

Concerned Citizens for Open Space, Inc.



CCOS SPRING 2008 NEWSLETTER

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Open space initiatives since the last Newsletter have been both encouraging and disheartening. On a potentially positive note, the newly revitalized White Plains Open Space Acquisition Advisory Committee met for the first time and, as the previous committee did, toured areas in the city that can still be preserved as open space. On a negative and obviously political note, Mayor Delfino did not see fit to include anyone from CCOS on his new committee. The success that CCOS has had in informing citizens about the benefits of open space to the community evidently is an anathema to the Mayor.

Sadly, there has not been any forward momentum with regard to development of the Veterans Park even though the Mayor and Common Council have indicated support for this important project. Trees have been planted at the high school to replace those removed by the Board of Education. This positive outcome is somewhat mitigated by the fact that the new trees are small and replacement costs were in the range of \$70,000, money that could have been better spent a million different ways. And finally, the city has not resolved the appalling problem behind some of the homes on Overlook Road abutting the Greenway where some homeowners have enlarged their backyards and built on property that is part of the Greenway and belongs to the city.

On a very positive note, the well-known environmentalist and author, Peter Harnik, will speak on both local and national environmental issues at 7:30 on April 14 at Sam's on Gedney Way. Mr. Harnik is a Director of The Trust for Public Land's Center for City Park Excellence. He has authored several books, written many articles and spoken in forums throughout the United States. A native of New York City, Mr. Harnik is a graduate of Johns Hopkins University. We hope you will join us to hear this exciting speaker and support our efforts to raise money to purchase trees and shrubs as part of a revitalization of the neglected and incomplete development of the Greenway. An invitation and response envelope are enclosed for your convenience.

The Greenway

The Greenway in White Plains is located on the bed of the old New York Westchester & Boston Railroad. It is located west of Mamaroneck Avenue in the southern part of White Plains beginning at the Scarsdale border and continuing, thus far, to Gedney Way. Plans and promises to lengthen it have seemed to be long lost at City Hall. It is used as a walking and jogging path but has been woefully neglected by the city.

The recent sale of the Railside properties adjacent to the Greenway was an ecological disaster and a disturbing reminder of the importance of vigilance in protecting and publicizing this and other important open space resources (see following articles). A first step towards maintaining and improving this precious trail and green space was the

tree CCOS planted in memory of Don Wilson, a founder of CCOS. Donations towards the purchase of two other trees have been received and plans are being made to determine where the trees should be planted and what species will be most appropriate.

To explore the what, where and when of the tree plantings this spring, along with other improvements desperately needed on the Greenway, several members of the CCOS board met with Arne Abramowitz, Commissioner of Recreation and Parks, an employee of the DPW and Patrick Laidman, a Certified Arborist who is a representative of a local tree company, "The Care of Trees." These specialists suggested the mix of native and non-native species, currently growing on the Greenway, should be replaced with large native trees and smaller specimen trees and shrubs such as red bud, dogwood and mountain laurel. These small trees and shrubs are relatively resistant to deer and are generally hardy. Commissioner Abramowitz also indicated that a minimum of ten trees per year, for a ten-year period, would be needed to begin restoration of the Greenway. Achievement of this goal requires help and commitment from the city, tree companies and the citizens of White Plains. Each tree that is planted will be identified with a small aluminum sign indicating the type of tree and the donor.

Daffodils and other early bulbs will also be planted with the help of the girl scouts and other environmentally active groups. The flowering bulbs will be planted at the entrances to the Greenway on Gedney Way, Hartsdale and Ridgeway Avenues. Additional monies will be required to survey, identify and remove egregious, illegal encroachment on the Greenway by some adjacent homeowners.

A special CCOS event will present the creator of Rails to Trails, Mr. Peter Harnik, as a speaker at our April 14 fundraiser. It is a critical step toward raising the funds necessary to plant a minimum of ten trees each year and to contribute to the revitalization and on going maintenance of the Greenway.

