

Nicole Bovard
4112 Wetzel Road
Liverpool, NY 13090
crystalunicornfarms@hotmail.com

Town of Clay Board
4401 Route 31
Clay, NY 13041

RE: Riverwalk Associates (Mr. Michael Bragman) Rezoning Proposal

October 22, 2014

Dear Members of the Board,

At the October 6th meeting of the Town of Clay Board, Mr. Bragman presented his plan for rezoning and building on 127 acres along Guy Young Road in Clay, NY. The property is currently zoned as agricultural land, and houses built there have been at five acres or more per home. His plan to rezone this area would reduce the average lot size from five acres per home to, in his words, 15,000 square feet. Converted to acres, this is not 1/2 to 3/4 of an acre as he suggested at the meeting, but 0.34 acres, or just over 1/3 acre. He stated that his proposal would work out to "165 home sites, plus or minus." Given this information, his numbers simply do not add up.

I was dismayed at the October 6th presentation to the Town of Clay Board when I saw that his proposal map did not include Lake Isaac. I fail to see how a conscientious surveyor and developer could have missed a 12.72-acre lake in the middle of their proposed project area. If such an omission could have been made during the initial survey, either by accident or design, how are we to trust that other omissions are not being made?

The Department of Environmental Conservation classifies wetlands as "areas saturated by surface or groundwater sufficient to support distinctive vegetation adapted for life in saturated soil conditions (<http://www.dec.ny.gov/lands/305.html>)." The Ramsar Convention on Wetlands states that wetlands are "areas of marsh, fen, peatland, or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish, or salt (<http://www.wetlands.org/Whatarewetlands>)." Lake Isaac is 12.72 acres of open water with a maximum depth of approximately twenty feet, and has been on the proposed property for over twenty years since its initial state as a sand quarry. It has unquestionably been a wetland area for two decades.

Lake Isaac further fits the wetland designation by virtue of its resident flora and fauna, including cattails, rushes, sedges, water lily, bass, panfish, waterfowl, and dragonflies, to name just a few. The area is further populated by whitetail deer, coyotes, beaver, mink, foxes, game birds, songbirds, and raptors including the osprey and golden eagle. The flora is home to many pollinators such as bees and butterflies, one of which is the

Monarch butterfly, whose existence is threatened by declining habitat. This is a pristine lake which has attracted migrating loons. It was home to a colony of bats, insectivores whose roosts were destroyed when Bragman bulldozed the trees in the Riverwalk development.

Mr. Bragman's statement that it is "not economically feasible" to create cluster homes to allow for green space is unfounded. Is it not economically feasible to attract home buyers with homes and surrounding properties of lasting aesthetic value? He stated that he felt the existing wetland areas and green spaces were sufficient. He pointed out a proposed gravel walking trail. A walking trail requiring annual maintenance is not going to make up for the clear-cutting this proposal will induce, or the runoff into the groundwater, residents' wells, and Lake Isaac. It will not provide flood and erosion control, nor will it filter and replenish the wells of the residents on the property surrounding Lake Isaac. His proposal as it currently stands does not replace lost habitat with like conditions.

He stated that he does "not intend" that residents from the proposed development should have access to the area surrounding Lake Isaac. Mr. Bragman cannot regulate intent. He cannot control how the area surrounding the lake is treated after he has finished building his houses and moved on to another project. The residents whose property border this lake will bear the burden of cleaning up waste left behind by irresponsible visitors, and dealing with the fallout that may occur with careless use of the area. The more populated the area, the larger this problem will become.

I urge the Board to initiate a full, independent Environmental Impact Assessment before a decision is reached. The homes of the future need to be constructed such that they are not disposable, either in the quality of their construction or the enticements of the environment surrounding them. I urge you, and Mr. Bragman, to think carefully about the legacy you'll be leaving behind not only for your own sake, but that of the generations of residents who may be living in this development long after all of us are gone.

Best Regards,

Nicole Bovard

Joe and wife

Twenty two years ago we decided to buy a larger home. My wife and I searched all over the county, but always gravitated to the Clay area north of Route 31. We drove every road, we were captivated by the country effect.

Homes were on spacious plots of land, no two alike. Many homes had horses, farm animals, pole barns, and well-maintained rolling grounds. The air was fresh and clean.

There were no tracks of homes to take away from the beauty and serenity of the area. In this whole entire area – from Route 57 to the Clay-Cicero line, we observed there was not one traffic light, and that is still true today.

Over these twenty years we have seen new homes being built, all of them tastefully done on at least 2 ½ acres, and many on more acreage than that, with no extra cost to the town and the taxpayers.

The two-lane roads are well-traveled by joggers and cyclists without incident, due to the fact that the population is not concentrated to one area, which allows residents the traffic flow that we enjoy now.

