

**SPECIAL MEETING, WARRENSBURG TOWN BOARD, MARCH 16, 2010**

A special meeting of the Warrensburg Town Board was held on Tuesday, March 16, 2010 at the Albert Emerson Town Hall at 7:00 p.m. with the following members present:

**PRESENT:**

Supervisor	Kevin B. Geraghty
Councilman	John Alexander
Councilman	Dean Ackley
Councilman	Austin Markey
Councilman	Bryan Rounds

**OTHERS PRESENT:** Donna A. Combs, Town Clerk; Edward Pennock, Highway Superintendent; Mark Schachner, Town Attorney and numerous other town residents.

**RESOLUTION #85-10  
MOVE TO SCHEDULED PUBLIC HEARING**

On motion of Councilman Markey, seconded by Councilman Ackley, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

**IT IS RESOLVED,** that this meeting be interrupted to hold a public hearing advertised and scheduled for this evening at 7:00 p.m.

**PUBLIC HEARING – PROPOSED AMENDMENT OF WARRENSBURG  
ZONING MAP**

A legal notice was printed in the Glens Falls Post Star on March 6, 2010. The content of the legal notice was read into the record.

Supervisor Geraghty – I’ll ask the clerk to read the legal notice please.

Donna Combs, Town Clerk - Notice of public hearing on proposed amendment of Warrensburg zoning map. Please take notice that the Warrensburg Town Board will hold a public hearing on March 16, 2010 beginning at 7:00 p.m. at Emerson Memorial Town Hall, 3797 Main Street, Warrensburg, New York concerning a proposed amendment of the Town Zoning Map to rezone a portion of an approximately 1.16 acre lot located at the corner of Main Street and Stewart Farrar Avenue to permit operation of a convenience store. The property is currently located in two different zoning districts, the Professional Multi-Family Zone and the Hamlet Commercial Zone. The proposed rezoning would result in the entire parcel being within the Hamlet Commercial Zone. Permitted uses and dimensional requirements for the Hamlet Commercial Zone are included in the Town of Warrensburg Zoning Ordinance. At this time and place all interested parties will be given an opportunity to be heard. A copy of the petition for a Change of Zone is on file for public inspection in the Town Clerk’s Office at Emerson Memorial Town Hall, 3797

Main Street, Warrensburg, New York. Donna A. Combs, Warrensburg Town Clerk.  
Published March 6, 2010.

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Supervisor Geraghty – Okay, with that said I think I'll state the rules for the public hearing. Comments will be three minutes in length. You get one chance to speak to the Board. We don't need multiple chances and I will do the timing and I'll ask that you keep, keep your topic to the zone change. So with that being said Mark, I guess we can begin our public comment period. So, please, you must come to the mic. State your name because it's part of our recording device and so Donna can get it for the record. So, anybody wishes to address the Board on the zone change please come up, state your name and address for the record and you have three minutes. Thank you.

Bill Massaro – My name is Bill Massaro. I own Adirondack Rustic Interiors, a business here in town. I find this whole issue very troubling that the town would consider a zoning change to accommodate a gas station convenience store amongst historic bus... buildings when the opportunity exists to improve the town's image by means of developing the existing Stewart's facility along with the vacant Potter's Diner property. There should be no reason to allow a gas station amongst elegant and historic bed and breakfast businesses. The customers want the experience of going back in time to an era when of grandeur and elegance. They're not staying at a chain hotel on the interstate. Going ahead with this proposal would just add another vacant building to the existing growing number of businesses and vacant structures already in town. The intersection where the existing Stewart's is at currently is the perfect spot for travelers entering town and a clean, fresh facility would certainly be a positive first impression of our community. If this is permitted where's the next gas station, convenience store, or fast food place gonna be positioned in town. That comes to mind, a question comes to mind, what provisions and safeguards exist to protect structures in areas of historical importance in this community. This town's already lost way too much of its past. Does Warrensburg have a long term business plan? (Tape inaudible), scattered development will not improve this town. Warrensburg is in direct competition with many surrounding towns, communities, Bolton Landing, Lake George, Lake Placid, Saratoga, all of which are doing an excellent job cleaning up their own set of these structures making it enticing for visitors and business development. Warrensburg needs long term goals. I encourage the Board to do what's right for the town by assisting in negotiations to develop the existing Stewart's facility along with Potter's Diner property. It's apparent all options have not been explored. Thank you.

Supervisor Geraghty – Thank you.

Deborah Lawson – My name is Deb Lawson and I'm the manager of Warrensburg Health Center. I just have a couple things I'd like to share. One, I think it's very important for

the town to approve the change in zoning. It will enable us to sell the property to Stewart's. The money from this sale will help the Health Center in many ways in that ways that are vital to the people that we serve. Also, about 125 people work at the Warrensburg Health Center. Many of us live outside of the town limits, but we spend a lot of our paychecks here in Warrensburg. We shop at the Grand Union. We buy cars in town. We service our cars. We order lunches from all the different restaurants. We, we

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support a lot of the businesses here. We're asking for help to help take care of our patients and your townspeople and the people in the surrounding towns. Thank you.

Supervisor Geraghty – Thank you. Anybody else wish to address the Board?