Orchard St Proposal

The proposed three-home subdivision on the steep sloping wooded lot off Orchard Street came before the Planning Board at its January 31 meeting. The developer was pushing hard to streamline the approval process. However, there are several procedures that cannot be hurried and must be followed before the Planning Board can make any decision. The first step necessary is a review of the new storm water guidelines, just issued by New York State, which must be reviewed by the White Plains Department of Public Works (WPDPW). Once that has been completed, there will have to be full scoping of the many negative environmental impacts this project will create. When legal counsel to the Planning Board told the Orchard Street developer that he must provide plans for how the storm water guidelines will be implemented, the developer asked that he be "grandfathered" in so he would not have to spend additional money to retain water runoff and protect our water supply! This is very important for a proposed development that would be built on a parcel where 75% of the ground has a grade over 15% and the other 25% of the land has a grade of between 10% and 15%. This very steep, uphill slope is adjacent to the restricted watershed property of the city's reservoir and is uphill from three of the drinking water wells that are in the 13.6-acre wetland behind the Orchard Street Water Pump Station. Up to 10% of our city's drinking water comes from these wells and reservoirs. Stay tuned for further updates.

The Commissioner of Public Works wrote a very strong letter to the Planning

Board opposing this proposal. The Conservation Board, which had sent letters in opposition to the Planning Board in 1999, and again in 2006, wrote another letter in December 2007, all in opposition to this development and calling for preservation of this environmentally sensitive property.

When CCOS publicized the danger to our water system that this development would create, the Planning Board and the Mayor received letter after letter from citizens opposing this development and asking for preservation of the property. As a result, the Mayor called a meeting of the new Open Space Acquisition Advisory Committee on January 30th. That committee visited Orchard Street and other open space locations on February 10.

Preservation of this property can be secured by action from the city to declare it preserved in perpetuity as open space. This action will protect the property from future proposals. It is important that citizens remain alert and continue to communicate their concerns to Planning Board Chairman Garment and the Mayor. They need to understand that the Orchard Street Subdivision must be denied and that the property be preserved to protect our water, the vibrant wildlife corridor between the largest wetland in White Plains on one of the largest open space properties in White Plains. It should also be part of efforts in White Plains to help protect our planet.

Open Space Acquisition Advisory Committee

Seven years ago Mayor Delfino appointed White Plains residents to a newly created Open Space Acquisition Advisory Committee (OSAAC). The mandate of that committee, identical to the mandate of the new committee, was to make recommendations to the Common Council on the acquisition of land to be preserved as open space for passive and active recreational use as well as the growing need for active protection of our environment.

Five parcels of land were acquired in the intervening years, only one of which has been cleared enough for safe use. With the exception of Liberty Park, presently closed due to contaminated water, it would seem to be an exercise of buy and forget. In January 2007, after the last parcel had been acquired, the Mayor announced that he would create a new committee to re-identify open space for preservation.

Unfortunately almost a year went by without any action. CCOS, in several communications to the Mayor, urged him to fulfill his promise. Finally, in early January 2008, the Mayor publicly announced the formation of a new committee scheduled to meet on January 30.

Current members of the committee are: Mayor Delfino (Chair), Hon. Milagros Lecuona and Hon. Glen Hockley (Common Council), Arnold Bernstein, John Garment, Hurvey Bradshaw, Robert Vogel, Eli Schonberger, Nancy Wallace, Patricia Cantu, William Sommer, Ann Edwards, Isabel Villar and George Kanas. Planning Commissioner Sue Habel conducted the meeting. Recreational and Parks Commissioner Arne Abramowitz, Assistant Planning Commissioner Rod Johnson and Alexis Greer were also present. Only two members of this committee were on the original committee. Two new members, Councilman Hockley and former Councilman Bernstein are on record as stating they think White Plains already has enough open space!

