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Westmore NEWS

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PORT CHESTER & RYE BROOK
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Purchase Quakers file major lawsuit to dismiss WJWW environmental review

Westchester Joint Water Works says filtration plant lawsuit 'not supported by evidence'

By Dick Hubert

Thursday, March 2, 2023 2:39 AM

The Purchase Meeting Religious Society of Friends (Quakers) and its approximately 90 members have retained one of New York State's top law firms with litigation and environmental expertise to file a lawsuit in State Supreme Court in White Plains against the Westchester Joint Water Works (WJWW) and its proposed filtration plant—a plant that would bring court-ordered clean drinking water to all water users in Rye Brook, Port Chester, Rye City and the Village of Larchmont. In all, WJWW provides drinking water to up to 100,000 residents and other consumers in Westchester County.



Purchase Friends Meeting sign in front of their house of worship with a "Stop the Swap" lawn sign adjacent to it. Dick Hubert|Westmore News

1 2 3

Their lawsuit seeks "to overturn and invalidate" WJWW's Final Environmental Impact Statement and force the water company to totally revise its plans for the filtration plant—currently designed to be built on a 13.4-acre parcel of land adjacent to the Quaker Meeting House on County airport property on Harrison's Purchase Street.

The 36-page document was filed with the Westchester County Clerk on Feb. 13. An addendum verifying the "contents" of the lawsuit was signed by Peter Close, president of the Quaker group.

The lawsuit, in a lengthy emotion-filled section entitled "Property and Values," notes that the Quaker Meeting House has been at its current Purchase Street location since 1727 and denounces the proposed plant location that would, among other annoyances, be adjacent to their property where "during their Christmas celebration Congregants (were) playing music, singing carols, decorating an outdoor tree with handmade edible ornaments for the birds, telling a Christmas story, and welcoming a visit from Santa."

In the first pages of the lawsuit, the Quakers allege the WJWW unlawfully failed to follow procedural mandates; didn't "take a hard look at the environmental impacts of the Project; and didn't "make a reasoned elaboration on the basis of its determination that the Project, as currently proposed, is preferred in scope and location over other alternatives."

The lawsuit is available for reading in its entirety [here](#).

On behalf of the WJWW, Manager Paul Kutzy e-mailed the following statement to the Westmore News:

"The environmental impact statement for the filtration plant meets all legal standards and demonstrates that the facility will not harm the environment. The lawsuit's allegations are not supported by evidence, and we expect them to be dismissed."

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Westmore NEWS Weekly Round-up

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Finally, Snow!
Did you know? Snow fell in the Village of Rye Brook on Tuesday night. The snow was light and melted quickly, but it was a welcome sight for many residents. [Read more page 1](#)

Devout objection
Quakers in Rye Brook have filed a lawsuit with the Westchester County Clerk to challenge the Westchester Joint Water Works' proposed filtration plant. The lawsuit seeks to overturn and invalidate the plant's design and location. [Read more page 2](#)

Money talks
The Rye Brook Village Board of Trustees is set to hold a public hearing on the proposed filtration plant. The board will hear from residents and officials regarding the plant's impact on the community. [Read more page 3](#)

Jumping for joy
A group of children in Rye Brook are celebrating the arrival of spring. They are jumping and playing in the grass, enjoying the warm weather. [Read more page 4](#)

Slow but dangerous
A car accident occurred on Purchase Street in Rye Brook. The car was traveling slowly when it was struck by a truck. The driver was injured and the car was damaged. [Read more page 5](#)

Winter weather
The weather in Rye Brook is expected to be cold and snowy. Residents are advised to take precautions and stay safe. [Read more page 6](#)

Local news
A local business in Rye Brook is looking for new employees. The business is a small shop that sells various goods. [Read more page 7](#)

Community events
There are several community events planned for the month of March. These include a farmers market and a local festival. [Read more page 8](#)

Local sports
A local sports team is looking for new players. The team is a youth soccer team. [Read more page 9](#)

Local health
A local health center is offering a free health check-up. The check-up is for residents of Rye Brook. [Read more page 10](#)

Local education
A local school is holding a fundraising event. The event is a bake sale. [Read more page 11](#)

Local environment
A local environmental group is holding a cleanup event. The event is to clean up a local park. [Read more page 12](#)

Local culture
A local cultural center is holding a concert. The concert is by a local band. [Read more page 13](#)

Local history
A local historical society is holding a tour. The tour is of a local historical site. [Read more page 14](#)

Local art
A local artist is holding an art show. The show is of the artist's recent work. [Read more page 15](#)

Local business
A local business is looking for new customers. The business is a restaurant. [Read more page 16](#)

Local government
A local government official is holding a meeting. The meeting is with local residents. [Read more page 17](#)

Local law
A local law firm is looking for new clients. The firm is a law firm that handles various legal matters. [Read more page 18](#)

Local science
A local science center is holding a presentation. The presentation is about the history of science. [Read more page 19](#)

Local technology
A local technology company is looking for new products. The company is a software company. [Read more page 20](#)

Local entertainment
A local entertainment venue is holding a show. The show is by a local band. [Read more page 21](#)

Local travel
A local travel agency is looking for new customers. The agency is a travel agency that handles various travel matters. [Read more page 22](#)

Local food
A local food business is looking for new recipes. The business is a food business that sells various food items. [Read more page 23](#)

Local fashion
A local fashion designer is looking for new designs. The designer is a fashion designer that designs various clothing items. [Read more page 24](#)

