

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

Group Presses on to Preserve Native American Grounds in Chappaqua

By Martin Wilbur

A bid submitted last summer for property that was a Native American ceremonial ground may be in limbo due to litigation but that hasn't stopped a grassroots group in its hope to preserve the property.

Friends of Buttonhook, a nonprofit organization formed by local residents and joined by Native Americans, including the Wisconsin-based Brothertown Indian Nation, held an event last Tuesday at the Chappaqua Performing Arts Center that served as both fundraiser and public education effort. The Friends was the only bidder to submit an offer and a \$100,000 by the Aug. 30, 2022, deadline for the 20.3-acre parcel off Garey Drive to the Chappaqua School District, which has owned the property for the last 50 years.

About 200 people attended the Apr. 25 event that featured videos, Native American speakers and music to let residents know how critical it is to preserve the parcel and help them understand that the property was land that Native Americans once lived on,



MARTIN WILBUR PHOTO

Jessica Ryan, vice chair of the Brothertown Indian Nation Tribal Council, speaks to the crowd at last week's fundraiser to help preserve Buttonhook Forest, which multiple experts have stated was a ceremonial ground for native tribes.

said Tracey Bilski, vice president of Friends of Buttonhook who lives on an adjacent parcel to the school district's land.

"The real goal was to get people into the room to hear the story, and in terms of fundraising, the real fundraising takes place when there's a contract when we have site control," Bilski said of the organization's efforts. "When you don't have site control it's tricky."

But it may be a while before the Friends learns what will become of its bid. The school district has been in a multiyear process to subdivide the property to make it attractive to a developer.

The district entered into a contract in August 2021 to sell the land for \$2 million to an entity called CG Homes Six LLC to build six luxury houses at the site. It first needed to obtain all required municipal approvals, according to the company's lawsuit filed in state Supreme Court on Nov. 10, 2022.

But that was before the discovery early last year of Native American artifacts and the meticulously constructed stone piles mainly on the school district's property, which has

helped to galvanize residents, students and representatives of Native American tribes. Bilski has said that archeological and Native American experts have concluded the land was home to native tribes.

Grandmother Nancy Andrey, a Native American who attended last week's program, said when she visited the forest on the adjacent property "I heard the voices of my ancestors." She said Indigenous people had no concept of owning land.

"Our ancestors took only what they needed," Andrey said. "They shared and they gave back to the land. You can't just keep taking from our mother, the Earth. Will there be no places left where the wild things can be? This is why this forest, this little piece of what the ancestors made perfect and beautiful needs to be protected."

In its lawsuit, CG Homes Six LLC alleges that the district committed "breaches and wrongful conduct (that) include failing to pursue the Contract's Required Approvals, diligently and in good faith, and then using its own failures and the lack of such approvals

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on the sanitary and storm sewage discharge

as a pretext to breach and try to escape its other contractual obligations, closing on the sale of the property."

CG Homes Six is also seeking damages of \$2,770,000 from the school district.

In early April, the school district filed a motion to dismiss the complaint in court, and a judge's decision is still pending, said David Shaw, an attorney representing the Chappaqua School District.

There is no indication when a ruling will come from the judge, but the district was within its rights to move on, he said.

"The time for the contract to be concluded had expired and the district, was therefore, not obligated to continue in the contractual relationship with the plaintiff, CG Homes Six," Shaw said.

Last spring, the district announced that it would be accepting bids for the property from late June through late August. However, the district has been unable to receive approval for its sanitary and storm sewage discharge plans from the New York City Department of Environmental Protection (DEP), a key hurdle. The parcel is within the city's watershed.

A DEP spokesman did not divulge what was deficient about the plan, referring the question to the school district, which has not spoken about the matter. Bilski said a report from the state Attorney General's Inspector General Watershed Division regarding the parcel casts doubt on whether an approval

plan is achievable.

Friends of Buttonhook Forest President Victoria Alzapiedi said preserving the parcel would enable future generations to learn about the tribes who populated the area and to protect an environmentally sensitive habitat.

"If this property, this land, this 20.3-acre area, beautiful untouched woodlands in a watershed, I mean this is just precious land," Alzapiedi said last week. "Mature trees fighting climate change, we're in a desperate climate situation. The thought of tearing down more than 676 mature trees to build six luxury homes with swimming pools, it's not only counterintuitive, it's desperately wrong and misguided."

Jessica Ryan, vice chair of the Brothertown Indian Nation Tribal Council, said the story as the United States was being populated, Native Americans were often relocated by the new settlers. But the fact that the Buttonhook property is still intact makes it a crucial find.

"Words cannot describe the emotion that was formed in no time flat when you have an opportunity of walking that ground where seven and eight and 10 and 15 generations ago is where your relatives were," Ryan said.

Bilski said the Friends of Buttonhook will continue to hold periodic events to raise funds for various expenses toward a potential purchase of the

maximum protection against a future Town Board allowing development on the 130-acre portion of the site in the event that the golf course ceases to operate for any reason.

"We want to make sure as best we can - no guarantee - that it is not built upon," said Supervisor Michael Schiliro. "So that's what we're trying to solve here, is how do we all get comfortable on all sides that it's a golf course; we want it to be very successful. We hope it's a golf course forever, and if it's not, it can't be built on."

There is also concern that should the golf course no longer operate, the homeowner's association would not be equipped to manage the land as an outside organization with expertise in managing open space.

Last Wednesday evening board members discussed potential alternatives.

Councilwoman Barbara DiGiacinto said the board could consider using a portion of the \$860,000 still owed to the town from the Community Benefits Agreement. Councilman Matt Milim suggested the town could add language requiring a future board to have a 5-0 vote to undo the conservation easement and forgo the third party.

Milim said he opposed using any part of the Community Benefits Agreement toward funding the third-party holder.

"We have \$860,000 that we can spend on infrastructure that will benefit the (entire) community," he said. "To take a hundred-

Committee Chair Ryan's suggestion from the North American Land Trust, an entity that could hold the easement, was to pay the recommended \$100,000 stewardship fee for annual inspections of the property and enforcement by charging the future owners a one-time fee. Based on 65 units, which are estimated to sell for \$2.5 million (not including the seven affordable units) would cost each owner a little more than \$1,500. Another \$40,000 for legal fees and for conducting a baseline study of the land would also have to be paid.

Another possibility is to see if Westchester County can be the third party, Kazak said.

During the more than hour-and-a-half discussion last week, there was some impatience expressed by the applicant regarding the amount of time being spent on the easement when site plan review is still needed for the residential component. Weingarten and Summit Club Principal Jeffrey Mendell characterized the chances of the golf course failing as being "zero."

"As I told you, I'm on your side," Mendell said. "I want it to be open space. I'm not arguing with you. Let's get it done. Let me move forward. Enough is enough."

Weingarten said if a third-party holder is something that's important to the town, then it should spend its own money. Otherwise, the protections are in place and the agreement is consistent with the project's Findings Statement, he said.