordinance. That zoning ordinance drove us strictly for health reasons and the welfare of this community. It served us well for over 30 years. I think we do need to be cognizant of what's going on around us, but I do have some concerns, the main things, and we've discussed this before, David. The conservation easement subdivision disturbs me greatly for two reasons. I don't think a landowner should be held to the law that says he must share his wealth, as some of our great politicians want us all to do. It's his property; he should be able to do what he wants to with it. I think the Planning Board to date has done a good job with the subdivision regulations and proposals that have come before that, but I am very adamant about any more transfers of property from our tax rolls for conservation easements or anything else. Why should the taxpayers that are not even involved be required to pick up the burden of that loss of taxes? The other thing, more importantly, I'm here tonight in support of the business owners in this community. Thirty years ago we could count the businesses in this town on one hand; a lot of them home ownerships. I think we've done a good job of bringing in some industry and some business into this community for tax base. I would urge the board to really think about what's in that commercial section. I think the people that own those businesses, as one person pointed out, that in our economy today you've got to diversify or you're not in business. So, I think by putting more restrictions on them and what they can and can't do should be really considered. Thank you.

Ellie Alfeld: I've come before this board multiple times. My main concern is development in the northern portion of the Town of New Baltimore which I believe has been designated for almost multiple development like Oakbrook Manor. I'm dead set against that. I don't need that for my school district, I don't need that for my taxes in New Baltimore because in the long run it will cost more than it will generate for me. I don't believe that in putting that kind of housing in this town we will solve any kind of problems the town might have as far as raising money to help us with our tax structure. I'm dead set against the provision; it does say water or sewer. I do not want to see townhouses, multi-family housing coming in unless that developer wants to go to the expense of putting water and sewer. That's in the Ravena Water District, District #1, so the water would be there for them. It would be no extra charge so to speak. They would have to provide the sewer. We know what a problem the sewer can be, especially the

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people in the hamlet, ask them, they can tell you; without any problems. The thing that I'm suggesting is that if the trailer parks on Route 9W can put sewer systems in for the trailer parks, if you get a guy who wants to come in and develop townhouses let him go to the expense of the sewer, too. My second concern, and I think quite a few people here have mentioned it, is this conservation. I understand the thought behind it. I understand that you want to maintain green. I don't think I can afford all the green space. Right now we have the Districts #1, 2, and 3 Parks, the waterfalls off of Madison Avenue, you've got the space there on State Route 144, that's all out of our taxing; we don't get any money for these. We've provided parks for each segment of the town. If you come up and put aside all that conservation land, who's gonna take care of it? Are we going pay to have this stuff mowed? I understand about homeowners associations, putting it into the homeowners' trust and all that, but what if they decide they don't want it; they want to give it to us? That means we have to pay for it; I don't think we can afford it. I really and truly don't. So, if a developer wants to put housing, like a major subdivision, in, stuff like that, the planning board does in fact speak to them about setting green spaces aside, stonewall areas aside, wetlands aside. Let the Planning Board decide if we need the green spaces in the major subdivisions. Let's not have these conservation areas.

Lee Davis: I enthusiastically support both proposed amendments that have been developed. I just thought it might be helpful to briefly recite the history that has brought us to this point. Approximately five years ago, the Town Board charged a group of people for what became known as a Citizens' Planning and Advisory Group to take a look at our current Comprehensive Plan and determine whether or not that was adequate to meet the changes that had occurred over the last 30 years. That was a group of approximately a dozen people. However, all meetings were open to the public. Each meeting was covered by at least one and often 2 to 3 of the local press, during which the discussions of the day were reported. The next meetings were advertised in all the local papers, including the articles, and that's a process that went on for a significant period of time, well over a year. At the end of that process, it was recommended to the Town Board that indeed the Comprehensive Plan be reexamined and amended to fit the change in times. That too was done in public and the Town Board then charged another committee to come up with a Comprehensive Plan. The Comprehensive Plan when it was adopted approximately a year and a half ago, after public input, after public hearings, and in the full view of the public, and with the invitation open to townspeople to come and participate. It was, I think, nearly universally accepted and embraced. It was unanimously passed by the Town Board and I don't think there were more than one or two voices of discontent expressed at the public hearings when it was adopted. Part of the CPAG part of the outreach, that was sought, was to send a survey to every household in the Town. Almost 30 percent of those surveys were returned. While some may say, "well, that means 70 percent of the people didn't respond," that is true, but statistically speaking, given the random solicitation of the survey, it deemed to be a very significant cross-section of the population and also considered to be a representative sample. That survey, that was responded to by the folks in the Town, overwhelmingly embraced the concept of open space and the preservation of the rural, historic nature of the Town; numbers approaching 90 percent or perhaps exceeding 90 percent. In addition to the survey, there were a number of outreach meetings where people were invited to come to the various Town Halls and participate, state what they liked and not liked about the Town, what they thought should be improved and what should stay the same. This is what comprised the questions or became the questions and the basis for the survey. The words that I've been reading recently, where people feel as though this has been a closed process and it's being rushed on the people, couldn't be contradicted more by the facts and what has actually occurred. After the Comprehensive Plan was adopted, the committee that met hired a well-respected land development consultant company to walk us through it, to make the amendments to the zoning and the subdivision laws that would be consistent with the Comprehensive Plan. That was the sole guide of that committee and the Comprehensive Plan was dog-eared by the end, by being leafed through to make sure that