Ruth Fruda – Good evening, I'm Ruth Fruda. There must be a compelling reason for changing the zoning on a parcel of land. There is no compelling reason to change the zoning on Elm Street Stewart Farrar Avenue property. It is in a quiet residential neighborhood, and rezoning to commercial would greatly increase the traffic flow and create a dangerous safety issue for our children. What we really need is good planning for our community. The recent comprehensive plan survey shows, shows that the moderate income housing and mid-level senior housing are by far the two greatest needs in Warrensburg. It is logical that residential developers would soon take advantage of the opportunity to build attractive residential housing units in a style that would be compatible with the neighborhood and would add generously to the tax rolls and fulfill a natural need. This property was zoned residential professional for a good reason. Let's keep it that way.

Tina Sackman – My name is Tina Sackman. I'm not really on my behalf. This is Reverend Lucy Harris of the Presbyterian Church asked that I read this. It says "Dear Sirs, I am writing to express my concerns about the proposed new Stewart's location on the corner of Main Street and Stewart Farrar. In my view there are three areas of concern. I am worried about the impact of such a development to my congregation, my own quality of life and also the surrounding community. First, my congregation. There is the obvious question of where they will park once the Stewart's Shop takes up the opposite side of the road. Many of my old parishioners will find it difficult to park two blocks away and have to walk, especially in the winter. Second, gas stations convenient stores are noisy. The increased sound of trucks and cars and people chatting across the street is potentially very disruptive to our worship services. Second, my own quality of life. I live in the parsonage on the corner of Main and Stewart Farrar opposite where the gas pumps would be located. During the time that I have lived here one of my favorite ways to unwind has been to sit on the porch and watch the weather, the sunset and the critters in the field across the street. That would end. In addition, the increase in traffic that the store would bring would render my driveway essentially useless, and I doubt that I would be able to during daylight hours back out of it. Finally, the wider community. I am

concerned first of all about the pedestrians, especially the school children who need to cross Main at this, Main Street, at this intersection. Already this can be a risky proposition some time, but the proposed development would exacerbate this problem immensely. Also, has anyone considered the reality that a new stop light would have to be installed? Will Stewart's pay for that or will it fall to us the taxpayers? If a stoplight was not installed surely there would be more accidents at this intersection which is dangerous enough already. Finally, there is my concern about aesthetics and environmental stewardship. Do we really need another gas station on Main Street? Do we want to tear down and pave over one of the few green spaces that we have left in town? I

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believe that the proposed development of the lot by Stewart's Shops will bring far more curses than blessings to this town. So, I urge you to reject the bid to have the property rezoned and protect this lot from this sort of development. Thank you for my consideration of my thoughts. Bless and peace, Reverend Lucy M. Harris."

Supervisor Geraghty – Thank you.

Teresa Whalen – Good evening, I'm Teresa Whalen. In 1987 the town of Warrensburg adopted its first master plan. As a result of this major planning initiative the zoning ordinance law was born. In 1992 an inventorying process began of the town's historic and cultural resources. This tremendous undertaking led to the State and National register listing of the hamlet of Warrensburg historic district in 2000 and 2001. This district, the largest north of Saratoga and to the Canadian border, includes over 428 historic resources. These efforts over the years have laid the groundwork for future planning. Goals were clearly defined to respect and preserve our resources, to guide the direction of our growth and to encourage economic development to strengthen our tax base while not compromising the integrity of the town's rich history and bountiful natural resources. Besides being within the hamlet of Warrensburg historic district the parcel of land located between Main and Elm Streets on Stewart Farrar Avenue is also in the heart of the South Main Street historic district designated by the New York State Department of Transportation prior to the Main Street revitalization project of 1995. These designations have afforded this area levels of protection from inappropriate development triggered by the need to file certain permits and licenses with State and local governments. The residents of Warrensburg are concerned about the historic character of our town and its value of those who live, own businesses and would potentially invest in our community. If the enforcement of our zoning ordinances is considered weak, if exceptions are made to suit whatever potential investor approaches the town regardless of the negative impact that may be associated, and if our community does not come together with an organized plan to market all the assets that Warrensburg has to offer then we truly are not in harmony with our past nor are we learning from it. We need to learn from our past, act in the present and plan for the future of our community. Usually quick fixes are not the answer. As we have seen time and again as businesses come and go, investors pass us by

and our taxes increase as a result. The Warrensburg Comprehensive Plan Committee has been working for the past four years to update the Town's original master plan. Much work has been done by the volunteer committee inventorying existing information, gathering input from various sources and evaluating the current needs of our community and its long range objectives. The action of this Town Board as lead agency for this rezoning determination will either support or undermine both past and present planning efforts. Let us look toward a long term solution and lay the ground work now for future generations to inherit a revitalized community that we are all proud to call home. Thank you.

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Regina Porter – My name is Regina Porter, and I'd like to speak for the relocated flatlanders amongst us who chose to live in this beautiful town, weren't born here. And I've been here for over 30 years, and I'm getting long in the tooth, and what I think would be really grand if you could take that property, get a developer interested in putting moderate income housing there. And I've seen what they've done in Glens Falls when they took down that really terrible low income thing they had down there and put up these charming little row houses which I think a row of those in that corner, an L shape kind of a thing you could do, would be a big help because what we're ending up doing, I'm getting a little too old to stay in my house. I hate to go, and I hate to leave Warrensburg that I have come to love. I think if there was some moderate income thing that I could move into and stay in Warrensburg that was in walking distance of all my needs, the banks, the churches, the... all those things that you need, even the pizza shop and Jack Toney's and heading south the Town Hall and things like that. I think that would be a great service to our elderly people, and the alternative is for us to plan, if we have the money, to go to one of those concentration camps that they have for old people now which they call adult communities. Now I have visited them. I shopped them, and I want to tell you I don't want to spend my life looking at all those old people (tape inaudible) up and down the corridors. I mean I love the fact that I'm sort of the unofficial neighborhood grandmother. I love the kids poppin' in. I love teenage (tape inaudible) stop by. Why do I have to... There's nothing in this town for me as an old, single person. If we had some kind of moderate income with a preference to seniors, it would be on the tax rolls I would figure. I mean I don't think it ought to be tax free. I think it ought to be some developer who could see the future in that. And, I'd just really love to stay.

