

MINUTES OF THE NOVEMBER 4, 2010 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD AT THE TOWN HOUSE, 179 WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT 8:00 P.M.

PRESENT: SUPERVISOR GARY WARSHAUER; COUNCIL MEMBERS: RICHARD LYMAN, DANIEL PASCHKES, PAUL McCONVILLE AND PETER FALCO

ALSO PRESENT: TOWN ATTORNEY, JAMES J. SULLIVAN, ESQ.  
TOWN CLERK, JOANNE PACE

**CALL TO ORDER:** Supervisor Warshauer called the meeting to order at 8:00 p.m.

**CALL FOR EXECUTIVE SESSION:** None

**ANNOUNCEMENTS:**

- Supervisor's Forum to discuss Water Quality Measures Saturday, November 9, 2010 at 10:00 a.m. at the Town House.3

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Paschkes, all voting aye to hold a Town Board Work Session on Saturday, November 13, 2010 at 10:00 a.m.

**Board Action:** Motion by Councilman Lyman, seconded by Councilman McConville, all voting aye to hold a Town Board Work Session on Thursday, November 18, 2010 at 5:30 p.m.

**MINUTES:** Acknowledge/correct/accept October 14, 2010 Town Board meeting and October 27, 2010 Work Session.

**RESOLUTION #: 188 -10**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilman Lyman, all voting aye on the following:

RESOLVED, that the Town Board hereby accepts the minutes of Town Board meeting of October 14, 2010 as amended by Supervisor and the Work Session minutes of October 27, 2010.

**PUBLIC HEARING:** Continued Public Hearing to consider adoption of the Comprehensive Plan

**Board Action:** Motion by Councilman Paschkes, seconded by Councilman McConville, all voting aye to open the Public Hearing to consider adoption of the Comprehensive Plan.

Since the last Public Hearing, there was discussion of some of the language in the Plan. That language has been incorporated into the document and it is also on the Town's website. Supervisor Warshauer read one clarification that was talked about last week and it was in the discussion about Scotts Corners. There was mention that we wanted to include in the language

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just a general description of the engineering studies that had been done in the past and elaborate on them. There is a slight addition to the language that was agreed upon at the last meeting. Supervisor Warshauer read the entire section on page B-13 paragraph d. as follows:

d. The Town should encourage residential and mixed uses, and public and community facilities in Scotts Corners which complement its semi-rural community character, and which add vibrancy and stability to the Pound Ridge business district and overall community. However, in the development of all uses, surface and groundwater quality must be protected and vehicular traffic impacts must be mitigated. The Town has explored the feasibility of improving the water supply and sewage disposal situation in Scotts Corners over the years, including in the June 1992 wastewater treatment feasibility study and the 2003 Folchetti study. Despite the completion of these two studies, as well as other Town and community based efforts over many years, a comprehensive solution to the water and wastewater issues in Scotts Corners has not yet been identified. In keeping with the recommended scale for Scotts Corners, the development of appropriate water and wastewater infrastructure solutions should continue to be explored. Further, the Town should continue to urge the Westchester County Department of Health to permit the use of leading-edge technology and design to repair or replace water, septic or other wastewater systems that are failing or in need of upgrading.

Councilman Paschkes commented referencing the proposed Negative Declaration under SEQRA which refers to the environmentally constrained lots language and corresponding language in the Comprehensive Plan. He thought they discussed a reference to the fact that we have already done a number of the things that are in there for us to consider doing for example consider mechanisms like maximum floor area ratios, maximum building lot coverage areas, minimum contiguous buildable areas, slopes, wetlands and other environmental constraints. That's all contained in the legislation we adopted a couple of years ago and speak to those issues. He would like to correct this section of the Plan. Supervisor Warshauer said that we didn't address this completely. He also said that this recommendation is consistent with the environmental concerns that run through the Comprehensive Plan and our ordinance. Supervisor Warshauer and Counsel Sullivan said that there won't be any harm in leaving this in the Plan. Bill Harding, Comprehensive Plan Chairman, said that it expresses the Town's policy and supports what has already been done. Councilman Paschkes suggested adding the words "Not previously enacted or accomplished" to the beginning of paragraph 7. Environmentally Constrained Lots. After discussion, the Town Board decided to leave the wording as it is.

