

Are We Protecting Our Environment?

By Susan Siegel

When a developer tells us that his plans will not cause any negative environmental impacts, should the town automatically accept his statement? Or should the town review the developer's statement to make sure that the town's interests — and the interests of its residents — are protected?

If the answer to this question seems obvious, then Yorktown has a problem. A serious problem. The environmental impacts of development applications, even those involving critical wetlands, are no longer being reviewed by a town funded environmental professional. No town employee with environmental credentials or an outside environmental consultant is representing the town's interests and verifying the accuracy of a developer's "no adverse environmental impact" submissions.

That means that if homeowners have concerns about the possible environmental impacts of a proposed development in their neighborhood, they're on their own. It's up to them to "pass the hat" and hire their own consultant to make sure their property will not be negatively impacted by the proposed new development.

Just to be clear, I'm not saying that we can't trust developers. All I'm saying is that while a developer is looking out for HIS interests, the town should be looking out for its interests — and the interests of its residents.

Yorktown's problem dates back to early 2017 when the previous Town Board decided not to renew the contract of an environmental consultant whose job included reviewing the wetland and natural resources sections of all site plans and subdivision plans. No reason was given for dropping the consultant who had worked for the town for many years.

In the consultant's place, the Town Board waited until November to hire a new environmental consultant. But unlike the previous consultant who automatically reviewed the environmental aspects of all development plans, the services of the new consultant was only to be used on an on call basis. (To the best of my knowledge, the new consultant has not been called in to consult on a single application.)

Not even for a controversial application involving a 14 acre heavy wooded environmentally sensitive site in the Croton Watershed that contains two streams, steep slopes and a flood plain. Which meant that when the Planning Board held a public hearing on the application, there was no town environmental review of the applicant's Environmental Assessment Form, habitat study, erosion and sediment control plan, and plans for building a road across both streams. Nor was there any town verification of the developer's conclusion that the subdivision would not have any adverse environmental impacts.

While the town was silent during the hearing (the town engineer informed the Planning Board that he needed an additional 30 days to complete his technical review of the application), area homeowners weren't. They did their homework — and they passed the hat, for a second time, to hire a professional engineer to review the applicant's latest submissions. One after the other, the homeowners came to the podium and called the Planning Board's attention to a series of deficiencies, missing information, conflicting, confusing, dubious and inaccurate statements in the developer's environmental submissions. It was a staggering list that included:

- Despite the fact that the plan called for building a road over two streams, there were no details of how the crossings would be constructed or the impact the disturbance would have on the streams. There was no wetlands mitigation plan.
- There was no assessment of how the removal of trees, runoff, erosion and grading would affect the hydrology of the streams or how changes to the streams would impact downstream flows or the habitat for stream dependent wildlife.

- The tree survey, which was done in 2009, was no longer valid because many of the trees it counted were already down as a result of Hurricanes Irene and Sandy.
- The impracticality of relying on the new homeowners to maintain critical and sophisticated stormwater retention facilities that were supposed to prevent runoff from flooding nearby existing houses.
- The incomplete habitat study that failed to identify species that may be on New York State's list of threatened or endangered species. The bird survey counted eight species of birds while a survey on the abutting property identified over 40 different species.

The homeowners did what they felt had to be done to protect their neighborhood and their property values. But that doesn't excuse the town's failure to do its job: The town should have had an environmental professional reviewing the developer's submissions and providing input to the Planning Board.

If the new Town Board is serious about its commitment to the environment, then it needs to rethink what environmental services the town needs and how those services can best be provided. Money should not be an issue. If Yorktown can afford to spend in excess of \$5 million to build a sports complex, it certainly should be able to find money to protect and preserve the town's fragile environment.