Gary Cooper – Good evening, Gary Cooper resident of Warrensburg. I do believe Stewart's has a picture or a drawing of their proposed building. If they do have it with them is it possible they could put it up here on the board for everybody to look at. I don't know if everybody drove down to Lake George to look at their new building that's supposed to fit in the parameters of what is in the area around it. But, if you drive up

Main Street in Warrensburg and you go through and see some of the buildings left and right Victorian buildings, Victorian homes, bed and breakfasts, private residence that have been maintained over the years, if we look at this picture I do not believe that conforms to the area that they're proposing to put it in. Secondly, secondly I'd like to say that the lady spoke from Hudson Headwaters and they're looking to give the money, invest the money that they make off Elm Street and Stewart Farrar and put it back into our community. I would like to see that, but in the mean time they have taken a lot of the jobs that were once sitting in the old post office that they've used for approximately 10 years and they have moved those jobs to Queensbury. If anybody has been off exit 18 and went to the new Stewart's over there, right behind the Stewart's is also a big beautiful Hudson Headwaters Network facility which really would have looked sweet on that corner. What do you think?

Unidentified speaker – It says it all right there.

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Gary Cooper – Please take the time and see how much money they have invested, the Hudson Headwaters Network, invested in that piece of property down there off exit 18 when it could have been done right here in town, kept the employees here as well as added more employees. I think that would have been more beneficial to the town. And I also want people to realize in the community that this town pays and allocates anywhere between \$80,000 to \$90,000 to take care of our own building. The Town of Warrensburg owns the Hudson Headwaters building, and we pay \$80,000 to \$90,000 a year to heat it, to pay the electricity, to mow, to plow, and I would like to know when does it begin for Hudson Headwaters to give back to the community.

Paul Gilchrist – I'm Paul Gilchrist. I'm a member of the Library Board and president of the Historical Society. You've received letters in opposition to this rezoning from both those organizations. I'd like to make my own comments. You've also received a letter from me. Those favoring the rezoning argue that it will add to the town tax base, but it's a very weak argument. If Stewart's were assessed at say one million dollars it would contribute \$3240 to the town's 2.6 million dollar budget. That's \$.69 for each resident of the town. That's a pitifully small return in exchange for ruining this town of Warrensburg. If the assessment were 1.5 million the tax would amount to only \$1.00 per resident. A lot of people would gladly pay \$.69 a year or \$1.00 to preserve the center of town's character. I'd like to mention the curious fact that Stewart's current property pays only 2/3 as much tax as the run down Potter's property and only 60 percent as much as the defunct White House Lodge. Potter's pays 50 percent more and the White House Lodge pays twice as much as Stewart's. In my letter, which you have, I pointed out the Stewart's petition, which they've had in the store, collected signatures under false pretenses by deliberately misidentifying the lot in question for the rezoning and by claiming that it was already zoned commercial. The petition should therefore be disqualified. You'll find more

details in my letter. The Town Planning Board meeting two weeks ago was a travesty. They allowed a non-applicant to speak in favor but let no Warrensburg people speak in opposition. How do you make good judgments if you hear only one side of an issue? What if our courts operated that way and only listened to the plaintiff but not the defendant? Planning boards in other towns routinely listen to the public. Why not in Warrensburg? The Board tortured logic to say that commercial lots up the street, that front on Main Street including the Grand Union Plaza, justify rezoning a lot on Elm Street. It was the intent of the current zoning plan to prevent Main Street commerce from encroaching into residential neighborhoods. Instead of being a watchdog and guarding the land use plan the Board went back, bent over backwards to be a lap dog. They even tailored a list to exclude all uses except those Stewart's would need. We're aware that some members haven't attended the required training sessions. The Town Planning Board deferred traffic and safety issues to the County Planning Board, but the County Board did not even know that Elm Street and Library Avenue are County streets, and they sent those issues back to the Town. So the buck was passed and those issues have never been dealt with by either Board. The best thing now is for the Town Board to postpone a decision tonight and to send the matter back to the Planning Board with instructions to hold a public hearing, hear both sides of the case, give full consideration to

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traffic, safety, parking and the historic district and develop the information needed for a decision by the Town. Thank you.

Jane LeCount – I'm Jane LeCount, and I'm also a Warrensburg real estate broker, but I have some strong reasons for not, for the changing of the zoning should not be done. First of all I live very nearby, right close by, and I don't feel it's necessary to walk 100 feet to get an ice cream cone, and since relocating LeCount Real Estate from my home my husband and I are really enjoying that house, our home, for a change by walking through the neighborhood to the park, the library, and with Stewart's as a neighbor and the traffic I can see myself shakin' this quite a bit. Second, as a Warrensburg real estate broker the value of properties will decline, not only on Elm Street which even now are difficult to market because this, this commercial project will affect the value of property throughout Warrensburg, throughout Warrensburg historic village, one of the main reasons that people come to live in Warrensburg. Third, I'm very disappointed with our current Planning Board. Planning seems to have gone awry in Warrensburg. They're supposed to be planning for the future. Why are they even consider changing the zoning in this one quiet residential street? If this is such a hot issue that a decision cannot be made and they pass the buck from one Board to the next Board to the next Board to the next Board where is it going next? Thank you very much.

