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From: "Lynne Eckardt" <midfarm@bestweb.net>
Date: Tue Jun 28, 2005 5:21 pm
Subject: SE Plannig Board Recap 6/27/05

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Hi All,

Well, what a festive Planning Board meeting we had last night. It ran the gamut from lively Public Hearing to square-peg-in-a-round-hole, brand new, 'get thee to the ZBA' subdivision. The Board itself was an interesting mix- verging on a tad rude (Mr. R. to Cathy Croft), uber-nice (to me- go figure) to semi-brilliant (Board members: Mr. Armstrong and Mr. LaPerch; audience members, Ms. Croft, Mr. Shea and Dr. Azzaretti).

But let's start at the beginning with my usual disclaimer. These recaps are mine alone. They're my own cynical take on life in Southeast. Believe me, no one else wants anything to do with them.

The only award I'd like to **possibly** bestow is a new one: the 'Huh?' or 'You're kidding, right?' plaque. 'The Campus' had their Performance Bond established to the tune of: \$17,100,000, Huh? Because, check this out, 'The Meadows' came in at a cool \$6,428,000. Now, what's wrong with this picture? Steep slopes and wetlands for one- much, worse on 'The Meadows'. So here's a side-by-side comparison for your viewing pleasure:

The Meadows:

104 Lots
Currently in litigation: In appeals. CRSE, Riverkeeper and the Coalition to Preserve Open Space
Problems (alleged): Steep Slopes, Wetlands, Town Code enforcement.
Performance Bond: \$6,428,000

The Campus:

143 Lots
No current litigation. Formerly sued by Town of Southeast. Settlement reached. Never sued by tree huggers or any other watchdog group
Problems (alleged): Some wetland incursion (minimal compared to The Meadows), no steep slope issues.
Performance Bond: \$17,100,000

Don't get me wrong. I dislike 'The Campus' (shocking), however, environmentally it is far more sound than 'The Meadows'. In fact, even The Coalition to Preserve Open Space gave these guys a pass in the lawsuit department. The attorney representing 'The Campus' is,

Westchester resident, Michael Zarin. Completely coincidentally, I believe that Mr. Zarin once ran against Mr. Leibell for the State Senate seat. Also completely coincidentally, the attorney representing 'The Meadows' is Southeast resident, Richard O'Rourke. Mr. O'Rourke is also the Village justice. And yeah, I know that the amount isn't set by the Planning Board- but the Town Board will vote on it.

So- how is it that the one project on the more easily developed property that is less than 40% larger has a bond issued at almost 3 times the amount. Go figure. So, for now, this item walks away with the coveted 'Huh?' plaque. Congrats!

An important sidebar: I'm told by a very reliable source (and many thanks by the way) that the monetary discrepancy is due to 'phasing' and that 'The Meadows' is only in phase 1 (of 3) while 'The Campus' has no phases. Problem is I can't confirm this with any of the minutes on line. On page one the TB minutes state that the resolutions follow the minutes but they do not. As soon as I hear definitively I will post any corrections.

Regular Session:

1. Mt. Ebo Lot 6:

The Board declared themselves lead agency buy a vote of 5-0 (Mr. Wissel and Mr. Manteo were absent and excused). The Public Hearing Date was set for August 8th.

2. Brewster Sports Center: Sutton Place

This was a discussion on the release of a Performance Bond. The Town Engineer conditioned the release of this bond on two issues. One is in regards to the NYSDOT and the other on 'line painting' on the road.

The applicant stated that there was an 'infiltration blow out' several years ago during an 100 year storm so that there was run off on Rt. 684. The applicant is waiting for the DOT to determine how much residual silt (or 'siltration') was left in a swale after the 'blow out'. A lane closing on 684 will be required to do said work. The line painting will be done within several days. The applicant offered to have a 'line of credit' so that the bond could be reduced or eliminated.

3. Maplewood North Group Subdivision: Bradford Court:

Represented by: Joe Buschynski- Bibbo Associates

This 3 lot subdivision on 39 acres is in both Southeast and Patterson. The applicant would like a shared driveway, accessed off a present cul-de-sac Bradford Court so that two lots may be served. The largest piece, 29 acres, is accessed off Doansburg Road and is owned by Green Chimneys and has several structures on it. The Board asked why the subdivision couldn't be accessed from Doansburg Road. The answer: the Road would be 2000 to 3000 feet longer.

Mr. Armstrong said that the application was incomplete and that it wastes Board time when this is the case. Mr. Armstrong also read 138-9 from the SE zoning code book.

A. No land, water or building or other structure shall be used and no building or other structure shall be constructed or reconstructed unless it shall conform to this chapter.(It continues but wasn't read in full).

Mr. LaPerch voiced his concern as well. It was suggested that if the Bradford Court subdivision is extended that the two houses would then have the frontage needed. Patterson will be involved as the septic fields will be in their town.

PUBLIC HEARING:

Baker Farm: Enoch Crosby Road

Harry Nichols was the engineer representing the applicant. This is a five lot subdivision on 32.5 acres. There will be a private road for 4 lots and a separate drive for 1. A Homeowners Association will be set up and will maintain the detention basins.

Cathy Croft asked why a subdivision sign had not been erected. She felt that since not all neighbors (those in Carmel) had been noticed that the project should go back to square one. Mr. Rohman asked that a sign be put up 'tomorrow' but disagreed with the concept of starting over. Ms. Croft mentioned that Carmel (at least the Town) should have been notified and that she did not believe that it had. Mr. Rohman reminded her that the homeowners who were not in Southeast did not legally have to be noticed. Ms. Croft also asked that the retention basins be properly landscaped and maintained.

