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## SE Town Board Regular Meeting 5/25/06

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Hi All,

Sun Jun 4, 2006 2:27 pm

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On Thursday night, May 25th I attended a regular Town Board meeting. Actually this one wasn't 'regular' at all with lots of high drama including an item deferred and an Executive Session called in the middle of the meeting. But then I just knew it was gonna be fun when I saw the always charming Mr. Camarda and posse stroll in. And is it my imagination but does this entourage actually multiply exponentially with every meeting?

**"Lynne Eckardt"**  
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I know you're all really sick of my Field's Lane rant but try to wade though my comments on Penella. It's not the same-old, same-old and I think you might enjoy (or not) the shape of things to come as I see them.

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As always the comments that follow are my own misguided and caustic take on life in Southeast. They represent no one but myself. You can always catch the unvarnished truth on channel 8.

### REGULAR MEETING 25 May 2006

- Pledge of Allegiance**
- Notation of Exits**
- Brief Explanation of Town Board's Decision-Making Process**

### Public Hearings:

**7:30PM Fisher Subdivision - 280a Referral**

Residents Casagrande and Osterman spoke in favor of this subdivision.

#### **7:31PM Stormwater Annual Report**

Graham Trelstead explained the mandates. Councilman Bonanno pointed out that the mandates were unfunded. Councilman Honeck mentioned Bob Bondi's \$2 per capita charge to fund improvements. Ann Fanizzi suggested a Storm Water Committee be formed.

#### **7:32PM Amendment Local Law - Wetlands**

Ann Fanizzi felt that the hiring criteria of a wetlands inspector be more stringent. And that a smaller Conservation Commission would be helpful. I agreed with Ms. Fanizzi and suggested that some checks and balances vis-a-vis a Conservation Commission were important.

#### **7:33PM Amendment Local Law - Veterans Exemption**

No comments from the public.

#### **7:34PM Special Permit - Pennella, LLC Continuance**

Ann Fanizzi spoke about how Fields Lane had become a 'catch all'. I expounded on this point and stated that 90% warehouse 10% office was excessive.

#### **1. Review of Minutes -April 20, 2006 Regular Meeting**

Approved 5-0

#### **2. Correspondence**

#### **3. Approval of Voucher List**

\$578,000+

Approved 5-0

#### **4. Motion - Approval of Budget Transfers - Attached**

Approved 5-0

#### **5. Motion setting Meeting Dates:**

June 1, 2006	7:30PM Civic Center	Work Session
June 8, 2006	7:30PM Civic Center	Work Session
June 15, 2006	7:30PM Civic Center	Regular Meeting

Approved 5-0

#### **6. Motion Calling for the Following Public Hearings:**

**June 15, 2006 7:30PM Civic Center Mt. Ebo Corporate Park - Special Permit**

Approved 5-0

#### **7. Motion - Authorization for Mr. & Mrs. C. Mannuccia to Remove Stone Wall**

Approved 5-0

#### **8. Motion - Acceptance of Proposals of Hourly Rates for Partime Contractors**

Approved 5-0

#### **9. Motion - Hiring of Marc McDermott and Michael McGill in the Facilities Department**

Approved 5-0

#### **10. Resolution - Amendment to Local Law - Zoning**

**Chapter 138**

Moved to end of the meeting. Executive Session called.

**11. Resolution - Reduction of Performance Bond - Weston Chase**

Reduced to \$244,000. Passed 5-0

**12. Resolution - Special Permit - Fox Lane Boat Works**

Passed 3-2. Councilman Johnson and Councilwoman Mitts were the dissenting votes.

**13. Resolution - Special Permit - Brewster Commercial Complex**

Granted 5-0

**14. Resolution - Reduction of Performance Bond - Stonecrest Senior Housing**

Reduced from \$1.2 million to \$126,120. Passed 5-0.

**15. Resolution - Veterans Exemption**

Passed 5-0

**10. Resolution- Amendment to Local Law- Zoning****Chapter 138:**

After Executive Session the Board voted on this. The amendment calls for no retail building of over 25,000 sq. feet to be allowed in Southeast with the exception of the HC-1 district (HC-1 districts are on Route 312, where Home Depot is, and Route 22 and 312). The Board voted as follows: Mitts- yes, Bonanno- no (citing 'procedural matters') Honeck- no. Mr. Honeck thinks the project is good and when he was out campaigning spoke to many who want shopping in Southeast, Johnson- yes. Dunford- no (and stated that they were not dealing with any specific projects). The final vote was 3 to 2 but as a 'super majority' (which would have been 4 votes) was needed the amendment failed to pass.

**New Business:**

Jim Clarke asked why the board had voted for the zoning amendment. The Board explained that because a super-majority was needed the amendment had failed.

Brad Schwartz asked for an update on the proposed Peach Lake sewers. There was to be a meeting with Hahn Engineering the following week. The blocked outlet was discussed and Supervisor Dunford said he would send out the Highway Superintendent.

Ann Fanizzi expressed her displeasure over the amendment to local law 138 failing to pass.

Cathy Croft mentioned that Robert Freeman, the Executive Director for the NYS Committee for Open Government would be speaking at the Mahopac Library on June 12th at 7:00 PM.

I asked town attorney Stephens about Special Permits not running with the property as, at the April meeting, he had said that they do not. Mr. Stephens said he had 'misspoke' and Special Permits, like variances, do run with the property.

I asked the status on the landfill capping. Answer: Nothing new.

I asked the status of bidding the Garbage Contract. Answer: Still

discussing it.

I asked about Ace Endico selling retail from their food packaging plant. The Code Enforcement Officer was to go inspect on Friday (5/26/06).

