

The Nassau Town Board held a Public Hearing on the proposed Highway Commercial District at the Nassau Town Hall on September 11, 2003 at 7:00 P.M. with the following present: Supervisor Carol Sanford and Council Members Ian Hart, Donald Carpentier, William Lobdell and Barbara Fausner. This Hearing was originally held on August 14, 2003 but due to the lack of electrical power, it was adjourned to be continued later, after many of the residents present were heard.

Mrs. Sanford opened the Public Hearing at 7:02 P.M. and asked for a moment of silence in honor of the victims of 9/11/2001.

Mrs. Sanford then led the salute to the flag.

Mrs. Sanford gave a brief outline before asking for comments. The purpose of proposing this law is to broaden the tax base for the Town of Nassau Commercial property is valued at a higher rate than residential property. This would be one way to raise the value to the Town without hurting the residents of the Town in their taxes. This Local Law will allow light Commercial Business that is 1000 foot from the enter line of the following Highways: Route 20 from the border of the Village of East Nassau to the border of the Village of East Nassau; north on 66 from the border of the Village of East Nassau to the southerly border of the waterfront residential District of Pikes Pond and easterly on route 43 from the hamlet district boundary to the border of the Town of Stephentown. The proposed Local Law will only allow three more uses then what is currently allowed and has been allowed in the Hamlet Districts. They are forestry uses, recreational parks and horse riding and boarding. The following are some of the questions, which the Board has received about the proposed Local Law:

Will the Law allow heavy industrial uses? No, not as currently drafted.

Will you need to go through site review and require special use permits for all uses in the commercial overlay zone? Yes, both will be required.

All uses specified in the Local Law shall be subject to review by the Town Planning Board and then approved by the Town Board. No Building Permit or Certificate of Compliance, occupancy or use shall be issued by the Code Enforcement Officer, accept upon authorization and of full conformity with the plans approved by the Town Board.

Will existing residential property be taxed at a higher commercial rate if the Commercial Overly District is approved. No, residential property will be assessed as residential; commercial will be assessed as commercial.

Will this law restrict residential uses? No, land in the overlay district may still be used for residential purposes, but the law will give flexibility to landowners to use their property in more ways.

Is it necessary to have a comprehensive plan in place before the proposed Law is implemented?

No, both documents can be worked on simultaneously. The Town Board has been working on the Master Plan and will continue to do so.

Why the need for 1000 foot area both sides of the affected highways? This would enable business to be pocketed off the main highway.

Will this make it easy for undesirable business to be established in these zones? No, see requirements listed above.

Will this Law affect the junkyard, which is currently in litigation? No.

Why is there a need for zoning change? Businesses are taxed at a higher rate than residential property. This will bring tax relief to residential property owners.

Mrs. Sanford said that on the Agenda tonight, there is a workshop planned to involve the Town Board, the Planning Board and the Zoning Board and any resident who is interested may attend. There will be at least one more Public Hearing before this Law is passed. She wants everyone to have say.

Public Comment

Bob Henrickson opposes the proposed Law. There is no Comprehensive Plan in place or even a consistent set of policies to support such decision. He suggests that every citizen that is concerned should obtain a

copy of the proposed Law from the Town Clerk. There are only two pages and cost is .25 per page. He stated that by adding a fifth landuse district, defined as Highway Commercial, which shall allow those uses in the area and bulk regulations as provided for in the General Business District which does permit retail business, and vehicle equipment and related sales, service, repair and rentals. Those are not permitted in the residential districts at this time. He feels that the vehicle sales, service and repair could include a Junkyard

Bill Lauretsen agrees with Mr. Henrickson. He does not want the change to wipe out a lot of the history in the area. He does not want asphalt in place of trees.

Bonnie Lichek is also opposed. She appreciates the landscape and she feels that the roads that are hilly and bendy do not encourage businesses.

Franklyn Gubitz does not want the landscape destroyed. He moved here for the rural environment and wants it to remain rural. He does not want the landscape ruined as it has been in East Greenbush with malls and other construction.

Frederick Rusch said that people live here because of the rural nature. He asked if there has been a citizen push for this change.

Rudy Jahn suggests that the laws that are in place be left in place and grant variances to individual applicants. You could still end up with commercial properties but you could be more selective.

Mike Roland reminded the Board of the State Environmental Quality Review Act. Mrs. Sanford replied that the Board is aware that a SEQR review will be necessary. We will need an Environmental Impact Statement. He asked that the Board consider the future of the Town and maintain the rural character; consider the highway safety and the property values. He asked why the variance procedure is not being processed instead of major zoning change? Why does one request generate a major zoning change?

Kathy Tryon is concerned about the traffic problems that could result. She lives out here because of the rural nature of the area.

Fran Hamblin said that he built his home here because of the rural surroundings. There have already been several fatal accidents on the area of Route 20. If 1000 feet were to be a square it would contain 25 acres.

Don Smith apologized for losing his temper at the last hearing. He says that the change would involve 16 miles of road and approximately 2000 acres of land becoming commercial property. Much of the area proposed is already developed in houses. Homeowners deserve protection. He said that there are already commercial buildings that are vacant. If a current building is converted to a business, it must follow the code.

Dan Michels is opposed due the possible traffic problems. He feels a new major road could be coming as it has in East Greenbush. When commercial buildings come it is usually with tax breaks to lure them which benefits the bureaucracy not the residents. He is also concerned for the aquifer.

Bonita Smith wants the rural residential areas maintained. She does not want more traffic. She is concerned about the wild life of the area.

Mrs. Sanford adjourned the Hearing to be continued on a later date.

Motion made by Mrs. Sanford; seconded by Mrs. Fausner at 7:23 P.M. All in favor.

Respectfully submitted,

Rita M. Labrum
Nassau Town Clerk