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the amendments and updates were consistent with those recommendations of the Comprehensive Plan. There is then, of course, three meetings where public input was invited and considerable public input was received. Following that, again in open public meetings, there were a number of modifications made to be more flexible and responsive to the concerns that were expressed. Change can often be an intimidating thing and it can invoke fear of the unknown. I think that the process that was undertaken by this community could not have been more deliberative and more open to the public and could not have been done in better faith by those who participated in it. I should also note, the consulting group that we had is not only a consultant for town boards and municipalities but they also represent private clients who are developing in rural areas. And they have stated to us over and over again, the types of things that we are including in our updated laws are the sort of things that developers themselves like to see. It invites predictability and it has the type of flexibility that drives the market and the purchase of land that increases the value of the land. So, I ask people to be patient. I ask people to let the process work and I encourage the Town Board to adopt this. Thank you.

Bob Turan: Thank you. I also want to thank Lee for his recap of the process because it does go to show that we have been at this for quite some time and we have been open for people's comments the entire time. I've looked at the zoning regulations. I've actually printed them out and gone through them page by page, some of them more quickly than others because I am not a business owner and I'm not concerned with some of the things that business owners are faced with, about signage and some setbacks and things like that. So I'm not here to comment on those, but as a resident of the area I think that this zoning plan embodies what we need to have in terms of regulations and laws so that we can make the Comprehensive Plan a reality. I do know something about real estate development. I know that the subdivision regulations and the conservation subdivision regulations, the way they're written here, will actually increase the value of land for landowners. I don't want the value of my property to be decreased. Yet what I see in the zoning regulations leads me to believe that it will be increased and I'll also be protected from poor development that could be happening in adjacent parcels. I'm thoroughly in favor of these regulations and I want to thank the Board for putting them forward.

Alta Turner: Thank you for holding this public hearing. I'm Alta Turner, I live in the hamlet and I've been a member of the Planning Board for the past six years. I have supported the work that has gone into the development of the New Baltimore vision Comprehensive Plan and specifically tonight I supported the proposed zoning revisions which align the administrative code with the updated Comprehensive Plan, adopted by the Town Board in February 2006, and here is why. I've been engaged in the planning process since it started in this room. [Unable to understand] and then-Councilman John Wallner approached the Planning Board in July 2003. They asked that the Planning Board take on evaluation of the need to update the existing Comprehensive Plan. I was part of the volunteer Plan-to-Plan Committee that sketched out a blueprint for the planning process that the Town Board approved and supported. The Town Board invited interested citizens to engage in that planning process, an invitation that was answered by more than 35 individuals attending one or more meetings of the Citizens' Planning Advisory Group. Along with Bob Knighton, I provided technical support to the core of CPAG who met over an eighteen-month period hosting community information sessions, supporting the community visioning sessions, developing and interpreting results from the survey distributed to the community, interviewing Town and school officials, and ultimately recommending that the Town Board update the existing Comprehensive Plan, which had served the community well but required update to become contemporary. The CPAG provided specific input and recommendation for the Comprehensive Plan based upon hours of work, discussion and listening to one another's ideas. I was part of the Comprehensive Plan Committee, a group of 12 diverse New Baltimore business and farming people and Town representatives from all parts of the town, again open to the public, the committee met approximately once a month over an extended period. With