With the proposed plan for Guy Young Road to change from RA-100 to RA-15, this would compromise the property values in the area due to the size of the lots. **Also, we do not want a compromise to an R-40 solution as a pacification tactic.**

When special interests attempt to put numerous track houses on small lots it takes away from the surrounding area value. This is just the opposite of what you were trying to accomplish in your 2011 study.

If done correctly, with the existing zoning in place, then you succeed in your vision. Most homes in this area are, as noted above, are on

several acres of land. If you persist in making lots smaller and cramming as many houses as you can in a development, then you've lost your vision for the 21st Century.

Unfortunately, for whatever reason, the original plan for Riverwalk inter-canal was not approved. This would have had a positive effect in the area, as River Island Estates has had.

Think of the existing track houses in the near area in Cicero now, with many empty lots such as Kildare Meadows – 40 lots and only 7 houses built and sold in 2 years. Is this the future? No – we need to move forward to maintain the existing charm that we have, to differentiate us from that 70's track look and feel. We want to keep with the feel and comfortable nature that we now enjoy. People will be drawn not to small lots with large houses, but large lots with beautiful homes. With a million people leaving New York each year, and no new businesses

coming to the area, where are the buyers for these houses? You haven't even sold the houses that you have now.

As a voter and a taxpayer, the way this petition for zone change has so far been handled has left myself and others very suspect. I feel discriminated and biased against, in favor of special interests. The Town of Clay notice was created on 8/5/14, and I received it on 8/26/14 for a Town Board meeting on 9/3/14. This was hardly enough time to prepare for this important meeting. It was Labor Day weekend, school was starting on 9/3/14 and people were still on vacation and away. This isn't your first zone change petition. By law you must give 10 days' notice and you did not. What if our attorney did not inform you of the law?

In conclusion I am against this zone petition. In twenty years I have seen many homes built by neighbors who follow all the rules and regulations you put forth, so why should they be discriminated against or changed for special interest profits? I see no value added to this decision for a zone change and a wealth of things to lose in this endeavor. I ask that you honor your original game plan and not grant this petition – DO THE RIGHT THING!

Good Evening Members of the Board

My name is Melissa Reale. I reside on Guy Young Rd here in the town of Clay and I am here this evening to speak in opposition of the proposed zone change for parcels located on Guy Young Road.

For over 20 years I have enjoyed a peaceful and tranquil country lifestyle that the northern area of the Town of Clay offers. Recently, I was notified by the Town, that a Request for zone change has been filed for adjacent parcels of land that will have a direct impact on me. The land I own and the surrounding parcels are currently zoned RA-100 Agricultural.

It is my belief that this Request is premature and will have a significant impact on the environment, traffic and will have a negative affect on my Organic Farm. In my opinion the Town should wait until the current development Riverwalk, is fully developed before you consider any further zone changes for increased development on Guy Young Road.

In 2003, I attended the Town board meetings and expressed my opposition to the current development known as Riverwalk. A project which is altering the very characteristics of a country setting by developing 179 homes in a tract format. At the April 7th 2003 town board

meeting Supervisor Rupprecht agreed and stated that "farmland should be maintained and that farmers are the bedrock of communities". At that time I expressed concern about what happens when someone seeks to zone change the south side of Guy Young Rd. Without receiving a specific response, the general tone I received was "Don't worry about that now we will maintain the agricultural environment. I was also told "That is years away and we will cross that bridge when we come to it" Well... here we are.

While I am here to oppose the zone change, I think it is important to consider the REASON for the zone change is for future development. Projects like these always displace natural wildlife and their habitats. I have personally noticed an increase in the number of animal fatalities since the initiation of Riverwalk. On a daily basis I have witnessed turtles, turkeys, squirrels, deer, pheasants, rabbits and waterfowl deceased on the road due to the significant loss of their natural habitat. Clear cutting the land forces the animals to seek refuge elsewhere. With continued development the wildlife will continue to be displaced.

Guy Young Road is a narrow two-lane road with no sidewalks and small shoulders. Guy Young Road also contains hills and curves in the area of the proposed zone change. It should also be noted there have been numerous accidents and one fatality in the area of the proposed zone change. A tremendous danger currently exists with people walking, running, biking and using baby strollers since the development of Riverwalk. It will become even more dangerous by approving a zone change for further development and increased population and traffic. At the June 16th 2003 town board meeting engineer Frank Mento stated they have looked at the intersection and levels of service concerning traffic. He stated the intersection of Rt 11 and Guy Young Rd is questionable when build out of the Riverwalk Development reaches a two-thirds build out. Councilor Palmer stated he would like a letter committing them to look at traffic mitigation when the build out reaches two-thirds. Councilor Bray also questioned the traffic. Where is that letter?

