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Community Watersheds Clean Water Coalition, Inc.

CWCWC



Under Attack

The Natural Fiber of our Lives

By Tim Glass and Regina Blakeslee

This is the story of one small, historic community and how we recently came together on a snowy Sunday afternoon to fight back against yet another encroaching housing development slated to begin in our neighborhood. Our focus is a 16 acre piece of forested land in the heart of our semi-rural suburban neighborhood, which consists of bedrock outcrops, steep slopes, streams and wetlands. The terrain has always been considered not suitable for building, therefore safe, or so it seemed, from money hungry developers and their lawyers.

The land is an undisturbed native upland forest consisting of large oak, hickory, tulip, maple, and hemlock trees. Some of these majestic trees have been growing here for nearly two centuries. The rich wetlands here work as a natural filter for the water that reaches the streams flowing into the New Croton reservoir to supply New York City with drinking water. And, living in the area of this undisturbed forest is our neighborhood community sharing this land with animal species, here long before we came, such as salamanders, frogs, Eastern Box Turtles (a “species of special interest” to New York State), bats, and many varieties of birds, including warblers, robins, catbirds, woodpeckers, swamp sparrows, Cooper’s Hawks and great horned owls. Many large and small mammals are also well represented, as well as woodland plants. This area is part of a “wildlife corridor” that sits just south of Hilltop Hanover Farm, Yorktown Heights, New York.



Readers are invited to send comments, articles, feedback by email to fumir@aol.com or by conventional mail to:

**CWCWC, P O Box 484
Bedford, NY 10506**

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In 2006, an item suddenly appeared before the Planning Board for a development that would greatly compromise this environment. One absentee landowner wanted to build several large homes on this land. Trees would be cleared, granite would be blasted, and nearly 40,000 square feet of sub-surface septic systems would be constructed on site. Alerts were put in neighbors' mailboxes and a few of us showed up at the Planning Board meeting that evening. What unfolded at that meeting, and what

The rich wetlands here work as a natural filter for the water that reaches the streams flowing into the New Croton reservoir to supply New York City with drinking water

continues to this day, has been an education. A sad commentary, actually, on the hold that developers with deep pockets can have on a community and its planning board.

Though some are new to the area, most of our neighbors have lived here for a long time. They raised their families here, and know the colonial history

of "the heights of the Croton." This area contains some of the oldest homes for miles around. One historic plaque tells the story of a battle fought against the British in 1781, near a house that was built in 1750. But, it is the spirit of the people today, and the land on which we live that truly makes this area such a beautiful and peaceful neighborhood. We have a close relationship to the land and each other that is rare in today's technologically driven, fast-paced society.

Urban sprawl and the degradation of land is not a new story to our community. Other large subdivisions have won board approval and taken root in this town. Carved into what was once sprawling greenery, they are now part of our landscape. Remarkably, we were successful in limiting the number of homes slated to be built on a hillside not far from the New Croton Reservoir. We even played a role in preventing Hilltop Hanover Farm from becoming a massive housing

development. Westchester County purchased the land in 2003 to preserve open space and to protect the NYC Croton Watershed. The developer settled for building luxury homes along the fringe of the farm. These homes have incredible views of pastures, forest and the New York City skyline in the far distance. It is telling that some of the lots in this subdivision still sit vacant, a decade later, waiting for buyers. With this in mind, we ask ourselves why any more houses need to be built in our community.

It is now nearly nine years later and the plan for the development of this 16 acres of sensitive, forested wetlands remains a pending item before the Planning Board. It was withdrawn for five years during the recession, but now it has reappeared, and this time we have decided that it does not have to be 'the inevitable.' We requested information; we asked questions of anyone who would listen. We found a wealth of information on the Internet, much of it coming directly from the DEP and the DEC, all pointing to one conclusion: consequences of this development will include increased flooding, water contamination and a significant loss of wildlife, natural habitat and biodiversity.