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assistance from Elan, this group acted on the CPAG recommendations, put flesh to the concepts and developed a revised Comprehensive Plan which was adopted by the Town Board in February 2006. From that point until May of this year, I have been part of the final work group helping to modify the existing code to bring it in line with the updated Comprehensive Plan which represents a vision of New Baltimore's future, consensus of all those participating in the process. So, on a very general level, I support adoption of proposed modifications to the zoning because I know in part how the sausage was made. I know from conversation, and listening, and working with those people who chose to respond to the invitation to plan our community future over a protracted period, that the intentions have been good and the objective honest, to provide the Town with a tool to deal with an uncertain future, a tool which could retain the best of what New Baltimore is and optimize things that need changes. I further generally support adoption of the proposed modifications to the code because the revisions address the misalignment of the existing code which diverges from both the original Comprehensive Plan as well as the newly adopted Comprehensive Plan, a situation which has left the Town vulnerable to litigation. Finally, as a routine user of the actual code document, I generally support the updating of definitions inclusion of a detailed use table along with the reformatting reorganization which streamlines a complex, detailed document, making it more useful tool for day- to- day administration of the Town. Over this extended 5.5 year period of New Baltimore visioning, planning and code amendment, two events have occurred that seem to me have emphasized the need and highlighted the importance of the updates that we're working on. The first event was the UMH development proposal for the north end of Cocksackie. That development, resulting from sale of what had been a horse farm, would have substantively changed the complexion of the entire town. Cocksackie was not prepared; the result was an extended 3-year moratorium. No one who was engaged in the subsequent planning process in Cocksackie believed that that was an optimal solution, but it was all that was remaining given an out-of-date Comprehensive Plan, which could not address the issues imposed by the proposed development. I recognize that conditions in New Baltimore differ from conditions in Cocksackie. However, the difficulties of dealing with a large developer, who has more concern for turning a profit than integrating into or enhancing the community, struck home. Over the period of time I have been a member of the Planning Board, we have been lucky in that developers for the few major subdivisions have recognized that smart design can garner greater profit. However, there was and is nothing in the existing code to preclude or even allow for anything other than a cookie cutter approach to carving up large parcels. I support the proposed modifications to the major subdivision regulations because I believe they offer flexible approaches to a larger scale development in the Rural Residential and Agricultural Zone which consider the land first. I believe the proposed modifications balance the rights of property owners with protection for the community from large-scale development that would incur substantive adverse inflicts to the town. The second event was the Greene County IDA's proposed Thruway Exit 21B project. In addition to considering potential impacts resulting from substantive development within the Developmental District, it became clear to me that the current zoning along Route 9w did not anticipate anything like potential secondary development along the Route 9w Corridor as the result of the proposed plan. I support the proposed modifications to the current zoning along Route 9w because I believe that it recognizes the existing nature along the Corridor, making future investment by existing businesses and current residents a safe and smart bet because the proposed zoning retains the character as it exists...(interrupted). I support the Town Board in both approving and effectively implementing the code revisions as proposed.

Donna Degnen: My name is Donna Degnen. I'm a life-time resident of New Baltimore, as was my father, as was his father, and was his father. I have a very vested interest in the Town of New Baltimore. We have just spent, I don't know, half an hour of hearing the plus sides of this and I'm not impressed yet. I also feel very bad that I had asked the Town Board if this meeting could be moved because we have people standing here in the back that would like to be here. I know people have probably pulled in and left because

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there's been no room but here we are. Now the next meeting I hope that we will have down to the firehouse or a larger area where everybody can come in and speak. Forty-five years ago, my husband and I bought a parcel of land off a farm here in the Town of New Baltimore, we built our home and we still live here today. We weren't the first people to build a home off of that farm. Fifty-eight years ago, my parents built a home off of that farm and that home is still there. The farm has been sold; it belonged to a local resident who lived here for many years, the Cecil Hallock farm. Before he sold that he sold 5 more parcels off of that to one buyer. The new owners kept two parcels when they sold the farm. The third owner subdivided everything that was left off the farm to at least two-acre parcels in accordance with the current zoning ordinance, the one that is in existence now. There are now 20 to 25 parcels that have been sold off the original farm. These homes all have their own wells and septic systems. We are still rural enough that at our home we can only see two of our neighbors. We don't see the other homes because of the trees around us. We're very rural still. But yet we're a community. We didn't have to add any streetlights or new roads. The homeowners have their own driveways; they have their own wells and their own septic tanks. We didn't have to have a contractor come in to do that; they did it on their own, we didn't have to do any set-asides. These homes now are on the road; they average in value between \$200 and \$300,000. That's a sizeable tax base for the Town of New Baltimore. However, with this new zoning ordinance in place, 50 percent of these homes wouldn't be there. They would be off the tax base. As elected officials of the Town Board you are charged with serving the New Baltimore residents. Please hear the people. We don't want this new ordinance. I know we just heard of all those that were on the ordinance planning tell us that we did, but I've talked to many people in this town. I know many people in this town and they do not want it. Believe me, David, they don't.

Joan Ross: My name is Joan Ross and I live in the hamlet and I'm very upset that the Town is becoming polarized. And for that reason alone I think we really have to do some deep thinking. This is wrong; this is what happened with the water in the hamlet. I don't think we can just push this through if people are this unhappy.