The northern portion of the Town of Clay is an agricultural area consisting of individuals and farms that raise cows, horses, sheep, goats, pigs, ducks, geese and chickens. The northern area also is home to many individuals and farms that produce hops, vegetables, christmas trees, fruit, maple and honey. This is the essence of what NYS and regional economic agricultural plans promote by maintaining existing agricultural areas for farms, agri-businesses and agri-tourism.

For over 20 years I have been working very hard on my organic farm. Two years ago, I planted over 100 fruit trees with the hope of becoming a supplier in the "localvore" movement whereby people eat locally grown food. Because I have been on the land for over 20 years, and have not used commercial pesticides, I am an organic farm which allows me to command a higher price for my produce. In addition to fruits and vegetables my farm is also home to sheep, goats, ducks, geese, chickens, pigs, rabbits and alpaca. I also am a producer of wool, fiber, eggs and honey. I believe in promoting the sustainable agricultural lifestyle and I also promote agriculture by showing waterfowl throughout the northeast at various poultry shows and fairs. I most recently I was the winner of the Dan Bristol Grand Champion Waterfowl Award at the NYS Fair.

I have a deep concern if you were to approve this residential zone change you are not protecting farming individuals from becoming fragmented by residential development. Conflict will arise between farm and non-farm residents over farming operations. With an increase in population around me, my animals now become an "attractive nuisance". Now it becomes MY responsibility to prevent someone else's children from trespassing on my property to feed and pet my animals. Since the approval of Riverwalk I have come home to find children feeding my sheep and goats peanut butter and jelly sandwiches through an electric fence. I have also arrived home to find neighbors dogs chasing my farm animals.

How will the new development affect me? Lawn care pesticides and chemical runoff have the potential to ruin all the work I have done to keep my farm organic and free of pesticides. Is the burden now on me to prevent neighbor's dogs and children from injuring my animals on my property? How are you the Town going to protect me from nuisance complaints relating to my right to farm?

The Onondaga County Planning board recommended, in its review of this proposed zone change, to avoid the fragmenting of RA-100 Agricultural land. It should be known that parcel 50 of this proposal is active farmland producing approximately 600 bales of timothy hay annually for the past 20 years. I find it humorous that in approximately 24 hours, I will be attending the North County Farmers Meeting hosted by the Onondaga County Soil and Water Conservation District and the Town of Clay. The goal of this meeting is to gain a better understanding of what types of needs Farmers and agricultural landowners have in the northern portion of Onondaga County that are not being met such as farmland protection. And here we are tonight discussing a proposed zone change that will diminish farmland in the northern part of Clay.

I think I have clearly expressed why this Zone change request should be denied. Due to the environmental, traffic and farm rights I have stated. As board members, you have a very important job to do. You have been given the responsibility to care for and protect the Towns interests

which include farming. You have to balance the needs and desires of all local citizens including farmers. Do what is right.

Thank you:

RE: PETITION FOR RIVERWALK ASSOCIATES, INC. FOR ZONE CHANGE RA-100 TO R-15 TO ALLOW FOR RESIDENTIAL DEVELOPMENT

November 17, 2014

In your 2011 Town of Clay Northern Land Use Study prepared by Town Board Councilors with input from Mark Territo, David Tessier and Mary Moskowitz you included comments by our County Executive, Joanie Mahoney regarding "sprawl" in the areas north of Route 31. To quote you: "This study and recommendations are in keeping with the County Executive's philosophy of "Holding the Line on Urban Sprawl" noted in The Post Standard, September 9, 2009. "The current plan (2010 Plan) adopted in 1998, seeks to prevent sprawl by discouraging the construction of new roads, sewers, and water lines in rural areas..." **Those were your words.** In your 2013 Town of Clay Northern Land Use Study which **suddenly** appeared on your website, that comment, and all reference to Joanie Mahoney's vision for the Northern Land use was gone. Why was that? Who prepared the 2013 Study, and when exactly? There are no Principal Authors noted as on the 2011 Study. Who are they?

The most significant change in the two studies is on page 31 of both documents: In the 2011 Study it is stated that "It is the recommendations of this study that clustering within the RA-5ac (5 acres) to RA-100 (2 ½ acre) zone be permitted on a case-by-case basis dependent upon individual site characteristics".

In the 2013 Study it is stated that "It is the recommendation of this study that clustering within the RA-100 (2 ½ acre) to R-40 (1 acre) zone be permitted on a case-by-case basis dependent upon individual site characteristics". So what that means to me is that you changed from 5 acres to 2 ½ in the 2011 study and all of a sudden, the 2013 study now states you want to go from 2 ½ acres to 1 acre. Is this in the interest of the developer that this change in verbiage was made? How convenient. Since the developer is asking for 1/3 acre lots to put nearly 165 plus houses on, over time, is the Town willing to placate us as taxpayers and voters and residents to grant the developer 1 acre lots? We do not want that nor will we accept that. And, by the way, not one of my neighbors was ever quoted as saying 450 houses were being proposed, just to clarify.

