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From: "Lynne Eckardt" <midfarm@bestweb.net>
Date: Mon Oct 3, 2005 6:41 pm
Subject: SE ZBA Recap 9/19/05

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Hi All-

Ugh. I have been **so** dreading sending out this recap. A brutally disappointing 'Use Variance' was granted to Brewster Honda so I haven't had the heart to finish my comments and there's precious little to be amusing about. And truth be told, one of my heroes (Mr. Froessel) voted for this variance... I'm depressed.

The ZBA met two weeks ago Monday night (September 19th)- I've edited to the agenda items that may be of interest. The highlight of the meeting was watching Chairman Colello recuse himself and go to town on the Landau's attorney. In doing so he made me look tame by comparison- a regular 'Miss Manners', so be sure to check out the always colorful Landau Subdivision.

As always the comments are my own esoteric take on life in our fair town. They represent no one but myself.

Regular Meeting:
1. Brewster Honda, Route 6:

There are 2 parcels within the village and 3 acres in Southeast. A use variance is needed to park cars on the 3 landlocked acres in Southeast. The three acres has been used as a parking lot since 1978.

It was explained that a zoning violation did NOT have to be cleared up to be heard by the ZBA but DID need to be cleared up before the Planning Board would process any application.

Donald Rossi is the attorney for Brewster Honda. He explained that Brewster Honda had exercised an option to purchase the 3 acres back in 2002 but had closed on the parcel in April of this year ('05). 899 Route 22 LLC owns the property now. It was previously owned by Carmel Auto Sales.

A letter from Chris Wilde (Riverkeeper) was read into the record as well as a letter I had submitted. Both asked that in light of the parcel's proximity to the Croton River that an environmental impact statement be required.

The Board did not believe that this was within their purview. But Chairman Colello asked the applicant how he felt about doing one. Mr. Rossi replied that they'd undoubtedly have to before the Planning Board (site plan review) but a study now was not appropriate. Mr. Rossi said that up to this point the DEP has not gotten involved.

Mr. Froessel felt that although a use variance is one of the most difficult to get the project had met the criteria to obtain one. Town Attorney, Willis Stephens, said that the Board could make

the variance conditional on the immediate removal of cars parked on the three acres and site plan approval. Mr. Rossi mentioned that there is a way to request a waiver from the Town Board so that the cars may be left on site.

Mr. Froessel moved that the variance be granted subject to the immediate removal of all cars on the 3 acre site and Planning Board site plan approval. Passed by a vote of 6-0.

6. Landau Subdivision, Joes Hill Road

51 acre 4 lot subdivision.

Chairman Costello recused himself and moved to the audience. Richard O'Rourke, the attorney for the applicant, gave the brief history of the project. Mr. O'Rourke said that the Planning Board was happiest with the current plan. Although one member (Dan Armstrong) was not happy with it.

Chairman Colello felt that there was no adequate reason given for the variance and that if the Landaus want more frontage for their property they should subdivide into 3 lots. Mr. Colello mentioned that the Planning Board had indicated that the applicant 'wanted their cake and wanted to eat it too.' He added that shared driveways are almost always a problem. He felt that the variance asked for was a self-created hardship.

I added that I thought the problem could be solved by giving each lot adequate frontage still using a shared driveway (the shared driveway would still protect the spruce stand and protect other environmental concerns). Mr. O'Rourke said that the applicant would still agree to a deed restriction of no further subdivision if the project could proceed.

Mr. Froessel who was running the meeting while the Chair had recused himself felt more research had to be done, the property visited, and held off any decision until the next meeting.

COMMENTS:

Brewster Honda: Route 6

This was one big disappointment for a number of reasons.

The number one reason is that this area serves as a gateway to the village. It's been no secret that Brewster Honda has been looking for new digs- and now if they ever move it will be feasible for another large car dealership to move in. But without the additional 3 acres the property's use would have been limited and perhaps attracted a better, more aesthetically pleasing tenant. Oh well.

Naturally there are environmental concerns with this site as well. It is perched directly above the Croton River.

I found it most interesting that one of our Town Attorneys, Willis Stephens, was sitting in on this meeting. And of course, while it pains me to admit this, Mr. Stephens' suggestion of adding conditions to the variance was a great idea and exceedingly helpful. Or perhaps the directive was given as this variance has 'Article 78' stamped all over it. And I wonder where they'll store all those cars...

I can only hope our Planning Board really looks over any environmental review very, very closely. I would still contend that over 50 cars packed like sardines is far less environmentally friendly than an empty unpaved parking lot.

6. Landau Subdivision: Joe's Hill Road

Well, who doesn't love when Chairman Colello does stand-up. And what's not to love about Mr. C and attorney, Rick O'Rourke, going head-to-head. They're both really smart but the Chairman has it all over O'Rourke in the sense of humor department. Ooooooo, and tons of male posturing to boot! Of course I am really biased and self-serving here as Mr. O'Rourke can be very snappish with me. So, of course I love when he has a come-uppance. Cheap, I know- but I just can't help it. Anyhow, after a depressing first act thankfully things really livened up.

Mr. O'Rourke was a teeny bit disingenuous insisting that the Planning Board really, really liked this plan. Because certainly Dan Armstrong has taken issue with it and I never got the impression that Chairman Rohrman was exactly enamored. Besides the Landaus can keep the shared driveway and subdivide so all the lots have enough frontage. Mr. O'Rourke keeps insisting that there's really no point to this but... Hello, Hello, the Landaus don't need a variance to begin with. They want one so that their parcel is protected with more frontage.

Fine- then subdivide to only three lots or loose the variance. Take your pick.

In a recent development in front of the Conservation Commission (yeah- I'm behind on that recap as well) 7/10's of an acre will be wetland buffer incursion with some of a driveway going through the wetlands themselves. Enough already. Is there really any question that this is a self created hardship?

Finally, remind me again why we rewrote the zoning codes?

That's it from my desk. Again my apologies for how long this recap has taken. If you have any questions or comments please don't hesitate to e-mail.

With Best Regards,
Lynne Eckardt



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