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From: "Lynne Eckardt" <midfarm@bestweb.net>
Date: Fri Oct 8, 2004 5:41 pm
Subject: SE Town Board Recap 10/7/04

Hi All,

The Town Board held a Work Session last night.

The recap below is, as always, unofficial. No official minutes are taken. Although the Town Clerk was present as was Town Attorney and Assemblyman Willis Stephens. An Executive Session was held regarding litigation and, perhaps, if any action was taken, the Clerk was there to record it. Although I've yet to see any Executive Session minutes.

This was Round 2 of Variance-O-Rama (6 out of 8 items), mostly to consider financial hardship on several major subdivisions. So far the Board has held pretty firm on **not** granting 'hardship' variances- at least on this go-round. See the comments that follow which are only my own jaded opinions.

The quote of the night goes to Supervisor Dunford who stated, after referring an applicant to the Town Website for the umpteenth time, that 'we keep mentioning the website as it annoys the back row.' A sidelong glance revealed that CRSE Board member Cathy Croft and myself were the lone attendees in the cheap seats so I suddenly realized that we were the ones who were supposed to be annoyed.

Nah, I kind of like the new town website. And I love the automatic agenda e-mails. What annoys me is the two years it took to set it up. Because you guys know that all the 'delays' along the way were total BS. I suppose it was sheer coincidence that five days after CRSE announced that Town Board minutes would be posted on our website, 'Virtual Town Hall' announced Southeast as a new client. Hmmm, September 14th, if memory serves.

One other quick note on the website. The lone e-mail address to send comments or inquiries to does not appear to function. Hopefully this will be corrected in the near future. Perhaps with links to another town agencies?

WORK SESSION:

1. Townsend Cemetery: This private cemetery is on the Master's property off Brewster Hill Road. The small plot of land is approximately 62' X 150', the earliest grave is 1777 and the graveyard will be cleaned as part of an Eagle Scout project this October. It was requested that the Town look into acquiring the plot and maintaining it. Long time resident Bob Palmer remembers visiting the site as a child but didn't remember the stream there as it was so small. Now the stream is between 15 and 20 feet wide due to 'drainage of the many nearby houses built up the hill'. No action will be taken on the cemetery until more information becomes available.

2. BP Amoco/Shell

BP feels that due to a new marketing campaign focusing on BP only that there is a financial hardship by not updating their sign. The Board suggested that the applicant look at the new proposed regs (on their website) to comply.

3. Millennium Route 6

The applicant's attorney, Charlie Acker, contended that since this property is in a residentially zoned area the Commercial Moratorium did not apply. Town Counsel, Stephens agreed. The board advised the applicant to take into account that the new designation for the site would be Gateway Commercial I.

4. Gasland Petroleum: Route 6 and Starr Ridge Road

Tim Curtiss of Curtiss, Leibell and Schilling was the attorney of record. The applicant wants to install a Dunkin Donuts which will no longer will have a drive-thru. The 400 sq. ft. cooler is gone. The financial hardships entail the \$400,000 spent to date and the \$85,000 paid for an easement to St. Lawrence O'Toole.

5. Strazza Subdivision, Doanesburg Road

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The applicants did not show up.

6. Baker Farm Subdivision, Enoch Crosby Road

Representing the applicants Harry Nichols pointed to building fees, and taxes paid to date. Pat Bonanno pointed out that these expenses were not unique. And that the Moratorium was only another two months. Councilwoman Mitts asked if there had been a Public Hearing yet. Getting no definitive answer from Mr. Nichols Mrs. Mitts pointed out that there hadn't. The applicants pointed out that theirs is a small family company and that they have no other sites to build on besides Durkin Farm and Baker Farm.

7. Durkin Farm, Brewster Hill Road

Same applicants and engineer so this was rolled into one item with Baker Farm. It was noted that this project has been around far longer.

8. Resolution Supporting Restoration of Traffic Fine Revenue:

Very little discussion

COMMENTS:

1. Townsend Cemetery:

My personal favorite of the evening. The stream that was hardly noticeable many years ago is now 15-20 feet wide. Undoubtedly the houses and roads that were built before our now 'strictest in the universe' regulations have partially caused this change.

Hey, here's a thought, maybe storm water regs, wetlands, steep slopes and Recourse Protection Plans would make a difference if we enforced them. What if we tried it just to see...

4. Gasland Petroleum:

The project that just won't go away. Ever. So they've lost the 400 ft. cooler and the drive-thru and maybe even engineer Peder Scott (who was sorely missed). Some of the past violations were alluded to by Councilwoman Mitts and Supervisor Dunford worried aloud 'whether we really need another Dunkin Donuts?' But all and all Attorney Curtiss did a virtuoso job brushing off past violations, explaining the financial hardships and insisting that a Dunkin Donuts would be a incomparable addition to the neighborhood. Excellent!

5. Strazza: Always sad when the Brothers Strazza are a no show.

6. Baker Farm/ Durkin Farm

These were rolled into one as they belong to the same applicant.

It's always entertaining to see Harry Nichols in action. He's really mastered the fine art of obfuscation. Either that or he has even less gray matter than me- and this is doubtful. Kudos to Councilwoman Mitts who called his bluff re. whether or not there had been a Public Hearing on Baker Farm. At the meeting on September 2nd Mr. Nichols had been completely noncommittal on the very same question. So Mrs. Mitts researched the question and answered it for him.

The Durkin Farm subdivision has been before the Planning Board for a long, long time. Mostly due to it's proximity to a 'Superfund' cleanup site. It's become increasingly tedious listening to applicants claim they're doing a super duper, ultra-thorough job just by going through the SEQR process. So you can be fairly certain that if it's a project in Southeast and if it's languished before the Planning Board that there are either 'real problems' or financial constraints.

As to the applicant's small family business being limited as to where they're building. Well, FYI they have a nine lot subdivision in Carmel as well.

Finally, The Moratorium. I'm not clear as to what the Board's goals were when this was established. A six month Moratorium merely serves to catch one's breath. The plus side is that variances have been denied; however, I believe that there is a price to pay for this sudden change of attitude. And that price may be pending litigation against the town. Maybe if the Board sticks with a consistant policy of denial new precedents will be set and future lawsuits avoided.

That's it from here. As always please feel free to e-mail me with any comments or questions that you might have. Have a great weekend.

With best regards,
Lynne Eckardt

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