The old paradigm of 'bulldoze baby, bulldoze,' must be exposed. We must loosen the grip of developers and town officials who allow immediate financial gain to trump sound ecological practices. When they win, we all lose. This is a scenario happening all over the world. The current water crisis in Sao Paulo,





Brazil, has placed an entire city of 12 million people at risk with taps running dry. There is not enough water for the people to drink! This is the direct result of deforestation, unbridled growth, pollution and drought. The irony of it all is that Brazil has been considered one of the world's most water rich nations. The same thing could happen here in our great state.

Hilltop Hanover Farm is considered Westchester County's first "Conservation and Natural Resource Center" devoted entirely to the protection of the natural environment through the practice and promotion of best management practices for sustainable development in a watershed. One example of how the farm's sustainable and organic farming practices could be affected is by the potential destruction of nearby shagbark hickory trees. These trees are important bat habitats for summer roosting and the rearing of baby bats. One bat can consume up to 3,000 nuisance pests such as aphids, beetles, mosquitoes, and moths per night. This loss of biodiversity will create more pest issues for the farm. Insects like flea beetles can destroy young tomato plants, peppers, eggplant, kale and a host of different vegetables overnight. There will also be fewer hawks, owls and foxes that feed on rodents that damage crops. This will make farming more difficult



and diminish vegetable yields.

It is a known fact that the web of life is threatened both globally and locally. To prevent further degradation and damage, we must do our part. It is 2015 and the science and the evidence are out there. We know better than to stand idly by and not protect the local watershed. The land itself is calling us to recognize the abuse, calling for the commitment to stop the flow of unbridled development and the willingness to work hard to halt it here in our own neighborhood, town and even the planet. We need to speak for the land, the wildlife and biodiversity because, we are their only voice.

There is no more time to lose. Do we stick our heads in the sand on this seemingly small development and other environmental issues, or do we get involved and see what other course of action is open to us? It takes courage to veer off the path of the status quo and fight for the environment. We are realizing that through the benefit of good and concerned neighbors and the guidance and generosity of the CWCWC, we are not powerless, nor do we work alone. The words of Rachel Carson in *Silent Spring*, written over 50 years ago, mean something to us. She said, "I believe that the more clearly we can focus our attention on the wonders and realities of the universe about us, the less taste we shall have for destruction." Her words are even more pressing at our point in time.

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Southeast - Wrong Turn At the Crossroads

Southeast Residents for Responsible Development

Literally and figuratively, on February 26, 2015, the Town of Southeast officials were at the Crossroads: The issue was joined: Would the Town adhere to the Rule

of Law and support the maintenance of the Rural Commercial code governing land use along the Route 312 corridor or would they approve the applicant's petition to revise the Zoning Code to HC-1, dismantle ridgeline protections and building height restrictions and thereby nullify decade-long core understandings in the Master Plan.

Not thirty minutes into the Town Board meeting, we got the answer. By a vote of 3-2, they approved the overturning of the Rural Commercial Code and adopted the developer-backed HC-1 code.

Abandoning the decade-long commitment to the Rural Commercial code by several administrations and town residents, they shredded the Master Plan and Zoning Code limiting large-scale retail development,



Ann Fanizzi
Director
CWCWC

weakened the ridgeline protection law while increasing the permitted height of buildings in the Town to four stories. The effect: much to the dismay of the community, they sanctioned the Hogan/Lepler Crossroads 312 and "spot zoned" the 51-acre, 243,000 sq.ft hotel/retail development at the juncture of Interstate 84 and state road, Route 312, not a tenth of a mile from the same applicant's Brewster Highlands

61-acre, 377,000 sq.ft regional retail project. This amendment to Chapter 138, allegedly written by the applicant's attorney even countermanded the recommendations of the Planning Board which sought to retain the ridgeline protections and building height restrictions of the code.

