

MINUTES OF THE MAY 13, 2010 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE AND PUBLIC HEARING 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, PETER FALCO AND  
PAUL McCONVILLE

ALSO PRESENT: DEPUTY TOWN CLERK, CAROLE WOLLENWEBER

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

**CALL FOR EXECUTIVE SESSION:**

**ANNOUNCEMENTS:**

- Memorial Day celebrations will take place on Monday, May 31, 2010 at 12:00 p.m. The parade will start at Pound Ridge Elementary School and proceed to the Pound Ridge Cemetery where there will be a short program. After the program, everyone is invited to go to the Town Park for hot dogs, hamburgers and ice cream courtesy of the PBA and Lions Club. In the event of rain, it will be held in the gymnasium of Pound Ridge Elementary School.

**MINUTES: Acknowledge/correct/accept minutes of Town Board Meeting of May 6, 2010 and Work Session of April 28, 2010.**

**RESOLUTION #: 111-10**

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

RESOLVED, that the Town Board hereby accepts the minutes of Town Board Meeting of May 6, 2010 and Work Session of April 28, 2010 with the corrections noted.

**PUBLIC HEARING: To consider issuing a Special Use Permit for use of Town owned property, located at the end of the new sidewalk in Scotts Corners, to create a small plaza, pumpkin patch and natural garden.**

**Board Action:** Motion by Councilman Paschkas, seconded by Councilman Lyman, all voting aye to open the Public Hearing to consider issuing a Special Use Permit for use of Town owned property, located at the end of the new sidewalk in Scotts Corners, to create a small plaza, pumpkin patch and natural garden.

The application is to take the piece of property located at the Scotts Corners side of the new sidewalk and restore it and turn it into a small park and an area to grow pumpkins. The areas around the stream will be a natural garden. Councilman Lyman explained that it will be left in a completely natural state. The Planning Board members felt that the

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park would benefit Scotts Corners area and approved the recommendation of the project to the Town Board. The Planning Board's approval is conditioned upon approval by the Water Control Commission.

The Water Control Commission reviewed the plan and made a few recommendations as follows:

- 1) Provide a 20-foot minimum planting buffer between the active area and the edge of the stream.
- 2) The wood chip pathway should be 30 feet from the edge of the stream.
- 3) Any surface drainage from the garden area should flow to a bio filter basin.
- 4) Chemical fertilizers and pesticides should not be permitted.
- 5) The water source should be determined. If the stream is to be used, an access location should be constructed and the method of water extraction should not present any opportunity for pollution.

The Conservation Board also recommended going ahead with the park. There were no comments from the audience on the Lions Park.

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Falco, all voting aye to close the Public Hearing to consider issuing a Special Use Permit for use of Town owned property, located at the end of the new sidewalk in Scotts Corners, to create a small plaza, pumpkin patch and natural garden.

**RESOLUTION #: 112-10**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Falco, the Board polled with Councilman Falco, aye, Councilman Lyman, aye, Councilman McConville, aye, Councilman Paschkes, abstain and Supervisor Warshauer, aye, motion passing 4-0 on the following:

RESOLVED, that the Town Board hereby approves the Special Use Permit as proposed by the Lions Club for the use of the ½ acre Town-owned property at the end of the new sidewalk in Scotts Corners to create a small plaza, pumpkin patch and natural garden.

**NEW BUSINESS:**

**Comprehensive Plan-Fourth Joint Town Board/Planning Board meeting to discuss the Transportation Section of the Comprehensive Plan**

Councilman Lyman questioned the accuracy of the first sentence saying there are approximately 84 miles of roads in Pound Ridge. He thought there was less mileage even though a portion of that are State and County roadways. Bill Harding, Chair of the

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Comprehensive Plan Committee, explained the goals of the Transportation section of the Plan. It explains what our transportation availabilities are, what our road systems look like and what our goals are in respect to maintaining and operating the road systems. We have no limited-access highways within Pound Ridge. There are five (5) main arterial roadways: Bedford-Pound Ridge Road (NYS 172); High Ridge/Stone Hill Roads (NYS 137); Long Ridge Road (County Route 104); Salem Road (NYS 124) and Westchester Avenue. Councilman Paschkes suggested adding to the section regarding Bedford-Pound Ridge Road (NYS Route 172) that this Route links us to Mt. Kisco and our primary health care hospital (Northern Westchester Hospital).

