

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was scheduled for June 20, 2005 at 7:30 p.m. at the South Salem Library, 15 Main Street, South Salem, New York 10590.

PRESENT: Supervisor - James Nordgren
Councilmen - Jessica Bacal, Pat Daigle, Allen Hershkowitz, Sue Whalen
Town Clerk - Kathleen G. Cory
Town Attorney - Leslie B. Maron

Also attending was the Deputy Supervisor Joann Vasi.

Mr. Nordgren called the meeting to order at 7:38 p.m.

Also attending were the Town's Planning consultant Will Agresta, Town Engineer Thomas Altermatt and Wetland Inspector Jay Fain.

OPEN SPACE – Presentation re Preservation of Bell Property

Mr. Nordgren reviewed the history of the attempt to preserve land known as the Bell property, consisting of 386 acres. The property has been appraised at \$9,500,000. The selling price is \$8,300,000. Closing costs will total about \$200,000. The purchase is being funded by donations totaling \$5,500,000, the sale of an easement to New York City Department of Environmental Preservation in the amount of \$1,000,000, money borrowed by the Town, and \$1,000,000 from the open space fund. State Senator Vincent Leibell has promised \$62,000 which will cover the cost of short-term borrowing. Houses existing on the property will be sold and could return up to \$2,000,000 to the Town.

Paul Gallay from the Westchester Land Trust explained the contract provisions for the purchase. He said 93 acres of the property is owned by Maryann and Tom Reifenheiser, and the Land Trust has a contract to purchase it for \$2,000,000. The remaining land which consists of over 20 parcels consisting of over 296 acres is owned by Lewisboro Associates which is a partnership of Mrs. Reifenheiser's father's (Robert Bell) estate and John Lyden who inherited it from his father. That parcel has four homes on it. The selling price for the 296 acres is \$6,300,000. The Westchester Land Trust has received gifts in the amount of \$5,510,000 for the purchase of the properties, and those gifts will be turned over to the Town. The homes on the property were appraised last year at \$2,100,000. Since that time the values in Lewisboro have gone up 15%.

Mr. Gallay praised the Town Board for their help in preserving the property. He said hopefully the Town will be able to replenish its open space fund when the homes are sold.

Will Agresta reviewed the subdivisions that have to be created in order to sell the houses on the property. Because the Town is acquiring over 100 acres of property it is deemed a Type 1 action under environmental law and the Town must follow the steps outlined in the State Environmental Quality Review Law. It is also necessary to subdivide the property so each house is on its own lot with a well and septic system. Mr. Agresta reviewed the lots that will be created and the

environmental audits that have been done. He said no problems have been found that would create an impediment to the subdivisions. Mr. Agresta noted that the preferred location for an access driveway would be off Route 123 just south of Route 35.

Mr. Gallay said there were some things that the consultants found which needed to be remedied. Some debris was found and the owner hired a dumpster and had the material removed. The Town helped with some debris on a lot adjacent to a house in Lake Kitchawan. There was also an issue with one of the septic systems, and one underground tank did not pass a tightness test. The property owner will take care of that. The purchase contract states that the Town does not have to complete the purchase of the property if there are any violations of law. There is another above ground oil tank in one garage which has a condensation problem. The seller said they would take care of that also. There is also a termite problem in one house that the seller will remedy.

Ed Delaney, chairman of the Open Space Advisory Council introduced members of the Council and said they have looked at over 2000 acres of land in Town and have about 1200 under discussion for preservation. He called the Bell property the "crown jewel" for preservation. He said the Council has agreed to give most of the open space money to this project. He noted that the Council was looking at larger parcels, but is now exploring the preservation of parcels that are under 20 acres. Mr. Delaney said in order to get the New York City Department of Environmental Protection to commit funds to purchase an easement, they had to convince that department of the value of the land. Mr. Delaney said he and Tim Delaney, a member of the Conservation Advisory Council devised a sample development of the property and brought the DEP Commissioner, Chris Ward, to the property to see for himself.

Mr. Delaney noted that the southern portion of the property is in the Stamford, Connecticut watershed, and the rest is in the New York City watershed. In their proposed development, Mr. Delaney said he and Mr. Cronin came up with 30 lots and Mr. Ward saw the development potential and was convinced that preservation was necessary.

Mark Patek, Chairman of the Conservation Advisory Council said most members of the CAC are present tonight in support of preservation of the Bell property. He said this property is at the top of the CAC's list for preservation. He said Lake Kitchawan is a 77-acre lake, and the wetlands that flow into the lake are on the Bell property. If the land was developed phosphates from that development would find their way into the lake. Mr. Patek said the property has steep slopes and some beautiful plantings including trees planted at the turn of the 20th century. At one time there was a 32-room mansion on the property and there are still groves of trees and wonderful trails. Some naturalists have identified the wetland above Lake Kitchawan as containing some critical species.

A representative from State Senator Vincent Leibell's office said the Senator was excited about the project and happy to be in a partnership with the Town.

Young people making comments in favor of the purchase were Sage and Ariel Genovese and Jaymee Hodges.

Richard Ostroff of 7 Main Street, South Salem said he was totally in favor of the preservation of the Bell property. He said it is wonderful to see children talking about how wonderful it is but he hoped that in addition to walking trails, riding trails and streams that the Town could also locate some other uses on the property such as the highway department, which he said was polluting Lake Truesdale. Mr. Ostroff said having the highway department in the middle of town is not a good thing.

An unidentified speaker questioned a parcel that did not appear to be part of the Bell acquisition. Mr. Agresta said that parcel is not part of the Bell property.