Howard Nelson – Hello, my name is Howard Nelson. I'm actually delivering some comments for John Rugge who's the CEO of Hudson Headwaters who could not be here tonight. To be sure, the Town Board is facing a tough decision. There are competing

interests involved in the proposal before you tonight, and you have the responsibility of choosing one set of benefits over another. As we all know certain local residents, many of them my friends and my patients, have expressed deeply felt concerns based on an anticipated loss of historic character of downtown if Stewart's were to move to the corner of Stewart Farrar and Main Street. I understand that historic preservation is a worthy cause yet so is protecting the future. Please know that Hudson Headwaters has proceeded with this sale in order to raise the funds we need to undertake a major expansion, our fourth, of the Warrensburg Health Center. This expansion will mean more healthcare and more jobs in Warrensburg. Protecting community character is also a worthy cause but maintaining character for the people in this town includes keeping taxes under control and quality of life affordable. By all accounts, selling to Stewart's will add value to the Town's tax rolls while ensuring the continued presence of a good corporate citizen as a very successful taxpaying neighbor that will invest a million dollars in its new location. I would like to clear up a few points of recent history having to do with Hudson Headwaters ownership of the property. We acquired the former U.S. post office building nearly 20 years ago to service our network billing office. A decade later, we acquired the adjacent lot that borders Main Street. It was never intended as a parking lot. Our plan was to make space for a second health facility in Warrensburg as we seem to be landlocked at the Health Center, and we're already pressed for space. Our ideas for the future changed when we were able to purchase and renovate Engle's Department Store, now the Albert

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R. Tucker Clinical Services facility. We were also able to secure additional parking and to lease the former Charlie's Shoe Store as our network training center. Last year to keep up with sweeping changes in health technology we adopted a new highly computerized billing system. While this changeover has entailed downsizing our billing staff, this transition will also lead to new jobs caring for patients if we are able to expand the Health Center. We have plans in hand to double our woman's health program, to enlarge our pediatric area and to create new office space for behavioral health. Upon your approval at a future meeting construction would start this summer with completion by years end. The new addition would be a Town owned asset with Hudson Headwaters picking up the new operating costs. Back to town historic character. For 34 years Warrensburg has enjoyed the availability of primary care services seven days a week and six nights. For 20 years that mix has included dental care for patients rich and poor. For the last 10 the Warrensburg Health Center has seen an expanding menu of specialty and ancillary services. We know people who have moved to Warrensburg because they can be sure of getting the health care they need here no matter what. With this town's support through the years, the Health Center and the Health Network have grown. Now, once again, we're ready to do more. Fifty thousand visits in 2009 and 125 staff here in Warrensburg are fine, but there is still more need, and we want to meet it. We want the Warrensburg Health Center to continue to grow as the hub and referral center for our entire North Country

service area. With your support tonight we'll be able to take another big step forward. Thank you.

Kathy Ferullo – Hi, my name is Kathy Ferullo, and I'm not here to decide on whether that should be there or not, but I did take, I was a little distressed at what Gary Cooper said as far as when is the Health Center gonna start giving back. As far as I'm concerned they have been giving to this town for as long as they've been here. Just try closing the doors and see where the people would go. If we didn't have that would people move here? And they say, wow, we've got a health center that's right in our neighborhood. That's very important. That is a selling point for every real estate building, home or anything in this town when you have a health center. I've known John Ruggie for 40 years when he started up in Chestertown, and he has been there for my family for all these years, and he's been here for all the families here. And, if you look at any health facility, whether it's Glens Falls or Saratoga or in Albany, everything needs to grow. We need to grow with the medical future, and if we're gonna stifle them, whether it be on the corner of Main Street or not, we can't stifle them. They are forced to go down to exit 18 because they didn't have the area here. If they did they would have stayed. So, don't say when are they gonna start giving back because they've been giving ever since they've been here, and if whether it's there or someplace we've got to give them room to grow so that we have something to offer the people that come and choose to move and to stay here.

Gary Cooper – May I have a 15 second rebuttal?

Supervisor Geraghty – No. The rules are clear, and I'm sticking to them.

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Pam Ladd – My name is Pam Ladd. I just, you know, listening to all these comments I'm seeing the town shunning the two places that have been it's main support for so long, Stewart's and Hudson Headwaters. I think everyone talks about Elm Street for this site; I think it's more of a Main Street site with Grand Union, other stores right across the street. We've gotta move forward. You know nobody's gonna build another old house there. It's gone, and Main Street is business now. Keep the Elm houses you know farther away, but I just don't see where... I just had to you know just get up and say I support Stewart's. I support Hudson Headwaters, and I support future growth for this town.

Jenny Massaro – Hello, my name is Jenny Massaro from Adirondack Rustic Interiors in Warrensburg, and I think everybody's losing sight. We're not against the Health Center. We're not against Stewart's. We're just, ya know, it would make all the sense in the world to stay at the existing, where they're at, expand along Potter's Diner there, ya know its dilapidated looking across the street. If everything was freshened up it would be a positive thing for the town. I really feel so. And, I just think Main Street, the corner of Main, would be much better. I mean why go in the historical end of town, create more

traffic, and from what I'm hearing from everybody else, a lot of people are also for that. So, I just wanted to put my two cents in. Thank you.

