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From: "Lynne Eckardt" <midfarm@bestweb.net>

Date: Fri Dec 3, 2004 4:49 pm

Subject: SE Consevation Commission Meeting 11/30/04

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Hi All,

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On Tuesday night the Southeast Conservation Commission held a Public Hearing on Terravest 3 and their regularly scheduled meeting.

As the Hearing lasted a little over an hour I'm limited to the unofficial 'Highlights'- although, fair warning- these notes are way, way too long. The official minutes should be available within the next two weeks.

As always my comments are completely subjective and, what a dear friend of mine would insist, are totally 'uncalled for'. Some people knit. I do this. Everyone's gotta have a hobby.

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PUBLIC HEARING:

Terravest 3:

There were over 35 people in attendance last night. There was a sign-in sheet for speakers.

George Hauser ran the meeting as Chairman, Steve Fasano, was out of town. Landscape Architect to the project, Terry Ann Hahn, gave a brief overview. The project is on 87 acres with 8+ acres of wetland buffer disturbance proposed. Disturbance will occur in: Town Park, Town Rest Rooms, Waste Water Treatment Plant, 7 'Senior' Houses and Storm water Basins

Landscape Architect Hahn reminded the audience that the DEP and DEC had granted approvals.

The floor was opened for questions.

Questions were ask re. an increased run-off. Ms. Hahn said that due to controls the water flow would decrease substantially. Commission member and hydrologist, Don Cuomo, said he found this claim to be 'amazing'.

Other questions were asked regarding ground water quality and the possibility of deterioration due to buffer disturbance. The applicant did not feel that this would be a problem.

Ralph Huddleston, an engineer, retained by Riverkeeper, CRSE, PCCPOS, CWCWC and the Putnam Smart Growth Alliance spoke about how ill advised it is to place structures in the wetland buffer. On infiltration to groundwater, that there are bound to be hydrology changes (here he agreed with Mr. Cuomo's assessment), that 8 acres was a 'considerable disturbance' and finally, that the Town has enacted excellent laws which need to be followed.

Attorney for the applicant (and former partner of Town Attorney, Willis Stephens) Don Rossi said that these comments had all been answered and belonged at a scoping session. Attorney for 'Riverkeeper' Chris Wilde pointed out that the CC still has an obligation to follow town law.

George Hauser, who chaired the meeting, asked Terry Hahn about the biological disturbances. He wanted to know if it was 'common' for the applicant to bring in specialist, in this case Michael Klemens, who looked for bog turtle habitat. Ms. Hahn replied, no, it was unusual but the applicant, Mr. Lepler, wanted to establish that there were no bog turtles on site. Attorney Jim Bacon pointed out that although Dr. Klemen's is an expert what was really needed on the property was an entire biological survey.

Several other people spoke eloquently on the need to embrace and protect all Southeast wetlands by enforcing the local codes. It was pointed out that these codes were written by our Town Board and not handed down from a state or federal level.

Attorney Don Rossi did not feel that comments on town wetlands regulations were germane to the Terravest 3 application and that comments should be limited to T3 specifically. Mr. Hauser agreed that comments should be specifically about T3.

Martha Shortlidge (a neighbor directly abutting this project) asked Ms. Hahn if there had been any buffer disturbance yet? After several seconds of silence Ms. Hahn admitted that there had. When the access road had been put in so that a 'gent from Pawling' could take out rock. The T-2 maze was mentioned but Ms. Hahn insisted had been moved out of the buffer.

The Public Hearing was left open until December 28th.

Bacaj Swimming Pool: Turk Hill Road

As the pool will be within the wetland buffer (part of the decking and planting actually in the wetlands) a permit will be needed. Questions from the board concerned possible backwashing (there will be none) and chlorine leaching into the buffer if there are ever leaks or overflows. There will be a dry well installed for this purpose.

George Hauser wanted to declare this project one of minor significance but since the house is also entirely within the buffer Board member Tiernan and Mr. Cuomo felt that it was not of 'minor significance'

The application was accepted as complete.

COMMENTS:

Terravest 3:

Hmmm, where to begin. I guess I'll start with attitude. Since I have too much of it- it's pretty easy to spot.