Jonathan Donald: Jonathan Donald. I don't know what to say; I've said it a number of times before but I think that what is proposed is a far-reaching, and visionary approach to the kind of problems that afflict communities everywhere in the United States today. Population is growing; we've got to do something to preserve the quality of life. I think this does so without jeopardizing people's rights to any measurable degree as far as I can see. The whole business about, you can't sell your land because of these new regulations is absurd to me. I think it's been stated and I spoke to a realtor today in Columbia County that sells a lot of land and she told me that the big sales are being made with large parcels of land. This substantiates, in my view, the kind of thing that Lee was talking about that developers are not interested in the cookie-cutter approach. Some, of course, will always be, but there are greater prospects out there for the subdivision of land that's handled in the way that the Comprehensive Plan and the proposed law suggests. So, I can't think of what to say except that as I and others have said here continually, that this is a good plan; it looks to the future, it protects people more than it hazards them. I don't know what else can be said.

Bob Ross: My name is Robert Ross and I live in the hamlet. I've owned my house since 2000. The concern that I have is that I've heard a lot of people talking about how elaborate the process was to get here. I, too, was on the CPAG. But I think what has happened, as it happens in many issues, is that people come to this room when an action that's proposed or an action that's taken affects them directly. If it doesn't affect them directly this room is empty. There are many times that I've been to board meetings where nothing's happening so nobody's here. The fact is that all these people are here tonight because they have issues. I know that there're two sides to this issue. I support the majority of the regulations that have been put in place except I think there are some that

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are causing, as my wife said, polarization. And that doesn't help the Town at all. So what I suggest is that we take the issues that we have the most disagreement about, put some people and some heads together, and try and iron out those issues so that we don't have the polarization, as my wife said, with the water. We're just healing from that. We really need to look at something that's going to bring us together. Let's get some compromise here because there are real issues that people have. Instead of letting it wind up in the court, let's resolve those issues in the favor of the people because the people need what's going to serve us in the future. I know you've got tax roll issues, but we have tax roll issues, too. I think that the only thing that I can underscore is we need to hold off a little bit, let's resolve the issues, get people together for compromise, then move on. Thank you.

Phil Hershberger: I just want to reiterate our support, my wife's support and mine, for the changes proposed. I've been to a lot of places in the world, have seen a lot of beautiful places, I come back here and I say, you know, this is a very beautiful place. I'd like to see it stay that way. She and I are going to leave right now. She has to get a plane to Dallas tomorrow where there are no zoning regulations and it's a real mess. So I'll leave it to you all.

Dale Hitchcock: My name's Dale Hitchcock, I live in the Town of New Baltimore on 40 acres. I own a commercial piece of property on the 9W Corridor called Albany Tank Services. When I obtained that property, I obtained it under the assumption that it was commercial property. I paid a commercial price for that property. I can't use the excuse that I work too many hours and I can't follow everything that's going on in the town, but just as I think that everything is going to be situated it seems like I get approached by people out there saying they're going to change things. First of all, I think that commercial property that is commercial property now should stay commercial property. And as I mentioned the last time that I spoke, was that you had special use permits. I don't know whether it's just my property or everybody that owns a piece of commercial property. I think that's unfair and I think that it all should be even throughout. I don't think one business owner should be able to do one thing and the other business owner not to be able to do it. I don't think that's fair to business owners in the Town, not to be fair across the board. Don't say this business over here's got to do so and so on their property and when this business over here wants to sell it you're only gonna let somebody come in that you guys want and not what fits the property. I just feel you should take into consideration to be fair across the board to all the business owners in the Town.

Jim Coe: My name is Jim Coe, I've been a resident of the Town for 21 years and I spent 6 of those on the Planning Board so I'm aware of the current code and its inadequacies to cover the kind of situations that come before the Board. It was desperately in need of revisions and I think that what you've come up with is a good compromise, it's consistent with the new Comprehensive Plan and I encourage all of you to pass it and bring us into the 21st century.

Liz LoGuidice: Thank you for the opportunity to speak. I live in Hannacroix, I'm a native of the Hudson Valley, I grew up in Albany, I've lived in Greene County for 10 years, and in the Town of New Baltimore for 6. I've seen a lot of the landscapes that I love destroyed by development. A lot of residential subdivisions which, although we think it's going to bring in a lot of tax dollars for us, frequently residences cost more money than they bring in taxes to a community. So, I've been very proud to live in this community of New Baltimore where we've spent a lot of time and a lot of careful thought in thinking about what we want for our future and then trying to enact zoning that will bring us to that place. So, I'm in support of these zoning changes and I'm also in support of the conservation subdivision even though I own 50 acres and I would be affected by those laws if I were to sell to a developer. I think that sometimes we have the idea that because these regulations are going into effect it means that as neighbors we don't trust each other and I don't believe that for a minute. I think everyone in this room, we're all neighbors and we all have the best idea in our heart for our community although we may

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not agree on everything. And what these laws do is they protect us from people who may come from the outside and not have the best of our community at heart. And I would just like to add that there are a lot of communities in the Hudson Valley that are much more developed than we are and they are now enacting conservation subdivisions even though they don't have the beautiful landscapes that we have at this time. So, by taking this action now we are going to be preserving the assets that we have that are becoming more and more rare in the Hudson Valley. Thank-you.

