

RECORD REVIEW

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More wrangling over wetlands buffer plan

By ABBY LUBY

Strongly worded arguments attempting to sway the town board to accept or reject the proposed expanded wetland buffer ordinance were heard last week at the final public hearing on the contentious issue. Builders and some residents joined in opposing the additional 50 feet added to the buffer, while many residents and members of the town conservation board spoke on behalf of the proposal.

Nathaniel Parish, a consultant to the Builders Institute and the president of Parish, Weiner & Maffia in Elmsford, criticized the 2005 wetlands report by town of Bedford environmental consultant Beth Evans.

“What the wetlands commission is saying, effectively, is that the property owners are guilty until proven innocent,” Mr. Parish said. “You will put this 150-foot buffer down, and then each property owner has to come in and make an application, have it reviewed to then determine whether or not it [the application] really requires that 150-foot buffer. It’s the cart before the horse; it’s not sound public policy.”

The Builders Institute shares the common interest with the public of preserving water quality, said Mr. Parish. “This is self-interest,” he said. “If they don’t have adequate water supply, they can’t build and sell houses. They fully understand that wetlands, particularly where there is no public water supply, are very important to the preservation of the water quality.”

Putting the burden on the property owner to come before the wetlands commission was, in Mr. Parish’s words, a draconian imposition.

Bedford’s Jane Pearl, a member of the town’s conservation board, spoke about the need for a septic ordinance. “Whether you do pass or do not pass this legislation, I would suggest you give serious thought and action to legislating a septic ordinance,” she said. “The conservation board drafted such an ordinance five or six years ago and presented it to you on two different occasions. There’s been no reply.”

Ms. Pearl also said that pesticide use in Bedford should be severely curtailed, if not banned outright. “Fertilizers should contain little, if any, nitrogen,” she said. “The pollution to the town well can be attributed to nitrates. Dirt roads should not be paved but treated with such products as EarthPave to prevent silt from being carried into wetlands and water bodies. Also, soybean oil can also be looked into for laying dust.”

Ms. Pearl said that properties will not lose value because of the increased buffer. “Can anyone cite a devaluation of their property because of wetland buffers?” she asked.

Complaining about difficulties with the wetlands control commission with an application to build a new dwelling, resident Dennis Baum said his application has been met with “badgering” from the commission.

He said his plan for a new home sounded “ideal.” “But ideals are quickly put to a test in Bedford when enlisting the aid and permission of the wetlands commission,” said Mr. Baum. “Many speakers come in front of you at this microphone and may have whispered in your ear that the wetlands commission is painfully slow and even abusive.”

Mr. Baum said he was not a commercial builder and not antienvironmental. “Our family loves Bedford, and we appreciate the rules and regulations that preserve our paradise on earth,” he said. “But when the commission suggests that I put a conservation easement on my property, when they tell me what I can and cannot do with my rock walls, when they demand I write a letter to our neighbors requiring access to my property over their land, and when they suggest banning deer fencing, what can they be thinking?”

There was a round of applause after Mr. Baum’s remarks when he said that although the wetlands commission turned down only three applications, he suggested that the 297 application approvals were subjected to “endless badgering.” “My wife and I are dead set against the wetland buffer expansion,” he said.

For Anne McDuffie, the people serving on the wetlands commission are not “out to get” anyone. “They are doing their best, they are interpreting the code, they are walking the properties, and they are protecting the wetlands,” she said. “One has to be aware at public hearings that the people who have complaints will make sure to come, and a lot of other people who are sure things are going to be fine don’t think their voices are needed.”

Ms. McDuffie said builders’ concerns were for future, not current, Bedford residents. “Let’s think instead of the people who live here now,” she said. “I live here; you live here. The Builders Institute is prepared to protect the people who don’t live here yet, who haven’t built here yet. Why do we have to worry about protecting them?”

The fact that water doesn’t distinguish property lines is a good reason for the board to consider a septic ordinance, said Ms. McDuffie.

“The board is aware that there has been a septic ordinance written,” she said. “It’s still kicking around waiting for something to happen.”

Marian Rose, director of the Croton Watershed Clean Water Coalition, urged the board to adopt the expanded buffer proposal. “The 150-foot buffer, together with a strong septic ordinance and educating residents to cut down on fertilizers, will go a long way to achieving healthy, plentiful, and affordable drinking water,” she said. “There’s no point digging new wells if we allow them to become contaminated with nitrates. Source water protection is our best option.”

Manhattan resident Arnold Frogal said he traveled to Bedford specifically to address the board about his concerns for quality drinking water.

“I come up here to this hearing because I’m concerned about anything that affects the Croton Watershed,” he said. “My area in the Upper West Side of Manhattan receives Croton water.” He said that the 150-foot buffer in Bedford “makes sense. I want to see our water supply safely guarded.”

“We seem to be having a lot of conversation here about septic and about all the issues of nitrates that are related to it,” said Bedford Village resident and architect Carol Kurth.

“However, it’s my understanding the Westchester County Department of Health has jurisdiction over septic, and their regulation is 100 feet for septic systems,” said Ms.

Kurth. "Can there be some dialogue about what is it we are actually talking about for this 150-foot buffer?"

William Bryan of Guard Hill Road said his home and his neighbor's homes were all built on former wetlands. "Wetlands are being chipped away in increments which are small that are going to have, at some point, some dramatic effect," he said. "That's what is happening nationally. This 150-foot buffer is going to allow us to buck that national trend. We are losing wetlands at a very fast rate. Cancer rates are increasing, and all the other things we've heard are increasing in relationship to this deterioration. It's important that we understand that this incremental chipping away [of wetlands] will eventually have dramatic effects. This has to be addressed now."

Closing the public hearing, Bedford town supervisor Lee Roberts said that any letters that will be received for public comment will be entered into the official record. The board has so far received a petition against the increased buffer signed by 11 people, 11 letters from people in favor of the increased buffer, and two letters opposing the larger buffer. "The town board will take a period of deliberation and further research on this matter," said Ms. Roberts. "We've spent a great deal of time, and we have listened thoughtfully to all of your comments. We are not prepared to make a decision right now. We hope to reach a decision in the not too distant future."