At the first meeting Commissioner Habel reviewed past acquisitions and identified various city, county and privately owned parcels that may lend themselves to the establishment of a system of interconnected parklets and trails around the city. The committee was invited to view these parcels during a tour that took place February 10. Not included on the list, as the Mayor emphasized, is the privately owned Olmsted historic park on the grounds of New York Presbyterian Hospital, the most valuable parkland in White Plains. Based on past events and the number of times the Mayor has engaged in secret negotiations with the hospital, it is extremely difficult not to speculate about what the newest proposal will be and when it will be announced. The recent silence from the hospital is no reason to assume new secret plans are not being considered. The simple fact that the Mayor has announced that the hospital property is not on the list of possible acquisitions says it all. It remains inconceivable that anyone would consider the destruction of an Olmsted Park, particularly in a city choking with traffic and million dollar condos as the county struggles to improve the environment and avoid widespread financial disaster.

Although CCOS was not invited to serve on the new OSAAC, as it was on the first committee, we remain available to work with members of the committee to achieve the desired goal of increasing, developing and maintaining open space throughout White Plains. We bring with us a mere twenty-four years of experience.

The Sad Saga of Liberty Park

To the best of anyone's recollection, it was the spring of 1999 when CCOS invited several members of the County Board of Legislators to meet them on Lake Street at the entrance to a neglected parcel of land owned by the county. The two-acre property is contiguous to county parkland, shares access to Silver Lake with Harrison, is hidden behind a thick row of mature trees and sits at the bottom of a steep slope at the edge of the Pettinichi property. The Board of CCOS felt it would be a wonderful place for White Plains to develop a waterfront park. The members of the Legislature agreed.

County Legislator Bill Ryan took the lead in bringing it to the attention of County Executive Spano and the other members of the Board of Legislators. They decided to offer White Plains a thirty-year lease at \$1 a year if the land was turned into a park. In return they asked the city to give them permission to build seventeen affordable condos for seniors in the nearby area. Although the lease agreement was acceptable to the Mayor, the condos were not. Getting the Mayor to finally agree to the condos took a long time so the agreement did not become official until October 2002 when the Mayor arranged a ceremony on the property giving a \$1 bill to County Executive Spano. Appropriately Bill Ryan was invited to the ceremony. CCOS was not.

The city spent \$600,000 to create a park, promising to spend an additional \$300,000 to complete the work. The official opening of the park took place in the spring of 2003, four years after the CCOS meeting with County Legislators. It was a lovely ceremony, marred only by the fact that Bill Ryan had not even been invited and was there as a guest of County Executive Spano. The Mayor did not acknowledge his presence until someone reminded him of the omission. Even so, the Mayor did not mention his hard work in getting the Liberty Park project started. CCOS was, for whatever odd reason, invited to the celebration but pointedly ignored. Bill Ryan's comment about that was, "The White Plains community owes a debt of gratitude to

CCOS for their vision and perseverance that resulted in a waterfront park for the residents of White Plains."

Two years later, in the summer of 2005, a terrible smell developed on the property. Initially it was ignored. Ultimately Commissioner of Public Works, "Bud" Nicoletti, tested the water and concluded it had "fairly high levels of bacteria" and therefore recommended that the park be closed. It was closed without any public notice or explanation. There is no official record of what, if anything, has been done in the ensuing years. The town of Harrison turned to the county for help; the county reminded White Plains that their agreement with the county is that the city is responsible for maintaining the lake. The latest belief is that the problem is caused by algae bloom, but it remains impossible to get any true information in regard to this matter since the City of White Plains Recreation and Parks 2008 programs lists Liberty Park Day activities on May 31 at Liberty Park. Whether or not the problem has been solved there have been no announcements.

Why all the secrecy about what is being done? Is it remotely possible that the city would spend \$900,000 to create the park, but is unwilling to spend the money needed to maintain it? Is this yet another example of the city's neglect of open space?