Sally Russo: I think the way that the meeting has been conducted tonight is indicative of your idea of a fair process, so I'm cut off and someone else is allowed to speak?

David Louis: Take whatever time you need.

Sally Russo: Great, thank-you, David. So basically, my point is this: as someone who attended those meetings five years ago and we all signed in, how could we possibly be in a situation where a member of the Planning Board wasn't even aware that you spent \$40,000, committed to spend \$40,000, on a consultant to make recommendations. I ask you to think about that. If it's such an inclusionary process, why did you suddenly have this bait and switch? Because that's what the processes looks like to me. You keep saying in the meeting, keep talking about in the newsletter, an inclusionary process but for those of us who did show up and sign in at the public hearing you've never addressed that, so when people talk about compromise it feels like we haven't been heard. So I truly believe that any process should be one of evolution, not revolution, and I think you've brought this on yourself. I think you went off and knowingly hired [unable to understand] which felt like a smack in the face for the people who did show up and that were involved in the process over a five-year period, the residents that went and thought it was a positive thing. So, I would hope that there is room to take a step back and take some time to really understand what is for the people. I truly believe that the biggest asset that any Town can have is the people. Every single one of them and every one has a chance to be heard. So, deliver on the promise, make this an inclusionary process, make it so it feels like we're being heard. And there is definitely room for compromise.

Richard Hotelling: Boy, for a while there I was beginning to feel like a minority. You get the feeling this was kind of like a set-up? My family settled this place in 1659, so we go back a little ways. I'm a little upset, I did not receive any survey, and I was never invited to a meeting until this one. I never even knew this process was going on. Now that I got that off my mind, I'm 75 years old and I've lived here all my life. My father, my grandfather, my great-grandfather, my great-great-grandfather, and I feel like a minority in this group, like I don't belong here. My property I set aside an acre and a half for what I call green acres, forever wild, that's at my choice. And I mow the other acre and a half. My neighbor, Chris, has a pond, a lawn but no set-aside. I finish my lawn, I grab a beer and I can watch him work. My point is very simple: I think you people have forgotten individual rights; that's what I'm trying to say. I have the right to do what I want on my land, not yours, not the Town of New Baltimore, it's my land. That's his land; he has the right to do what he wants on his land. I think this Board has kind of forgot that. Going to set it aside. We've got a lot of young people in this Town that have come up with new ideas. Yes, I understand the reason for stifling growth. I don't think it's right. I also think if you continue down this path you are asking for political suicide. Thank-you.

Pat Linger: I lived in Town about 18 years. Somewhere along the line in this last set of maps I noticed my property was added to the hamlet and it's never been in the hamlet. I was wondering why and see if that is being corrected or not. I think a lot of things that are in the zoning ordinance have gone way too far in restricting property owners' rights. Some of the things I do agree with, there're some good changes in it but I would ask that you just take a step back and take another look at it before it's signed into law and past the point to go back. Thank-you.

Tim Walsh: A couple of things I'd like to go over with the Board. First, I was brought up this really is not a conducive setting to a meeting of this importance; it is hotter than hell back and there's not enough chairs. I expect better; I know we can do better. Let's try for the next night. My name's Tim Walsh. I've been a resident of the Town of New

