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From: C Croft <croft@bestweb.net>
Date: Wed Sep 28, 2005 9:59 pm
Subject: Town of Southeast Planning Board Re-Cap 9/26

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Lynne Eckardt was busy at another meeting Monday night. I lost the coin toss with Cathy Croft and drew the assignment to cover the meeting of the Town of Southeast Planning Board and write the Re-Cap. I'm not sure that I can live up to the standards that Lynne has set for these Re-Caps, especially in the pithy "Comments" portion, but I intend to give it a try.

This time, the disclaimer reads that the semi-pithy comments are mine, and do not necessarily represent the views of CRSE, Lynne Eckardt, or anyone but myself.

Chairman George Rohrman was in rare form during this meeting, and I'm sure Lynne will regret not having been there to witness it first hand.

WORK SESSION:

JNR HOLDINGS, Route 6 – Discussion of improvement plan

This property is near the Southeast Grill and PCNB, and recently acquired by the owner of JNR Pharmacy. The attorney from Franz & Franz, representing JNR, stated that there had been no feasibility study done before the owner purchased the property. JNR's "Plan A" would expand the existing commercial building into sideyard setbacks, Reservoir buffers, etcetera and move the Pharmacy to that location. When told that expansion of a non-conforming building may not be permissible, and DEP would have to okay incursion into the Reservoir spur buffer, JNR trotted out "Plan B": allow continued mixed commercial/residential use even though current zoning is for commercial use only.

COMMENTARY: I almost laughed out loud when the attorney said his client hadn't done due diligence before buying this "very difficult" lot. My inference was that since his client had made a poor deal, the Town government should be lenient in granting him "slack" on its newly minted zoning laws, and site plan approval, to bail him out of the mess into which he got himself. Chairman Rohrman frankly admitted he didn't "know how to proceed" on the question of extending mixed use on a property now zoned for straight commercial use, and punted the question to Stephens & Charbonneau. The other potential problem areas included possible easement agreements with an adjacent property owner that may prevent a road road proposed in the design, and DEP approval for invasion of their Reservoir buffer.

REGULAR SESSION:

BAKER FARM SUBDIVISION, Enoch Crosby Road – Continued Review

Harry Nichols was told by Chairman Rohrman that both he and the Planning Board would be

best served if first took care of a long list of problems cited by the Town Engineer in a lengthy letter to the Town Board before the PB considered the project any further. The discussion was tabled until such time as Nichols remediated the Town Engineer's objections.

J.P. INTERNATIONAL SUBDIVISION, Old Milltown Road – Review updated drawings and drainage report

Harry Nichols was told a second time by Chairman Rohrman that both he and the Planning Board would be best served if first took care of a long list of problems cited by the Town Engineer in a lengthy letter to the Town Board before the PB considered the project any further. The discussion was tabled until such time as Nichols remediated the Town Engineer's objections.

SLS RESIDENTIAL, INC., Putnam Avenue & Route 6 – Preliminary Site Plan Review

Chairman Rohrman tried to use the same line on the SLS consultant team, but they were not as easily dismissed as the polite Mr. Nichols. They were pitching for the Planning Board to commence SEQRA proceedings by declaring intent to be Lead Agency, in spite of the fact that the Chairman and the Board had serious questions about hooking up the proposed development to the Brewster Heights Sewage District. After a half-hour, the Board refused to declare intent to be Lead Agency, and told SLS to return after getting a written commitment from the Town Board for the 3500 gpd to at least look at Phase One of this Two Part Project.

COMMENTARY: It seems that the BH Sewer District has a SPDES permit to discharge 150,000 gallons per day of effluent, has only 10,000 gpd capacity remaining, and has already promised Eagles Ridge Condos 4300 gpd of that! Since the SLS [Supervised Life Styles] residence facility projects about a hundred people using 9000 gpd of sewage useage, the applicant wants to "Phase" the project, phase one being hooked up to the BH Sewer at 3500 gpd, and then maybe build phase two using septic tanks that maybe can be located on some slopes that maybe can absorb up to 4700 gpd. Maybe. When Chairman Rohrman asked for test results on the capacity of the land to absorb all this effluent for phase two verified by the County Health Department, he was offered instead an unsupervised test boring and a "trust me".

The discussion brought out the fact that the BH Sewer District has some serious problems, including infiltration from an unknown source, and using the Waste Water Treatment Plant to take in the backwash discharge from the fresh water system of the BH Water District.

SLS reports that in talks with Special Districts manager Mike Levine, Levine stated he hoped he could gain more WWTP capacity by finding another way to treat and dispose of the filter backwash discharge from the fresh water plant. What was left unsaid is that any such solution would probably add cost to the BH Water District rate payers. So, the current residents of the BH Water District will have the privilege of paying higher water rates so that SLS can develop their property and hook up to the BH Sewer District, and build their residence complex.

That pretty much illustrates what is wrong with our Town government. Why should the current residents in the BH Water District pay more money to accomodate new development? What's in it for them?

This residence facility, housing up to one hundred staff and clients, should probably not be built where proposed. The fact that the BH Sewer District is so close to its SPDES permit limit, and the fine to the BH Sewer District rate payers for exceeding that limit can amount to \$37,500 per day suggests that there should probably be a moratorium on ANY more buildings being connected to that WWTP until the flow problems can be stabilized.

TERRAVEST INTERNATIONAL CORPORATE PARK – T-3 – Discussion regarding drawing changes

The Terravest team reviewed changes to the Site Plan imposed upon it by the Conservation Committee and the Town Board. This included less wetland buffer incursions, sidewalks, walking paths to the proposed ballfields, a gated entry system, and a clubhouse with pool.

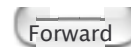
UNILOCK AMENDED SITE PLAN – Review

Unilock seeks to amend its site plan to cover violations it has made on its original site plan. Chairman Rohrman wanted to dismiss this application based on a letter received from the Town Engineer and the Highway Superintendent specifying "dozens and dozens" of problems with this site. First the applicant admitted pleading guilty to violations and paying a fine to get the opportunity to get in front of the PB, then tried to say they were probably not guilty of anything. The applicant went on to say that the letter Rohrman was holding had been superceded by negotiations with Stephens & Charbonneau, and that their application should be heard anyway. Chairman Rohrman finally held a formal vote of the Board agreeing to postpone considering the application until Chairman Rohrman received a letter from the

Town Engineer and Highway Superintendent revoking their 13 September letter.

COMMENTARY: I have seldom seen the normally calm and affable Chairman this angry and frustrated. I understand that frustration. In his hand, the Chairman was holding a written document stating the case that Unilock had violated the terms of their original site plan. The attorney for Unilock was attempting to get the Chairman to believe that [a] the letter was irrelevant; [b] the guilty plea in a court of law did not make Unilock really guilty of anything; and [c] that the whole matter had been worked out in a deal with Stephens & Charbonneau, even though Tom Jacobellis, sitting at the meeting and representing S&C, could not verify that statement. In spite of all this, the attorney doggedly wanted to make Unilock's presentation for a new site plan! At one point, Chairman Rohrman offered to leave the room if any other Board members wished to hear the pitch. Board member Mike Manteo finally restored calm by suggesting a formal vote to NOT hear the application, which passed unanimously.

MIKE SANTOS



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