

## Memo

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Re: Dissenting comment regarding Proposed Amendment to Section 145-16 of the Zoning Code.

Date: June 30, 2009

From: Planning Board Member Valerie LaRobardier

To: Supervisor Courtien and Members of the Board of the Town of Dover

Via: Email and USPS

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It is with regret that I admit that I placed too much hope in the process of the Planning Board's deliberations regarding the Dover Knolls project. I had thought we could engage in an honest effort to fully consider all the issues, thus demonstrating that we could move past the unfortunate events that politicized our board. In the end I am forced to accept the reality that the Planning Board's comment will just be one of many, as will my comment. It will be considered by the Town Board and the Applicant, as will all other comments. My hope had been that our comment process would demonstrate that we were indeed fully capable to handle evaluating this and other large projects in the best interest of the town.

I am a firm believer in majority rule. As such I would have supported a joint opinion that differed from mine had I felt that a legitimate attempt was made to hear and consider all views. This was not the case. We can all continue to learn from every single person we encounter. It is therefore advisable to listen carefully, even to dissenting views, and where parts of those opinions have merit, to give those views credence. Our Planning Board is charged to act as a team. We did not do so regarding this amendment. The proper way to act would have been to arrive at the meeting without a predetermined result in mind, listen to all views and ask questions to see whether or not any part of what was said might be incorporated into our opinion, and then use the remaining time on our 62 day clock for individual members to consider all the opinions before them prior to voting—not necessarily that we would continue discussing it the entire time. Had a good faith attempt been made to follow this process, I certainly would have strongly considered voting yes, for some of the points counter to mine that were brought out last night may well have merit—but in point of fact, I did not have time to consider this before I was rushed into a preconceived vote. It is for that reason that I abstained. No other conclusion should be drawn from my refusal to vote.

The first problem that I see here is the degree to which our business is carried out in secret, without knowledge of the public, or even of all our members. As an illustration I point to the letter from Michael Zarin regarding the outcome of the June 15th meeting. This letter was received apparently June 17th, nearly two weeks ago. It was not circulated to the Planning Board members to whom it was addressed until we sat down at our meeting June 29th. (I should say not circulated to all members—I can only speak to the fact that it was not circulated to me.) In spite of this fact, a response went out from Planning Board Co-Chair David Wylock on June 21st, also not circulated to me until last night. It appears that actions are being taken on behalf of the board outside the meeting and without full knowledge of every member of the board.

Secondly, our determination to accept an opinion that was set forth outside the meeting shows a pre-existing bias. While it is admittedly difficult, possibly impossible, to go into a meeting without feelings one way or another of a desired outcome, alternative views should still be examined for merit. This is not the first time I have ever advocated a minority view, and certainly as such I would not expect to sway everyone. Seeing that, I harbor no hurt feelings or surprise over not winning. However, if indeed we are performing as a team, then in good conscience opposing opinions of all board members must be considered prior to dismissal. Refusal to do so demonstrates that we have not moved beyond politics, and indeed we are not capable of deliberating on projects of this scale where each and every decision has the power to dramatically affect good for our town for all time to come.

My hope was not that my opinion would prevail—that would be unrealistic in this case. I did imagine however, that we would be able to demonstrate an honest effort showing that we could move beyond the bad faith actions that politicized this board. We instead demonstrate that we cannot move forward. While it is understandable, seeing as how the Planning Board was kept in the dark under the prior administration, it is nevertheless frustrating that the board members cannot grasp the reality that the code was designed to give the Town Board control of the project, that lead agency status is mandated by that code and was never “taken away from us”, and that this all happened during the prior administration. The current Town Board that is continually critiqued for the situation did not bring it about. We cannot grasp that we are not supposed to be designing or redesigning the project—and this would not be our role regardless of lead agency status—but rather we should be commenting on the content that exists. We demonstrate the inability to recognize the scope of this project with claims such as individual site plans can be effectively studied by individual town residents—they cannot, which is why all projects of this size require hiring a full compliment of qualified consultants. This view shows that we do not understand that the term “lead agency” implies a management or leading function, not that every activity

need be personally carried out by a board member—a process that would stall a project of this size for decades. We even demonstrate that we do not understand that Graham Trelstad and Ashley Ley are part of one team at AKRF and are both fully qualified to consider these comments. Though this was clearly laid out at the meeting that introduced AKRF as Town Planners when the Town Board hired them, we still find it necessary to compartmentalize and call Ashley “our” planner and Graham “the Town Board’s” planner. Besides demonstrating that we are not paying attention to detail and that we are capable of serious rudeness, it shows that in spite of our mandate to “serve at the pleasure of the Town Board”, we have set ourselves up as a separate and contentious entity. We find it appropriate to question the intentions of the Town Board to honor our extended comment period, although clearly it has already been enacted into law. We consider it acceptable to doubt other’s motives at every turn, but we are outraged that they could ever doubt our motives or our sincerity. And finally, I still have not received an answer to my question regarding how the Planning Board is being prevented from contributing its expertise to this review process. As long as this pattern continues, it demonstrates to me a clear reason why the Planning Board must never have a controlling role in this project.

For all of these reasons I cannot in good conscience support our alternative amendment, though elements of it no doubt are well thought out. To the extent that the Town Board and their consultants find it applicable I have faith that they will incorporate the relevant elements and discard those that are inappropriate. The basis for our opinion was that the Planning Board should have more control over the project not less. Though my comments herein may appear to be reporting a series of events and critiquing them, this is not the case. The series of events unfortunately demonstrates that our case is invalid, and therefore reiterating those events here is relevant.

In spite of everything, I continue to hold out hope that we will continue to grow and educate ourselves and learn to interact as a team, both within our board and with other civic entities. I regret that it appears this may not happen in time to contribute properly to this review.