

BEFORE PROCEEDING ANY FARTHER WITH THE MEETING, I WOULD LIKE TO MAKE A BRIEF STATEMENT ON THE BUSINESS OF TOWN GOVERNMENT.

SOME PEOPLE WHO HAVE HAD NEITHER THE TIME NOR THE OPPORTUNITY TO LOOK INTO THE MATTER ADEQUATELY MIGHT FEEL THAT TOWNS, SUCH AS GUILDERLAND, HAVE THE AUTHORITY TO DO VIRTUALLY ANYTHING THAT THEY WISH.

THIS IS SIMPLY NOT THE CASE. ALL GOVERNING BODIES HAVE A CERTAIN AMOUNT OF DISCRETION TO DO WHAT THEY FEEL IS NECESSARY. TOWN BOARDS HAVE SOME FLEXIBILITY----PERHAPS LESS THAN COUNTY AND STATE LEGISLATIVE BODIES---- BUT TOWN BOARDS ARE ALSO BOUND BY VERY STRICT AND FIRM RULES, REGULATIONS AND LAWS SET BY STATE AND FEDERAL LAW.

WE HAVE ALWAYS TAKEN A CERTAIN AMOUNT OF PRIDE IN BEING RESPONSIBLE AS WELL AS CAREFUL IN MATTERS AFFECTING THE WELL-BEING OF OUR TOWN AND ALL WHO RESIDE HERE.

BEING RESPONSIBLE MEANS FOLLOWING THE RULES AND PROCEDURES SET IN LAW AS WELL AS BEING RESPONSIVE TO THE NEEDS AND WISHES OF ALL TOWN RESIDENTS --- FROM ALTAMONT AND FORT HUNTER TO MCKOWNVILLE AND WESTMERE.

IF SOMEONE WISHES TO SAY THAT THIS TOWN BOARD IS NOT AS RESPONSIVE AS THEY WOULD LIKE US TO BE BECAUSE WE ARE FOLLOWING THE LAWS OF NEW YORK STATE, I MUST ASK, WOULD YOU PREFER WE VIOLATE THE LAWS? HOW CAN ANYONE EXPECT THEIR CHILDREN, OR ANYONE, TO HAVE RESPECT FOR LAWS WHEN THE LAW IS FLAUNTED BY MEMBERS OF A TOWN BOARD?

THE FACT REMAINS THAT THERE ARE ACTIONS A TOWN BOARD CAN TAKE WHEN IT IS CONCERNED ABOUT CERTAIN ISSUES. THE ACTION, HOWEVER, MUST BE IN THE CONTEXT OF THE RULES, REGULATIONS AND LAWS SET DOWN TO BE FOLLOWED.

HAVING SAID THIS, I WOULD LIKE TO COMMENT ON THE PETITIONS BROUGHT TO THE TOWN BY THE CITIZENS AGAINST CROSSGATES.

*Carl Walters
Sept- 11, 1979
Statement*

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Town Board 11 Sept 79*

THESE RESIDENTS, JUST AS ALL OF US ON THE TOWN BOARD, ARE CONCERNED FOR THE FATE OF THEIR NEIGHBORHOOD SHOULD A PROPOSED SHOPPING CENTER BE BUILT. TO PUT THIS MATTER INTO FOCUS, CONSIDERING THE AMOUNT OF ATTENTION IT HAS RECEIVED IN THE MEDIA AND IN PUBLIC FORUMS, THE PROJECT MUST FIRST BE APPROVED BY THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE STATE DEPARTMENT OF TRANSPORTATION BEFORE THE DEVELOPERS CAN APPLY FOR A SPECIAL USE PERMIT TO THE TOWN ZONING BOARD OF APPEALS WHICH IN TURN SCHEDULES A PUBLIC HEARING.

TO TAKE EACH OF THE POINTS RAISED BY THE PETITION:

FIRST, THE CITIZENS ASK FOR A REFERENDUM ON CROSSGATES. WE HAVE SOUGHT THE ADVICE OF COUNSEL ON WHETHER THE TOWN CAN HAVE SUCH A REFERENDUM UNDER EXISTING STATE LAW. WE WERE ADVISED THAT STATUTES AND COURT DECISIONS INDICATE WE CANNOT.

