

Dollars & Sense: East Fishkill wins fight to keep popular road open



Michael Woyton • Poughkeepsie Journal • September 25, 2009

HOPEWELL JUNCTION - Strong public opinion and town officials' determination saved a popular road from closure in East Fishkill.

Phillips Road is a country lane that was threatened with closure because of a subdivision, until the courts ruled in favor of the town's ability to control its roads.

East Fishkill Supervisor John Hickman said the Four Corners subdivision, first proposed in 2001 by WCI Communities Inc., was to include 250 homes on about 500 acres.

Part of the proposal was to turn Phillips Road, which intersects with Beekman Road near the Taconic State Parkway, into a cul-de-sac.

In 2006, after Hickman took office, the town board was petitioned by WCI to close Phillips Road and accept a new road to the east off Beekman Road, called Noah Way.

"We decided that we needed public input on the matter," Hickman said, adding the public hearing was packed, with people standing along the walls.

"Everyone spoke against the closure of Phillips Road," Hickman said.

"After the meeting, I said to the board that we work for the public, and it was evident where the public stood on the issue."

Two weeks later, the board voted to deny the developer's request.

"On the way out of the building after the vote," Hickman said, "one of the lead attorneys said, 'We'll see you in court.'"

WCI filed an Article 78 lawsuit, used to challenge state and local government, to overturn the town's decision.

Three years later - after the town spent \$25,000 in legal fees - the 2nd Department, Appellate Division of state Supreme Court in Brooklyn ruled for the town.

Councilwoman Ethel Walker said from the outset she was against closing Phillips Road.

"My objection was, it was one of the most scenic roads in the Town of East Fishkill," Walker said. "I did not object to the project."

She said eliminating the road would force people to drive 1.5 miles out of their way.

"People have to be able to get around," Walker said, especially with gas prices as high as they have become.

Preserving open space

The development was used as a case study in traditional neighborhood development.

The approved plan preserved 65 percent of the property's open space, building on only 35 percent of the almost 500 acres.

A conventional development would have conserved only around 11 percent, according to a 2005 study done by the Land Use Law Center at Pace University School of Law.

The town kept Phillips Road open and also accepted Noah Way as a town road. With the acceptance of the road, the town and its taxpayers continue to pay for its maintenance, through the highway department's \$5 million budget.

Hickman said very few of the town's 184-plus miles of roads were built by the municipality.

"Most were taken over as a component of development," he said.

"Obviously, the taxes by the residents on the new roads pay for town services, including snowplowing and maintenance," Hickman said.

Dollars & Sense explores fiscal or financial issues that affect the public. It runs each Friday. To suggest a topic, please call 845-437-4834. Reach Michael Woyton at mwoyton@poughkeepsiejournal.com or 845-451-4518.