Stephen Shea asked that about drainage and the topography as the location of the retention basins didn't seem to make sense. Mr. Nichols replied that there would be 'leeching' pits on certain properties. Chairman Rohrman explained that in Southeast no more water can run off the site then before houses and roads were built.

Charlie Azzaretti was concerned about the steep slopes and 'cut and fill' re Town Engineer letters which voiced identical concerns. He then read from an independent engineer's letter (Robert Folchetti and Associates) which echoed said concerns. The Board voiced their concerns as well and mentioned that there were actually four letters from the Town Engineer about this issue. Mr. Nichols assured the Board that he was working on a new plan.

Joe Murphy spoke and said that since the houses would be a substantial distance from his house he was confident that the builders would build quality homes.

I asked who would maintain the leeching pits (homeowner) and retention basins (Homeowner's Association). I asked if the homes on Ailish Lane had been noticed. They had. I asked Mr. Nichols directly whether or not the Town of Carmel had been noticed. Mr. Nichols said 'no'. I asked the Board if they were still satisfied with the notification process. They were not. I also stated that I saw no reason that since the Town Engineer had requested several times that the issues on Lot 5 be addressed and still were not that it made no sense to hold a Public Hearing at this stage. The Board agreed that the public should see the project after this problem is addressed. The Board voted to close this Public Hearing, to have Mr. Nichols put up a subdivision sign, notice Carmel and re-notice all other neighbors for another Public Hearing.

4. The Campus at Fields Corners

The Board voted to refer this to the town for a Performance Bond in the amount of \$17,100,000. The fee to the town will be \$858,000 and recreation fees in the amount of \$858,000. 5-0

5. Phillips Accessory Apartment, Sodom Road:

This was referred to the ZBA by a vote of 5-0. The apartment is too large by 12%.

COMMENTS:

Mt. Ebo Lot 6:

Perfect. The Public Hearing on the Senior Housing project will be on August 8th when lots of people will, completely coincidentally, be away on vacation. Honestly, it's too muggy to do my Senior Housing rant. Besides they get a Gazebo and walking trails. What more could any senior want or deserve? Unfortunately, unlike Terravest they can not 'walk to bulk cheese' but they can hike to the Post Office, Powers Fasteners, oh, and isn't there a hot dog vender by the PO? Fine Dining too. And is it just me or is this flying through the process?

Brewster Sports Center:

Yeah, I'm sure it's a total bumner every time the DOT gets involved, but this project did, after all, cause 'run off' on 684 which could kinda, sorta pose a driving risk. Sure it was during the 'storm of the century' but it did cause an 'infiltration blow out' besides don't we have 'the storm of the century' as often as 'the trial of the century' these days.

Maplewood North- Bradford Lane:

Gosh, another project that needs a variance before it hits the ground running. Mr. Armstrong was great about this and Mr. LaPerch wasn't too shabby either. Plain and simply this project does not conform to Chapter 138-9 in the Zoning Code Book. And when the Board tried to get the applicant's engineer to redo the cul-de-sac to give them the needed frontage the engineer admitted that the slopes were probably going to be too steep. And won't those who bought at the 'private' end of a cul-de-sac be !Surprised!, when they find out that they'll have two new neighbors.

Sure 39 acres is a lot of property but if the lots don't conform do we really need two more McMansions with an additional 3.2 kids in our school system?

PUBLIC HEARING:

Baker Farm, Enoch Crosby Road:

Caution: I become a total NIMBY here:

Wow. This was so great. Procedure wasn't properly followed so the plug was temporarily pulled.

Look, everyone knows that something will be built here. But figuring in the steep slopes and

wetlands, what will this lot truly sustain?

Cathy Croft was great, insistent without being rude, the proverbial dog with the bone she really kept after this. I would have been in tears. Stephen Shea voiced his concerns and got some answers. Dr. Azzaretti articulately enumerated that his issue was the same as the Town Engineer's and the engineer he independently hired. Although it was touch and go for a while, kudos to Chairman Rohrman and the rest of the Board for insisting that procedure be followed. And as usual there was an eleventh hour letter from the Town Engineer dated June 23rd that the audience was in the dark about.

Leeching Pits? Retention Basins? Maintenance by an HOA? Does anyone else see this as a recipe for disaster? I mean, most people can't even share a driveway without spilling blood. I'm so confused by 'Private Roads', 'shared driveways' and '280a's' my head's gonna explode. And frontage? What frontage...

My final concern with this project is Maple Road. Having just gone through a full-blown, what-looked-to-be-an expensive (on your dime I might add) study and snazzy power-point presentation of how Maple can be 'improved' I shudder to think of 10 new pro-paving adults moving in. Hey, maybe on the new subdivision sign that Mr. Nichols will be nailing up he could add: 'No! Maple Road will not be paved for your traveling convenience.' Hey, never hurts to ask.

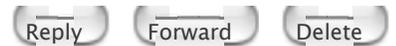
The Campus:

See above. On the plus side the representative from 'The Campus' appeared somewhat amused by the entire meeting.

Also Chairman Rohrman wanted us to know that the fees collected are going to be 'record breaking!' Frankly you can keep the fees and try to stabilize my school taxes. 143 new houses in a 'family neighborhood!' And will the \$858,000 pay for a new ball field? Nah, didn't think so...

Phew, sorry so long- That's it from here. Please feel free to e-mail me any comments or questions that you might have.

With best regards,
Lynne Eckardt



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