Supervisor Geraghty – Thank you. Anybody out in the hallway wish to comment?

Chuck Bederian - Yes. Hi, my name is Chuck Bederian. I live here in Warrensburg. I've been here most of my life, and such a concern with Stewart's. It's not the Stewart's business. It's the property. No one did anything to save the house, historical house, that was on that lot. No one did anything to restore the soil and conservation building that was too dilapidated in the historical district. No one's doing a thing about the loss of the bridge next to my business on lower River Street which is in the historic district. No, it's going to the times of modernization, and people have to realize that nobody's gonna build a Victorian house on a lot with the value in Warrensburg. And, it's open for business, and that's what we expect to see. And, that's what we all need. People do not generate money for the town. Businesses do. Businesses or people are a burden... excuse me... people are a burden to the water department, the highways, because the residents do nothing except for live in their homes. The businesses supplies the higher tax bases and helps support those things so it makes it livable in a community, and without a business of the size or Stewart's or Hudson Headwaters we wouldn't have nothing. (Tape inaudible) taxes are bad enough now. What are we gonna do if there's not here in town? Close up shop? Move to West Stony Creek somewheres? That's my opinion. Thank you very much.

Supervisor Geraghty – Thank you.

Eileen Frasier – My name is Eileen Frasier. I own one of those old houses on Main Street. Happens to be a bed and breakfast. I've been here for eight years. I've given back

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to the community for eight years. I've served on Boards for the Town. I've served on a Board for the County, and I've also paid every year close to \$8,000 in taxes. That's land tax as well as school tax. And, I think Paul made a good point. And, I'm just going to summarize a couple of points that I heard. I think Paul made a good point about people paying taxes. I pay more taxes than Stewart's pays taxes at their current location, and if you look at the Emerson House Bed & Breakfast, she pays more taxes than Stewart's pays at their current location. So, as far as taxes I would like the Board to really take a look at and investigate, when you think you're going to be making a lot of money on this property in terms of tax revenue, and if you all think your taxes are gonna go down tremendously I would say you really need to check it out before you make a decision. So that's one point that I have in terms of taxes. Another is I think the Church has made a compelling point about children that cross that street. I can tell you from my property I see the kids crossing the street in the morning. Now I'll tell you what else I did. John

Alexander had a funeral a few weeks ago. I went out on my porch; it was also the time when there was a terrible storm. I have it on my cell phone if anybody would like to watch it. I took a video of the traffic trying to come out of Stewart Farrar, people trying to make a left, people trying to make a right, and the National Grid trucks going down, other trucks coming up. This is in the winter. Can you imagine the summer? So, I just think that there are a lot of reasons, and ya know, I agree with Hudson Headwater is wonderful to have in this town, and I think Stewart's is wonderful to have in this town. So I think we need to defocus. It's not about Stewart's. It's not about Hudson Headwaters. It's about that property, and that property is adjacent to beautiful homes. And, I realize that it would bring revenue into the town. I wish Jack Toney and Rick Galusha had not done what they did. I wish they'd go back and try to negotiate with Stewart's so that they can stay where they are, and the town would work with you to make that a great spot for everybody so that it satisfies everybody. My concern at the end of this is that some of us will end up leaving Warrensburg and some of you will probably say, good, leave, but that's not what it's about. I moved to Warrensburg because my mother was born here. Most people don't know that. It's not important. But, I moved to Warrensburg because I liked Warrensburg. I've given back to Warrensburg and other people on the street have. All I'd like to say is it's not about Stewart's, it's not about Hudson Headwater, it's about preserving our history and yes, looking into other avenues. I know (tape inaudible) talked with... What was his name? at the County meeting?... Shawnberger? Schemerhorn, Richard Schemerhorn, and he said he'd love to do some development. So I think it's out there. We just need to make an effort to do something about it. So, I don't want to walk away with people being angry with me because I'm speaking out. I just think that we need to think about the future of the town as well as current, but please folks if you think your taxes are gonna go down, they are not. Thank you.

Robin Richards – My name is Robin Richards. I'm a lifetime resident of Warrensburg, and I have some concerns in regards to there's talk about safety. If anybody went back and checked the records of how many accidents currently have been involved in the area where Stewart's is now, and I respectfully appreciate everyone's concerns and opinions, and they have a right to those, and there's a lot of (tape inaudible). However,  
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Warrensburg does need to look to the future. I grew up in an era where there was (tape inaudible), Doctor Cunningham, Doctor Lawrence, house calls. Those things don't happen anymore, but it doesn't mean that... I think that they would want this community to go on and Walt and Marty Herman's little store, mom and pop stores. Those were great things about Warrensburg. And, it's better to look at the situation when you have options and you have an organization like Stewart's that is really a family based company versus being in a situation where you're gonna have to do something. It's dismal out there. It'll bring jobs here, and I do think that it will affect the tax bases. And, it's a company that can take pride versus something where you have to sell that to whom. So, thank you.

Supervisor Geraghty – Anybody else wish to comment? Mr. Schachner?

Mark Schachner – I wish to comment. I mean you can move forward. You can move forward and conduct SEQRA review if you like. If you want to (tape inaudible) keep the public hearing open until after that. You can close it and reopen. You can take comments later. You can cut it all off now. However you wish to proceed. Just so the Board and the public, I think everyone is aware of this, but you can't make any decision on the proposed rezoning until and unless you comply with the provisions of the New York State Environmental Quality Review Act which is basically the State's statute that requires you to consider potential environmental impacts of the proposed action which in this case is proposed rezoning. And the applicant has submitted an Environmental Assessment Form which is the State required form to enable you to do that.