Local music
A local musician is looking for new songs. The musician is a musician that plays various musical instruments. [Read more page 25](#)

Local dance
A local dance studio is looking for new students. The studio is a dance studio that teaches various dance styles. [Read more page 26](#)

Local theater
A local theater group is looking for new plays. The group is a theater group that performs various plays. [Read more page 27](#)

Local film
A local film festival is looking for new films. The festival is a film festival that shows various films. [Read more page 28](#)

Local television
A local television station is looking for new programs. The station is a television station that broadcasts various programs. [Read more page 29](#)

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A local radio station is looking for new songs. The station is a radio station that broadcasts various songs. [Read more page 30](#)

Local news
A local news outlet is looking for new stories. The outlet is a news outlet that reports on various news items. [Read more page 31](#)

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The filtration plant is designed to eliminate, as the WJWW states on its website, "haloacetic acids (HAA5s) that have been found at elevated levels in WJWW's water distribution system, and to comply with New York State and United States Environmental Protection Agency orders. Long-term exposure to high levels of HAA5 has been linked to an increased risk of cancer."

Two partners of the Uniondale, L.I. based firm Sahn Ward Braff Koblenz PLCC filed the lawsuit.

Joseph R. Bjarson, a Brigham Young University and Hofstra Law School graduate, is promoted on the Sahn website as "selected by Super Lawyers as one of New York Metro's "Rising Stars" in the area of business litigation."

John L. Parker, a Rutgers University and Pace Law School graduate, is promoted on the Sahn site as a former "Regional Attorney at the New York State Department of Environmental Conservation (NYSDEC) for the Lower Hudson Valley - Catskill Region."

According to Austa Devlin, a member of the Purchase Friends Board, in response to a question from this newspaper, "the Purchase Quaker Meeting is paying for our lawyers."

In the background—multibillionaire Michael T. Tokarz

The nearly two-decade effort by Purchase based multibillionaire Michael T. Tokarz to stifle the construction of the plant is well known to local journalists.

The Journal News' Tax Watch columnist David McKay Wilson recently described Tokarz this way:

"In the middle of the battle is Michael Tokarz, the Purchase land baron and financier who has chaired the Purchase Environmental Protective Association (PEPA). His holdings include 104 acres that once belonged to Peter Gache on Barnes Lane, which Gache lost in a fight with the town of Harrison over illegal dumping on his property.

Tokarz had bought 27 acres from the water agency about 25 years ago when it purchased a 40-acre parcel by the airport for the plant. It kept 13 acres for the plant, and Tokarz bought the remaining 27 acres, with 9 building lots. A string of lawsuits filed by Tokarz's development company in the mid-2000s muddied the water while that plan inched forward.

Then the Harrison Planning Board decided in 2008 not to approve findings for the environmental study (for) that site."

Back in 2008, the Harrison Planning Board was influenced in their decision by Tokarz and PEPA, the organization he headed.

Once the WJWW managed to persuade NYS Conservation Department officials to take the environmental review process away from the Harrison Board and put it into their hands, and found an exact sized piece of land on County airport property on which to build the plant, Tokarz switched his efforts and hired several prominent law firms to try to persuade State and City environmental officials not to approve WJWW's environmental review for the proposed new site.

The Quaker lawsuit, aimed at the piece of County land that must be approved by both the County administration and County legislature to swap with the original, argues that WJWW should redesign its proposed plant to the piece of land they currently own—a location which Tokarz had bitterly opposed.

In a last-minute switch, Tokarz now says they can build on that piece of land, and therefore the "swap" is no longer needed.

This change of heart on behalf of Tokarz has prompted WJWW Chair Thomas Murphy, Mayor of the Village of Mamaroneck, to refuse to go along with the "Stop the Swap" effort championed by PEPA and the Quakers.


As Murphy told the Westmore News for an Oct. 5, 2022 story: "My mother taught me when I was young: 'Fool me once, shame on you. Fool me twice, shame on me...My constituents can't afford a mistake that would cost them dearly."

Currently the "cost" to Murphy's constituents is not only the expense to potentially redesign the plant for the old Tokarz opposed site, but also the mounting court fines for not building the plant when ordered, which now total over \$69 million at the state level, with potential federal court fines pushing that number into the \$100 million plus range.


Those fines would be paid by WJWW water users, including all those in Rye Brook and Port Chester.

Whose interests will prevail both in State Supreme Court and the County Legislature: Tokarz, PEPA and the Quakers or the WJWW's 100,000 customers?

That answer won't be known for months, if not longer.




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Westmore News
on Tuesday

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WESTMORENEWS.COM
Winter burn can damage tr...
Outdoor plant owners, especially t...

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Westmore News
on Tuesday

The Rye Town Council passed an amendment to its existing tax exemption policy for disabled persons



MUSIC at The MANSION
Winter Concert Series
PRESENTS



Westchester Philharmonic
PERFORMING:
SCHUBERT QUINTET



VIOLIN
Deborah Wang
Laura Gattis

VIOLA
Linh Wen-Ting

CELLOS
Eugene Mace
Roberta Cooper



Sunday, February 5th at 2:00pm

Tickets:
\$25 In Advance
\$30 At the Door
(Seating is Limited)

CrawfordConcert.eventbrite.com



Save the Date
Sunday, Mar. 5 at 2 pm
Sunday, Apr. 16 at 2 pm

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