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Baltimore since 1995. I have with me tonight my oldest daughter who is up from the Philadelphia area and have three other children and a wife. My youngest one is sick, that's why my wife is not here. We have family in Greene County, Catskill, and the other family is up in Albany. I'm from Long Island originally, I went to school up here, I love this Town and I'd like one day, as I've said, be buried on the hill with my son who passed away in this Town. This Town is very special to me and I think it's important that everyone feel that sense of pride. I'm here to express my very grave concern about the plan that's being put forth. You've heard me speak at all the meetings that I have been able to get to which has been every one except one since I found out about what's been going on which was July 16, 2008. I don't like this. I did not know what was going on. I did not know til that time. Maybe that's some of my responsibility but the reason you have so many people here tonight, have had so much output and outrage from this, is people are now understanding what's going on. A lot has been said by people that were involved in the working group, Lee, and Alta Turner, about how long the process has been going on, but I think it's important to note that it's not so much the process that went on before the Comprehensive Plan as what has gone on after the Comprehensive Plan, when the idea gathering went into regulation making. That's where it counted; that's where the group got a lot smaller. I'll return to my comments on some of the improvements I think we need to make to the process in a minute. But in all the meetings I've been to I've been told we are doing this because we need to be in accordance with the Comprehensive Plan and I submit to you that we are not. I want to share a couple of my points. David, first of all, back in one of the early meetings back in July you admitted in fact that the proposed revisions are more restrictive. And I'll remind everyone that Local Law [4] is 125 pages long and Local Law 5 is 34 pages long for a total of 159 pages of new regulations. It's costly to administer and [interpret] in addition to being more restrictive. Lee Davis, another member of the working group, stated that the goal was flexibility, not control. I wish I could agree with that, but I don't. These regulations are absolutely more restrictive. It was said by Mr. [unable to understand] that we have population growth and we need to curb growth. Yet the facts that were provided to us and to the working group and all of you, these facts are not unfamiliar to you, indicated that the Town of New Baltimore actually had 1.4% population growth from 1993-2000. I know you're familiar with those facts but that would not be anybody's definition of explosive growth. In addition we have a friend on the Planning Board and my understanding is that in the last four years there's been one major subdivision. I think that the subdivision was done very well. And people look fondly on it. There were other facts that led up to the Comprehensive Plan about building trends and the number of building permits. And that escalated to a high of 15. Again, since 1993, not explosive growth. My purpose here is not to say that history is a predictor of the future. My purpose here is that when one is trying to predict the future, and come up with a plan for the future, one of the main tenets is flexibility and adaptability, the plan that's put forth is much more restrictive than what we had previously. And I think the good people of the Town who have acted on the Planning Board have done a good job and we should continue with that. We have a Town that is unique, that people want to preserve the character of, and we have a process that does that, and now you're proposing to scrap that process that has served us very well and replace that with these overreaching regulations. Personally, it is very much of a take-away to me; that's why you gotten the emotion of so many here. When I bought that 143 acres anyone in this Town could have bought it, many people looked at it, most didn't want it. Now it's not a showplace now, but compared to what it was it looks a whole heck of a lot better. And she's one of the children who helped cut it, helped mow it and do all the other things and now when people ride by they get a chance they like to look at it. Now the Town is going to tell me that if I ever had to sell, I don't want to, but if I ever had to, I've got to give away 50% of the land. It's not right. Now, if I had subdivided the land previously, had it in 10, or 12 or 20 acre parcels I'd have a whole lot more flexibility. But that's not the case. I think it's just wrong. There is a section of the Comprehensive Plan, it's on page 29, that talks about the process. I think this is very important that we all think about this because much has been said about 5

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years of people involved in planning, et cetera. And I think it needs to be said that was by people involved in that part of the process. But now that it's coming to rulemaking and regulation that we will have to live with and endure, now people that really have an interest ought to be involved. The working group really did not have a large constituency of any landowners or business owners. No one whose financial future was tied to a business in this Town or that was really going to be disrupted by the regulations on a major subdivision. Yet the Comprehensive Plan, that we are trying to serve, suggests that the first step of the implementation was to set up three committees that the Town should do that. An Economic Development Committee, an Agricultural Committee and a Zoning Committee and the purpose of that was to branch back out to people that would be impacted and augment the abilities of the group. That wasn't done. That's why you've got the outrage. And I think the process was unfair. And I haven't said this to you before but I need say it now, David, the fact that you and Arlene who are on the Town Board now, the body that gets to vote on this, also were on the authorship of the Plan, it doesn't meet any measure of fairness or justice. It's just not right. Those are my points. Thank-you.

John Wallner: Resident of the Town for 17 year, and member of this Board for 5 years, served on the Planning and Zoning Committees, I think I chaired that, chaired the Promotion and Economic Development Committee, not an easy job you have sitting up here now. When we started, Arlene and I talked about this, I think before anybody else was on the Board, David you've been here before but I talked about 2 big things. How can we grow businesses in the Town and how can we preserve the environment of the Town and how can we reconcile those things? And it gets a lot harder when you get down to the details and I recognize that and I just want to say that I applaud everybody on the Board, everybody in the community, everybody who showed up to make points. You asked me to speak specifically to commercial zoning so I'm going to take and put on my owner-of-a-business-in-New-Baltimore hat. I've had a business in New Baltimore for 8 years and mostly the experience of having that business in New Baltimore has been a good one. I did have 3 problems with the Town, everyone was very friendly, the Code Enforcement Officer who showed up on my doorstep, the Building Inspector who showed up on my doorstep, were all very friendly, but I will tell you that when that happens a business owner is concerned. No matter how friendly the process is, we talked about going before the Planning Board, how friendly the Planning Board is, but the job of the Town Board is to make sure a lot of people don't end up taking their time with the Planning Board or the Zoning Board or the Building Inspector or Code Enforcement. I very much support the two local laws that are here now. But I want to talk about an aspect of that that I don't think has come forward much in the several meetings I've attended. That is just how pro-business these local laws are. When we were trying to attract businesses to the Town in Promotion and Economic Development Committee, it was clear that no matter how friendly the Planning Board was there were an awful lot of rules that were open to interpretation. What this law does, it spells out an awful lot of things that you can do and how you can do those things and if you do those things you don't have to take the time to explain it to the Planning Board and to go through a lot of details and have someone make a judgment about whether you can do that or not. It is much easier within 75-80% of people who want to open a business or expand a business, change a business on the Route 9W Corridor to do so under this law because it's clear and it's a faster process you don't get bogged down before an admittedly friendly Town Board or Zoning Board or Zoning Officer. It's a point that I don't think has been brought out all that well, so I wanted to take the time to make that here. The second thing is and going back to the time I spent on the Town Board and chairing things relating to Planning and Zoning Committee, we don't want to have our Planning Board and our Zoning Board involved in every little tiny business development. We want our PB to spend its time on the things that count, development around Exit 21B, future things that can really change the way of life positively here or if there's something that's proposed for development, I think most of us agree a dump is not a good thing, for example. I personally wouldn't make it easy to put some of the businesses we have here in my backyard, but they're

