



Town of Wallkill

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Commission for Conservation of the Environment

Claude Brathwaite · Kate Fox · JonPaul Heurich · Sal LaBruna · Michael Leary · Patricia Owen · Kevin Sumner

ANNUAL REPORT 2005

Introduction

The Town of Wallkill Commission for Conservation of the Environment, commonly referred to as the “Conservation Commission”, is required to submit an annual report to the Town Board no later than April 1st of every year. Although the Conservation Commission has not yet been active for a full year, we have completed a report covering the first nine months of the commission’s existence.

History

In 1972 the Town Board adopted a law creating a “Commission for Conservation of the Environment.” Apparently, the commission was never formally organized or staffed, and this was brought to the attention of the Town Board in 2003. On June 10, 2004 the board held a public hearing on a resolution to make some changes to the law as defined in Chapter 12 of the Town Code. Among other issues, the board members debated changing the classification of the environmental group from a commission to a committee. Members of the Town Board, however, assured the public at the hearing that they would keep the law the same in that respect and would soon staff the commission.

On June 24 the Town Board passed a resolution making minor amendments to the law, and appointed Claude Brathwaite, JonPaul Heurich and Michael Leary to the commission for a term of one year. Nina Guenste, Salvatore LaBruna, and Patricia Owen were appointed for two-year terms. According to the law, all future members appointed to the commission would be appointed for two years, except for vacancies occurring for reasons other than by expiration of term of office. In that case, vacancies would be filled only for the remainder of the unexpired term.

Officers, Meetings and New Members

At the first meeting of the Conservation Commission on July 12, 2004, we decided that all future meetings would be scheduled for the second and fourth Monday of every month, to be held at the Town Hall at 7:30 p.m. During the same meeting, Nina Guenste was elected chairman, and Mike Leary was elected secretary, both by unanimous vote. However, the law actually requires that the Town Board appoint a chairman to the commission. This had implications later when a councilman had asked Mr. LaBruna if he was interested in being appointed chairman by the board. After some discussion, the Town Board ultimately decided not to interfere with the commission by appointing a new chairman after we had already elected Mrs. Guenste.

At our second meeting on July 26, Mrs. Guenste brought to our attention that the law creating the commission was mistakenly filed with language that classified the group as a committee, not a commission. The Town Supervisor assured us the mistake would be corrected, and on October 7, 2004 the Town Board adopted Local Law No. 12 of 2004, which amended the Town Code and changed the name of the “Conservation Committee” to “Conservation Commission”, which was, we were told, the original intention.

At this same Town Board meeting, Mrs. Guenste was appointed to the Zoning Board of Appeals with the condition that she resign as chairman of the Conservation Commission. At the next meeting of the commission on October 25, Mr. LaBruna was unanimously elected chairman.

In September, the Town Board appointed Kevin Sumner to the commission. Kate Fox of the Master Plan Review Committee was appointed in November, to fill the seat vacated by Mrs. Guenste. These appointments brought the commission to full staff.

Activities of the Commission

One of the first actions taken by the Conservation Commission was to investigate a proposal for a pipeline that would bring water to the Village of Goshen from three wells within the Town of Wallkill. We spoke with Ed Smith, Superintendent of the Water and Sewer Department, Jay Beaumont of the Orange County Water Department and a representative of Alpine Environmental who was working on behalf of the applicant. We determined that the Village of Goshen had followed all necessary legal requirements for their request, and the project would not threaten, impede or reduce the town’s current or future water supply. In letters dated September 2, 2004, we alerted the NYSDEC, the Town Board of the Town of Wallkill, and the Village of Goshen that we were concerned about the impact on private residential wells in the immediate area and made several recommendations.

The commission then reviewed the Draft Environmental Impact Statements of two major projects submitted to the Planning Board – the “Golden Triangle” development and the “Phillipsburg Facility”. Our comments and recommendations were submitted to the Planning Board and into the record. Copies of these documents were also sent to the Town Board and placed on the Conservation Commission’s page on the town’s Web site. We are continuing to monitor the progress of these projects and will try to ensure our concerns are addressed and our recommendations considered.

We have met with David Church of the Orange County Planning Department to discuss the future of the commission, and initiated discussions with the Town Board, Planning Board and Master Plan Review Committee on a number of occasions.