Supervisor Geraghty – What would be the pleasure of the Board? Want to do the SEQRA? We'll do the SEQRA Part II. Mark do you have a copy?

Mr. Schachner – I do.

Supervisor Geraghty – Do you want to read the questions and we'll...?

Mr. Schachner – Sure.

Supervisor Geraghty – ...try to answer them to the best of our ability.

Mr. Schachner – And, again for the Board's and the public's benefit, that's all you're (tape inaudible) with doing. You're not expected to be engineer and landscape architects or traffic experts or anything of the like. The law understands that decision makers are not necessarily licensed professionals in particular disciplines. You're just supposed to review the questions and answer to the best of your ability, but the form does provide us with some guidelines, and overall your answers are supposed to be reasonable under the circumstances taking into account the information that's presented to you in Part I of the Environmental Assessment Form which I believe you all have, and I believe you all reviewed already.

Unidentified speaker – Yes.

Mr. Schachner - Having been through this far, far, far more times I can guarantee you than anybody else in this room, I'll just offer as a couple of tips. In my experience the easiest way to get through the 20 question form is not to jump to a yes no... Each of the 20 questions has a ultimately a yes no answer, but in my experience you're better off not jumping to the yes no answer before you first review what we call the bullet items listed **SPECIAL MEETING, WARRENSBURG TOWN BOARD, MARCH 16, 2010**

as examples of potential impacts to see whether the proposal triggers any of those thresholds for potential environmental impact. If so, you can decide yes there's an impact, and if you do find an impact in any of the 20 areas, actually in 19 of the 20 areas, you'll be required to characterize the magnitude of that impact as either small to moderate or potentially large. The State law and the form, in my opinion and the opinion of others who practice this on a regular basis, is woefully or pathetically deficient in giving you clear guidance as to how to decide on the magnitude of the impact, the small to moderate

versus potentially large. That's more or less a common sense reasonable evaluation that you make based on your knowledge of the environmental impact, the area in question and the proposed rezoning. Each, or 19 of the 20 questions, 19 or so of the 20 questions will have a number of bullet item examples but will also have sort of a catch all at the bottom of the question that just says "other impact". So if there's a question that's asked that you feel there is a potential impact but it's not any of the items listed, you always have the ability to identify some other potential impact and we would actually write that on the form under "other impacts" and you would again then characterize the magnitude of it as small to moderate or potentially large. So I guess what I'm saying is the bullet item list is helpful, but it's not exclusive. If you see an impact that's not on that list you should still identify it as an impact. Questions about the process or ready to start the reading?  
Supervisor Geraghty – Start the reading.

(The SEQRA questions were read into the record and placed on file).

Tom Lewis - ...where we are now then there are here. The there's much more difficulty with the traffic where we are now. That's a big part of why we're doing this. This new location will be better than what's happening on Route 9, on Main Street. This will have less impact than where we are now which is why we're investing in this.

(Tape inaudible)

Tom Lewis - ...site distance because of the difficulty of where we are now. If you see how the cars are parked people who know the site will make a, will go in on the southern entrance because the cars are parked diagonal. Again, so a lot of people don't know what the site is like, and so they end up going the north way, and we have so much congestion in that lot and coming in and out of the lot. This is gonna be a substantial improvement. I can understand why the Board would say that if we were here the first time and weren't where we are that there's a potential of a large impact. But, I would offer that it is equal improvement over what we have now, and anyone who has been into that site I'd be surprised what we haven't seen that.

Gary Cooper – Excuse me, to the Board members. The gentleman did speak and I think you were looking for some fact that he may be able to present to the Board. I think this is a hearsay and if...

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Supervisor Geraghty – That's fine. That's fine. We don't have to take his opinion. We're fine with that. We can, we understand Gary what we need to do.

Mr. Cooper – Well I'm not telling you what you need to do. I'm just, I mean if he was able to say this I would like to be able to say within seven seconds my also, my opinion.

Supervisor Geraghty – Thank you.

Mr. Cooper – If you don't mind.

Supervisor Geraghty – Thanks. Anything else? We have to answer this question.

(Mr. Schachner continued reading the SEQRA questions with the Town Board responding).

Mr. Schachner – Well you have to characterize the magnitude. What I heard, first let's make sure I've correctly identified the impact you've identified. I wrote "potential increase in traffic congestion and movement of traffic further north on Main Street." Did I summarize that accurately?

Councilman Alexander – Sounds good.

Mr. Schachner – Okay.

Supervisor Geraghty – Now we have to determine whether it's small or moderate or...

Mr. Schachner – That's correct.

Supervisor Geraghty - ...potentially large.

Mr. Schachner – That's correct.

Unidentified speaker – I think small to moderate.

Supervisor Geraghty – I don't think that the amount of cars going up the main street will change too much by the, the store being there. The traffic counts coming off Exit 23, DOT does those historically, I don't think it's gonna change a lot of traffic going up the main street. So, I just think...

Councilman Markey – It's gonna move the traffic pattern from there to there.

Supervisor Geraghty – That's correct. It's gonna, it's gonna lessen it down at the other end of town and it's...