Three elected "alleged" representatives of the people thereby ignored 500 resident petition signers, numerous letters and comments at public hearings, decade-long past official and resident consensus and expert Town Planner advice, favoring the private interest of the developer over that of the public.

In the words of Samantha Jacobs, President of Southeast Residents for Responsible Development, "since the town board repeatedly expressed that public opinion was very important to their decision, the choice of three members - Councilpersons Alvarez,

Three elected "alleged" representatives of the people thereby ignored 500 resident petition signers, numerous letters and comments at public hearings, decade-long past official and resident consensus and expert Town Planner advice, favoring the private interest of the developer over that of the public.



There is way too much nature around my buldings...

Cullen and Hudak - to ignore their electorate at the eleventh hour and vote against our stated wishes, is incomprehensible and, we believe, unjustifiable.”

In discounting their own Planning Board’s recommendations, they proceeded to also disregard the judicious guidance given by the New York State Department of State contained in “Zoning and the Comprehensive Plan”, which clearly established the relationship between the comprehensive plan and zoning. “The comprehensive plan is

insurance that the ordinance bears a “reasonable” relation between the end sought to be achieved by the regulation and the means used to achieve that end.”

The Rural Commercial Code was constructed with just such ends in mind. It was an effort to merge significant land use considerations of proximity to highways and need to limit development on a state road that was experiencing the pernicious effects of large-scale development on traffic congestion, the environment, viewsapes and quality of life of town residents. The construction of the Brewster Highlands, a regional retail center of 377,000 sq.ft, deforested and flattened iconic highlands landscape, reducing 61 acres to an asphalt wasteland and aesthetically numbing formula Big Boxes. Cognizant of these considerations and especially



the role of large-scale retail development in exacerbating gridlock on Route 312, the Master Plan Committee so fashioned the code that it would retain Route 312 as a “commercial hub” while simultaneously restricting the culprit of large-scale retail. The code permitted a three-story hotel, small retail and a restaurant.

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Response from the developer to the traffic conundrum, was the installation of additional traffic lights, increasing the five to nine throughout the length of Rte. 312 and additional lanes, even though there exists the small matter of a two lane bridge over I 84 connecting east and west, resisting the developer’s improvement efforts and guaranteeing gridlock. However, as he candidly states in the FEIS, delays, possible accidents are a small price for residents to pay for the convenience of a four-store shopping “experience,” a hotel, and a job at minimum wages. In abrogating the rule of law and will of the residents, these three officials failed to foresee the unanticipated consequences of such a revision on other sensitive parcels throughout the Town also bearing the Rural Commercial Code. Four parcels have been identified, each of which are on a priority list for development and vulnerable to an applicant’s similar petition for a code change and liable to the charge of arbitrariness if such a change were denied. Litigation as far as the eye can see.

Instead of predictability and consistency of code and Master Plan, we now have ZONING ON DEMAND. Instead of rule of law democratically arrived at by resident and official consensus and a comprehensive plan “carefully studied and deliberated”, we have the imposition of one developer’s whim on major decisions affecting land use and quality of life of its residents - “rezoning for the benefit of individual owners rather than for the pursuit of the general welfare of the community.” (NYS Zoning and the Comprehensive Plan) Town of Southeast officials have definitely taken the wrong turn.

FERC Approval of Spectra AIM Pipeline Poses Serious Health and Safety Risks

By Susan Van Dolsen, Founder
Stop the Algonquin Pipeline Expansion

When fracking was banned in New York State on December 17, 2014, people throughout the state and beyond were overjoyed that Governor Cuomo, Commissioner Joe Martens of the

Department of Environmental Conservation, and Commissioner Howard Zucker of the Department of Health based their decision on science and refused to permit High Volume Hydraulic Fracturing (HVHF) in the state because of health impacts cited in peer-reviewed scientific studies.

