

CLIENT NEWS FROM BONCKE MUELLER ELDRED ASSOCIATES, P.C.**A View from the Other Side of the Table**

By Aaron B. Gagné, M.C.R.P. and David N. Zacharias, L.S.

**Boncke Mueller Eldred
Associates, P.C.**

- Site Engineering
- Land Planning
- Landscape Architecture
- Surveying Services
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- Wetland Services
- Economic Development
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Boncke Mueller Eldred Associates, P.C. is fortunate to count among its staff the Planning Board Chairman for one of the regions fastest growing communities. His role lends an interesting perspective to our understanding of the local approval process, and the importance of well-thought-out and carefully prepared submittal packages. Here is David Zacharias' view from the other side of the table...

“Speaking without bias towards any single design professional or design firm, the quality of the plans prepared for a development application and the rapport of the design professional with the reviewing agencies does have an immediate impact on the review process. I think you all realize this fact already. What you may not realize however, is what the true potential impact to your project may be.

‘The review package arrives 10 days prior to the Planning Board meeting. As I open the application packets one by one for review and meeting preparation, one thing becomes obviously clear.’

The review of design plans by Planning Board members can sometimes be an awkward thing. Sure, over time most members have obtained the experience and training to understand the intricate details of their town code requirements for projects in their respective zoning districts as well as how to interpret design plans. However, many towns see turnover in their boards, often when the members have just gotten to the level you need them to be at to help move your project along efficiently. When Planning Board members can't easily tell exactly what the proposal is, their minds go numb, the stare becomes blank.

‘As I clear the kitchen table to lay out the application along with the accompanying plans, I can tell I am in for a roller coaster afternoon. This set of plans are hand drawn (not that there is anything wrong with that), and a mess! The subdivision plat is missing information and very hard to read many details. I dread flipping the page to the grading and utility plans. I reluctantly move forward anyway.’

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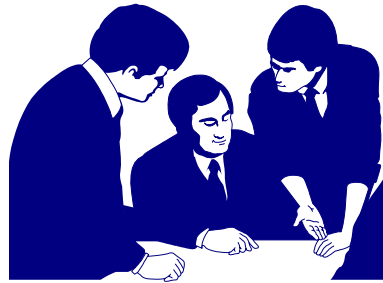
A View from the Other Side of the Table—Con't.



'With the red pen in hand I continue to circle areas on the plan and write notes with arrows and question marks. Soon the plan itself is looking like the now infamous cartoon of the Bush/Gore butterfly ballot where it is hard to follow the arrow from the note to the point on the plan I'm thinking about. It's now two hours later, I'm only halfway with this application and I'm being asked to clear the table. It's dinner time already. I eagerly fold up this set of plans and peek at the next application to get a sense for what lies ahead. Ah yes, I know these guys and look forward to reviewing their proposal.'

I have the luxury of over twenty years of experience in the surveying, engineering and construction industry. I have the same luxury that many of you do. I usually understand what you are asking a Planning Board to do, despite the quality

of the design plans. I have the luxury of *understanding* what you want to do. Many of the Planning Board members you present a project to don't have this luxury. We then begin working with the town engineer to try and understand if the proposal is of sound engineering design and will work well on this site.



'The meeting is called to order and the first applicant is asked to present the project to the Board. I reveal my set of blood red plans, as do the other members of the Board. The agenda is packed tonight, only 15 minutes per applicant. After allowing the applicants their time, one half hour has passed. Questions from the Board continue. Finally after 45 minutes, it is time to move on. This applicant will have to come back next month. And the month after, the month after that...'

When our questions are satisfied, you will continue to work with the town engineer as well as the rest of the reviewing agencies. The town engineer's fees grow. Your project site sits idle. You get the picture..."

The advantage of this particular Planning Board is that they do have a Chair with a level of training and experience that afford an understanding of the roles and responsibilities of a Planning Board, in addition to the technical and legal information and requirements that are a part of the decision making process. Stay tuned to next month's *BME In-Sites* for a discussion of training and education that would allow all such community decision makers to make such informed actions in growing their respective communities.