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here, they're grandfathered in in this. This makes it easier, this process has done a good job at making it easier to do business here. So, I will keep my points right on and leave you in peace and thank you for getting this far.

Paul Schiller: Local landowner; I'd like to echo what Lee Davis said earlier about the process that was started 5 years earlier, which truly reached out and included a good cross-section of the Town in support of that Citizens' Planning and Advisory Group. It went on to the Comprehensive Plan of which the public had plenty of opportunity to comment on and to review and passed. I think the process changed when it got to the stage of writing of the law. And when a person is asked a question in a survey, "are you for open space?"; it's the kind of question that draws an answer like, "do you like fresh air and apple pie?" Sure, everyone likes open space. And I will argue that the large landowners in this Town, by choice, bought land to have open space around them. This law takes away their choice to change their mind about that in the future. I really believe that's the heart of the issue here. That a law can take away your rights and that it can take away the value of your property, something that you may be relying on for your retirement. Many people look to investment property as a long-term investment that they can liquidate in retirement. I've said in the past at different meeting, that if the Town is interested in some progressive zoning including larger tracts and conservation districts, it should be a choice. I think you'll find developers that would step up to that; would recognize it as a nice way to go. But it's their choice and the people, who will have to pay higher prices for that land, it will be their choice. But to take away the existing zoning that was designed, 2 acre zoning was designed for sanitary reasons to make sure that people's septic systems did not pollute their wells or their neighbors' wells. Since those standards were written the standards for septic systems have greatly increased in their quality. So there's even less need for worrying about sanitary reasons and pollution. I don't think it's a valid point to drive around the countryside and say for some reason that 2 acre zoning is some kind of horrible, overcrowded type of blight on our community. It just isn't. I think Mother Nature provided this Town with so many obstacles to dense housing, we have ridges, wetlands, we don't have municipal water or sewer, I just don't see it as an issue. I can see developers who would love to do larger zoning, larger parcel zoning, let them do it by choice, and if you really want it to happen, give them an incentive like Cocksackie does, instead of adding more restrictions, demanding hydrological studies which cost \$100,-150,000 which really serve no purpose in my view of things. When you're on large rural parcels you either have water or you don't. If you don't have water, an individual is not going to build there, they're not going to get financing from a bank. Cocksackie wrote a law that if you're going to go with 5acre zoning, they eliminated the need, this is for a major subdivision, they let you stay with the same rules of a minor subdivision. You still need to follow all the standards of building your roads and utilities and obviously code requirements, but that was the way to lower the barrier for something that they desired. And it's working. I know of at least two more recent developments that took advantage of that and they're nice developments. They're large winding roads, large lots. That's what this planning, what planners are looking for. I just want to say please consider the process. I think the turnout that's here and strong negative reaction for what's here should speak volumes as to what the citizens think of it. Not in the discussion process of the questionnaire and the planning process five years ago, but as it is embodied in the proposed law. Thank-you.

Janet Angelis: I'm a relative newcomer to the Town, about the time the CPAG was formed. I didn't know anyone when I moved here, and I'm here mostly to support this but to say I have felt through these five years I've been informed about the process, both the CPAG, the Comprehensive Plan, the open meetings about the proposed zoning bylaw changes in the last few months. I compliment the Board on that. I've learned about it somehow so it had to be through whatever advertising and promotion that the Boards were doing. I learned about it, I followed it, I took part in it to a certain extent, I have nothing at stake in it, other than I'm a taxpayer and resident of this Town and I love this Town. And I think it's in all of our best interests and I urge you to pass the regulations.

