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From: "Lynne Eckardt" <midfarm@bestweb.net>
Date: Tue Jul 27, 2004 5:12 pm
Subject: SE Planning Board Recap 7/26/04

Hello All,

Below please find a recap of the Planning Board meeting last night.

As always the comments that follow are my own observations. Official minutes will be available through the Planning Department in two weeks. Hey, wouldn't it be great if you could access them on the Town's website?

A Word of Warning:

These are long. Mostly due to my venting. So skip to items 5-9 to see what recommendations the Planning Board has made to the Town Board as far as Moratorium Waivers go.

Last evening's Chutzpa Award is going to be a tough call and probably merits that a 'first runner-up' be awarded as well. Still, I'm giving the award to the Landau Subdivision with Alcon, LLC coming in a close second. Don Rossi walks away with the 'Miss Congeniality/ Persistence prize for his pedantic performance on Millennium Commercial Park. Congratulations to all!

The quote (and understatement) of the evening goes to Chairman Rohrman who commented that the Alcon project was really, 'Pushing the envelope'.

Actually the Board asked some good, tough questions of various applicants. CRSE would also like to thank Mr. Rorhman for his clear and concise explanation of the 'waiver' process. It was very helpful.

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Chairman Rorhman, at the request of CRSE, was kind enough to explain that the Planning Board was obligated to pass all Moratorium Waiver requests along to the Town Board. If the applicant meets the proposed zoning changes it is sent along with the recommendation that a waiver be granted. It is then up to the Town Board to assess 'financial hardship.'

1. ALCON, LLC., Field's Lane: Engineer: Insite Design.

This is a 7 acre site. The building will have a 9600 sq. ft. footprint. About 40,000 (1 acre) worth of outdoor 'storage' is proposed. Items stored on site will be: fieldstone, gravel, topsoil, trees and masonry supplies. Although there will be 'displays' there will be no retail sales. This site abuts residential property. Several Board members pointed out that the zoning was OP 1 and that there were already several landscaping business' on Fields Lane. Also that there had been some violations with regards to pollution at one of the landscape businesses.

A zoning variance for outdoor storage will be needed. The Board decided to do the SEQR review and then send it immediately to the ZBA.

2. DiPIETRO SUBDIVISION: Guinea Road- Engineer: Gary Tretch.
Two lots.

In this sketch plan review it was noted that this site of 7.25 acres (with one existing residence) will not technically meet the 8 acres needed in an R 160 zone. This will also go through the SEQR review and then be sent to the ZBA.

3. FISHER SUBDIVISION, Nelson Blvd. Engineer: Terry Hahn LADA
Three lots

Because of a past subdivision this project has very irregular lot lines. To give the lots the frontage needed Reed Road will have to be extended by the Town. There are wetlands.

4. LANDAU SUBDIVISION: Joe's Hill Road. Engineer: Insite Attorney: Rick O'Rourke
Four Lots.

This sketch plan review was on a 51 acre piece. The smallest lot would be 8 acres. A lot line adjustment would be needed as would a 280 A for a shared driveway. There are irregular lot lines due to the following of existing stone walls. As per the 'sketch plan' the applicant will need a variance. Although there is enough frontage here for 4 lots the applicant wants the piece they live on to have the bulk of it.

REGULAR SESSION:

1. BREWSTER TRANSIT MIX, Fields Lane

The Board granted final site plan approval. 5-0

2. STARR RIDGE FARMS EQUESTRIAN CENTER, Starr Ridge Road.

Final site plan approval was granted. 5-0

3. SUTTON CORPORATE PARK, LOT #1, Fields Lane

Final site plan approval was granted. 5-0

4. DURKIN WATER COMPANY AMENDED SITE PLAN, Fields Lane. Engineer: Insite

A 10X 40' trailer was proposed as office space. Chairman Rorhman promptly shot this down as it's against code. The Board declared themselves lead agency by a vote of 5-0.

5. STRAZZA SUBDIVISION: Doansburg Road.

The Board recommends that a waiver NOT be granted as this project does not comply with the projected zoning changes. It has been forwarded to the Town Board. 5-0.

6. DURKIN FARM SUBDIVISION: Brewster Hill Road Engineer: Harry Nichols.

It was mentioned that due to a re-design on this project that the EPA has signed off.

The Board recommends that a waiver be granted. This has been forwarded to the Town Board. 5-0

7. BAKER FARM SUBDIVISION: Enoch Crosby Road

The Board recommended that a waiver be granted. This was forwarded to the town by a vote of 5-0.

8. THE MEADOWS AT DEANS CORNERS, Route 124 Attorney: Rick O'Rourke

The Board voted to extend the conditional final subdivision approval by 180 days. Chairman Rohrman asked how all the approvals were coming. Although DEP, DEC and ACOE are in there are 3 outstanding approvals needed for final approval.

