

To: Members of the Richfield Town Board
From: Nick Palevsky
re: Comprehensive Plan
January 15, 2018

I appreciate the opportunity to share my concerns about the comprehensive plan.

First, I wonder if you know that the IDA been leaning on the Town for the past fifteen years to create water and sewer districts. Why? In the entire history of the Town, no resident has ever approached the Board with a request for either a water or a sewer district. What's it to the IDA? And what will it mean for Richfield?

What are the costs to create and maintain water and sewer districts?

How will those costs be paid?

Who will have to pay for them?

What benefit will come to the town from water and sewer districts?

What new liabilities will the town face, once it is in the business of selling water and sewer?

The lack of water at a residence in New York State constitutes a "public health emergency." What will you do when a rude NYS Health Dept employee orders the town to provide water to residences in the water district—because the Village can't supply it? Where will you get water, if the Village does not have it?

I wish you would be able to answer these questions before you adopt the plan.

Second, once you adopt a comprehensive plan, you must bring the local zoning laws into harmony with that plan. That means removing the commercial designation from 90% of the town outside of village, but leaving it in place for two families: the Cantwells and the Corrigans. That is the very definition of illegal spot zoning:

"Spot zoning refers to the rezoning of a parcel of land to a use category different from the surrounding area, usually to benefit a single owner or a single development interest." (From: Zoning and the Comprehensive Plan, NYS Division of Local Government Services, Revised 2015)

From the same document: "The function of land regulation is to implement a plan for the future development of the community....**Its exercise is constitutional only if the restrictions are necessary to protect the public health, safety or welfare.**" (emphasis added)

How will you explain to a judge that stripping most town residents of their commercial development rights, but allowing two families to retain these rights, is "**necessary to protect the public health, safety or welfare.**"??

Please give this some consideration before voting.

Please include these remarks in the official record of tonight's meeting.

Thank You