Richard Sklarin of 80 Park Road, Goldens Bridge said he felt that this acquisition when compared to the acquisition of the Houlihan parcel provided more home rule for the Town. There are not as many conditions as there are on the Houlihan parcel. Mr. Sklarin urged the Board to keep in mind that the acquisition of the Bell property provides an opportunity to look at other issues in town. He cited a senior center, a community center, housing for volunteers, and uses that might go on a small part of what is almost 400 acres.

Susan Henry of Mead Street, Waccabuc said she is chairman of the Lewisboro Land Trust and spoke in favor of the purchase of the property.

Ronald Egloff of Lake Kitchawan said he has lived in that neighborhood for 58 years and cited the beauty of the Bell property. He said he is also an employee of the Town's highway department and doesn't feel the Bell property is the right place to build a highway garage.

Terry Altman of 7 Main Street, South Salem said she was in favor of the preservation of open space but urged a need to be visionary in terms of Town facilities. She said she didn't understand that with 400 acres and the ability to sell off some of it, why the Town can't find some space to accommodate other needs. She said she checked the website every week and said she was "put off" that there was no agenda posted for this meeting because people who wanted to comment might have missed this meeting.

Mr. Gally of the Land Trust said the donors specified that the money be used for the preservation of open space. He said there are wetlands on the property that drain into Lake Kitchawan and they are trying to avoid degradation of the land. As to the existing houses, it has always been the vision to try to defray the cost by selling the houses. He said they could be purchased by emergency service providers. He said the carriage house was looked at and there hasn't been any indication that it was suitable for any Town purpose. However he would work with the Town and the donors and the Town could hold off on selling that building.

Mr. Nordgren noted that in early 2004 the county came out and looked at the feasibility of using some of the buildings for affordable housing, but it wasn't financially practical. He also noted that a proponent of the plan to move the highway garage there was Mr. Hershkowitz. However it was noted that such a use was not consistent with the wishes of the donors. Also the senior citizen director looked at the carriage house and did not think it was suitable for the senior citizens. Mr. Nordgren said the Board will continue to look for input on suggested uses for the buildings.

Howard Hill of Webb Lane, Goldens Bridge spoke in favor of the Bell purchase. He noted that there is a master plan for Route 35 from the Taconic Parkway to Route 7 to be a four-lane highway.

Sage Genovese thanked his mother for her part in preserving the property. Mary Grace Schede of Lake Kitchawan also spoke in favor of preservation of the property.

Steve Morowitz said he is a member of the Open Space Advisory Council and noted that 80% of the purchase will be funded by private donations.

Tom Casper, 9 Main Street, South Salem said he and his family have a long interest in open space preservation. He said he represents someone who bought a small piece of the Bell property a few months ago. He said there were some small parcels and noted the problems of affordable housing and leaf composting and wondered if any of the small lots on the Bell property would serve those purposes. He noted that Onatru Farmhouse and the police building were structurally failing.

He said he hoped that someone could meet with the donors to talk about other uses on the property, including the library. He said preserving the land is very important to the Town, but also are the issues of how we are going to take care of our buildings, how we are going to help the library, how we are going to deal with environmental issues and leaf accumulation. Mr. Casper said that he would hope that we could visit that in a way that is palatable to the Land Trust, palatable to the Town Board, and helpful to taxpayers and the library,

Paul Galley said there are 32 different parcels from 144.86 acres to .23 acres. There are 12 parcels that are one acre or less and the reason they are not built on is because of the rocks and slopes. They are probably not the sort of parcels that could be built on. He didn't think preserving them would be taking anything out of productive use. The funders of the purchase are looking to see the land preserved. He also said he didn't think they wanted to add more housing to the densely built Lake Kitchawan area.

Vane Lashua of Route 138, Goldens Bridge spoke in favor of preserving the Bell property.

Ms. Bacal said there are a number of risks associated with the purchase and the Board should be aware of that. She stressed that the donors have limited the use of the property but the Town has been given an extraordinary gift. Ms. Bacal said the Board needs to look at the carriage house and seize the opportunity if at all possible.

Mrs. Whalen said she agreed with Ms. Bacal that the purchase is not without risk, but she said she felt the Board has done its homework and it is a risk worth taking. She said the Board has done its homework and she is comfortable with proceeding.

Mr. Daigle said he had a long history with the property from his service on the Conservation Advisory Council. He said the Town Board has been doing its due diligence and the process has been going very smoothly.

Mr. Hershkowitz thanked everyone attending the meeting, and thanked the Land Trust for their efforts. He said buying the Bell property will not preclude the Town from solving any other problems. If the Town buys Bell it doesn't mean that we can't repair the library, it doesn't mean we can't find housing for firemen, it doesn't mean that we can't protect Lake Truesdale. He stressed the importance of open space and flora to the health and well-being of citizens.

Arthur Einstein of Mt. Holly Road paraphrased Mark Twain and said "conserve open space, they aren't making any more of it."

Mr. Nordgren said the Board will review any concerns and the proposed resolutions will be placed on the agenda for the June 27 meeting. The resolutions to be adopted include the SEQR declaration, taking assignment of the contracts and pledges from the Land Trust, authorizing the bonding, and authorizing the subdivision work. The meeting will be open to the public and will take place at 7:30 p.m. at the South Salem library. Written comments will be welcome.

Ms. Bacal noted that next week's meeting is normally a work session and asked if there was any problem voting at a work session. The Board decided to make the June 27 meeting a regular Board meeting.

CLAIMS – Approved for Payment

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz, the Board voted 5-0 to authorize payment of claims totaling \$426,497.05.

ADJOURNMENT

On motion by Mr. Nordgren, seconded by Ms. Bacal, the Board voted 5-0 to adjourn at 9:15 p.m.

Kathleen G. Cory
Town Clerk