The celebration was short-lived for the many New Yorkers who live in areas where gas infrastructure projects are proposed or where they have already been completed. From Minisink to Seneca Lake, from Delaware County to Westchester

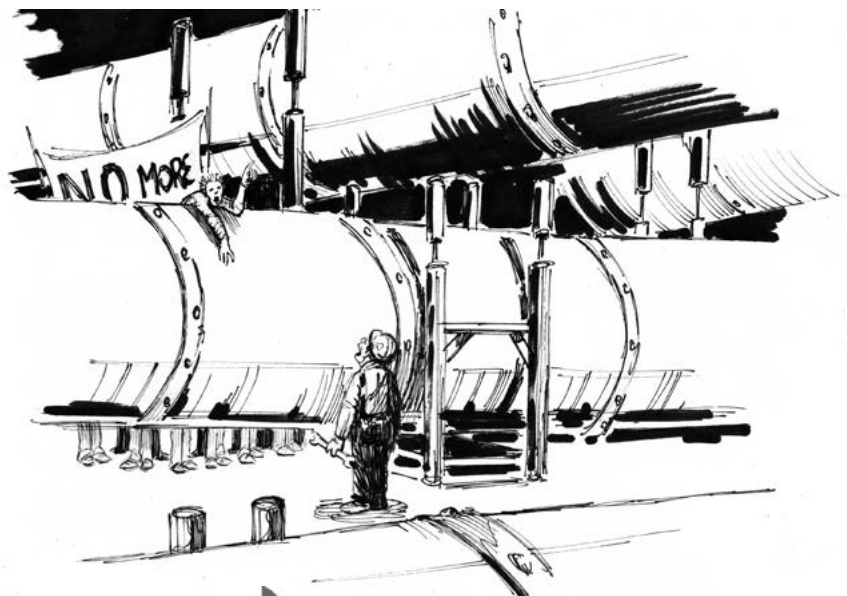
County, “natural” gas infrastructure projects continue to put New Yorkers at risk. Fracked gas travels through pipelines and along the entire system of gas infrastructure. Emissions from compressor stations, metering and regulating stations and other components create exposures to chemicals, including benzene and formaldehyde, both of which are classified as known human carcinogens. Furthermore, fugitive emissions from leaks and releases from the full lifecycle of gas development significantly contribute to climate change because methane is a very powerful greenhouse gas.

To be consistent in terms of minimizing health risks from shale gas development, our state must say no to more fracked gas being transported to and through New York. Our decision-makers should be advocating for energy policies that encourage conservation and efficiency, and should promote the development of wind, water and solar.

I’m a lifelong New York resident and a grassroots activist who co-founded the all-volunteer group, Stop the Algonquin Pipeline Expansion (SAPE), in October 2013 when we discovered that Spectra Energy’s Algonquin Incremental Market (AIM) project, a massive pipeline expansion, was slated for our region. SAPE hosted educational forums and reached out to the public and our elected officials. Resistance to the project grew as more people became aware of the risks to health and safety. Over 26,600 people signed our petition and we delivered the comments to FERC on September 15, 2014. Municipalities passed health and safety resolutions, and many elected officials stood beside citizens at hearings and press conferences. The movement to halt the project grew stronger, but we knew it was a tough fight because FERC, the lead agency, approves almost every single gas project in the queue.

On March 3, 2015, we received the email from

How can FERC ignore all the concerns of American citizens, town leaders, and even Senators and Congressmembers? Why should the gas industry be entitled to run roughshod over local zoning laws? This process is fatally flawed.



FERC issuing the Certificate for the Spectra AIM project. My heart sank and my stomach felt sick. All I could think about were the families living 50 feet from the huge 42" proposed pipeline and those with children attending elementary school in the "high consequence area." How can FERC ignore all the concerns of American citizens, town leaders, and even Senators and Congressmembers? Why should the gas industry be entitled to run roughshod over local zoning laws? This process is fatally flawed. FERC must subject to an investigation by Congress. SAPE is now pressing our Senators to take the lead in shining a light on FERC and we need your help. Please call Senators Gillibrand and Schumer today!