HOWEVER, WHEN QUESTION OF A REFERENDUM WAS FIRST RAISED WE DECIDED TO GET A CLEAR CUT DECISION ON THE POSSIBILITY OF A TOWN WIDE REFERENDUM FROM THE STATE ATTORNEY GENERAL'S OFFICE AS WELL AS THE COMPTROLLER'S OFFICE WHICH ACCOUNTS FOR THE CORRECT USE OF PUBLIC FUNDS.

THE TOWN BOARD HAS UNANIMOUSLY DECIDED TO BE BOUND BY WHATEVER OPINION IS PROVIDED BY THE ATTORNEY GENERAL AND/OR COMPTROLLER

THE SECOND POINT ADDRESSED BY THE CITIZENS OPPOSED TO CROSSGATES IS A STATE LAW PERMITTING NEW COMMERCIAL CONSTRUCTION IN MUNICIPALITIES TO BE GRANTED A DIMINISHING REAL PROPERTY TAX EXEMPTION.

THE TOWN BOARD OPTED TO PARTICIPATE IN THE STATE PROGRAM (485-B OF REAL PROPERTY) WE FELT, AT THE TIME, THAT BY GOING ALONG WITH THE STATE LAW, WE WOULD BE ENCOURAGING COMMERCIAL ACTIVITY IN OUR INDUSTRIAL PARKS, SUCH AS THE NORTH-EASTERN INDUSTRIAL PARK AND CHARLES PARK, AND BENEFITTING FROM THE ADDITIONAL

TAX REVENUES THAT WOULD EASE THE TOWN'S RESIDENTIAL PROPERTY TAX BURDEN. THE ONLY ALBANY COUNTY COMMUNITY TO REJECT THE STATE PROGRAM, TO MY KNOWLEDGE, WAS THE TOWN OF COLONIE WHICH HAS A MUCH DIFFERENT RATIO OF RESIDENTIAL PROPERTY COMPARED TO COMMERCIAL.

SINCE THERE APPEARS SOME STRONG SENTIMENT IN THE TOWN FOR GUILDERLAND REJECTING THE STATEWIDE PROGRAM, WE HAVE DECIDED TO BEGIN THE ACTION OF SUBMITTING THIS ISSUE TO THE PEOPLE THROUGH PUBLIC HEARINGS OR A REFERENDUM IF NEEDED.

THIRD...THE PETITION ASKS THE TOWN BOARD TO AMEND THE TOWN ZONING LAW TO DISALLOW COMMERCIAL CONSTRUCTION IN THE AREA THAT DEVELOPERS HAVE PROPOSED AS THE SITE OF CROSSGATES.

THIS IS NOT AS SIMPLE A MATTER AS IT MIGHT APPEAR. WHEN THE TOWN OF GUILDERLAND CONTRACTED WITH THE STATE AND FEDERAL GOVERNMENTS FOR THE FUNDS NECESSARY FOR PREPARATION OF A MASTER PLAN, IT AGREED TO BE MORALLY BOUND BY IT. THIS INCLUDES ZONING TO IMPLEMENT THE PLAN.

THE MASTER PLAN, WHICH WAS APPROVED BY TOWN VOTERS AND APPROVED BY STATE AND FEDERAL AGENCIES, EXERTS ON THE TOWN CERTAIN ZONING PATTERNS. ARBITRARILY REZONING SUCH A TRACT RESIDENTIAL OR FOREVER WILD WOULD SEEMINGLY VIOLATE THE AGREEMENT THE TOWN HAS WITH THE PEOPLE WHO APPROVED THE MASTER PLAN --- ALL TOWN RESIDENTS AT THE TIME.

THEREFORE BEFORE WE DO ANYTHING AS RASH AS REZONING WE HAVE TO GIVE THE ISSUE MORE ATTENTION AND STUDY. IT MAY BE THAT AFTER THIS STUDY WE WILL DO WHAT THE MAJORITY INDICATE.

FOUR....THE PETITION ASKS THE TOWN BOARD TO PRESERVE THE WETLANDS AREA INCLUDED IN THE PROPOSED SITE. IN 1977 THE STATE LEGISLATURE AND THE GOVERNOR ENACTED THE WETLANDS PRESERVATION ACT. THE LAW GIVES CONTROL OF DESIGNATED WETLANDS TO THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ONE OF THE PROCEDURES, AS I NOTED, BEFORE A SPECIAL USE PERMIT MAY BE APPLIED FOR BY THE DEVELOPER, IS APPROVAL OF THAT SAME DEPARTMENT.