Collector Roads link Pound Ridge's neighborhoods with an arterial roadway system. Most local streets in Pound Ridge are Town-owned and carry low traffic volumes. They are constructed for a more suburban character and maintain appropriate storm water best management practices. Some discussion followed on the speed limits on the roads.

Traffic counts have been collected for the segments of the New York State routes shown in a Table 1 with a disclaimer. This section needs to be updated because it shows data up to year 2000 showing an increase in volume by as much as 16%. The significant increase may result from commuters who travel through Pound Ridge. It was discussed whether or not to keep the sentence "With this increase in volume, it becomes substantially more difficult for residents to access arterial and collector roads from local streets and driveways, particularly during peak morning and evening periods." They decided to leave it in. Westchester Avenue seems to be holding steady traffic.

Under Roadway Design, it suggests concerns regarding local roads. Narrow pavement widths and avoidance of widening and straightening roads contribute to the scenic character of the roads and slower traffic. The use of curbing has both positive and negative implications. Salt and sand use continues to be an issue in the winter months. Councilman Paschkes suggested taking issue out and replacing it with concern. Councilman Lyman suggested saying "*it continues to be an issue for the Town and remains a focus for the Highway Department in balancing the need.*" In the following sentence "Balancing the need to meet resident expectations for keeping the roads passable with the responsibility to protect the Town's natural resources (particularly its drinking water) is a challenge", Councilman Paschkes suggested eliminating the words "*is a challenge*" and ending the sentence with water and it doesn't have to be in parenthesis.

Tree trimming and general maintenance by utilities and other non-Town entities can really be a factor. Westchester County is in active discussion with service commissions about how Con Edison and NYSEG trim their transmission rights of ways. This has been a problem in surrounding Towns and they want to prevent unnecessary major clearings in Pound Ridge.

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Pedestrian and Bicycle Transportation: Pound Ridge has one existing bike path extending 1.2 miles. Planning Board member John Bria said that this should not be called a bike path. It is strictly a walking path. He feels it is not wide enough to be a bike path. He feels the Town may be liable if they call it a bike path. There are particular standards and it does not conform. Councilman Paschkes suggested calling it a "recreational path". Supervisor Warshauer said that in shared roadways, they clearly try to identify the bike lane separate from the pedestrian lane separate from the car lane but there are many situations where they sometimes combine. Councilman Lyman suggested eliminating the word "bike" out of the first sentence and then the rest is correct. Supervisor Warshauer said it does need to be updated because it refers to a path we are going to put in and we already put it in.

The commuter rail service and air transportation section was briefly discussed. Supervisor Warshauer said that it really needs to be updated because there are plans for the Tappan Zee Bridge to be redone by 2020 and there will be a rapid transit system that will go from Haverstraw to Port Chester with many stops in the communities along the way. This will bring an East West connection to our area. Our Plan should recognize this system that will be going in and we should set some objectives in trying to link into that in any way we can. Scotts Corners should be a main place for the link to this system. The second paragraph, last sentence in this section should be changed to be more positive that the Town is working with the County and other agencies in getting residents to and from the train stations. Supervisor Warshauer said that we should be doing everything we can to encourage car pooling.

The recommendations were read through. Under the third recommendation, Traffic Volumes, it was emphasized that we should discourage primary commuter routes as much as we can. The Police Department and the Highway Department and the Town Board should always be mindful of this and they should try to avert the commuters to State roads. Speed limits and volume should be monitored.

Commuter parking and transportation will tie into 287 corridor plans. Pedestrian and bicycle opportunities should reduce vehicular conflicts. The Town will work with the County on the development of the Mid-Hudson South Region Bicycle and Pedestrian Master Plan. Supervisor Warshauer said that they have major trails and the challenge we have is how we connect into this regional planning. There was a question as to whether or not paragraph 4 d. should be left in the Plan. The extension of the bike path does cross over onto a State Road. Supervisor Warshauer said the goal of the Bike Committee is to identify the opportunities and come up with a plan. The part that refers to extending the part of the path from Scotts Corners Market to the south along Westchester Avenue has already been done.

