Town Board, Town of Rochester
Supervisor Pamela Duke and Councilmen

Lady & Gentlemen,

This letter is written with a great deal of hesitant consideration, balanced with equal concern.

I have served on the Town of Rochester Planning Board for approximately 8 years. The Planning Board has historically boasted upstanding citizens of the community, with varied backgrounds, coming together as a board in the best interest of our town and its residents. The Town Board selects members to serve based on pertinent experience and expertise.

My concern lies with the current Planning Board membership. I would like to begin with a solution to multiple points prior to addressing each. In a word, Training. Direction outlining the Town Board’s Expectations of the Planning Board would be a helpful start. Instruction on New York State regulations governing actions and purpose of creating a Planning Board system should be mandatory for all board members. I can attest to board members voting to approve or disapprove applications according to their feelings instead of by guideline set forth by Town and/or State statutes. These actions and regulatory views of the majority of our current board members can be witnessed by attending meetings.

First and foremost, certain planning board members appear to occupy a seat on the board to simply undermine the Zoning and Subdivision Regulations as well as the authority and duties entrusted by New York State. Our past Chairman, Mr. Drabkin, was quite outspoken on his belief in deregulation and uninhibited growth verses controlled development. Board members were selected for their status as “businessman in our Town”. No regulatory or zoning experience, no design or review experience was necessary. Often, experience with our planning regulations is limited to each individual having applied for a permit.

Disregard for the Zoning and/or Subdivision Regulations has been the track record of this board. Often, pertinent requirements for an application are waived due to undo hardship on an applicant or a projects time constraints. These decisions result in overlooked impacts and/or poor review. Board members choose to ignore “ridiculous” zoning regulations or guidelines, in lieu of approaching the Town Board through proper procedure to examine the law and possibly spearhead an amendment. During the January 2004 meeting, the board entertained the idea of ignoring the Town Attorney’s legal direction and Town Highway Superintendent’s professional interpretation on when and where our Road Standards should be required. At the urging of Mr. Barry Medenbach, PE, the applicant’s representative, the Board continued to contemplate waiving specified road construction guidelines. The Planning Board considered putting the Town Board, Town resident’s tax monies, and themselves in a position of liability to accommodate an applicant.
Secondly, an obvious conflict of interest associated with a majority of the board members is financial, career oriented, and personal ties to Mr. Barry Medenbach, PE. Mr. Medenbach represents applicants of and provides engineering services for many commercial projects and subdivisions approved by this board. Certain board members employ Mr. Medenbach for personal projects, ranging from major subdivisions to commercial buildings. A board member/developer serving on the Planning Board could be reluctant to enforce regulations and impose requirements, which may also apply personally or to a fellow board member/developer.

Related to this concern is the practice of requesting an applicant’s professional representative to guide the board in making a decision on an application. The applicable Zoning or Subdivision Regulations, as well as New York State requirements are defined and interpreted by an applicant’s engineer, architect, or attorney as requested by the Planning Board.

When the public voices opposing opinion to a project, as called for in the SEQRA process, their comments are often publicly scoffed at and disregarded. The views of affected Town of Rochester Residents must be considered, as per Planning Board Guidelines as well as the SEQRA Process. Concerns of impact to neighbors are allowed to be sarcastically rebutted by a project representative. Comments such as “You should have purchased the land” or “If you don’t like it, too bad” are often answers to concerns.

The Board disregards the SEQRA Process as required by New York State. For the Board to make legally binding decisions, the SEQRA Statute must be abided by. Multiple instances have been noted and concern is regularly expressed to the board as a whole. Examples include typing actions (Type 1 or Unlisted) according to parameters outlined in SEQRA, preparing Positive Declarations of Significance as opposed to Negative Declarations of Significance given impact parameters of an application. A long standing concern voiced on numerous occasions has been the completion Part 3 of the Environmental Assessment Form. This section requires the Planning Board to document, in writing, the assessment of ALL large impacts, discuss impacts, and outline mitigation. The EIS is required once a Positive Declaration is made.

Lastly, the professionalism of certain members of the board is embarrassing. A long criticized trait of the Planning Board has been consistency for similar applications. Requirements placed on one applicant are ignored for another. Granted, some smaller scale applications may not require an in-depth review. Yet, relevant parameters should not be waived because an applicant is a good guy and keeps a neat business. Applications should be granted for properties, not to an individual. The property may be sold tomorrow. Application review should be consistent for like uscs.

The belittling of fellow board members in a public forum is disturbing. Since I have served on this board, the personal attacks have been a regular occurrence. Board members will regularly mutter childish insults when questions, which are deemed irrelevant in their minds, are asked of an applicant. Susan Sahler was one of the most
knowledgeable members to serve on the Town of Rochester Planning Board. Due to the constant ridicule and belittlement, she was forced to resign from the Planning Board. The public, too, is not spared ridicule. During public hearings, concerns are voiced by the public outlining impacts the project may have on their neighboring properties. If a comment is deemed to be irrelevant or ridiculous, a glaring stare may be the unwelcome response from this board. The public comment is often allowed to be mocked by an applicant or professional representative as well. When a concern is addressed by an applicant or representative, the resident may receive a direct intimidating retort. These types of unfriendly and intimidating reactions are not traits of a professional Planning Board. The Town of Rochester residents deserve an honest and respectful response, whether the response is in the form of a polite clarification of the facts or a thorough review of a project.

The Town Board can get a sense of the mindset of the Planning Board majority by reviewing decisions made by this board. In 8 years of serving on this board, only two applications were denied. The first was an application for an in-home occupation. A gentleman wanted to paint cars. The second was for a Bed & Breakfast. Both applications would have had significantly less impact when compared to most applications approved each month. Decisions should be made by the parameters found within the zoning regulations and subdivision guidelines and balance with economic, environmental, and infrastructure impacts. The mindset of the Planning Board should reflect the “Purpose” as outlined in the Zoning Ordinance and Subdivision Regulations. The initial purpose for the adoption of the Zoning Regulations should be the governing objective when reviewing applications.

As stated in the preface of this letter, my concern is balanced with hesitant consideration. Attempts to address issues of concern by myself and other board members has only served to induce a wave of ridicule and discrediting comments. I only ask the Town Board to heed my concerns and witness for yourself the methodology of the Planning Board. It is your decision as to which concerns, if any, may need to be addressed.

My deepest concern is for the long-term future of our town. Until recently, development was not impacting this town and the surrounding area with the frequency it is today. We may even be considered underdeveloped, but we have the chance to develop our community correctly, with forethought of our future generations. Smart growth has been a recognized and effective concept resulting in a functional, as well as beautiful, community. Unregulated and uncontrolled growth, focused on financially benefiting a few, typically results in an irreversible state of over-burdened taxpayers in a non-functional and esthetically void community.

Thank you for your consideration,

William DeGraw