Railside Update

Regrettably, the city of White Plains needlessly sold nine wooded lots on Railside Avenue contiguous to the Greenway walking trail and one lot on nearby Commerce Street, adjacent to property used by the Department of Public Works. The administration said they would have to raise taxes to close an anticipated budget gap if money from the sale of Railside property was not available. In a March 7, 2006 article in the Journal News, Mayor Delfino said the Council agreed to include \$2 million from the sale of the lots in the 2005-2006 budget. He insisted that opposition to the sale of this property would create a \$2 million hole in the \$131 million general fund budget.

In comments made to an overflow crowd of Railside neighbors opposed to the sale, and again at the March 2006 Common Council meeting, then Councilman Bernstein and Councilmen Boykin and Hockley, elaborated on that theme and joined Mayor Delfino in voting to sell the Railside lots, claiming inaccurately that the first Open Space Advisory Committee had recommended the sale of this city property.

To their credit, Councilwoman Malmud and Councilman Roach and Dennis Power opposed the Railside sale. "We are losing a long-term asset for short-term financial benefit," Councilwoman Malmud was quoted as saying in an article in the Journal News. "The money the city would make from the sale of open space would be used in the operating budget," Malmud said, adding "residents have questioned what the city would do in the future to balance the budget once it has no more open space to sell."

In their Feb. 9, 2007 lead article, the White Plains Times reported, "Several speakers [at a Common Council meeting] noted that since the city had boasted high sales tax returns during the last quarter of 2006, it should give Railside back to the people." In addition, it was recently reported in The Journal News that there was no deficit, there was instead a \$6 million budget SURPLUS. Obviously therefore, part of the surplus should be used to buy back the Railside properties on which nothing has been built. They should be dedicated as part of the Greenway.

At the March 2006 Common Council meeting Mayor Delfino said, "If we have a conservation easement put on this section of the Greenway, YOU CAN BE ASSURED THE ORDINANCE WE PASS WILL BE ADHERED TO." However, not only were conservation easements not clearly marked or enforced, but even the long-standing Zone R1-5 side yard setback ordinance was violated by the building of a nonconforming one-family house. The supposed "final" survey for that house, dated September 26, 2007, complied with city ordinances, BUT TURNED OUT TO BE INACCURATE! It was submitted to the Building Department and was the basis for the city signing off on the house. A subsequent survey, dated November 17, 2007, indicates the house is two-feet (about 29%) over the seven-foot zoning limit.

Voss Builders applied for a variance after the fact, claiming the non-compliance was not a self-created hardship, but was an error made by his surveyor. Had the builder knowingly made the so-called error himself, he could not have legally requested a variance. The variance has been granted.

Several Railside lots, on which nothing has been built yet, remain in this environmentally sensitive section that is contiguous to the Greenway Nature Trail. Allowing a variance for this builder has set a dangerous and unacceptable precedent, not only on Railside, but also throughout White Plains.

The Railside issue should put the citizens of White Plains on a "Red Alert." When "mere" homeowners request a small variance to improve a home, they often find themselves embroiled in months of hearings and large legal bills. When a developer like Mr. Cappelli says, "Opps I seem to have added a few extra floors to the tower" he gets an immediate variance. The Zoning Board of Appeals clearly favors developers over homeowners and it is time to do something about that.

The Venue--New Proposal for Strip Mall

An application has been made by a developer to build "The Venue," a strip mall, at 120 Bloomingdale Road. The developer's application to build upscale shops requires the elimination of all but one tree on the property. There are well over 100 trees on this property, including 35 mature hardwood trees that line the property on Bloomingdale Road. The one lonely tree that will remain is a 42-foot Sycamore, one of the rarely found Sycamore trees remaining in our area. In addition to their beauty, these mature trees absorb pollution from the ever-increasing traffic, block noise and are a haven for birds.

The property includes a very steep slope above which are about 15 houses that will be seriously impacted by the replacement of trees with shops, parking lots, and increased traffic. The Common Council, as lead agency for this project, has the authority to decide what will happen. The proposal is in contradiction to the recommendations of the Comprehensive Plan. This is a major opportunity for the Common Council to become leaders in this community by doing everything possible to prevent further erosion of our environment. It is mature trees that remove pollution created by traffic. This development not only eliminates well over 100 trees, it also creates a significant amount of additional traffic, truly a double whammy to the environment.