Paragraph 5 recommends improving parking and circulation in Scotts Corners and the Hamlet with four recommendations. Ruth Mendes suggested putting in bike racks to

encourage bikers to come to Scotts Corners. In a., it should say *no* curbing. In c., “Regulating and discouraging the long-term parking and storing of vehicles within the parking district has to be rewritten.” Ruth Mendes, Business District representative spoke about regulating long-term parking and enforcement. She feels it needs attention. It should say “*Monitoring and enforcing parking and other vehicular uses.*” Bill Harding will try to re-write it to make sense. Supervisor Warshauer asked if there are other things the Town Board should be looking at to increase people going to Scotts Corners to shop. Bill Harding said they have to provide parking and good pedestrian circulation.

Under Roadway Design, the Town should consider revising its Town road design standards for the purpose of protecting the Town’s character and discouraging speeding. Councilman Lyman said that sometimes there is a conflict with State building codes and our Town code for standards. Supervisor Warshauer said that what the Town has to do is figure out how to best balance the characteristics of the Town which historically has longer, winding roads with the pressures of fire safety and State building codes. The last sentence of the first paragraph under roadway design that starts with “Old Logging, Autumn Ridge and Fox Run Roads are examples” .....should be eliminated. There was some discussion about signs and how to keep the appropriate use of signage while minimizing sign clutter.

Roadway Maintenance best management practices include road sweeping, the clearing of *unwanted* (instead of *invasive*) *roadside* vegetation. It should also include de-icing of the roads. *The words right-of-ways should be changed to rights-of-way.* The Town should manage the roadside vegetation.

In paragraph 8, a discussion took place regarding designated scenic areas such roadsides and the Hamlets. It was mentioned that a group of residents can agree on what they would like to put along their property lines. If the Town believes that there are certain scenic characteristics of roads in Town that we would like to maintain, there would be a process to keep that. In order to do anything in that area, they need to go to the Conservation Board or the Planning Board. The word “legislation” in the first sentence should be taken out. The Town should be accommodating for the identification of scenic roads. The two paragraphs under this section of preservation of scenic roadways actually say two different things. The first paragraph says the Town should consider identifying and adopting some kind of scenic district or roadway or zone. That would be through the Town Board and there would be restrictions like zoning restrictions. There would be a certain process to go through like in a historic district. The second paragraph is different regarding the designation process of conservation easements. This is strictly voluntary. You try to encourage residents on their own to recognize things that are special and agree that there should be some care before it’s ruined. Councilman Lyman explained that there are specific parameters and all sorts of language written into the Conservation Easements. There are some restrictions but there are some allowances as well.

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Bill Harding explained that this is all pretty standard. Councilman Paschkes reminded the Town Board and the Planning Board that the language is phrased that the Town should consider in the future a process by which we can designate scenic roadways and what that would involve. Jon Powers suggested keeping it on the table and figure out a way to do it. Bill Harding suggested changing the second sentence of the second paragraph to have the word voluntary. It should read "The designation would include agreed-upon *voluntary* techniques (e.g., conservation easements) for preserving the road's scenic qualities."

There being no further comments on this section of the Comprehensive Plan, Supervisor Warshauer said that the next step would be to compile all the comments and incorporate them in some manner either as an alternate suggestion or an actual incorporation into what will become a final draft to be discussed at the June 10<sup>th</sup> Town Board meeting. At that time, it would be the intention to schedule a Public Hearing to adopt the Comprehensive Plan.

