

**Adelaide Camillo
507 Stanford Road
Millbrook, New York 12545**

May 14, 2009

Supervisor Florence Prisco and the Town of Washington Board
Town of Washington Town Hall
Millbrook, NY 12545

RE: Wetlands Ordinance in the Town of Washington

Dear Supervisor Prisco and Trustees:

Thank you for the opportunity to place additional comments on the record. I attended the first hearings in January and March of 2008 when there was enormous positive support. I sat near well-respected contractors and well-known Dutchess County farmers, all of whom expressed support for wetland protection that evening. In fact, the Millbrook Round Table's Mitch Trinka wrote an article in the Jan 24, 2008 issue entitled: "Public Backs Wetland Law." While opposition from developers is predictable, the enlightened developers today care about sustainable development and environmental policy and do not see these goals in conflict with their interests. I truly believe you will find that the advantages of thoughtful, scientifically-informed planning far out-weigh drawbacks.

Richard Cantor's comments on behalf of Rob Dyson – Points of Agreement

I strongly agree with Mr. Cantor that the Planning Board (PB) -- and I would add that all Planning Boards in the magnificent Hudson Valley -- need substantially more training to be ready for the important decision-making challenges of an increasingly complex world and more aggressive development. Substantial and ongoing professional training would make their jobs easier, not harder. I would like to add that, strictly enforcing term limits for Planning Board members would safeguard citizens from members who use outdated approaches and are resistant to the realities of a changing environment.

I agree that the proposed vernal pool definitions are unclear. I would propose the following as a remedy:

- Include vernal pools in the definition of wetlands thereby subjecting vernal pools to the same size limitations and protection as other wetlands.
- Remove the references to vernal pools throughout the regulation because vernal pools will now be regulated as all wetlands.
- Reduce the size limitation of the wetlands threshold to 5,000 sq. ft, or much less than the current ¼ acre, so that most of the important vernal pools will be included.

Richard Cantor's Comments – Points of Disagreement

Mr. Cantor is incorrect that the DEC or New York State protects all wetlands.

The attached letter from a DEC attorney in Region 3 (includes Dutchess County) that reiterates that New York State protects only wetlands of 12.4 acres in size with some rare exceptions. As a result, small wetlands such as vernal pools have enormous ecological importance and are being eliminated across the state in alarming numbers.

Costs and Procedures under the Wetlands Law

Mr. Cantor provides no evidence whatsoever of the excessive financial burden that the proposed local law would incur. A realistic cost analysis should be conducted with a detailed description of the exact steps and procedures an application would follow.

Disagreement that SEQRA protects local wetlands

I disagree with Mr. Cantor in his statement that SEQRA will handle the environmental issues on all applications. Not all applications would result in a determination of environmental significance, and even if they did, there is no guarantee that SEQRA would be upheld. The Article 78 that I worked strenuously to avoid in 2004, occurred almost entirely because SEQRA was violated extensively and repeatedly over a ten month period.

As an adjacent neighbor, I sought protection from the PB (Planning Board) from a 4-lot subdivision (the largest the Town had ever seen at that point in time according to the PB Chair) that compromised natural resources and public road safety, and directly impacted my property. I was not notified by the Town after they had met with the applicants for a few months even though notification is required.

To my complete surprise, I was placed in the untenable position of having to convince, not only the applicant, but the Planning Board, to follow the Town's own zoning laws, SEQRA and even Open Meetings Law. DEC refused to get involved, as this was a local jurisdictional matter. Dutchess County Soil and Water Conservation concurred that I was right and wrote letters on my behalf regarding the need for Stormwater Permits (SPEDES) and wetland protection, but unfortunately had no influence over the Town Planning Board. The US Fish and Wildlife only got involved after extensive lobbying and only because the Town of Washington was already on their radar screen as a site for endangered species. Even the Town's own Conservation Advisory Committee has no enforceable authority in the Town of Washington, nor had they met regularly at that point in time.

The entire ordeal would have been completely avoidable if correct public procedures and policies had been in place and *if the site plan had been adequately completed by the Town's consultant before the site plan went to public hearing*. So to assume the Federal government, the DEC, or the County agencies will do anything to protect wetlands less

than 12.4 acres in this community, or to presume SEQRA is the catch-all answer is a complete fallacy based on my experience.

In fact, I would argue that all Article 78 proceedings in the last five years in both the Town and the Village are a direct result of procedural errors with regard to SEQRA and public process. While lack of professionally trained planning board members, many with extremely outdated views on environmentalism, keep attorneys and consultants in business at taxpayers' expense, the ongoing SEQRA violations continue to degrade the environment one parcel at a time.

Dave Clouser's Letter of January 11, 2008 and the Need for Drafting Clarity

At the first wetlands public hearing I submitted a very detailed overview of the ordinance from an environmental and planning engineer. In that letter there are numerous suggestions with regard to the unwieldy delegation of power of the zoning administrator, the ability of the Town Board to change the wetlands maps at will without the inclusion of wetland expertise, the inclusion of storm water runoff as a pollutant, vague ambiguous language, and many other suggestions to improve the legislative drafting. It seems that a number of those changes were not made. *Could someone please explain why?*

Reasons for Wetland Ordinances and Political Leadership

There are several good reasons, scientifically, ethically, and legally to enact wetlands ordinances. Many surrounding communities in Dutchess County have already enacted wetland ordinances based on sound reasoning. Ultimately, environmental protection is the responsibility of local decision makers like you. As elected officials, the questions that you need to answer when considering the passage of this ordinance are: do you really care about protecting our water supply and environment for future generations? And, if so, are you willing to lead your constituency to higher ground standing up to the predictable opposition from developers?

Thank you very much,

(Signed original submitted)

Adelaide Camillo