Councilman Alexander – Until, until that industrial trailer can't turn in to Stewart's because the southbound traffic won't let him, and then it's gonna, traffic's gonna back up all the way down through here, and it's not gonna happen all the time, but it will happen. So, it's just, I think it's (tape inaudible/people clapping) than I think. But, I'm only one Board member so it's whatever you guys want to do.

Councilman Markey – I don't think the traffic is gonna increase. I think, I think the traffic pattern is gonna move from there, the congestion is gonna move from there.

Supervisor Geraghty – We need to answer this question. Moderate, small to moderate or potential large?

Councilman Ackley – Small to moderate.

Councilman Markey – I agree.

Councilman Rounds – Small to moderate as well.

Councilman Alexander – And I disagree. (Tape inaudible) alone I guess.

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Supervisor Geraghty – Yeah, no, I kind of feel that it's a large impact but majority rules, moderate, small to moderate.

Mr. Schachner – All right so Dean (Councilman Ackley), Austin (Councilman Markey), Bryan (Councilman Rounds) are saying small to moderate so we have three small to moderate?

Supervisor Geraghty – Yes.

Mr. Schachner – Okay.

(Mr. Schachner continued reading the SEQRA questions with the Town Board responding).

Mr. Schachner – Question 19, Impact on growth and character of the community or neighborhood. Will the proposed action affect the character of the existing community? (Mr. Schachner read the bullet items).

Councilman Markey – It will have a uh... obviously it will create or eliminate employment. It's either gonna increase or eliminate their jobs there. It will set a precedent for future projects. I would say it's moderate in the vicinity that it's in, the existing community; I would say it would be moderate.

Supervisor Geraghty – So the answer to 19 is gonna be yes?

Unidentified speakers – Yes, yes.

Mr. Schachner – I'm hearing a yes and then I heard from at least Austin (Councilman Markey) two checked items which I think were (tape inaudible) set an important precedent for future projects and (tape inaudible) create or eliminate employment?

Councilman Markey – Yes.

Mr. Schachner – And Austin (Councilman Markey) is I think is proposing small to moderate on both those?

Councilman Markey – Correct.

Mr. Schachner – Board consensus?

Supervisor Geraghty – Yes.

Mr. Schachner – Board consensus.

Mr. Schachner – Question 20 is the sometimes the easiest sometimes the hardest. I'm gonna suggest an answer here, but it's not a qualitative or quantitative evaluation of potential impact and it doesn't have to be characterized as small to moderate if the answer is yes. Question 20 is "Is there or is there likely to be public controversy related to potential adverse environmental impacts?"

Supervisor Geraghty – Well, when you consider all the environmental impacts that we just completed, you know, we know it's controversial.

Mr. Schachner – As your counsel I'm gonna suggest that the responsible answer would be yes because there's controversy.

Supervisor Geraghty – Okay. That's simple enough.

Mr. Schachner – Board consensus?

Supervisor Geraghty – Yes.

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Mr. Schachner – You have gone through in considerable detail Part II of what's called the SEQRA of full or long environmental assessment form. You have identified, I believe you have identified six of the twenty questions as having affirmative responses. On five of them in which you've characterized the magnitude of the impact you've characterized them as small to moderate there is no call to characterize the public controversy as because it's not really an impact. Having, you've denied that of any potentially large impacts. I said six yeses. There was at least one topic in which you identified more than one potential impact within one topic, but you characterized them all as small to moderate. If you look at the first page of a full or long environmental assessment form which I believe you received... You should have a box that's on the first page of the full environmental assessment form that I believe was submitted along with Part I which was completed by the applicant, and it says under the dark line across the page "this area for lead agency use only". That's us, meaning you all the Town Board, where it says determination of significance. Everybody with me?

Unidentified Town Board members – Um hum.

Mr. Schachner – You'll see there are three potential choices. This is your actual punch line of your SEQRA review. Ultimately it's your determination as to whether you've identified potentially significant adverse environmental impacts that require the next level of review which would be a full blown environmental impact statement or if you've identified that there are no potentially significant adverse environmental impacts of large magnitude in which case you would typically reach the conclusion that there does not need to be the next level of environmental review of an environmental impact statement. The, the SEQRA lingo that's listed in these choices A, B and C is positive declaration and negative declaration. In this context a positive declaration is choice C. If you say, if you had determined that the project would result or could result in one or more large or important impacts that may have a significant impact on the environment you would be obligated by law to do what's called declaring a positive declaration which would be requiring that a full blown environmental impact statement would have to be prepared. Choice B is not applicable to this proposal. Choice A says the project will not, not result in any large and important impacts and therefore is one which will not have a significant impact on the environment. Therefore, a negative declaration will be prepared. That's SEQRA lingo for you don't need to require an environmental impact statement. So now you're at the end of your SEQRA review process and the Board would have to, to discharge your responsibility somebody would have to make a motion which would be seconded and voted on for one of these choices, and B is not applicable to this project. I shouldn't say project, to this proposed rezoning. And again you're entire determination is on the proposed rezoning including the rezoning for the specific purpose for which it's been applied which is to build a convenient store and associated uses by Stewart's.

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**RESOLUTION #86-10**

**DESIGNATE CHOICE A, NEGATIVE DECLARATION WILL BE PREPARED**

On motion of Councilman Markey, seconded by Councilman Ackley, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

**IT IS RESOLVED**, to designate choice A, negative declaration will be prepared.

Mr. Schachner – At this point you have actually completed your SEQRA review because you've made the determination that there are no potentially significant adverse environmental impacts requiring preparation of an environmental impact statement. So, so long as the Board is aware of the results of your referrals. There is a referral to our Town Planning Board. There is a referral to the County Planning Board. I think the Board knows the results of those. I think you have those in your packets. From the legal perspective, you can make a decision on the proposed rezoning request anytime you wish, tonight or some other time.