**Board Action:** Motion by Councilman McConville, seconded by Councilman Paschkes, all voting aye to close the Public Hearing to consider the adoption of the Comprehensive Plan.

**RESOLUTION #: 189-10**

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**Board Action:** Motion by Councilman Paschkes, seconded by Councilman Lyman, the Board polled and the motion passing 5-0 on the following:

WHEREAS, the action which the Pound Ridge Town Board is entertaining is the adoption of a new Town Comprehensive Plan (the "Proposed Action"); and

WHEREAS, the Town has been in the process of preparing a new Comprehensive Plan for many years; and

WHEREAS, the Town Board created a Comprehensive Plan Committee years ago, which Committee has had a number of different Chairpersons including the following: Robert Powers, Steve Kushner and its current Chairman, William Harding; and

WHEREAS, the Comprehensive Plan Committee has had many different members including, currently, Elyse Arnow, Josh Arnow, Clayton Fowler, Steve Kushner and Vince Manna, Sam Mlynar and Jon Powers; and

WHEREAS, many persons and groups have contributed to the preparation of the draft Comprehensive Plan over the years, including but not limited to Bob Armes, Melinda Avelino, Gary Carlson, Jo Faraci, Alice Gabriel, Ellen Ivens, Gail Jankus, Mary Legrand, Richard B. Lyman, Les Maron, Richard Mendes, Sondra Peterson, Rob Powell, Arthur Rappaport, Kent Redford, Susan Shapiro, Phyllis Shearer, Ray Smith, Deborah Tepper, Marc Vandenhoeck, Judith Webb, Jess Weiner, the Conservation Board, the Housing Board, the Pound Ridge Business Association, the Pound Ridge Library District, the Pound Ridge Partnership and the Recreation Commission; and

WHEREAS, the Comprehensive Plan Committee fulfilled its mandate of preparing a draft Comprehensive Plan for the review of the Town Board; and

WHEREAS, the Town Board has reviewed and made appropriate modifications to the draft Comprehensive Plan which was recommended by the Committee; and

WHEREAS, many meetings, outreach sessions and public hearings have been held to discuss many different versions of the draft Comprehensive Plan, including but not limited to the following:

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2. Joint Town Board/Planning Board meetings on February 11, March 11, April 8 and May 13, 2010.
3. A public hearing held by the Comprehensive Plan Committee on July 29, 2010.
4. A public hearing was opened by the Town Board on September 21, 2010, adjourned to and reopened on October 14, 2010, adjourned to and reopened on November 4, 2010, and closed on said latter date, at which times all of those members of the public wishing to be heard were given an opportunity to do so.
5. Discussion of the draft Town Comprehensive Plan on a variety of other dates including but not limited to June 23, July 8 and August 5, 2010; and

WHEREAS, the Town Board determined that the Proposed Action is a Type I action pursuant to Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as "SEQRA"); and

WHEREAS, the Town Board determined that the Proposed Action is an action for which there are no other Involved Agencies and that the Town Board is therefore, by default, the Lead Agency for this action; and

WHEREAS, the Town Board referred the draft Comprehensive Plan to the Westchester County Planning Board in accordance with Section 272-a of the New York State Town Law and Sections 239-1 and m of the New York State General Municipal Law; and

WHEREAS, the Westchester County Planning Board responded to the above mentioned referral by way of its letter dated September 27, 2010, which included comments on the draft Comprehensive Plan; and

WHEREAS, the Town Board has given due consideration to the comments of the Westchester County Planning Board and has made certain modifications to the Comprehensive Plan in response to said comments; and

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WHEREAS, the Town's Planning Consultants, Frederick P. Clark Associates, Inc., have prepared a Full Environmental Assessment Form (EAF) regarding the draft Comprehensive Plan in which the potential environmental impacts of the adoption of the draft Plan have been fully analyzed.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Town Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Town Board hereby adopts the attached Negative Declaration for the reasons specified therein, and directs the filing of the Negative Declaration with the Environmental Notice Bulletin in accordance with the requirements of SEQRA.
3. Pursuant to Section 272-a of New York State Town Law, the Town Board hereby adopts the Town Comprehensive Plan, dated October 2010 as amended by the language in the memorandum dated November 3, 2010 as its new Town Comprehensive Plan.
4. The Town Board hereby directs the filing of the new Town Comprehensive Plan with the Westchester County Planning Board.
5. The Town Board hereby expresses its significant appreciation to all of those persons who have labored mightily and who have contributed to the creation of a new Comprehensive Plan for the Town.

