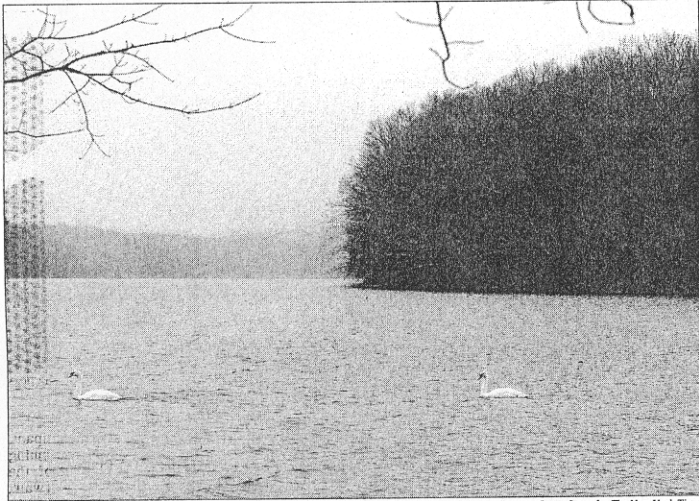


## DEVELOPMENT



Susan Stava for The New York Times

## Advocates for Reservoir Move To Halt Housing Development

By TINA KELLEY

SOMERS

**I**n a move unusual for its last-minute fervor, a group opposed to a 23-home development on the Amawalk Reservoir in Somers is urging New York City and other governments and charitable groups to try to buy the 29-acre site in question and keep it from being developed.

Despite the objections, the developer, Suelaine Realty Inc. in Katonah, said nothing short of an offer to buy the property could stop the proposed homes, which have received final subdivision approval from the planning board. John M. Harkins Sr., a part owner of the realty company, said the company would sue the town if it continues to delay signing the final easements needed before building can begin.

The plan to develop the sloping, wooded property on the Amawalk Reservoir Peninsula dates back almost 15 years. The project's opponents base their objections on many of the traditional antidevelopment reasons: spilling the environment, adding too much traffic, and compromising the rural nature of the town. In addition, the reservoir delivers water to the towns of Cortlandt, Yorktown and Somers, as well as other towns in northern Westchester, and is part of the Croton Reservoir system, which holds New York City's drinking water, and opponents say the water may be fouled by extensive development.

About 75 people opposed to the homes attend-

ed the town board meeting last month when the development, known as Granite Pointe, was scheduled to receive final approval of its easements, said Julia Rellou, a 14-year resident of Somers who is a leader of the group.

The opponents raised questions about a letter from the health department to the developer's engineer in January 2002, noting some contamination of the groundwater at the wooded site, which is across the street from a former gas station where there was leakage from an underground storage tank. Other residents requested that the site, a former shooting range, be tested for residual lead from bullets.

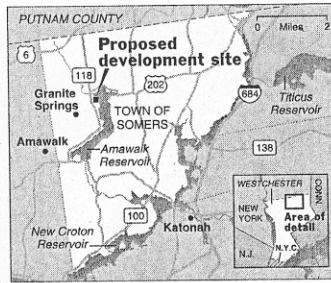
These questions should be enough to persuade the planning board to reconsider its approval of the plans, said Councilman Paul Meyer, a Democrat, who opposes the subdivision. Yet this point, like most others, is hotly contested.

"One would think one would see this land as sacrosanct," said County Legislator Michael B. Kaplowitz, a Somers Democrat who is chairman of the Environment and Health Committee.

"It is a primary drinking supply for tens of thousands of residents," he said of the reservoir.

The town is asking the New York City Department of Environmental Protection to buy the property. A spokesman for the department, Charles Sturcken, said the agency might be interested in the property, in partnership with the state, county, other nearby towns, or private groups, if the owner was willing to sell it.

"We don't have the present wherewithal to outright purchase this property," Mr. Sturcken



The New York Times

The peninsula on the Amawalk Reservoir, where a group is trying to halt a 23-home development on a 29-acre site.

said.

Mr. Harkins estimated the property should sell for \$15 million to \$20 million. He said the developers have already invested between \$3 million and \$4 million on the property, including at least \$1 million in fees to the town for recreation, water and letters of credit.

But Mr. Meyer believes that price is too high. "If we were to turn around and give him \$5 million, with \$2 million free and clear on a project that is still questionable, I'd be perfectly fine with that," he said, adding that the developer should make a reasonable profit on the reasonable assessed value of the land, which would be considerably lower if it is discovered to be contaminated.

Meanwhile Ms. Rellou said opponents of the development are planning to meet with the Westchester Land Trust, the Trust for Public Land, the Open Space Institute and the town of Somers, to try to come up money to add to any that might come from the city's environmental agency to buy the land.

But time is running out. The planning board met Wednesday night and gave the developer an extension on his subdivision approval until the end of January.

"It's really just the thinnest thread that is holding this project back from going forward," Mr. Meyer said.

Some of the opponents moved to the area after the planning board approved the subdivision, and others were not aware of its potential impact when it was in the earlier planning phases.

The development has a long and complicated history. The first environmental impact statement about Granite Pointe was presented to the town in 1989, when it was owned by different developers, said Mr. Harkins, who is a substantial but not majority owner of Suelaine Realty, which bought the mortgage on the heavily indebted property in 1993, then foreclosed on the mortgage.

The planning board approved plans for a 26-home development in 1998, but the New York City Department of Environmental Protection sued the town successfully, asking to be included in the decision-making. The number of homes was then reduced to the current 23.

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## Advocates for Reservoir Try to Halt Development

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New York City required the developer to try to get municipal water to serve the development, Mr. Harkins said, a process that took another year.

If the controversy is not resolved, Mr. Harkins said, the developer plans to take the town to State Supreme Court, asking for damages, charging that the town is illegally delaying construction.

He does not believe that the Department of Environmental Protection would buy the property, because he said one of the agency's chief engineers, whose name he did not recall, said: "Why should we buy it? You're cleaning it up for us." Mr. Harkins said the development would be contributing less effluent to the reservoir than currently enters it from naturally occurring leaf and tree rot and animal waste and decomposition, because the development includes filtration systems that would keep such pollutants out.

"I would doubt that anybody told him that," Mr. Strucken, the agency spokesman, said. "If we could, would love to have the property, but in conjunction with a partnership."

As for the pollutants found in the

so far below the accepted standards that it's of no concern," Mr. Harkins said.

But Marc Yaggi, a senior attorney for Riverkeeper, the environmental group, said that gasoline's ingredients can move quickly through the ground, and that the low level of contamination found on the site raises questions about what else could be there.

"I would have a hard time sleeping at night if I was developing that site and didn't know if it was contaminating a drinking water supply," he said. "It seems odd that you would find out that there's some contamination on the site, and it would get final approvals without a much more piercing review."

Mr. Harkins said that he may do further testing on the property, but that it is not required of him.

"If I do it, it will be as a courtesy," he said. "The only way this development would not go through is if someone whose idea was not to develop it would buy it for open space." But Town Supervisor Mary Beth Murphy cautioned that the approval process was not yet completed until the final plans and maps were approved and filed. "Even in the construction stage," she said, "developments are under the review of the town," she said.