Supervisor Geraghty – Pleasure of the Board. Do you want to have discussion or all we all set? Any discussion?

Councilman Alexander – Yes, I have discussion.

Supervisor Geraghty – Well, we'll have discussion before the resolution?

Councilman Alexander – Go ahead and make the motion.

Councilman Markey – I'll make the motion to amend the Warrensburg Zoning Map for parcel 211.13-1-39.

Supervisor Geraghty – Do we have a second?

Councilman Ackley – I'll second.

Supervisor Geraghty – We have a motion made and second. Now we'll have a discussion.

Councilman Alexander – Yes, if I could take a moment.

Supervisor Geraghty – Sure.

Councilman Alexander – What is before us tonight is nothing more than a simple readjustment of the zoning designation of the parcel in question, an adjustment that should have been done and addressed years ago. I keep telling myself this anyway. But, as a professional business owner two doors down from the proposed new gas station, I have reservations about the potential impacts it could have on the flow of traffic through the hamlet. I oppose the measure at hand not of malice for Stewart's Corporation or Hudson Headwaters Health Network, which also stand to benefit from this proposal. Both are honorable businesses that provide jobs in a region where employment is not always easily accessible. Both provide important necessary services to the town of Warrensburg. I am considering casting a dissenting vote, symbolic as it may be, because we have a historic problem here that has its roots in 40 years of divisive mistrust and

disenfranchisement. It seems there was some serious unintended consequences to the State Legislature's 1971 decision to push zoning and planning in the Adirondacks. Throughout the Park, an entire generation grew to regard the concept of planning as pejorative. It became a bad word and the ultimate assault on the rights of the

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property owner. This conclusion ignores the reality that development is very much a community concern. It shapes the future of our town for each resident. The unforeseen consequences of the Adirondack Park Agency's creation set in-park communities back decades and now it is our duty to assess where we are now and where we are heading. The proposed Stewart's relocation is but a single example of the challenges Warrensburg faces as we look to the future. It raises legitimate concerns about traffic and infrastructure. Will need, will we need a new traffic light? Will cars be able to turn left on Stewart Farrar? Will it result in summer traffic jams on a too narrow Main Street that should have been built with a middle turning lane? The proximity of the proposed project to the elementary school and the library also raise some fundamental questions that are not only fair, but necessary to consider. School buses, fire trucks and ambulances frequent that intersection on a regular basis. I truly believe that these are legitimate concerns, and I am confident our planning board will address these issues during the site plan review process. This project has many potential positives, and it would be unfair to ignore that fact also. Adding more commercial property to the tax rolls is always a good thing for the tax base. If the current Stewart's location is filled by another business, the potential net loss, net job loss resulting from the associated Hudson Headwaters move could be largely mitigated. Main Street is severely limited. It can only handle so much traffic. This is the reality, like it or not. How many gas stations on one side of the street do we really need, especially within a stone's throw of each other? Doesn't northbound traffic also need service? If we remain diligent and focused, Warrensburg is geographically positioned for continued economic and cultural growth. We must be proactive and adopt a comprehensive plan to attain this future. In the 1990's a lack of planning resulted in the limitations of Main Street which now we must work within. If this zone change is granted, if Stewart's purchases the property, if Stewart's completes the site plan review with a favorable outcome, if Stewart's decides to build their new facility and completes the project, I wish them all the best and hope they will entertain the idea of erecting a plaque at the new shop that my wife and I would be honored to purchase in memory of the late great Max Morehouse, long Stewart manager and friend to all.

Supervisor Geraghty – Yes, Mark.

Mr. Schachner – Two questions. First question, I'm not sure if I heard the motion correctly. I heard motion to amend the zoning ordinance, I presume, or did the motion say as requested?

Councilman Markey – As requested.

Mr. Schachner – Okay, and my other question is I'm not, I wasn't clear myself on whether you did or did not close the public hearing.

Supervisor Geraghty – We didn't close it.

Mr. Schachner – Okay, that's what I thought. So, that's, you should at some point.

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**RESOLUTION #87-10**

**CLOSE PUBLIC HEARING**

On motion of Councilman Ackley, seconded by Councilman Markey, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

**IT IS RESOLVED**, to close this public hearing at 8:17p.m.

**RESOLUTION #88-10**

**AMEND THE WARRENSBURG ZONING MAP FOR PARCEL #211.13-1-39  
FROM PROFESSIONAL MULTI FAMILY ZONE AND HAMLET  
COMMERCIAL TO HAMLET COMMERCIAL**

On motion of Councilman Markey, seconded by Councilman Ackley, the following resolution was ADOPTED by role call vote:

Councilman Ackley	Aye
Councilman Markey	Aye
Supervisor Geraghty	Aye
Councilman Rounds	Aye
Councilman Alexander	Nay

**IT IS RESOLVED**, to amend the Warrensburg Zoning Map for parcel #211.13-1-39 from Professional Multi Family Zone and Hamlet Commercial to Hamlet Commercial.

On motion of Councilman Ackley, seconded by Councilman Alexander, the meeting was adjourned at 8:18p.m.

Respectfully submitted,

Donna A. Combs, RMC/CMC  
Warrensburg Town Clerk