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Have you visited the Boncke Mueller Eldred Associates, P.C. web site lately? Next time you're logged in, stop by to see the variety of resources and tools that we have available, especially past articles that may be of interest.

Wetlands Update

By Aaron B. Gagné, M.C.R.P.

Professional staff from Boncke Mueller Eldred Associates, P.C. had the opportunity to attend a program with U.S. Army Corps of Engineers staff which focused on wetlands. We are pleased to be able to share that information with you here.

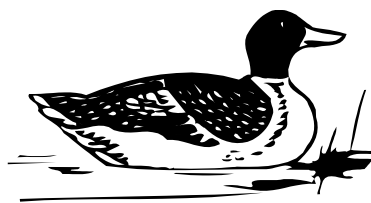


A couple of months ago, BME In-Sites briefly discussed the release of a new judicial decision, the “SWANCC” decision, which was intended to more clearly define the jurisdiction of the US Army Corps of Engineers over “isolated” wetlands. Isolated wetlands are defined as those without a surface connection to any navigable waterway. The SWANCC decision stated that isolated wetland areas without that surface connection do not fall under the jurisdiction of the Corps simply based on the presence of migratory birds or other wildlife.

In a perfect world, following a decision of this nature with such significant implications, one

would hope for forthcoming guidance from the Corps. Unfortunately, none appears to be on the horizon, and no date is promised.

The approach to the problem being “recommended” by the Corps at this time is to delineate and develop a report for even those areas which, in the opinion of the consultant, are isolated and outside of Corps jurisdiction. It is then “recommended” that the report be submitted to the Corps for review. Note that there is inherent risk to not approaching the problem in this manner, because if actions commence based on an independent determination of wetlands being “isolated” and the Corps does not ultimately concur, the determination can be overturned and the involved parties fined.



It is important to keep in mind that these somewhat draconian approaches are being pursued in light of significant gains in overall wetland area statewide. In fact, from the period of 1985 to 1995, there was a net gain of approximately 20,000 acres of wetlands across New York State.



[Source: The New York State Wetlands Forum, Inc., 2001 Annual Conference Proceedings] That’s over 31 square miles of wetlands created in our State. If the policy was “no net loss”, then we appear to be doing quite well.

At BME, we like to make the most of wetlands. Through good design choices and sensitive integration into projects, wetlands can be effective stormwater management and drainage facilities and provide a significant aesthetic benefit to any site. We offer a complete array of wetlands services, including delineation, permitting assistance, design and mitigation. Please feel free to contact Aaron Gagné at BME for more Wetlands information.

**BONCKE
MUELLER
ELDRED
ASSOCIATES, P.C.**

**ENGINEERS, SURVEYORS, PLANNERS
LANDSCAPE ARCHITECTS**

10 LIFT BRIDGE LANE EAST
FAIRPORT, NEW YORK 14450
PHONE: 716-377-7360
FAX: 716-377-7309
EMAIL: BMEPC@BMEPC.COM

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WWW.BMEPC.COM**

BME Continues to Expand its Staff

BME announces the addition of George Brinkwart, and William Collins to its staff. Adam Sholly, a part-time employee, has joined the BME surveying staff full-time this month as well.

George Brinkwart has joined our engineering staff as an Engineering Technician. Mr. Brinkwart is a graduate of the State University of New York, College of Technology at Alfred, with an Associates Degree in Construction Engineering Technology.



George Brinkwart

William Collins has joined our surveying staff as Party Chief for one of our survey crews. Mr. Collins is also a

graduate from the College of Technology at Alfred. He has an Associates Degree in Surveying Engineering Technology.

Adam Sholly has been a part-time employee at BME for the past two years. Mr. Sholly has recently graduated from Alfred College and now has joined our surveying staff full-time as a Surveying Technician.



Bill Collins

Mr. Sholly has a Bachelor's Degree in Surveying Engineering Technology.



Adam Sholly

BME is continually seeking qualified professionals in the areas of civil, site and traffic engineering; land surveying; land planning; landscape architecture and related disciplines. Please visit our web site at www.bmepc.com for more information.