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Don Ogden: I must be an old-timer round now. Just lived here 60 years [unable to understand] David, and the rest of you people up there, people complain, say they didn't know about this, and that's not unusual because when things first start out they're kept kind of quiet. First thing you know, it all snowballs and people are getting to here about this. One thing I would like to say is I don't like this at all, I agree with a lot of the stuff that's been said. And I feel that you've got more than you can handle right now without starting something like this. We've got codes that you don't even look at. I ask all of you take a ride up County Route 26 where the Coxsackie Town line is, Town of New Baltimore, and the first thing you see is a house falling down. There's a code that says that shouldn't happen in New Baltimore. You drive up a few yards [further] there's a [unable to understand] falling down. You go all the way to the Greenville line on County Route 26, a one-road Town, and that's what you see all the way up through there. I feel the Town should try with what you've got and never mind playing games here. I'll bow out in less than five minutes [unable to understand].

Bill Albright: I'm going to suggest that the commercial part of this ordinance, not being a large landowner here, my name is Bill Albright; I'm 50% owner in a business on 9W called CA Albright and Sons which has been in my family since about 1930. The main thing that I want to say is over the years, my grandfather, my father, myself, my partner the reason we've been able to stay in business on that piece of property on 9W is flexibility. This law, in my opinion, takes all that flexibility away. It doesn't allow people to change when they need to change. There's very limited ways to do anything differently on any piece of property. I think if this was the case in years past we would not be here. I think it's wrong, I think it needs to be reconsidered. Thank-you.

Bob Knighton: For the record, since this is a separate hearing [from November 3, 2008 7:00pm Local Law 5 of 2008] I would ditto my comments from the previous hearing, I will not repeat them. I do want to address a few things that I heard this evening that didn't ring quite true with my understanding of some of what's been going on. Somebody said that conservation subdivisions were theoretical model that don't apply here. First, it's not a theoretical model. It's a model that's been implemented hundreds and hundreds of times here in the United States; it's not a European model, not an English model, it's a model that's been implemented repeatedly here. They said it doesn't apply to New Baltimore. It's been implemented in many communities that have a lot of similarity to New Baltimore. It's not a suburban thing, not an urban thing, it's essentially a rural thing. It does apply here. There was a criticism that Town Board members should not have been on the committee that drafted this law. Part of the responsibility of Town Board members is implementing local laws for the community; to have a committee that drafted those laws and not have the Town Board members participate on that committee would have been ludicrous. Clearly that was appropriate for them to be there. Somebody said, "I have the right to do with my land what I want." There's an old legal saying that says, "my right to swing my fist ends where your nose begins," and I think that applies in a lot of ways to land because very much of what someone does with their land affects their neighbors. If they could develop their land without having more people drive on the roads, if they could develop their land without having people have to make fire calls, without having them send their kids to school, then it wouldn't affect the rest of the community and they ought to be allowed to do what they want with their land. But that's just not the case. Someone suggested that the level of detail in the Comprehensive Plan doesn't support the level of detail in these proposed regulations. I submit that a Comprehensive Plan is sort of like the general outline of your house for you to look at when you are deciding where you want the bathroom and how many bedrooms, but it doesn't show the all the detail of the electrical plan, the plumbing plan, the window plan. If all that were in the Comprehensive Plan, that general plan, it wouldn't work. So it's appropriate to have a very general level in a Comprehensive Plan and then you develop the details as you would develop the individual plans for the components of your house or the components of the laws. So, with that said, I want to urge the Town Board to approve these regulations. Thank-you.

David Louis: Other speakers? Going once, going twice. We're going to now undertake a resolution to adjourn this hearing to Wednesday.

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Attendee: Can it be held at a larger area than the Town Hall?

David Louis: It's scheduled for here, and it's been noticed for here so it will be held at the Town Hall. [He read]

**RESOLUTION
NOVEMBER 3, 2008**

**RESOLUTION ADJOURNING PUBLIC
HEARING ON LOCAL LAW NO. 4 OF 2008**

WHEREAS, the Town Board of the Town of New Baltimore noticed a hearing for tonight, November 3, 2008 and has afforded those in attendance an opportunity to be heard, and

WHEREAS, the Town Board intends to allow the public additional time to present comments and statements regarding Local Law No. 4 of 2008,

NOW, THEREFORE, BE IT RESOLVED that this public hearing is adjourned to November 5, 2008 at 7:30 p.m. at the Town Hall, County Route 51, Hannacroix, New York.

Councilman Norris moved, seconded by Councilman Kuenster. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

Roll Call Vote

Kuenster- Aye

McKeon- Aye

Norris- Aye

Byas- Aye

Louis- Aye

Adopted

The public hearing was adjourned at 9:20 p.m.

Respectfully submitted,

Janet A. Brooks
Town Clerk