Ruth Mendes, on behalf of the Pound Ridge Business Association, recommended the deletion of parts of the proposed Comprehensive Plan. Essentially, the Business Association disagrees with page B-17 "d" of the Plan. They take great exception to the idea that the Town wants to discourage the development of public or commercial water and wastewater infrastructure. They take great exception to the idea that the Town would codify the weaknesses that challenge maintaining a healthy and responsive business community. It is not healthy to fail to address a failing septic system and diminishing water quality. Councilman Paschkes reminded Ruth that the Town Board has initiated two separate studies to explore the possibilities of whether or not some kind of system could be put in various places that would improve the status of the septic and water quality. Both systems were not feasible. The Plan shouldn't say that we should rule it out or discourage it if some new technology came along or a piece of property that would lend itself to that particular capacity was available and it would work for Pound Ridge. Supervisor Warshauer said that we have always looked for a solution to the issue of infrastructure in Scotts Corners and feels the Plan should recognize the fact that we should continue to find a solution. With the changing Health Department regulations, things of the past that weren't feasible may be feasible in the future. The Business District is the logical place to attract people.

Bill Harding said that there is part of the paragraph missing that was quoted in Ruth's letter. There is another sentence that clarifies what she is saying: "Further, the Town should encourage the use of leading-edge technology and design to repair or replace septic or other wastewater systems that are failing or in need of upgrading." Supervisor Warshauer said that the Comprehensive Plan should do what it can to encourage a thriving business district. Councilman Paschkes suggested adding a sentence to the Plan saying: "The Town believes that Scotts Corners Business District should maintain its current scale in order to protect its groundwater quality." Bill Harding reminded everyone that the reason Scotts Corners is not as prosperous as we would like it to be is

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because it is severely limited by environmental constraints and the Town has to come to grips with that reality. A public wastewater system will probably never happen in Scotts Corners. They must do with what we have. Councilman Paschkes disagreed as far as his comments preclude the unforeseen such as technology that may be available in the future. Supervisor Warshauer said that we should be realistic, positive and leave the door open. Supervisor Warshauer mentioned that he also got a memo from the Pound Ridge Partnership and it talks about the infrastructure and asks that the Town Board look into an opportunity to solve the infrastructure problems. Bill Harding said that in some communities, after the Comprehensive Plan is adopted, there would be small mini Comprehensive Plan Committees that dealt strictly with their business districts. Supervisor Warshauer said that once the Comprehensive Plan is complete, it is just the beginning, not the end.

**Traffic Calming Measures-Consider adding stop signs and warning lights on High Ridge Road, Upper Shad Road, Westchester Avenue and Lower Trinity Pass.**

Supervisor Warshauer said that his Supervisor's Forum on Saturday, May 8, 2010, talked about traffic safety on a couple of cut-through roads. Westchester Avenue and Lower Trinity Pass in Scotts Corners and High Ridge Road and Upper Shad Road have been identified as problem intersections for cars and pedestrians. For High Ridge Road, we did get the State to reduce the speed limit and even though most cars are going the speed limit, it was discussed at the forum to put in a warning light on High Ridge Road coming south prior to Horseshoe Hill Road and prior to Upper Shad Road. The State would have to be asked to do this. Another suggestion was to have a device at the end of Horseshoe Hill Road to alert a driver that on coming traffic is coming on High Ridge Road. It was suggested to have traffic calming devices put in place and Chief Ryan suggested putting a three way stop sign in certain places. The Town put in traffic humps on West Lane and they were very effective. It no longer became a short cut through to Pound Ridge Road and Westchester Avenue. It was discussed to add the humps to other locations but it wouldn't be feasible on Westchester Avenue or High Ridge Road because there is too much traffic and they are a thoroughfare. We can slow them down if they are speeding. It was suggested to put a three way stop sign at Upper Shad at High Cliff Terrace to help slow traffic. Bill Harding said that the Town Board should be aware that State DOT guidance advises against three way stop signs as a device of speed control. When they articulate this it is more appropriate to articulate it as intersection control rather than to slow people down. It was also discussed to put stop signs on Lower Trinity Pass and Rolling Meadow Road and at Trinity Lane for intersection control. An impact on putting in more stop signs is the noise factor. If we are going to have these extra stops, it is very noisy for a truck to slow down and start up again. Another suggestion is to put in a speed table which would flash the speed you are doing as you approach Scotts Corners near the New Canaan line. Supervisor Warshauer said that he would put this on the May 26<sup>th</sup> Work Session for further discussion and to consider asking the State to implement some of these suggestions. Bill Harding suggested having the State do some monitoring at

these locations. A resident at High Cliff Terrace asked why we are avoiding putting a four way stop sign on High Ridge Road. Supervisor Warshauer explained that Chief Ryan said that a stop sign on High Ridge Road would create more of a danger from cars trying to stop on a main road than there is with one at the cross road. Supervisor Warshauer suggested putting in a warning light that would be triggered by a car in the intersection. It would be more effective and would not be constantly flashing.