As Westchester County holds a major seminar to help communities throughout the county move forward with serious efforts to improve our environment, our Council has several issues before them that are litmus tests to show us whether they are prepared to keep their campaign promises to help the environment instead of helping developers.

A Small Forest Was Destroyed In White Plains

According to what we were told, last August the Facilities Director of White Plains High School, without discussing it with anyone or needing approval to spend the money, hired a tree removal company to cut down about 150 very mature trees on high school property. He thought the area would make a fine new ball field, completely ignoring the fact that the 1½-acres were located right behind homes on private property. These beautiful trees served as a wildlife habitat and a buffer between the homes and the high school. Evidently, before the High School Administration, Board of Education or people whose homes bordered the property were fully aware of what was happening, all the trees were gone. They included 25 to 30 hardwood trees that were 2½ to 3-feet in diameter and 50 to 70-feet tall. The rest of the trees were smaller hardwoods and evergreens. What once was a vital asset to homeowners and wild life was destroyed. Where people in the neighborhood once had a noise buffer and a wall of green, they now looked out on tennis courts, ball fields and the high school about a quarter of a mile away.

The Superintendent of Schools and the Board of Education were very apologetic and agreed to do what they could to ameliorate the situation. They allocated \$70,000 to purchase and plant new trees, which included 15 to 20 hardwood trees about 2-inches in diameter and several deciduous trees and evergreens. People in the neighborhood can still see the high school and hear noise from the school's playing fields. They also see many small animals that had lived in the small forest and, for the first time ever, deer were seen walking down Havilands Lane. It will be decades before enough growth will create anything comparable to what was destroyed.

The city, which has no control over what the school system does with its property, owns about twenty small parcels of wooded open spaces throughout White Plains. It is strongly recommended that officers of neighborhood associations throughout the city contact the Mayor and members of the Common Council to ask if any city owned properties are in their neighborhood and request that they be informed before any steps are taken to sell city properties to developers or in any other way alter the natural open spaces. Otherwise, your neighborhoods will be blind-sided as happened when the city sold its wooded land along Railside Avenue to developers. In view of the tremendous over-building that has occurred in White Plains, with its related increase in traffic and air pollution, trees and open spaces are needed more than ever.

Photographs of Olmsted Parks on Display

New York, N.Y.—Frederick Law Olmsted, America's most noted landscape architect, designed the grounds of New York Presbyterian Hospital in White Plains, Rockwood Park in Sleepy Hollow (a recent gift to New York State by the Rockefellers), Central Park in New York City, and numerous additional parks and private properties around the world. From now through May 11 you can take a photographic tour of several Olmsted parks at the Metropolitan Museum of Art (Fifth Avenue at 82nd Street, New York City). The exhibition, "Lee Friedlander: A Ramble in Olmsted Parks," features

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36 prints by the noted photographer, who spent years observing and preserving views of Olmsted properties across the United States. A companion book, "Lee Friedlander Photographs: Frederick Law Olmsted Landscapes, D.A.P., New York, 2008," is on sale at the museum bookstore. It should be noted that just about any city in the world would be thrilled to have an Olmsted Park. White Plains is the exception. The current administration seems willing to do anything New York Presbyterian Hospital wishes them to do, a willing partner in proposals to destroy this irreplaceable park.

White Plains High School Senior to Receive Fifth Annual C.C.O.S. Scholarship

During Senior Awards night at the White Plains High School a fortunate student will receive the fifth annual C.C.O.S. Scholarship Award. A member of the C.C.O.S. Board of Directors will present a check for \$500.00 to an academically successful student who, in the opinion of the faculty, has demonstrated serious and continuing commitment to the preservation and care of the environment.

This event is open to the public. You can be at the high school at 7:30 p.m. on June 5 to applaud the winner.

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