

CLIENT NEWS FROM BME ASSOCIATES

Our 15th Anniversary at BME

By Bruce G. Boncke, P.E., President

Services...

- **Site Engineering**
- **Land Planning**
- **Landscape Architecture**
- **Surveying Services**
- **Construction Services**
- **Wetland Services**
- **Economic Development**
- **Community Development Services**
- **Approvals and Permitting**
- **Infrastructure Engineering**
- **Feasibility Studies**
- **SEQRA Compliance**

We have just completed our 15th year in business, and to be honest with you, it came as a surprise to me. That was probably a combination of "time flies when you are having fun" and thinking more about the future than the past! As we provide services, sometimes we feel our 15 years has gone by very fast and there are days that it seems like an eternity. Either way, we perform services that result in projects and facilities that will be used for generations. More importantly, the results of our services have to balance market needs, client goals, community goals, and long-term environmental protection; tasks that we take very seriously.

When we started business in October 1988, we knew we had

the skills to be successful. We have had the privilege to work for some of the best business people and communities in our region. Our success is in direct proportion to the success of our clients, and I thank you and our dedicated team of employees for our past 15 years. As you know, we enjoy a passion for the development industry and are proud of what our clients and we have accomplished.

If we had one regret, it would be the amount of excellent clients we have seen discontinue business over these 15 years, due to the economic and business climate in New York State. As we look ahead to the next 15 years and beyond, we know we will have to go beyond our clients direct service needs and work hard to improve the growth attitudes around us. We will continue to encourage our employees and clients to get involved educationally and politically on the issues of growth, so we can continue to put our skills to work.

We thank all of our clients, communities, regulatory agencies and friends for your support.



The Bigger Picture

By Bruce G. Boncke, P.E., President

For the past year, I have been the Chairman of the National Home Builders' Association Land Development Committee. I will pass that position on and remain active on the committee. For the past two years, I have been President of the New York Planning Federation and I have passed on that position to a successor. For the National Home Builders' Association, I will now go on to be the National Vice President for New York and New Jersey. I will be our industry's representative on the U.S. Transportation Research Board's Pipeline Safety Committee, the NYS Quality Communities Downtown Revitalization sub committee, and the New York State and Rochester Home Builders' Association's Environmental, Legal Defense and Government Relations Committees.

Those that know our firm and me well know that I participate in these activities out of a passion for the home building and development industry. As we often struggle with local development projects and issues, I have found great value to our clients and employees from the Statewide and Nationwide perspectives this

participation has given us. So, as I now leave some of these positions, I wanted to share some bigger picture observations I have made from my involvement.

Sprawl and Growth: If you define sprawl as uncontrolled, unplanned growth (as the predominant definition), it simply does not exist in our area or most of New York State. Our regulations, planning procedures and environmental sensitivity are some of the most stringent, compared to those around the country. Often, as growth and environmental issues are discussed at a national level, I am often in a "been there; done that" position. In New York State, we often deal with development issues upfront, rather than retroactively as many high growth states are now doing. We live in virtually a no-growth state that only builds a yearly amount of housing units in the entire state equal to what many "metropolitan areas" build, yet we have to keep hearing about our sprawl! Also, contrary to some belief, the balance between growth and infrastructure needs in our region is far better than in most other areas of the state and country. One last

observation is that growth is good vs. the alternative of no growth. Around our country, there are more communities suffering from the consequences of no growth and stagnation than those dealing with the challenges of growth.

Innovation: One of the most frustrating observations is the lack of innovative zoning and planning in our region and state. We have the tools and enabling legislation to be creative, but we get buried in the SEQR Law and "character of the area" issues while the rest of the country passes us by. One of the most important planning concepts in the country right now is mixed use development, and we need to get up to speed with our local zoning codes to allow them. I recently had the privilege of judging projects for the smart growth development category Best in American Living Awards (BALA). As I reviewed the projects, I was disturbed by the thoughts that the majority of the projects would not be allowed or approved in our region and what we are missing. That's probably why only one application was from New York State. However, to the credit of the many private

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and public individuals involved, Anthony Place in the City of Rochester, won a BALA award last year.

Education: I have observed areas of the country that are begging for growth and others that can't close the barn door quick enough. The universal bottom line around the country on bad growth attitudes is a lack of education and communication. Much of the education needs to start with the public officials and planning representatives in the communities. In national settings, I often describe the education and training efforts of the Monroe County Department of Planning and Economic Development, the New York Planning Federation and others in our state. I get many requests for information on training programs and come away feeling we are ahead of the curve on this one.