Resolution Adopted: November 4, 2010

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Supervisor Gary D. Warshauer

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Date

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Supervisor Warshauer thanked all involved with special thanks to Bill Harding. Councilman Paschkes stated that before Bill Harding came onto the Committee, the forward process had reached the doldrums.

Supervisor Warshauer said that this is really the beginning and the Town Board has to take into consideration, the recommendations of the Plan and continue to work closely with all the Boards and Commissions and identify what the priorities are of the Plan's recommendations.

**NEW BUSINESS:**

**Traffic Calming Measures for Scotts Corners -Consider recommendations of the Traffic Committee**

Jon Powers spoke on behalf of the Traffic Committee which consists of Jon Powers, Chief David Ryan, Dick Lyman, Jim Perry and Lisl Steiner, for Traffic Calming Measures in Scotts Corners discussing the proposed recommendations for the Scotts Corners area and the Connecticut border. They recommended:

- 1) - reducing the speed limit to 25 mph between Avant Gardens and A-Home. They would put a reduced speed sign to alert drivers of the speed change at the Connecticut border and at Pine Drive.
- 2) - they will work with making our current crosswalks more visible by putting in a brick-look colored grid in blacktop. They will be milled out and new blacktop will be put in. They will then put in a grid and colorize it. Vehicles will feel a difference as they drive over it. There will be a one foot stop line before and after the crosswalk. The approximate cost for this would be approximately \$20,000.
- 3) -add additional crosswalks at the area near Pinocchio Restaurant and the driveway that goes to the Barber Shop and also at all four corners at Trinity Pass.
- 4) -continued Police enforcement control.
- 5) - hold off on raised crosswalks due to plowing concerns.

The Committee plans to meet with the New Canaan Police Chief and First Selectman to make sure they continue to monitor the Connecticut border for speeding. They will ask them to possibly reduce the speed limit on the Connecticut side.

Peter Clough, Westchester Avenue, asked where the first crosswalk will be placed. He said that people generally don't pay attention to speed limit signs especially around his house. There seems to be a higher speed area just after the Connecticut border. Tom Sangermano, Light Horse Lane, feels the same way. They want more attention directed to that area. They feel the Town Board is not focusing where the heaviest high speed occurs.

Chief Ryan said to resolve that problem; they have to have the New Canaan Police agree to monitor that area as well. Peter Clough feels we shouldn't wait for the New Canaan Police to get on board and do something now. Anita DiGiacomo, Westchester Avenue suggested putting in camera to catch the license plates of the speeding vehicles. Diane Mazzanti, Westchester Avenue, suggested putting in sidewalks for walking and bicycle

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riding or at least clear out the road edges to allow someone to walk to Scotts Corners and back. There is a safety issue near her house because of the speeding vehicles. It was also suggested by the neighbors that there should be no “Jake Braking” (Jacobs Engine Brakes). This would eliminate some of the sound issues.

Councilman Paschkes said that a while ago, they talked about installing a permanently fixed speed radar device and looked at various models. They can look into a grant to pay for something like that. Chief Ryan suggested putting a marked police car on the side of the road to deter speeders. Many suggestions were mentioned to rectify the problem. The Committee will review the suggestions and get back with their recommendations.

**Pound Ridge Business Association – Special Events Permit, Antique Markets & Outdoor Arts & Crafts**

**RESOLUTION #: 190-10**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman McConville, all voting aye on the following:

RESOLVED, that the Town Board hereby approves the Special Event Permit application from the Pound Ridge Business Association for their annual arts and crafts and antiques market event. The event will be from 9:00 a.m. to 5:00 p.m. on Monday, May 30, 2011, July 4, 2011 and Monday, September 5, 2011 and from 10:00 a.m. to 5:00 p.m. on Saturday and Sunday, October 1 and October 2, 2011.

