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Attorney General to comment next week on controversial Somers project Pointe counterpoint

By Abby Luby



A portion of the environmentally sensitive 29 acres at Granite Pointe. The Attorney General's office is expected to issue its recommendation on how to clean up lead contamination at the site.

The controversial proposal to build 23 residential lots on 29 densely forested acres bordering the Amawalk Reservoir still sits on the desk of the Somers Planning Board.

Somers Town Planner Sabrina Charney Hull said officials are waiting for comments regarding the Granite Pointe subdivision from the State Attorney General's office, expected by January 24. The comments will recommend how to clean up massive amounts of lead contaminating the property.

"The information from the state will shed light on remedial work required for the project to move forward," said Hull. "The attorney general's office represents the state and county departments of health and will only enhance the discussion about the proposal thus far."

The lead contamination is the result of old bullet fragments lodged in the ground from a skeet and trap recreational facility formerly on the property from the 1930s to the 1960s. Soil testing revealed that there were high levels of lead, arsenic and other toxic metals.

The housing project received final subdivision approval from the town in July 2002 and again in July 2003. The applicant, John Harkins of Suelain Realty in Katonah, was prepared to break ground in the fall of 2003.

“The lead agency hadn’t picked this [the lead contamination] up by the review process,” said Supervisor Mary Beth Murphy about the overlooked toxic contamination. “But this issue does require further environmental investigation, a process that has been continuing since 2004.”

Some believe that building on the parcel may impact the Amawalk Reservoir that supplies drinking water to 9,800 households (about 36,000 residents) in the Town of Yorktown and 1,053 households (about 4,200 residents) in Somers, according to statistics from the Northern Westchester Joint Water Works. The property is also seen as providing an essential buffer to the primary drinking water. Steve Kaplan, board member of the Croton Watershed Clean Water Coalition, said any kind of development on the site would be a mistake.

“We would not recommend building houses here,” he said. “This is perhaps the most heavy, metal-laden site in the county. If trees come down for development that would increase the turbidity and the pollution going into the reservoir.” The proximity of the contamination to the Amawalk Reservoir is a potential threat to the reservoir and to the public, added Kaplan. “It’s clear that this property needs to be handled in the right way.”

Toxic clean up

The amount of toxic lead targeted for clean up at Granite Pointe varies from one regulatory agency to the next, a circumstance that has perplexed Somers officials. The New York State Department of Environmental Conservation recommends a greater amount of lead be extracted than amounts suggested by the federal Environmental Protection Agency and the New York State and Westchester County health departments. At a public hearing on the proposed subdivision in October, the issue was paramount.

“The public hearing for the supplemental draft environmental impact statement on October 4, 2006 heard public comments about the lead contamination,” said Charney-Hull. “Comments were also (made) about health threats to children drinking Amawalk water.”

But by November 17, the town of Somers still hadn’t any recommendations on the lead clean up from the county or state health departments. The written comment period was extended, not only for the state and county but for the state Department Environmental Protection Agency as well.

Town timeline

After the cutoff date for comments expected from the attorney general’s office next Wednesday, the board will make a determination on whether a final supplement environmental impact statement is warranted by the developer. The last public hearing on January 10 was the final session in the environmental process, said Hull.

“Until this issue is addressed we will not recommend the proposal for final approval,” she said. “The process does provide for both adoption of the final impact statement and approval for the subdivision to happen simultaneously.” But Hull said there may be another extension past January 24. “It’s hard to tell what may happen,” she said. “But ultimately there will be a 30-day public comment period after the draft final environmental impact statement, but no

more public hearings are scheduled,” she said.

Open space purchase possible

Supervisor Murphy said there has been a serious effort to rescue the parcel from being developed.

“There has been an initiative by a number of passionate residents to keep the property from being developed,” she said. “We’ve approached the county and New York City to see if there would be any interest in coordinating on an acquisition, but that was a few years ago and at that time there wasn’t any interest.”

In 2000, Somers passed a bond referendum approving \$2 million for open space purchases. “We actually spent twice that amount on the Eagle River property,” said Murphy. “That was a 640-acre parcel that cost us about \$4 million.”

Murphy is hopeful that Granite Pointe can be saved from the bulldozer.

“We just really need willing funders,” she said. “The time factor [of the application] is not something that is a deterrent to a possible acquisition. But the town would look to proposing a bond. I can say that the residents in Somers are highly supportive of open space preservation and we’ll make every effort to support that.”