Influence of Politics: The influence of politics on development, particularly housing, scares me both locally and across the country. Housing is one of our most important needs, yet it is arguably the most over-regulated industry in our country. Thirty years ago,

I was naive enough to believe that, in our communities, there was a legislative body that put zoning codes in place, and a Planning Agency to enforce those codes and protect public health safety and welfare as part of the approval process. I was taught that the two were to avoid political interaction. Wrong! Our NYS SEQR EAF forms even ask the question "is there any public controversy regarding the project?" That's not planning or environmental protection, that's politics. Very recently, a local court overturned a Planning Board's decision largely based on them allowing public opinion to override the facts, design and merits of the project. Finally, a case acknowledging frequent political misuse of the SEQR Law!

Insurance: New York State is the leader in what is becoming a nationwide insurance crisis and that's nothing to be proud of. We are the only state in the country that doesn't have a negligence clause in our labor law and it's killing our businesses. Of the NAHB top ten critical issues for builders, liability insurance cost and availability are #1 & #2.

Across the country, this will first show up as affecting the cost of buildings and homes and will affect affordable housing the most. In New York State, we are beyond that and are now affecting your ability to even find a builder, framer or roofer. For those that don't want growth, they will likely get their wish for this reason alone.

Housing Affordability: We seem to be behind the curve a bit in our area, and somewhat throughout New York State, on awareness of the need for affordable housing. Much of our country, particularly in high growth areas, is well aware of the need for a mix of housing types that include the ability for service workers, retirees and our children to live in the community. Many communities in the country, are including in their zoning, requirements for a minimum mix of affordable housing in development projects. Many of the projects that received BALA Smart Growth Awards acknowledged and included a mix of affordable and workforce housing. By comparison, our region still seems obsessed with a "bigger is better" mentality and "character of the area"



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issues. We continuously rezone for larger lots, less density and more open space, and wonder why teachers, volunteer firemen, nurses, etc. can't find a place to live in our communities. We have to join the rest of the country and get smart before we can grow smart. I am, however a realist and understand there is no perfect formula that works universally for all communities. Diversity is, in fact, the real "character of the area" and our country.

In closing, I want to sell you something. The NAHB Advocacy Group and Land Development Committee publish the Land Development Magazine. It is one of the best-kept secrets

in the industry and needs to be more widely read. The magazine is very informative and success story oriented. I often provide copies of it when I am in the heat of the battle situations and need people to refocus on the larger perspective. We are providing subscription information and highly recommend you consider a trial subscription.



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The Value of a Current Boundary Survey (and why it makes more than cents)

By David N. Zacharias, L.S.

Remember when

- beating the bounds was tradition?
- the seller and buyer walked the land to define the sale?
- handshakes were sufficient to close a deal?
- land was \$500/acre?
- development was not a dirty word and a developer was not the guy wearing the black hat?

- surveyor's equipment was a transit and steel tape?
- tape location maps satisfied most buyers' needs?

Back in the 'good ol' days', when the approval process was short and development costs were relatively low, a buyer and his attorney would often rely on old surveys and old deed descriptions for the

conveyance of Real Property. After all, everyone knew where White's farm was when your deed called for "...bounded on the north by White's farm, on the east by Green's homestead..." Everyone knew that the "stake" or "stone pile" called for in the deed was the boundary corner and they knew exactly where it was located.

The Value of a Current Boundary Survey – Continued from Page 4

Today, as land costs continue to rise, environmental constraints seemingly continue to grow, neighborhood groups are more organized, and development approval times lengthen, the true area and condition of the buyer's property is now more than ever critically important to the success of a project. Remember White's farm? The Whites are probably long gone and there is a good chance that the farm has been fallow for some time. Gone too is the old tradition of "beating the bounds." That was when the boys were walked around the homestead boundaries and were stick-whipped at all the important corners. Boundaries were well remembered! How about that old deed that calls for "thence northerly, 20 chains and 15 links." What direction was that exactly? And did that chaining crew really pull that chain through the waist deep swamp?

More often than not, the ground rules include an important consideration for a property's yield. How many development units will the property allow and will the market bear the cost to create them? It becomes extremely important to developers to rely on a true

acreage to plan for their potential yield.

Today's surveyors are utilizing modern technology both in the field and office to prepare their boundary and topographic mapping. While most surveyors routinely use electronic measuring instruments, many are also utilizing the Global Positioning System (GPS). Modern equipment produces better results by far.

At BME, our clients have experienced instances where a current boundary survey enabled the increase in yield simply through improved measuring capabilities. For example, when the proposed "old" deed calls for iron pipes at corners that measured "25 chains and 33 links" (1671.78') and a current measurement finds the pipes to actually be 1680.00', the increase in land area had an effect on the potential development yield. This example can also hold true for "older" surveys and deed descriptions prepared even as recently as the 1980's when most surveyors were still pulling a steel tape long distances, over the river and through the woods, gullies and swamps.