- a. The Home Owner's Association needs approval from the Attorney General's office
- b. The Sewage Corp. needs approval
- c. Final Health Dept sign off

Mr. O'Rourke indicated that these would all be completed within the 180 days.

9. MILLENNIUM COMMERCIAL PARK LOT #1, Tilly Foster Attorney: Don Rossi

The Board recommended that a waiver NOT be granted by the Town Board. As this is in the 'Gateway' zoning district the Planning Board felt that until the new zoning has been determined that no project should move ahead. It was forwarded to the Town Board. 5-0

COMMENTS:

Well, whoever says 'good things come in small packages' has clearly never attended a SE Planning Board meeting. In fact, the first four items on the agenda are all small but ALL needed variances (or, in one case, needed the town to extend a road to give the project needed frontage).

Ka-Ching! Do I hear the sound of coffers filling for local attorneys and engineers who will not only drag their clients through the planning process but onward and upward through the tedious mire of shed, fence and deck variances at the ZBA?

Frankly, these are all small projects. It's the cumulative effect that ups the 'annoyance ante' and erodes what open space we have left. Particularly when all of them need a 'little something extra' to make them legit.

But last night the Planning Board followed the letter of the law re. their recommendations to the Town Board. Never Forget: It's the Town Board who ultimately makes all these decisions and that the Planning Board serves at their pleasure.

Now it will be up to the Town Board to discern the true financial hardship these applicants face.

1. ALCON, LLC, Fields Lane:

One acre of outdoor storage space- Dear God...

I suppose we still don't have enough warehouses on Fields Lane. This gem will be on the fast track to the ZBA.

Even the Board noted that there were already two landscaping concerns on Fields Lane (or in the planning process). And let's not forget the Palazetti Warehouse (in front of the Conservation Commission tonight) which not only has a lot of outdoor storage but the added bonus of major wetland buffer disturbance.

Mr. Armstrong noted that, 'Maybe there are too many non OP 1 uses here.' Gee, you think?

Well, nothing says 'Office Park' quite like outdoor equipment and gravel storage.

2. DiPIETRO SUBDIVISION: Fields Lane.

This will be an interesting 'test case' on the R 160 zoning regulations. First the subdivision will go through SEQR and then it's 'get thee to the Zoning Board.'

3. FISHER SUBDIVISION, Nelson Blvd.

My first observation is regarding the 'sketch plan' itself.

Why is it that engineers think that if you color it green it will look 'environmentally correct'-

oh right, and make those detention basins blue and Voila- 'instant' pond!

I couldn't make head nor tail out of this mess. Irregular lots, different shades of green, shared driveways, wetlands, proposed road extensions. My head was spinning. And, frankly, shouldn't we expect more from Mr. Lepler's engineer of choice...

What I'd like to know is who pays for a town road to be extended to give an applicant enough road 'frontage' so that the project may proceed? And then one of these lots will be accessed by a long shared driveway rather than the extended cul-de-sac. Go figure...

4. LANDAU SUBDIVISION: Joe's Hill Road

A bravura performance of 'smoke and mirrors' by Mr. O'Rourke and Teri from Insite Engineering. Environmental protection and aesthetics were extolled while a brief mention was made of some steep slopes and wetland buffer disturbances.

Fortunately the Planning Board asked all the right questions here.

A special nod to Mr. Tesmer who calmly explained to the applicant's representatives that a lot line was just that. A line on a piece of paper. That there is no need to follow winding stone wall boundaries nor does a lot line adjustment 'to protect mature pines' mean much. I'm sure in a complete coincidence the applicant's property would be the one left with tons of road frontage thus insuring them more privacy. Mr. Rush actually had the temerity to suggest that the applicant might want to combine two lots. Yippee! The developer's profits come in second!

There is no question that, should this go before the ZBA, the lack of frontage is clearly a 'self-imposed' hardship.

Sidebar: With all the vacant land along Joes Hill Road what gives with the variances needed? Oh right, incredibly steep slopes.

1. BREWSTER TRANSIT MIX: Fields Lane.

A fond farewell...

4. DURKIN WATER COMPANY AMENDED SITE PLAN, Fields Lane

It's seems really a stretch to believe that a firm as good as Insite didn't know that, even in Southeast, trailers don't cut it as office space.

8. THE MEADOWS AT DEANS CORNERS: Route 124

We're not out of extensions yet? Jeeze...

9. MILLENNIUM COMMERCIAL PARK LOT #1, Tilly Foster Road.

An 'A' for effort and tenacity go to attorney Don Rossi. Like a dog with a bone Mr. Rossi really, really worked hard for his client. Finally the Planning Board snapped. This was, after all, beating a dead horse.

Despite the 'residentially zoned' argument this project is in the Route 6 'Gateway' area. The Planning Board held firm with their recommendation of NOT granting a waiver.

Over all an interesting and thoughtful meeting. Now, we'll have to wait and see how the Town Board handles these referrals!

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

With Best Regards,
Lynne Eckardt

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