Let's move on to the Full Environmental Assessment Form prepared by Hal Romans. Page 3 states that the current zoning is RA-100 which is 2 ½ acres referenced in the 2013 study that was just recently posted on your website as noted above. Convenient that that change was just made.

Page 4 states that that will be no alteration of, increase or decrease in size of, or encroachment into any existing wetland, water body, shoreline, beach or adjacent area. Lake Isaac is south of this tentative construction. Lake Isaac (and it is a Lake, not a quarry or a pond) is 15-18 acres of spring water with a depth of approximately 20 feet. Mr. Bragman, just because you state that you "intend to have the area around Lake Isaac not accessible" does not make it so. Are you telling me that this pristine body of water will not be affected by construction? And I take exception with the engineer who states that that has never, ever happened. In Lake Isaac reside turtles, beavers, muskrats, Canadian geese, loons and water lilies to mention a few. None will be disturbed? Then, on page 6 of this document, it is stated that there will indeed be runoff to adjacent properties. Which is it – YES or NO?

Page 7 states that there will be an increase in traffic but only on the weekdays – Monday through Friday, but not on the weekends! That is ludicrous considering that most people drive cars on weekends as well! Consider 165 + houses, times 2 cars per household – that's 330 more cars in the vicinity. This does not include what you are doing across the street either. Also, consider that the Speedway will be coming soon to this area. Traffic congestion will be immense. This is probably the most ridiculous comment in this assessment.

Page 8 states that there will be no noise that will exceed existing ambient noise levels during construction, operation or both. I submit to you that noise carries over water so that is simply not true. Noise carries over water.

Page 12 states that this assessment answers no to the question of identify any species of plant or wildlife that is listed by NYS as rare, or a species of special concern. No to that question – really? The Assessment states that there are only deer, rabbits and mice. Then you truly did not look at that land. Not correct Mr. Roman! We have numerous protected plants and animals such as loons, osprey, and water lilies. In addition we have whitetail deer, red foxes, red headed woodpeckers, blue heron, Golden Eagles, game birds such as pheasants, bats

which, by the way, have had their breeding grounds already destroyed by the developer by bulldozing the trees to the ground that they breed in, and several species of butterflies, including, but not limited to the endangered Monarch butterfly and the Rusty Patched bumblebees as noted in The Post Standard on October 7, 2014. We have all of that in this area. And we want to pass this legacy along to our grandchildren. This is just another example of your report not being truthful. If anyone had walked this land, they would know that these animals and plants coexist here and would be eliminated or forced to go elsewhere or die. How anyone can answer that question with a no answer tells me they were sloppy and biased in their reporting in favor of the developer. Lake Isaac is a wealth of wildlife, flora and fauna as anyone who lives here can see. I find this entire report ridiculous and an insult to my intelligence. It was put together hastily and in favor of the developer who paid for it.

On a map provided by Ianuzi & Romans dated July 2014 (and by the way these are the same people who provided the assessment I reference above) Lake Isaac was completely missing. Yet on a map proved to us by A. Scott Whittaker in June of 2004 Lake Isaac is on that map. How does a surveyor completely miss a 15-18 acre body of water 10 years later that grew in size over this time??? This was either done by design to show bigger lots near Lake Isaac or just blind oversight, which I doubt.

In addition, I would address the developer directly by saying that I absolutely agree with his comment, and I quote, - "We understand that this is a traumatic change because that green space will not be there." Yes, Mr. Bragman, I am traumatized but not for the reasons that you state. I am traumatized for the wildlife you push out, the flora and fauna you destroy, and the green space that you so casually take for granted with this project. But most of all, I am traumatized for my children and grandchildren because it's people like you who do not take care of the environment and the green space, and destroy the legacy of it bit by bit.

Finally I will voice my strong objection to this entire project. There is a defined way to proceed with this project, and that is to follow what's already in place to develop the land on 5 acres lots. This proposal is not forward thinking, but takes us backwards 30 years. There is no vision, no value added, when you create these

kinds of developments with large houses on postage stamp lots. To quote Joanie Mahoney's original statement in The Post Standard dated September 9, 2009, she said that, over the years, exceptions to the county's "2010 Development Guide" have been granted to developers and their municipal sponsors in what seems to have been an improvised basis. Joanie also stated that "I don't think that's the way we want to do business in government. We want to write the rules, make the rules known to everybody, and then abide by those rules". Yet, it seems to me that you are willing to do the exact opposite of the vision that she had in favor of the developer. As a taxpayer, voter and resident I take exception to this petition and ask the Town Board to **DO THE RIGHT THING** and deny.

Kathy Lotito
5113 Orangeport Rd.
Brewerton, NY 13029

