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From: "Lynne Eckardt" <midfarm@bestweb.net>
Date: Wed Aug 25, 2004 5:26 pm
Subject: SE Conservation Commission Recap 8/24

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Hi,

Below please find last night's recap of the Southeast Conservation Commission.

The cynical comments that follow are, as always, my own. Official minutes will be available by September 7th.

Sadly, Chairman Fasano was MIA and George Hauser was running the show. Suffice it to say, I eagerly await Mr. Fasano's return.

Although Mr. Hauser professed to run a 'tight ship' the meeting devolved to one applicant assailing several audience members. An effective chair would have nipped this in the bud but it seemed that Mr. Hauser kinda, sorta enjoyed the dust-up. Well, we all need our bread and circuses.

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AGENDA:

PUBLIC HEARINGS:

BAROODY: Farm to Market Road Lots #1 & 2 Engineer: Harry Nichols

This was the Shelbourne subdivision. Building permits were originally approved in 1987. And have since expired. This two (1/2) lot subdivision has both house and septic in the buffer.

The Shelbournes who had originally developed the subdivision read letters and asked that wetland regulations be enforced. So that 'a dangerous precedent wouldn't be set.'

Eddie Keasbey asked questions on behalf of Friends of the Great Swamp. The part of the swamp that these lots drain into is one of the most pristine areas left.

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Judy Terlizzi of the Putnam County Land Trust spoke about Ice Pond and how the habitat for wildlife and water fowl would be disrupted.

Mr. Nichols was questioned on why an alternative plan had not been submitted as one had been requested by a CC Board member. And whether or not the applicant would consider combining the two lots into one. Mr. Nichols indicated that this wouldn't be 'economically feasible'.

Mrs. Baroody asked to speak. Acting Chair Hauser said that since she hadn't signed the sign-in sheet she couldn't. After explaining that she'd driven up from New Jersey, Mr. Hauser gave the OK.

Mrs. Baroody addressed certain audience members strongly telling them to 'find another project', 'find a bigger project' to pick on. That they had no intention of 'hurting wildlife' or of combining the lots.

There will be a 10 day comment period.

SARKAS PROPERTY: 59 Enoch Crosby Road

This is a property with driveway and septic encroachment in the buffer. Built prior to the new wetland regs they need 'retro' wetlands permit for a C/O.

Neighbors asked how anyone could live in a house for almost a year without a C of O. No one seemed to have an answer for this.

Septic was incorrectly installed otherwise would have been out of the buffer. In theory Putnam County Health Department did the septic inspections throughout construction.

REGULAR MEETING:

2. NORTHWATER GROUP: Fields Lane

Part of building in buffer. The DEP had sent an 11 point letter which the applicant is in the process of answering. The Board can not make a determination until all points are answered.

3.VIGLIOTTI: Ice Pond Road

Crossing over stream for horses. Board member Tiernan walked the site and felt it was 'more than she bargained for' as far as disturbance. The Board may require more engineering on this project but will take a look at the site.

5. TARLETON PROPERTY: Joes Hill Road

The applicant would like to build a four car garage with an apartment above. All of the building will be in the buffer. Some Board members asked that the building be moved.

6. VITA SUBDIVISION: Off agenda.

7. TERRAVEST 3- Review for completeness.

Since the site's vandalism the wetlands and buffer have been reflagged at Chairman Fasano's request. Some of the Commission had walked the site with more to walk this Saturday. Security is now very tight so the members must make an appointment first. The Board voted 5-0 to accept 'completeness'.

NEW BUSINESS:

Two violations mentioned. One a driving range and one on North Main.

ALBERGHINI:

The Alberghini property on Welfare Road was discussed (heavy run-off into neighboring ponds). Because it had gotten 'a lot of press' George Hauser continued that this had been an ongoing problem for about 'a year' and that the violator had been fined '\$25,000'. The DEC was 'doing a great job' and that the CC would be 'keeping a close eye on this'. The Conservation Commission can not issue a violation on this as it's within the purview of the Building Department- not a wetlands violation.

COMMENTS:

BAROODY:

Except for Mrs. Baroody directly taking on audience members even resorting to an almost snarling 'what are you smiling about' line, it seemed to be the same old/same old. Harry Nichols, who was not his 'ever affable' self last night, reiterated the 'economic hardship' that the Baroodys faced if **not** allowed to develop **two** lots. I trotted out the now exhausted 'Lucent' stock analogy and said that land speculation was no different. Believe me, I didn't see the SEC or CitiGroup rush to my side after this shrewd investment.

I got a real kick out of the Shelbournes asking that no 'precedent be set' by allowing the Baroodys to encroach in the wetlands. Earth to the Shelbournes: That's pretty much all the CC does and has been doing for the past two years.

Here's how it works: The Conservation Commission (which does not have the power to enforce) sends their recommendations to the Town Board (PS: not many projects don't make the grade). The Town Board then grants a wetland permit based on their recommendation and says that they have no choice because they have to follow the CC's recommendations. Can you say: Vicious Circle?

A highlight for me was when Mr. Baroody tried to 'shush' his wife. Anyone who's married know how effectively this works. It must have been a long, long, ride back to Jersey for poor Mr. B.

SARKAS:

Hmmmmm, how **does** one live in a house for almost a year without a Certificate of Occupancy?

NORTHWATER:

Yeah, yeah, we all know it's a landscaping Company in a Office Park zone. Now explain to me again: why, with all the other buildings on site, does one of them have to be in the buffer?

TARLTON:

In a new twist Mr. Tarlton has permission to build an accessory building where he will reside before building the main house. When did Southeast start allowing this ass-backward construction plan?

TERRAVEST 3:

Thanks to Mr. Fasano for insisting on the reflagging. I look forward to the Board's comments on this large project.

ALBERGHINI:

Just a few corrections on this nightmare which has become near and dear to my heart. Like clockwork I'm treated to 'muddy pond' e-mail pics after every 'rain event'. It epitomizes the inefficiency of government communications on almost every level.

This has actually been a problem for over 2 years (not 1) and the violator has NOT been fined anything close to \$25,000. And I loved that the CC 'would be keeping a close eye on this' as when Don Cuomo originally brought it up as most Board members wanted nothing to do with it.

The town washed its hands of this project several years ago as the Town attorney advised it was a 'civil' matter based on riparian rights. After a letter to the editor the town suddenly became interested in helping out. After a front page Journal News article the town became even more interested in helping out. After a second JN article the CC hopped on board. Ah, the power of the press. Wouldn't it have been far easier and far more efficient, with the added bonus of environmental benefit, if the town would stop steep slope development or at the very least monitor it properly from the get-go.

Well, it appears that the end may well be within sight which is more than I can say for the bottom of the ponds.

As always please feel free to e-mail me with any questions that you may have.

With Best Regards,
Lynne Eckardt

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