

Ed Note: Many thanks to John Lord for the following recap.
Cathy Croft

Southeast Planning Board Meeting

February 26, 2007

I hope I spelled everyone's name correctly. If not, please accept my apologies.

And I hope I tried to report the events as they actually happened. Please also consult the official Planning Board minutes.

Mr. Rohrman, Mr. Rush, Mr. LaPerch. Mr. Manteo, Mr. Armstrong, & Mr. Wissel and Laurie Fricchione were in attendance.

Town Attorney Willis Stevens and the Town Planners representative (I'm sorry I do not know your name and I am sure I would have misspelled it.)

There were also around 20 members of the public, applicants and their representatives attending.

Regular Session:

Brewster Plaza LLC represented by Peder Scott. Mr. Scott explained progress on the plans and answered questions from Board members. It is a pre-existing non-conforming property. He was making presentation so that the project could begin the SEQRA process.

Site plan presented. One entrance only. Planting plan submitted. The chairman wants the plans to conform with lighting ordinance.

A waiver was being sought for parking. They need a waiver for 4 parking spaces.

Mr. Manteo suggested that they request a waiver for more than 4 spaces. The town engineers report mentioned concerns for one of the parking spots in the employees parking area. The dumpster appeared to be too close to one of the parking spots. And Mr. Manteo felt that they may need an extra dumpster at some point.

Mr. Armstrong asked about basement storage. Mr. Scott told him it would be for tenants use only. Mr. Armstrong said that would need to be part of the resolution.

The Health Department wanted the water use to be monitored for 3 months, which is being done at this time.

Mr. Scott asked if they could begin the SEQRA process. Mr. Rohrman said not tonight. SEQRA does not start with Sketch plans. They need preliminary approvals. But a resolution was made to refer the project to the ARB.

Public Hearings:

Chairman Rohrman gave a speech on the rules for Public Hearing's before his Board.

Applicant gives presentation

Board asks questions & makes comments

Public asks questions & makes comments

The chairman will cut-off anyone making longwinded comments or repeating comments made by earlier speakers.

1) Mendola Grading & Filling Plan

Terry Hahn represented the project.

The property has a small church, a house and a barn on 3.6 acres in a R-160 zone. The house is not Mr. Mendola's primary residence. The barn is used for storage for the residence and the church. The church holds small services on Sundays and Holy Days.

The gravel drive is needed to access the rear of the building.

The project is before the Planning Board (PB) because there was a violation. Fill was put on the property to make a driveway to the back of the house. To satisfy the violation, the fill was removed. Now the applicant was before the PB to get permission to put in a driveway to the back of the house.

Responding to a neighbor's letter, Mr. Rohrman asked why they need a driveway to access the back of the building. Is this for storing or staging landscaping equipment which is Mr. Mendola's occupation? Mr. Rohrman wants a statement on the plans that there will be no outside storage.

Ms. Hahn advised that they need the driveway for repairs to the back of the building. The equipment in the past went over the grass and caused ruts.

Someone mentioned that the driveway may be used by the Church congregation for parking.

Mr. Armstrong said that the driveway should not be used as an avenue for parking. If the driveway will be used for church parking, it would need a site plan amendment

Ms. Hahn advised that there were no existing site plans for the church, she went back to 1973 in her research.

Mr. Rush advised that there is no special permit at this time for the use of the church. They will be going to the Town Board (TB) for a special permit

Mr. Rohrman advised that the PB should wait to see what the TB does before the PB takes any action.

Mr. Armstrong asked if the driveway was for repairs, why do they need it now? What did they do in the past?

John Lord asked if there will be another Public Hearing before the PB after the TB makes their decision.

Mr. Rohrman said that TB may have a Public meeting. The PB would only have a Public meeting if there are special considerations.

Mr. Mendola spoke. There was no need for a driveway in the past because all the surrounding properties were owned by family members and the back of the property was accessed from the adjoining properties. He is not a family member and can only access the back of the house over the grass. Therefore, he wants to put in a driveway.

A priest who holds services at the church spoke. The church was shut down by Ron Harper, the zone enforcement officer, because there was no permit.

Town Attorney Willis Stevens advised that Mr. Harper noticed a hiatus in activity at the church and reasoned that there was an abandonment of use, so he shut down the church.

The priest advised that he has records proving continuing use at the church over the past 20 years.

Mr. Manteo, Mr. Rush, Mr. Armstrong, and Mr. Rohrman offered advice to the priest on how to present his case to the TB to arrange to get a permit. But they advised that there was nothing the PB could do for him.

The Public Meeting for Mendola was closed.

2) Strazza Subdivision

Teresa Ryan represented the applicant. There are 4 separate pieces of property that were being reconfigured as a subdivision to allow lot line adjustments so that 4 lots could be developed. 2 non-conforming.

There would be a common driveway and a common waste water management system. Each lot would have its own septic. The DEP is reviewing the plans. The project will need a wetland permit. There is an existing structure, a barn, that historic sites committee gave approval for demolition.

Mr. Armstrong stated that they chose to do a subdivision because they would need variances if they tried to develop 4 separate lots.

Discussion followed and the Town planners representative advised that the applicant was seeking "a lotline adjustment following a sub-division process".

Later in the meeting the applicants representative advised that the town attorney suggested that they apply for a lotline adjustment as a subdivision.

A neighbor, Dan Barker, asked if the applicant would need 4 individuals driveways if it wasn't a subdivision.

Yes.

Kathleen Dwyer, a neighbor surrounded by the property on 3 sides spoke.