THE TOWN BOARD SIMPLY DOES NOT HAVE THE AUTHORITY OVER WETLANDS.

THE PROPER AGENCY FOR THIS REQUEST IS THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH MUST SOON SET A DATE FOR A CONTINUED HEARING ON THE ENTIRE MATTER AND HAS ALREADY RECEIVED TESTIMONY.

FIFTH...THE PETITION ASKS THE BOARD TO INDICATE ITS OPPOSITION TO THE WIDENING OF ROUTE 20, A STATE ROAD.

THIS IS THE EASIEST OF ALL. WE ARE AGAINST THE FURTHER WIDENING OF ROUTE 20. WE HAVE INDICATED THIS SENTIMENT. WE WOULD LIKE TO THINK OF THIS ROAD AS OURS. REALISTICALLY THE STATE OF NEW YORK HAS CONTROL OF ALL STATE HIGHWAYS.

WE ARE UNALTERABLY OPPOSED TO THE FURTHER WIDENING OF ROUTE 20. WE WILL AGAIN INFORM THE DEPARTMENT OF TRANSPORTATION OF OUR OPPOSITION.

LAST....THE CITIZENS AGAINST CROSSGATES WANT ME TO TESTIFY BEFORE THE ENVIRONMENTAL CONSERVATION DEPARTMENT'S HEARING OFFICER AND TELL HIM I'M AGAINST CROSSGATES.

MY PERSONAL FEELINGS IN THIS MATTER ARE A PUBLIC RECORD AND HAVE BEEN INDICATED SEVERAL TIMES IN THE MEDIA AND TO THE PROPER PEOPLE. IN THE LONG RUN WHAT IS GOING TO BE MORE INFLUENTIAL IN DECIDING THE ISSUE IS THE PRESS OF PUBLIC OPINION INDIVIDUALLY AND COLLECTIVELY TO THE PROPER AGENCY AT THE TIME THE ISSUE IS IN QUESTION.

THE LAW CERTAINLY IS VERY CLEAR, SINCE A TOWN BOARD APPOINTS MEMBERS OF THE ZONING BOARD, PUBLICALLY OPPOSING A PRIVATE USE OF PRIVATELY OWNED LAND COULD BE CONSTRUED VERY EASILY BY THE COURTS AS AN UNFIAR PREJUDGEMENT OF AN ACTION LIKELY TO BE BROUGHT TO A ZONING BOARD.

INTERFERING IN A ZONING BOARD DECISION WOULD VERY LIKELY BE THE BASIS OF AN APPEAL THAT MIGHT RESULT IN THE COURTS ORDERING A PROJECT SUCH AS

CROSSCATES TO BE BUILT.

I DON'T WANT THIS TO OCCUR. AND I DON'T BELIEVE RATIONAL, REASONABLE, AND AWARE CITIZENS DO EITHER.

I DON'T KNOW WHETHER MY ACCOUNTING OF THESE FACTS WILL SATISFY THOSE OPPOSED TO THIS VERY TENTATIVE AND CONTROVERSIAL PROJECT.

OUR POSITIONS ON THESE POINTS MAY VERY LIKELY BE INTERPRETED DIFFERENTLY BY DIFFERENT PEOPLE. TOWN LAW IS, I REGRET, NOT AS SIMPLE AS MANY PEOPLE WOULD LIKE.

ONE FACT, I BELIEVE, IS VERY CLEAR. YES, THE TOWN BOARD IS CONCERNED ABOUT CROSSCATES AND THE POSSIBLE NEGATIVE AFFECTS IT MIGHT HAVE IN THE COMMUNITY. YES, WE HAVE ALWAYS BEEN CONCERNED FOR THE DISRUPTION TO THE AREA THAT TRAFFIC PATTERNS, CONCENTRATION OF AUTOS, AND CONGESTION MIGHT CAUSE FOR THE NEIGHBORHOOD.

WE ARE CONCERNED FOR THESE THINGS NOW AND WILL CONTINUE TO BE CONCERNED FAR INTO THE FUTURE.