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From: "Lynne Eckardt" <midfarm@bestweb.net>
Date: Mon Dec 5, 2005 1:24 pm
Subject: SE Conservation Commission Recap 11/29/05

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Hi All,

I can't tell you why but Conservation Commission Meetings are the most painful of all town appointed Boards for me to attend. Maybe because I'm easily bored and these are the least entertaining. Or maybe because no applicant has ever been denied. Oh, I've seen progress and I'm especially partial to CC members Mary Ellen Tiernan and Don Cuomo. Recently Susan Anthony really made a Herculean effort to document blatant disregard for wetland regulations over on Nelson Blvd. and Michael Langley has become more vocal- jeeze I even agreed with member Peter Tringali at this last meeting. And in a real 'Alert the Media' moment acting Chair George Hauser and I agreed that an upcoming Public Hearing was warranted.

That said, I'm tired, and I still have to cover the recent 'pitchfork and torches' Town Board Work Session so I'm not going into tons of detail here.

The warning, as always, remains the same. All the commentary is my own pouty and sullen take on wetlands preservation (?) in Southeast. It represents no one but myself... thank God.

AGENDA:

1. Approval of the October 25th Minutes- approved

2. High Meadow Farm- Welfare Road, Public Hearing:

This is a 13 acre, 3 lot subdivision in an R-2 zone. Lot 1 is 4 acres, lot 2 is 6 acres and lot 3 is 3 acres. The applicant has been 'in conversation' with the DEC and DEP and reaching a conclusion with these agencies. Yards and parts of the septic are within the buffer. The common drive goes through the wetlands.

Mr. Peterson (a neighbor) stated that he was against permitting this subdivision as it crosses wetlands. The applicant's engineer (Harry Nichols) said that extensive reports had been prepared and that leeching pits would be installed. There were four other neighbors in attendance.

Board member, Peter Tringali asked if leeching pits would be within the wetlands?

Board member Don Cuomo said the flagging on the property was confusing, Board member Langley agreed. Mr. Cuomo continued that he had never seen plans showing no buffer incursion. He felt that due to the road there would be a great deal of disturbance. At this point

Mr. Cuomo was cut off by acting Chair Hauser. Mr. Peterson interjected that he would be very interested to hear Mr. Cuomo's point.

Other pertinent questions (and answers):

Who maintains the leeching pits? Homeowners Association

How much buffer and wetland's disturbance: 1.6 acres.

How does a leeching pit located in a wetland work? Some of the best drained soils are in wetlands.

What are the soil types? Charlton.

I commented that I would agree with Board member Tringali who feels everyone has the right to develop their property EXCEPT that local laws should be followed. Further, since Ross Allen is a developer by trade he should have an understanding of wetlands and their limitations.

I read a letter from Brian Alberghini into the record (photos included).

There will be a 10 day comment period.

3. Quinn Subdivision- Turk Hill Road Public Hearing:

A presentation was made by Michael Liguori (Hogan and Rossi) and Theresa Ryan (Insite). This is a 43 acre parcel in an R-40 zone.

There are buffer encroachments along the impervious driveway (190-290 linear feet). There will be 'filter strips' which Don Cuomo asked about. These are deed restrictions to preserve 'islands of trees'. Mr. Cuomo suggested that the driveway remain pervious and I suggested wetland mitigation planting along the driveway. Mr. Liguori said he thought both suggestions were good and he would bring them back to the applicant. There is a 10 day comment period.

4. Ross Allen- Salmon's Dailey Brook- Set/Waive Public Hearing

Acting Chair George Hauser said the Board had received one letter from the public asking for a Public Hearing. Since 85% of this property is within the wetlands and buffer the Board set a Hearing for December 27, 2005.

COMMENTS:

High Meadow:

It's rare to see much in the way of fireworks anymore because most of us in the audience are completely shell-shocked and know the Drill. 'The Drill' goes something like this:

1. Applicant's engineer gives presentation stating that even though there is incursion in wetlands/buffer all is right with the world.
2. Board member Don Cuomo (and sometimes Mary Ellen Tiernan) asks pertinent and pointed questions. Applicant rebuffs them with reassurances and platitudes. Don rolls eyes.
3. Don asks if applicant can remove: structures, driveway, septic fields or all three out of the wetlands and/or buffer.
4. Applicant says they'll look into it.
5. A concerned resident politely points out how important our wetlands are. Asks related questions. Applicant rebuffs them with reassurances and platitudes. Resident rolls eyes.
6. Chairman Fasano says that there will be a ten day comment period.
7. Concerned resident wastes time, paper and 37 cents reiterating valid points. Mails letter. Rolls eyes.
8. No changes are made to application. Commission votes 5-2 to issue permit.

Anyhow, any deviation from the norm above is a welcome relief. Suffice it to say that Mr. Peterson was less than thrilled with the proceedings. And, to his credit, he was very vocal about it. He didn't like the attitude, he clearly wanted to hear Mr. Cuomo's opinions and said so in no uncertain terms. It was actually refreshing to hear this Board taken to task.

Hey, we don't call this application 'Low Swamp' for nothing. This is a pretty egregious abuse of wetlands and their buffers. And maybe it's just me but I just don't get how 'leeching pits'

located within the wetlands are really going to drain.

And once more and with feeling- I'll never understand why someone who should know better (in this case Mr. Allen) will probably get a free pass on road construction (excuse me, common driveway- sounds so much more benign) directly through the wetlands.

So kudos to Mr. Peterson for insisting that the Commission pay attention to residents and Mr. Cuomo. The wake up call here inspired me as well.

Quinn Subdivision:

One would think that on 43 acres one could stay out of the wetland buffer. Apparently not. Instead we'll get two new houses with a few school age children to go along with them.

At least the applicant's attorney felt leaving the driveway pervious and wetland mitigation plantings might appeal to his client. Lets hope so.

Salmon's Dailey Brook:


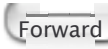

With over 85% of this property in the wetland buffer it's nice to see that all were in agreement that this application warrants a Public Hearing. And yeah, I was the one who sent the letter requesting the hearing. Now the question remains- will we go though the usual machinations with the usual eye-rolling or will we actually accomplish something environmentally sound. It's always the \$64,000 question- make that \$750. Apparently that's what it costs the applicant to hold a Public Hearing.

It was all Ross Allen all the time last Tuesday night as he owns this property as well.

That's it from here. As always please feel free to e-mail me with any questions or comments you may have.

With Best Regards,
Lynne Eckardt

Replies	Author	Date
1468  SE Conservation Commission Recap 11/29/05 In response to Lynne's recap of the Conservation Commission I wanted to post...	Brian Alberghini aghini_99  	Dec 5, 2005 6:39 pm

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