

Planning Board Meeting: Westchester Tractor 12/22/08

Hi All,

Again please forgive the delay in posting.

Christmas actually came early this year as, on December 22nd, I attended the best Planning Board meeting ever. Chairman LaPerch rose to the ranks of 'super hero' while several others on the Board rose in rank as well. It's just so great to see any Board cut through the bullsh\*t and hold the applicant's feet to the fire.

Sure, you all think I'm being my sarcastic, snarky self but I'm not. Honest.

The only topic I'm going to cover here is my favorite of favorites, Westchester Tractor. Because you won't believe what they're up to now. Westchester Tractor, represented by attorney, Craig Baumgartner and 'Presenter Extraordinaire', Terry Hahn, is asking for 20,000 square feet of outdoor storage. For those of you new to 10509 a very brief yet somewhat sordid history...

### **In the Beginning:**

Westchester Tractor (to be known as WT throughout the rest of this post) was originally brought to Southeast by the always debonair Harold Lepler. WT (located near Unilock and Ace Endico) was approved in 2005 on the condition that they *not* have any outdoor storage without a Special Permit. Even then several Board members had reservations about this project- Supervisor Dunford had taken a road trip to WT's shop in Goldens Bridge bringing back exquisite photos of the total cesspool the site had become. Thus WT swore up and down that they would house all vehicles and equipment under cover and that this new SE site would remain pristine- well, as pristine as a tractor sales and servicing site could look. Oops, correction: At some point in this travesty Westchester Tractor became 'Light Manufacturing'- no sales, no service there, said they. So this allowed them in under the OP zoning already in place. Neat trick, no? It was one of my rare disappointments with the ZBA and I remember it as though it were yesterday...

### **2007:**

Fast forward about a year and a half (2007) and WT comes back looking for outdoor storage (this is the part where I get to say 'I told you so.'). It seems they bought out another heavy equipment concern and had no covered space left to house the 'dozers et al so all the 'new' stuff had to go, where else, outside.

### **2008:**

Fade to black. WT is awarded a zoning code violation in February thus vanishes from Planning Board agendas and somehow magically appears before the Town Board. This is where the fun really begins as King David errrrr, Supervisor Rights issues a congratulatory letter (9/22/08) stating: "Congratulations on the approval of your special permit!" Trouble is, there was never a vote taken on the Special Permit- any where.

Totally confused yet? Well good, because I believe that that's exactly the point.

Back to the December 22nd Planning Board meeting already in progress. WT is now asking for 20,000 square feet of outside storage. You're allowed 5% of your total property size, which in this case is 5 acres (200,000 square feet). For those of you who've already done the math and concluded that WT is asking for double their allotment- you're spot on. But in a really neat trick they've gotten a five acre 10 year 'lease' (or something??? This wasn't really clear) from New York State Electric and Gas who's gonna give them an easement for, you guessed it... outdoor storage.

At this point Chairman LaPerch was losing patience and asked the applicant if they were still in violation of zoning codes- because if they were the matter could not come before any Board. There were the requisite errrr's and ahhhh's and then the claim that perhaps the Planning Board was wrong and there was no such statute in the code book. Thankfully, Planning Board secretary Laurie Fricchione (the only female allowed within 40 feet of this or any other paid SE board) pointed the code out to town planners AKRF.

At this juncture WT owner, John Apple, had a total meltdown and swore that the Town Board had originally invited WT to Southeast while Baumgartner maintained the TB also recommended the expansion.

LaPerch reacted in kind and told Apple that this was 'my meeting' and suggested he step back. LaPerch also strongly suggested that WT *not* return to the Planning Board until all violations had been remedied. Board members Edwin Alvarez, David Rush and Jim DiBella concurred as did Dennis Sullivan. And all this while Harold Lepler sat silent in the audience.

Bravo.

Now we'll see if violations are cleared and outside storage is eventually allowed on easements (under power lines no less). Then it'll be follow-the-money come election time later this year... I may put my cash on Team SOS since our Supervisor granted the special permit before a vote was even taken. In any case it'll all be interesting to watch- remember a half acre of heavy equipment has to be moved somewhere, sometime soon. You know, if Rights is really serious about lowering our taxes and making Southeast beautiful perhaps the zoning fines should be raised- after all, they're barely punitive now. Yet somehow I think the timing's just a little off on this possible revenue stream. Perhaps in 2010.

With Best Regards,  
Lynne Eckardt