Field collection of data alone however, does not always

make a correct survey. The surveyor's knowledge of case law, highway law, and town law can all have an affect on one of the most important bottom line issues; development units. By applying our knowledge and experience at BME, we have corrected mapped right-of-way widths; identified title conflicts; identified acquiesced boundaries, and all these examples led to an improved position for the client.

Your land and your time are both important considerations. Be sure you know exactly what you are purchasing and planning for. Be sure you know where the old boundary lines came from and how they were set, measured, described, memorialized and occupied, before you allow yourself to close with an old deed description. Remind yourself of the old adage "you get what you pay for."

Breaking Ground

Meadowbrook Estates

'Groundbreaking' describes current construction, as well as the project design and approval process for Meadowbrook, a mixed use residential community located in the Town of Penfield, New York. The 99-lot project includes 26 single-family estate lots, 73 townhouses, 13 acres of Town dedicated open space, and 32 acres of open space lands to be owned and maintained by a Homeowners' Association.

Construction of the first two phases of the project is underway. The 86-acre property being developed by Pride Mark Homes, Inc. is one of the first residential projects to take advantage of the Town of Penfield's recently adopted incentive zoning law. The basis for approval of the project was the numerous "benefits to the community" which include:

- Over 50% of the project site to be dedicated for open space use, including both Town dedicated and Homeowners' Association lands.
- An environmentally sensitive and diverse regional stormwater management facility as a community focal point.
- A diversity of desirable housing opportunities for

the community, including both townhomes and single-family homes.

- Extension of public sanitary sewers to serve existing surrounding development.
- Cash contribution to the Town of Penfield for lot credits in excess of allowable conventional zoning yield.



- Over 2.5 miles of on-site pedestrian trails and sidewalks.
- Viewshed and environmental area preservation.

The project plan incorporated many design features to promote a strong sense of community to attract the homebuyer to the development. Among these are neighborhood

parks, sidewalks, trails, significant street tree and landscape plantings, project signage, lighting, and a visually attractive stormwater management facility.

The project received considerable public scrutiny and input, and required concurrent involvement by both the Penfield Town Board and Planning Board to satisfy environmental, zoning, and subdivision review requirements. Due to the 'groundbreaking' nature of the proposal, the Penfield Planning Department staff played an important role in the success of the project's approval process.

Site improvements for the first two phases are scheduled to be completed this fall. Home construction throughout the winter will result in resident move in for the Spring of 2004.

On the Boards

The Highlands at Pittsford

The Highlands at Pittsford is a senior living community located in the Town of Pittsford. The Cottages at the Highlands received approval from the Town of Pittsford and the first phase of cottages will be ready for occupancy in the Spring of 2004. The project consists of 36 single-family cottages, a 4000 s.f. community clubhouse, walking trails, and a community garden. The project is being developed by the Highland Community Development Corporation of the Strong Health System.

The project took its design from the Village of Pittsford, both in architecture and in site layout. Cottage architecture was , while the site layout emphasized pedestrian movement. The site contains sidewalks, rear access garages and

within the existing Highlands campus while still providing a separate identity for the cottage community. This was achieved through the design of the site access and road system, along with the internal pedestrian trails and sidewalks.

and approval process that took less than nine months



The approval process included modification of the 1992 Planned Unit Development (P.U.D.) zoning of the property with the Pittsford Town Board, while also obtaining site plan approval from the Planning Board and approval from the Architectural Review Board. The approval process included zoning, environmental, SEQRA, planning, and traffic issues.

to complete from re-zoning to construction for the 36-unit proposal.

Prior to the commencement of the municipal review process, the project was presented to and reviewed with the neighbors of the surrounding residential properties, and also reviewed



alleyways, and a village walkway/garden in the center of the site. The site layout was prepared to incorporate the cottages

with municipal staff and representatives of the Town Board and Planning Board. This pre-planning and upfront work led to an application



Anthony Bellomo joined the BME staff on July 28th as an Assistant Landscape Architect. He has a Bachelor of Landscape Architecture degree from the State University of New York College of Environmental Science and Forestry. Originally from Seneca Falls, NY, Anthony relocated to Rochester a little over a year ago, and since that time worked for a small landscape architecture firm in Penfield prior to joining BME.

How about stopping in for a visit to our web site the next time you are on-line? There's a variety of resources, tools and articles that we hope might be of interest to you. If you would like any additional information, feel free to e-mail us at bmepc@bmepc.com or give us a call at 585-377-7360.



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