The proposed common driveway for the project is directly across the street from 2 group homes. This spot on Doanesburg Road has been the sight of many vehicular accidents. Adding a driveway to this stretch of road would increase the likelihood of more accidents.

She lives in a 150 year old colonial home that with the barn on the applicant's property, was a part of a farm that had been in existence over a century ago.

She felt that the town would be remiss if they allowed another barn to be destroyed. This project is less than a mile from where 2 barns were destroyed as part of the Triple J Development. This is a very historic area. It is also in an area where a number of horse farms are located and horse farms increase property values.

Mr. Rohrman said that the barn is the property owners responsibility. Just because it is old doesn't mean that it is historic. And if it is deemed to be unsafe, the property owner would be liable if anyone was injured at the site.

Ann Fanizzi spoke. She stated that under SEQRA review it is up to the applicant to get appropriate clearances/permissions if they are looking to have any structures removed. I believe she stated that it is a "Cultural Provenance" clause. Ms. Fanizzi asked the PB board to get the Cultural review.

Mr. Armstrong asked if the barn was on the Comprehensive Plans list of Historic Sites.

No.

Ms. Ryan advised that the Historic Sites committee had inspected the barn and did not deem it historic. Tom Fenton, the Town engineer, had inspected the barn and decided that it was unsafe and a new structure.

Ms. Dwyer stated that she had been on the Historic Sites committee years ago, and the members that were asked to visit the barn and make their recommendation were not really qualified. She stated that the historic sites committee met to decide on the barn without consulting with Pete Tringali, another member of the committee and a barn expert. She stated that Mr. Tringali had visited the barn and determined that the repairs done to the barn in the past 20 years added to the value of the barn and would extend the barn's life.

Mr. Manteo said that this was not in their purview to decide.

Ms. Dwyer said that she has been trying for years to get in touch with the owners of the land that the barn is on to try to buy it. But they would not talk to her.

Ms. Fanizzi insisted that the PB must gather all the evidence. They need Cultural Resource evidence to complete the SEQRA process. She stated that she wanted to recap her remarks, when Mr. Rohrman said he had heard her comments and did not need a recap. Ms. Fanizzi attempted to say more when Mr. Rohrman gaveled her. Ms. Fanizzi said that she wanted to make some comments on the wetland incursion. Mr. Rohrman said that she could comment on the wetland issue later.

Another neighbor, I believe George Ivy, advised that his home is adjacent to one of the lots. With all the development in the area he is concerned. He has a well and has noticed an increase in particulate matter in his water.

Peter Tringali asked Ms. Ryan if they did a study of the barn before she decided on the common driveway.

The projects attorney advised that Carnell Engineering (sp) did a structural study of the barn and decided that the barn was unsafe and needed to be removed.

Bonnie Batt, a neighbor on the southwest corner of the property commented on how unsafe Doanesburg Road is. The accidents increase every year. She felt that placing the common driveway in the proposed location would make the road even more hazardous.

Ann Fanizzi stated that she was concerned about the proposed incursions into the wetland buffer. There would be storm water grading in the buffer and discharge pipes into the wetland buffer.

Dan Barker asked if the applicant had considered using the Old Doanesburg Road roadbed.

Ms. Ryan said that they had never considered it.

Ms. Ryan advised that there would be 2/10's of an acre incursion in the wetland buffer.

Apparently the Wetland Consultant recommended that the road and some of the common drives should be moved to limit incursion into the wetland buffer. But, Mr. Rush and Ms. Ryan said that his remarks did not take into account the new path of the common driveway.

Other neighbors suggested looking at using the Old Doanesburg roadbed as a safety alternative. At around this time Mr. Rohrman advised that he would allow 2 more questions. After the 2nd question he moved to close the Public Hearing. Some members of the public asked to speak. It started to get loud and raucous. Mr. Rohrman refused any more comments and adjourned the meeting for a break.

During the adjournment Ms. Fanizzi voiced her displeasure with the treatment she received from Mr. Rohrman.

Regular Session

I believe that only the PB, the Town Attorney & The Town Planners representative returned after the break.

Durkin Water Co.

I believe that Teresa Ryan represented the applicant.

Durkin must now redo SEQRA because the application has lapsed. They must now make new applications to conform with the new town regulations.

Mr. LaPerch asked if there were any old structures.

The Town Planners representative asked if they will need outside approval for replacement of the tank.

Ms. Ryan said that she would find out.

Mr. Armstrong recommended that the applicant prepare a letter outlining the changes sought and how everything will comply with the new town ordinances.

Route 6 Business Plaza

The Town Engineer recommended granting preliminary approval.

The PB passed a motion to be the lead agency.

Public hearing was set for March 26, 2007

New Business

I believe that only the PB was in attendance.

Mr. Armstrong said that he would like a copy of the engineering report on the Strazza subdivision.

Mr. Rohrman conceded that Ann Fanizzi was right that the PB could ask for Cultural Resource evidence, but it would probably turn into disputing experts concerning a sites historic value. He said that there is a difference between old and historic.

Mr. Manteo suggested that they dismantle the barn and relocate it.

It was very relaxed and it seemed like a collegial discussion so I raised my hand to speak.

Mr. Rohrman said he would not recognize me and would not listen to what I had to say. He said that he made that mistake at a PB meeting a month ago that was very short and had only 2 people from the public in attendance. He graciously allowed a person to speak and had to listen to her comments for the next 45 minutes.

The meeting was adjourned