**Schedule Public Hearing for December 2, 2010 to consider adoption of the 2011 Budget**

Supervisor Warshauer reported that the Tentative 2011 budget, filed with the Town Clerk on October 29, 2010 is a concerted effort by the Town Board and Town Staff to reduce costs to reflect the current economic situation. To balance the reduction in sales tax, mortgage tax and interest income, this budget proposes reduced operating costs, salary decrease and a 2.5% tax increase. The tentative budget will be posted on the town website. The Supervisor asked for a motion to schedule the Public Hearing on the 2011 Budget for December 2, 2010.

**RESOLUTION #: 191-10**

**Board Action:** Motion by Councilman Falco, seconded by Councilman McConville, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Town Clerk to call for a Public Hearing for Thursday, December 2, 2010 at 8:00 p.m. to consider adoption of the 2011 Budget.

**Schedule Public Hearing to consider amendments to Chapter 39 of the Town Code-Animals: Control of Dogs**

**RESOLUTION #: 192 -10**

**Board Action:** Motion by Councilman McConville, seconded by Councilman Lyman, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Town Clerk to call for a Public Hearing for Thursday, December 9, 2010 to consider amendments to Chapter 39 of the Town Code-Animals: Control of Dogs.

**Pound Ridge Fire District-requests permission to use the Highway garage for training**

The Board of Commissioners of the Pound Ridge Fire District is requesting permission to use the Highway Garage property for the purpose of training on November 15, November 22 and 29, 2010. The Fire Department will notify the neighbors.

**RESOLUTION #: 193 -10**

**Board Action:** Motion by Councilman McConville, seconded by Councilman Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Fire Department to use the Highway Garage property for the purpose of training on November 15, November 22 and 29, 2010. The Fire Department will notify the neighbors.

**Highway Department-Accept resignation of Highway Administrator and ratify appointment of new Highway Superintendent**

**RESOLUTION #: 194 -10**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilman Falco, all voting aye on the following:

RESOLVED, that the Town accepts with gratitude of service the resignation of Highway Administrator Richard Lyman effective immediately and ratifies the appointment of the new Highway Superintendent Vincent Duffield.

**Police Department-Accept resignation of Court Officer**

**RESOLUTION #: 195-10**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilman McConville, all voting aye on the following:

RESOLVED, that the Town Board hereby accepts the resignation of the Pound Ridge Court Officer John Segnit effective immediately.

**Conservation Board- Accept board member resignation**

**RESOLUTION #: 196 -10**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby accepts with gratitude of service the resignation of Michael Reed from the Conservation Board effective immediately.

**Sale of Cemetery Plot-Steinnagel**

**RESOLUTION #: 197-10**

**Board Action:** Motion by Councilman Falco, seconded by Councilman Paschkes, all voting aye on the following:

RESOLVED, that the Supervisor be and is hereby authorized to sell Town Cemetery Plot #49-2 Section 3 to Billye Zoa Steinnagel, 161 Parkview Road, Pound Ridge, N.Y. 10576, in the amount of \$1,000 for one gravesite.

**FINANCIAL MATTERS:**

**Recreation Dept. – Requests authorization for various program refunds**

**RESOLUTION #: 198-10**

**Board Action:** Motion by Councilman Falco, seconded by Councilman Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the following refund:

Vanessa Lewis	\$20.00 from A2001	overpayment of flag
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11 London Road  
Pound Ridge, N.Y. 10576

football fee

**Receiver of Taxes- requests authorization to refund duplicate tax payments**  
**-request waive of tax penalty**

**RESOLUTION #: 199-10**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the following refunds:

Friedman, 857 Fifth Ave., NYC, \$100.00 for overpayment,  
Conetta, First America R/E Tax, \$8,961 for duplicate payment,  
Fields, First America R/E Tax, \$13,248.53 for duplicate payment,  
Mortell, P.O. Box 77, Bedford, N.Y. for overpayment.

**ADJOURNMENT:** There being no further business to come before the Town Board, Supervisor Warshauer adjourned the meeting at 10:00 p.m.

Joanne Pace  
Dated Pound Ridge, New York  
November 5, 2010