Several Commission members lobbed homerun balls to the applicant's Landscape Architect, Terry Hahn. My personal favorite was Mr. Hauser bringing up the great 'Bog Turtle' hunt. This gave Ms. Hahn the opportunity to expound on just how unusual (and wonderful) it was to have an applicant go to such lengths to protect the environment. Note to Ms. Hahn. In Somers the town hired Dr. Klemens to do an entire survey of flora and fauna on the Eagle River property. And this is a 600+ acre property where 108 houses are proposed. When was the last time Southeast went to this extent on any project? Rhetorical- sorry.

Commission member, Susan Anthony, commended both Mr. Rossi and Ms. Hahn for their professionalism. In the meantime her contempt/ sheer boredom for certain speakers was not particularly well hidden. But then maybe that was the point.

It should be noted that Mr. Cuomo felt quite the opposite and that his displeasure and annoyance towards Ms. Hahn's obfuscation showed as well. It's probably an utter nightmare to actually understand what's going on yet get so little respect.

While engineer, Ralph Huddleston, spoke Mr. Tringali felt it more important to take a cell phone call. Fortunately he 'took it outside'. Mitigating factor: Normal ring, no cute tune played.

The absolute low of the evening came when acting Chair Hauser pretty much said that nothing audience members had commented on was relevant to the T3 application. Oh really, Mr. Hauser?

Allow me to enumerate what may be considered pertinent by others:

- A. That the CC has never met a project that they didn't like. Not one denial in over two years. Not one.
- B. That structures should never be put into the buffer.
- C. That groundwater may, indeed become contaminated when over half the buffer area is eliminated from the site.
- D. That we have a mechanism in place to protect our wetlands but- oh, never mind see A.
- E. That the applicant has years to talk, and talk, and talk and the public is given perhaps (and this is on a big project) 6 hours, total, to speak.

So when a speaker lists reasons why the permit should be denied the CC needs to suck it up and listen politely. Because not a single audience member was rude. Not even close to being discourteous. Impassioned? Yes. Frustrated? Yes. Discouraged, yeah, that too. What will it take to get your attention?

Earth to Conservation Commission: Not one person in the room last night, not one, suggested that Mr. Lepler not be allowed to build on his property. What they want is to have him build what fits, what's sustainable and NO MORE. That's all anyone's asking. If that means taking 7 houses out of the buffer and reconfiguring the WWTP. So be it. It's not being unreasonable it's called following the law. Oh, and by the way, the Town could certainly make more of an effort to relocate their proposed restrooms.

And if we can't comment during one of your Public Hearings where should we comment? Perhaps we should take it to the once-a-month 'New Business' portion of the televised Town Board meeting- because if that's what it takes we can start doing that too.

The 'snatched from the jaws of total defeat' save of the evening goes to Martha Shortledge who was able to pin down Ms. Hahn re. disturbance in the wetland buffer. 'Yes', admitted Ms. Hahn, a driveway had been put in several years ago. This was so that the Ziff property in Pawling could 'mine rock' (because apparently the destruction in parts of Merritt Park wasn't quite enough). A permit for a 'temporary driveway' was issued by our town because, well, in case it's escaped anyone's attention, it appears difficult for anyone in Southeast or the county to say 'no' to Mr. Lepler. And so a driveway was 'engineered' through the wetlands and their buffer so that an uber-rich dude from Pawling could displace some moss covered rocks. Super. Bonus Points: Mr. Lepler can now fall back on the old 'it was already ruined' defense- even if he did do it himself.

To Mr. Hauser's credit he left the Public Hearing open until the December 28th meeting and for this I am grateful.

Bacaj Pool:

Thank god that I've just vented on Terravest and I'm pretty worn out.

This ten acre lot has the house (2 years old) entirely within the buffer (NOTE: this was built before the new regs went into effect). But, if memory serves, it was also 'mis-surveyed' and was built too close to the road and needed a variance after the fact.

So we now have a pool to be built entirely in the buffers with decking and planting in the wetlands... And Mr. Hauser wanted to declare this project one of minor significance???? Dear God. I don't really need to comment here- do I?

Thanks to Mrs. Tiernan and Mr. Cuomo who felt that this project was not of 'minor significance'.

It was a long, long meeting- sorry for the long, long recap...

As always please feel free to e-mail me with any questions or comments that you might have. Have a great weekend.

With Best Regards,
Lynne Eckardt

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