

Public Domain

by Steve Krulick, Village of Ellenville Trustee

The Pause That Refreshes

"A leader does not have to wait until problems come to him/her. Good leaders know to seek solutions before the problems land on the doorstep." – (Leadership in Victim Services, Chapter 3. Essential Skills for Leaders: Creative Problem Solving Series: National Victim Assistance Academy Advanced Topic Series)

Suggestion: A temporary Moratorium on large-scale development in the Town of Wawarsing, to give the Town time to properly review deficiencies in its zoning codes.

Scope: The Town of Wawarsing, though applicable to all municipalities with zoning codes and planning boards.

Necessity: Level 2 / Medium (Working, but inadequate; could use new parts or repairs.)

This is *not* about Wal-Mart or the Napanoch Mall, per se! I only mention them as being the impetus leading me to review Wawarsing's new Comprehensive Plan and a concern that it – and the zoning regulations that are supposed to look to the Plan for guidance – may be inadequate to address *any* large-scale development that may come calling in the future.

When the prospect of a big-box store in Napanoch was leaked, it immediately raised concerns for me and others. Anyone following the dozens of communities nationwide reacting to that looming possibility would have seen that the approval process can become long, expensive, and messy, particularly if it comes down to technical interpretations of zoning codes and conventional measures of impact (plot density, hydrology, traffic patterns, allowed uses).

The problem often was that codes were not kept current to reflect new scales of development size and impact, particularly those unimaginable before single stores reached the size of five football fields or larger.

Provisions accounting for economic and/or community impact may be non-existent, even though these impacts may be devastating to a community – lost jobs and businesses, reduced property values and tax base, visual blight, sprawl, increased water runoff and pollution, bright lights and noise, increased traffic, inharmonious architecture, whether the project represents the best land use, etc.

Thus, communities concerned about these tangible and personal effects often lacked the legal teeth to protect themselves in a straightforward and direct way, but, like the old divorce cases that had to trump up charges of infidelity or cruelty where none existed, it often comes down to neighborhoods hiring traffic consultants, hydrologists, land use planners, and environmental attorneys at great expense to fight the developer's consultants, attorneys, and engineers over arcane technical points and legal minutiae most people can't even understand or follow.

Most towns now have, or are drafting/revising, comprehensive plans designed to be the guide that

outlines the goals and vision of a community... what it wants to retain or avoid or look and feel like in coming years, and set priorities and standards. After it becomes the master plan, all future development and zoning must conform to its provisions and goals.

But what if critical provisions are lacking? What if there is NO guidance on a particular type of development? I reviewed the Town's Comprehensive Plan and – though there is ONE sentence about the potential negative impacts of *casinos*, and that these negatives be considered and compensated for – I found NOT ONE mention of big-box retail stores or anything of that nature!

Even though this is something affecting hundreds of communities across the U.S., the current Plan is silent on this! Oh, there is much in there that *implies* big-box development is not welcome – a desire to maintain our small town rural character, architecture harmonious to existing structures, concerns over increased traffic and pollution, protection of local businesses, strengthening of the local economy, maintaining a hamlet's identity – but nothing specific enough to be airtight and remove all ambiguity.

Therefore, it is prudent and proper that the Town quickly revisits the Plan and corrects any deficiencies. Then, it should review the zoning codes and strengthen them to include provisions addressing the unique impacts of hyper-developments.

Even if one *likes* big box stores, the Town's codes should have some protective leverage and teeth, so it can, at least, extract appropriate compensation for negative impacts and not, excuse the phrase, "give away the store" to developers holding all the cards.

To do all this without undue pressure, and to prevent developers from rushing in under the wire to take advantage of the weaker, looser codes, Wawarsing should, as other towns have, implement a temporary *Development Moratorium* to allow sufficient time to review the current provisions, study what has happened in other communities similarly handcuffed by weak codes, and see how others have fixed the deficiencies. During this period, usually six months, with an option to extend it to twelve, *no large-scale development applications shall be filed, accepted, reviewed, or passed*. This would apply to ALL applicants evenly, with provisions for filings well-along in the process, and for other hardships.

To see details about moratoria and the reasons for them, plus examples from various locales, and the draft proposal I've sent to the Town Board, visit www.w-e-r-d.blogspot.com/ and then contact Supervisor Dolaway and urge him and the Board to consider passing the Moratorium with all due haste.

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