How could FERC permit construction of a new 42-inch diameter high-pressure natural gas pipeline that will travel only 105 feet from vital structures at the Indian Point nuclear plant? A pipeline safety expert and a nuclear expert, both with extensive industry experience, question assumptions and methodology cited by the plant operator regarding timing for failsafe shutdown of the plant. Paul Blanch, the nuclear expert stated, "An accident or failure of the new pipeline could result in a catastrophic explosion and release of the facility's forty years of radioactive spent fuel, rendering all of Westchester County, New York City and much of Connecticut and Long Island uninhabitable for generations."

In addition to the unacceptable siting of a massive gas pipeline next to an aging nuclear plant, the project bisects the Blue Mountain Reservation and entails permanent destruction of forests and wetlands and impacts flora, fauna and wildlife. The Croton Watershed is also at risk because the pipeline traverses a 2.3-mile portion of the watershed. To date, the New York City Department of Environmental Protection (NYCDEP) has not yet granted a Stormwater Pollution Prevention Plan (SWPPP) to Spectra/Algonquin.

The New York State Department of Environmental Conservation (NYSDEC) is delegated authority for implementing the EPA's Clean Air Act and Clean Water Act. They are reviewing thousands of comments submitted about the project's air and water permits during the comment period that ended on February 27. If the

DEC does not issue permits, the project cannot proceed. Will New York State block FERC and Spectra and deny the permits? A call from you can help!

FERC's approval of the AIM Project is first of three expansions that would carry fracked gas from the Marcellus Shale through New York, Connecticut, Rhode Island and Massachusetts and on to Canada where it is bound for export. Meanwhile, an export terminal in Nova Scotia, Canada that would link up to Spectra's Maritimes & Northeast pipeline, which connects to the Algonquin, is in the approval process. Spectra is segmenting the AIM, Atlantic Bridge and Access Northeast projects,

attempting to avoid a full environmental review of cumulative impacts. Industry claims there's a gas shortage, but there are only a few days in the winter with peak demand. As efficiencies and renewable energy technologies are being employed, demand is declining. The short sighted energy policy of building more fossil fuel gas pipelines must be stopped. New York should not be a sacrifice zone for a profit-making company to ship gas overseas. New York's health and safety are paramount!

TAKE ACTION:

Please call Governor Cuomo, Commissioner Martens and Commissioner Zucker and ask them to reject the permits for the AIM project.

Please call Senator Schumer and Senator Gillibrand and ask them to convene a Congressional hearing to investigate FERC.

Governor Cuomo: 518-474-8390
Commissioner Martens: 518-402-8540
Commissioner Zucker: 518-474-2011
Senator Gillibrand: 845-875-4585 (NY) 202-224-4451
Senator Schumer: 914-734-1532 (NY) and 202-224-6542

How can FERC ignore all the concerns of American citizens, town leaders, and even Senators and Congressmembers? Why should the gas industry be entitled to run roughshod over local zoning laws? This process is fatally flawed.



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The Coalition strives to protect and improve the waters of New York City's Croton Watershed as well as all New York State Watersheds. We are an alliance of individuals and groups who believe that safe, clean and affordable drinking water is a basic human right.

Community Watersheds Clean Water Coalition Membership Application

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____

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|---|---|
| <input type="checkbox"/> Group/Coalition Membership \$50/year | <input type="checkbox"/> Students/Seniors \$10/year |
| <input type="checkbox"/> Family Membership \$25/year | <input type="checkbox"/> Other \$ _____ |
| <input type="checkbox"/> Individual Membership \$20/year | <input type="checkbox"/> Additional Contribution \$ _____ |
| <input type="checkbox"/> Renewal | <input type="checkbox"/> New Membership |

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Make checks payable to Community Watersheds Clean Water Coalition, Inc. or CWCWC, Inc. and mail along with your membership form to:

Treasurer, CWCWC, Inc., PO Box 484, Bedford NY 10506