I asked about the full-time Sheriff's patrol of town-owned facilities and listed the four day a week overtime shifts in May. Answer: Supervisor Dunford spoke to Sheriff Smith and there is coverage every day. Some of it is simply not overtime.

#### **COMMENTS:**

##### **Stormwater Annual Report:**

There were some really gratuitous comments from Councilman Johnson regarding the Tonetta Lake carp which still have not been introduced into the lake- two years later. By the way, I believe that all towns are supposed to have a Stormwater Committee but I see almost no point doing so in Southeast. In Southeast our committees do little more than re-enforce what a fabulous job our town officials are doing. Yeah, sure, they give great 'newsletter' but I've seen little in the way of accomplishment. None of this inefficiency is due to those hard working residents who serve on committees but rather to lack of guidance and the almost complete inertia of our current Town Board. Frankly, this is work they could and should be doing on their own.

If SE does form a stormwater committee this is what I foresee: The Stormwater Committee will offer suggestions- (they won't be taken), the committee will be chaired by whatever councilperson is up for re-election that year (even if they wouldn't know a culvert if they fell into one), the committee will siphon off between 10 and 15K of the general fund for god-knows-what, appointment to said committee will make a few chosen individuals feel really, really good, oh, and I will be turned down for yet another committee (sigh).

##### **Amendment Local Law- Wetlands:**

Having a highly qualified wetlands inspector who can sit in on Planning Board meetings makes a lot of sense. I think we've gone beyond the point of a Conservation Commission. However, if a less than qualified inspector is hired then all bets are off. And frankly one name I heard mentioned made me want to open a vein and run screaming back to the CC as it now exists- and that's really saying something.

The trick here is finding checks and balances. While I thought that a leaner Commission might be a good check on any town-hired inspector I now realize that any CC would not stand a chance if both the applicant's engineer and a qualified wetland's inspector concur.

##### **Special Permit: Penella- Fields Lane**

Fields Lane tirade? Nah. Instead I'm gonna try to predict the future.

I think that this 90% warehouse 10% office Special Permit is not gonna fly thus Mr. Penella will not get his permit. So who's suddenly gonna 'get religion' and why?

Well, the 90/10 split will be the deal-breaker and thus the

decision not to permit Penella will probably stand up if there is litigation. Phew. But what I see happening on a much more frequent basis will be more denials of Special Permits- or, at the very least, what I call the 3-2 shuffle.

The 3-2 shuffle usually occurs in election years. This way those running for reelection can point to their 'record' which clearly shows their concern for: wetlands, water quality, traffic, quality of life issues... well, you get the picture. Lousy projects get approved but the 'no' vote looks great on your resume, errrrrrrrrr, campaign literature.

But starting now denials become even more important because the Board needs to build a case for the possible denial of 'Stateline's' Special Permit. To avoid messy (and costly) litigation some sort of pattern will have to be established so that 'Stateline' isn't the first denial of retail in the Board's history. In fact, just this past week Councilman Johnson set up this scenario in a post I didn't particularly cotton to and wrote about.

#### **Defeat of Amendment to Local Law 138:**

I was actually saddened, angered and amused simultaneously when this amendment was defeated.

It's sad to see any good amendment (because if you remove the 'timing' from the mix this is a good amendment) go down. I was angry because this was something this Board could have and should have done at least two years ago. And I was amused to see that it was every councilperson for themselves by way of explanation. And of course, the BS always amuses me.

Councilman Bonanno was dead-on as far as his 'no' vote. Procedurally this law was nothing more than a gilded invitation for the always charming Mr. Camarda to sue the bejesus out of the Town.

Councilman Honeck's 'no' vote was so transparently self-serving that any excuse given was simply an insult to our intelligence. No, Dick, I don't believe that most of the folks you spoke to during your campaign last year want more shopping in Southeast. Yes, Dick, I think the fact that you are employed at the County Executive's pleasure had more than a little to do with your 'no' vote. Because we all know well Mr. Bondi's lust for the ever elusive 7.875%. While I've heard Mr. Honeck's 'nay' vote described as 'courageous' I think of it more as job security.

As for Mitts, Johnson and Dunford 's seemingly desperate attempt to zone Charming Paul into oblivion... Well, let's just say I look forward to their next vote on any of Mr. Lepler's future swill. In the meantime let's resurrect this amendment ASAP-grandfather in 'Stateline' and get this this passed before another atrocious project comes down the pike.

#### **New Business:**

##### **Peach Lake:**

I continue to be impressed by the diligence and vigilance of the Starr Ridge Manor folks. There's nothing getting by these guys.

##### **Landfill:**

What can I say. Scheesh, maybe I should call the DEC.

**Garbage Contract Renewal:**

Sure the county saved a bundle when they recently put a contract out to bid. And while I'm thrilled the Board's 'discussing it' it might be nice if residents could actually hear some of this chatter. I'm sure the reasons not to put this contract out for bid are even more fabulous than last year's tripe.

But the clock is ticking so consider this your monthly reminder.

**Ace Endico:**

Imagine someone selling retail in an ED zone! Oh right, Westchester Tractor already sells equipment parts in the same Terravest subdivision. Can you say: ZBA... because I smell a variance request. Bulk cheese here we come.

**Sheriff's Patrol:**

I have but three words on this: Extra Patrol Car.

And I've called the Sheriff's department to see how these patrols work on Monday, Tuesday and Wednesday nights. No call back yet but I'm gonna sit by the phone all day tomorrow. By the way, it appears that June has an identical 4 night a week schedule.

That's it from my desk- enjoy the rest of your weekend. As always feel free to e-mail me with and comments or questions that you may have.

With Best Regards,  
Lynne Eckardt

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Lynne Eckardt  
[lynneeckardt](#)

Jun 4, 2006  
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