**Garden Club-Discussion of planting at the Pound Ridge Road/Westchester Avenue triangle and around Conant Hall**

Councilman Lyman said that the Pound Ridge Garden Club is proposing to remove some plantings in the triangle by the Pound Ridge Community Church and Conant Hall to make it more attractive. They would like permission to remove the junipers around the memorial stones in front of Conant Hall that have gotten overgrown. There are also some invasive plantings that they would like to remove on the triangle. They also would like to plant an elm tree at the Town House. The Garden Club will pay for their materials and the elm tree out of their budget. They would also like permission to plant some boxwood around the air conditioning unit and propane gas tank at Conant Hall. They will hold off on the boxwood until Conant Hall is painted on the outside. The Hamlet will have plantings removed and grass reseeded. At a later date, something could be planted.

**RESOLUTION #: 113-10**

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

RESOLVED, that the Town Board hereby accept the recommendations of the Garden Club and their donation of planting materials and elm tree for the Town House.

**IT Coordinator-Consider request to purchase color laser printer**

Steve Conti, IT Coordinator, is requesting authorization to purchase a new color laser printer from Sullivan Data Management. The current Dell color printer that is shared by all departments is a 2004 model and needs a transfer roller and 4 ink cartridges which add up to approximately \$950. A new printer that would primarily be used by the Recreation Department would not exceed \$950 including installation. Two quotes were received and he recommends the lower cost from HP.

Staples price - \$749.00  
HP prices - \$649.00

**RESOLUTION #: 114 -10**

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

RESOLVED, that the Town Board hereby authorizes Steve Conti, IT Coordinator, to purchase a new HP Color Laser Jet CP3525n printer and authorizes Sullivan Data Management to network the printer to the departments most apt to use it. The cost of the printer and installation will not exceed \$950.00 and will be charged to A1680.205 and it is in the budget.

**Plum Plum LLC – requesting refund of \$100.00 for topsoil**

Audrey Free of Plum Plum LLC purchased 20 yards of topsoil to put behind her store in Scotts Corners for \$200.00. She was only able to use 10 yards and requested a refund of \$100.00.

**RESOLUTION #: 115 -10**

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

RESOLVED, that the Town Board hereby authorizes Steve Conti to refund \$100.00 to Audrey Free of Plum Plums, LLC for the top soil she did not receive.

**FINANCIAL MATTERS:**

**Tax Receiver-requesting approval t refund an overpayment**

**RESOLUTION #: 116 -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 refund of over payments of the 2009/2010 2<sup>nd</sup> Half School Tax & 2009 Town/County Tax to:

Ralph Brandon, c/o Code & Theory, 110 Greene St., Suite 201, New York, N.Y. in the amount of \$811.99, AND, BE IT

FURTHER RESOLVED, that the Town Board hereby authorizes the refund of the following overpayment of the 2010 Town/County Taxes:

Arthur Zander, Financial Freedom, P.O. Box 4046, Kalamazoo, MI, in the amount of \$1,745.55, AND, BE IT



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<b>PARKING DISTRICT</b>	<b>ST</b>		<b>\$275.58</b>
<b>TRUST AND AGENCY</b>	<b>T</b>		<b>\$104,156.85</b>
<b>CAPITAL</b>	<b>H</b>		<b>\$2,477.60</b>

**Receipt of monthly Departmental reports**

The monthly reports have been received for December 2010 and are available in the Town Clerk's office.

**ADJOURNMENT:** There being no further business to come before the Board Supervisor Warshauer adjourned the regular meeting at 11:30 p.m.

Joanne Pace  
Dated at Pound Ridge, New York  
May 19, 2010