

Minutes of the May 21, 2019, Meeting of the Putnam Valley Commission for the Conservation of the Environment

In Attendance: CCE members Mike Usai, chair, Mia Azcue, Pat Grove, Eileen Reilly, Julie Ruben, and Glenn Sapir; Wendy Whetsel, liaison to the Town Board; Invited guests Todd Atkinson, Town Engineer, Bruce Barber, Town Environmental and Wetlands Consultant (Wetlands Inspector/Town Planner), Robert Lusardi, Attorney for the Town Planning and Zoning boards, Tom Patterson, Town Planning Board Chair; and Ina Cholst, town resident.

Absent: CCE member Friedel Muller-Landau

The meeting was called to order at Town Hall at 6:08 p.m.

Minutes of the previous meeting had been accepted by email and posted on the town website.

The purpose of this meeting was to bring town officials representing the Planning Board and the Environmental and Wetlands Inspection function to discuss how to best integrate the responsibilities of the Commission for the Conservation of the Environment into the planning process. Many of those CCE functions are stated in the Town Code, but had not been implemented during a dormant period before the appointment of the current CCE members. With the resurrection of the CCE, with a full complement of Town Board-approved members, the CCE sought to resume its code-enacted role.

After self-introductions of each person present, Mike Usai, chair of the CCE, presented an agenda he hoped to follow during the meeting.

In that regard, Mike Usai asked the town's environmental and wetlands consultant, Bruce Barber, to go through the process of the review of an application to the planning board. He did so in detail. During the ensuing conversation, Bruce discussed how other towns incorporate the work of their CCEs. He stated that most review work is on a case-by-case basis. He stated that the involvement of the CCE might cause liability issues, citing a hypothetical example of a CCE misclassifying vernal pools on private property or making that identification without the permission of the landowner to inspect the potential vernal pool. Both Tom Patterson, Planning Board chair, and Robert Lusardi, the attorney for the Planning and Zoning Boards, expressed their belief that the CCE could be consulted on a case-by-case basis of the Planning Board's choosing, and Tom expressed fears of liability with the incorporation of CCE comments, especially comments that might differ from those of other Town personnel. He also mentioned his concern regarding pushback from applicants because the CCE, yet another group, would be reviewing the application.

After the explanation of the process of reviewing a permit application that has been in place in the absence of CCE participation, Glenn Sapir, CCE member, asked the assemblage how CCE, in their estimation, can best assist in the approval process.

Bruce Barber stated a number of examples of how the CCE can help, in most cases leaning toward gathering and disseminating information and data. Tom Patterson candidly stated that he really didn't have an answer, but that he would discuss that question at the next Planning Board meeting. The CCE offered to have one of its members present at that meeting if that would be of help. Tom did state that he would like to see this dialogue continue, and that he felt that the CCE could offer valuable input on a Planning Board-decided case-by-case basis. Tom said he would get back to us with a report on the discussion that will take place at that Planning Board meeting. Robert Lusardi repeated that the Town Code, in his opinion, does not give the CCE the authority to review plans, but that could be changed with

a new statute approved by the Town Board. CCE member Pat Grove pointed out that the Town Code states that the CCE shall advise, among other entities, the Planning Board “on matters affecting the preservation, development and use of the natural and man-made features and conditions of the town...” She then asked how the CCE can advise if not given the information to review. It was also pointed out that Town Code chapter 144-10 D states that “The Environmental Commission...shall be consulted in any proposed action for a regulated activity under this chapter that requires a draft environmental impact statement.” Minutes from a 2005 CCE meeting were shared to show that review of plans had been an integral part of the CCE’s service to the Town. It was also pointed out that the Planning Board’s own checklist for applicants states that “ ... the Planning Board will provide copies of the Plans to the ... Environmental Commission...” Attorney Lusardi acknowledged the strength of the word, “shall,” in these quoted texts from the Town Code.

The CCE agreed that the Town Hall would be their desired meeting place in the future. The next CCE meeting was scheduled for Tuesday, June 11, at 5 p.m. at Town Hall, and CCE Liaison to the Town Board Wendy Whetsel was asked to confirm availability of a meeting room.

The meeting was adjourned at 8:25 p.m.

ACTION ITEMS:

Wendy Whetsel confirm availability of Town Hall for the CCE’s June 11 meeting

Respectfully submitted,

Glenn Sapir, Secretary
CCE