We are currently undertaking an inventory of agricultural land in the town. The finished inventory will also include a map that will incorporate both large-scale commercial and small-scale agricultural uses. This map will identify the location of the property, type of agricultural use, and the soil quality. As part of the Conservation Commission’s inventory

of open space, this data will also be a useful tool for the Town Board's ongoing efforts to select agricultural land that would be eligible for conservation easements through the town's Purchased Development Rights program. The inventory will also make a great reference for the Planning Board when considering new developments, enabling them to easily identify agricultural activities near proposed projects and ensure the applicant follows through with the necessary notification requirements. We have met and discussed this project with Councilman John King and we look forward to continuing to work with him and other members of the Town Board to complete the inventory.

After reviewing various proposed laws aimed at protecting wetlands in the town, the Conservation Commission was unanimous in its belief that at the present time the Town of Wallkill would be best served by enacting a town-wide wetlands, waterbodies, and watercourses protection law. The town-wide wetlands ordinance we are working on would basically create buffers around all wetlands, waterbodies and watercourses, and establish that certain regulated activities in those areas would require a permit. The developer or applicant would pay a fee for a permit application and a wetlands inspector would go out to the site and determine if the proposed use or activity would have a negative impact on the wetlands. The fee for the permit would be used to pay the inspector. The inspector's recommendations would be sent to the Planning Board and they would vote to deny, approve, or approve with conditions (such as required mitigation or other plan that would limit effects on the wetlands). The law will further describe these methods and definitions in detail, including the appeals process and penalties for violations.

We anticipate some resistance to the prospect of adding another layer of bureaucracy, requiring another fee for developers and, probably most importantly, ceding some jurisdiction to a wetlands administrator. However, with the pace of development in the town, the quantity of wetlands in the area and ecological significance of wetlands to both the local and regional environment, it is as important and worthwhile a statement of our respect and concern for the environment as the town could make.

Related actions taken by the Planning Board

At the request of the commission, and with the cooperation of Planning Board Chairman Gary Lake, the Town of Wallkill Planning Board is now supplying site plans for review by the Conservation Commission. We have since tried to ensure that at least one member of the commission is present at all Planning Board meetings. In an effort to keep informed of development in the town, our current chairman, Mr. LaBruna, has been to all Planning Board meetings since Jan. 1, 2005.

With the impending adoption of new stormwater regulations, the Planning Board and the Town Engineer have required that all new applications fulfill the requirements of these regulations even though the Town Board has yet to enacted them through legislation.

At this time the Planning Board is awaiting the selection of a landscape architect to work on behalf of the town. This proposal would allow the Planning Board to refer projects to a landscape consultant for review, as needed, with the applicant incurring the cost.

Recommendations for the Town Board

Stormwater compliance: In a letter dated January 14, 2005, the Conservation Commission expressed its desire to aid the Town Board in its efforts to complete the Stormwater Phase II program. We also requested an update on the current status of this project. We have yet to receive an update or a response to this letter. We would like to again encourage members of the Town Board to make use of our services when considering these laws. We would like to see the stormwater program moving forward before the Planning Board is flooded with projects when the moratorium ends.

Hire a landscape architect: As we stated in our letter to the Town Board, dated January 22, 2005, this proposal would allow the Planning Board to refer projects to a landscape consultant for review. In the short time the commission has been involved in the planning process, we have witnessed at least one occasion where the services of a landscape architect would have aided the Planning Board significantly. After a thorough review, the commission found that the landscape and planting plan for a proposed asphalt plant was clearly insufficient. This project borders a cemetery, which by law enables the Planning Board to require sufficient screening. In the future the commission hopes they can recommend that the Planning Board refer to the town's landscape architect to ensure the best possible landscaping on sensitive projects such as the above-mentioned facility. With the moratorium on large residential developments coming to an end, we believe this is a perfect time to give the Planning Board a useful tool for improving future development in the town.

Refer more actions to the commission: One of the main reasons cited by advocates for the creation of this commission was the ability of the Town Board to refer issues of environmental significance to the Conservation Commission. The Town Code describes the commission's ability to advise the board on environmental issues. We realize that on many occasions the Town Board is eager to pass legislation or address problems quickly. There is, however, no excuse for board members to state that they do not have enough information available to make a decision on an issue that could have been referred to the commission for assistance in the matter.

Let us elect our chairman: Lastly, the Town Board should consider amending the law governing the commission to allow us to elect a chairman annually from our members, in a manner similar to other boards and committees. The law currently gives the power of selecting a chairman to the Town Board. This created some initial confusion when the board appointed members to the commission but did not name a chairman. Although that situation has been resolved we wish to prevent possible conflict in the future.