

**MINUTES OF THE SEPTEMBER 21, 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: DANIEL PASCHKES, RICHARD LYMAN, PETER FALCO, PAUL McCONVILLE

**ALSO PRESENT:** TOWN ATTORNEY, JAMES SULLIVAN  
TOWN CLERK, JOANNE PACE  
DEPUTY SUPERVISOR, JONATHAN POWERS

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

**EXECUTIVE SESSION:**

**Board Action:** Motion by Councilman McConville, seconded by Councilman Falco, all voting aye to hold an Executive Session immediately following the Town Board meeting for a personnel and legal matter.

**ANNOUNCEMENTS:**

Supervisor Warshauer reported that the applicant for the T-Mobile application for a cell tower near Scotts Corners has agreed to include a potential site on the Oceanus Navigation property in their application, that a balloon test on that site will be conducted during the week of October 18, 2010 and based on the foregoing, this matter will be placed on the Town Board agenda of October 7, 2010 for the purpose of scheduling a Public Hearing.

Supervisor Warshauer mentioned that there may be a change of dates for the second November Town Board meeting because of Veteran's Day. It's possible that it may end up being a joint meeting with the Planning Board on November 18, 2010.

**MINUTES:** Acknowledge/correct/accept minutes of Town Board Meeting on September 9, 2010 and Executive Session minutes of September 9, 2010.

**RESOLUTION #: 166 -10**

**Board Action:** Motion by Councilman McConville, seconded by Councilman Falco, with the Board polled and motion passing 3-0 with Councilman Lyman and Councilman Paschkes abstaining on the following:

RESOLVED, that the Town Board hereby accepts the minutes of the Town Board meeting on September 9, 2010 subject to minor corrections and the Executive Session minutes of September 9, 2010.

**PUBLIC HEARING:** To Consider and Act on the Adoption of the Comprehensive Plan for the Town of Pound Ridge.

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Supervisor Warshauer opened the Public Hearing and reviewed the history of the development of the Comprehensive Plan, which the volunteer committee has been working on for more than ten years. During the last two years the plan has been finalized into its current form and after. The Town Board has had multiple public joint work sessions with the Planning Board as well as the Comprehensive Plan Committee holding a Public Hearing, the Town Board has received recommendations from the Comprehensive Plan Committee and the Planning Board to consider the adoption of the Plan. Supervisor Warshauer asked Bill Harding, Chair of Comprehensive Plan Committee and David Stolman, our Planning Consultant with F.P. Clark Associates to briefly go through the Plan. It has also been published on the Town's website and available for review at the Town House. We have prepared a full environmental assessment form (SEQRA) and have also referred this application to Westchester County, but have not yet received the County's comments. We will have discussion tonight and then Supervisor Warshauer will ask the Town Board to continue the Public Hearing until the 2<sup>nd</sup> meeting in October in order to have time to consider comments made this evening and those from the County.

The Town Board has received comments from multiple groups and incorporated them into the Comprehensive Plan. David Stolman gave a PowerPoint presentation with an overview on topics and recommendations of the Plan. David Stolman gave a brief synopsis of the Chapters of the Plan including: Executive Summary, Community Character, Land Use and Zoning, Natural Resources and Open Space, Transportation and Community Services, Facilities and Recreation. He also briefly went through the goals and recommendations within each chapter. Within the commercial development section under Land Use and Zoning, careful attention should be given to monitoring all new commercial development proposals in terms of their environmental impact, particularly on water quality. The Town should continue its policy of acquiring and preserving Open Space for purposes of protecting the quality and quantity of the Town's surface and subsurface water supply, the quality and variety of wildlife habitats of the Town and the scenic beauty, semi-rural character and aesthetic appeal of the Town. In order to accomplish those goals, the Plan makes recommendations regarding the protection of environmental quality and ecological integrity, acquisition and preservation of Open Space, on-going education for conserving and protecting natural resources, impervious surfaces and ground water recharge, recommendations regarding use of road salts and underground fuel storage tanks and septic systems. All other recommendations were mentioned as he went through the chapters. The next steps will be to finalize the Comprehensive Plan, complete the SEQRA process and adopt the Comprehensive Plan.

Councilman Paschkes is concerned about the language dealing with commercial development of Scotts Corners when it says "limit the commercial development of Scotts Corners to that needed to serve the convenience shopping and service needs of Town residents." The reason he finds that a concern is that if you don't allow for commerce to be drawn in from the surrounding communities, you never will have a thriving shopping district for the convenience of our residents. He has been quite taken by the success of the Farmer's Markets and Antiques Markets and other events that have been held there. Supervisor Warshauer said that it is his understanding that the intent of that language is to say that there is a difference between the character and scale of neighborhood retail

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and a regional retail center. It is the local community scale and neighborhood character type of retail that is appropriate in Scotts Corners. Elyse Arnow, resident, mentioned that there are a lot of New Canaan, Ct. residents and Mt. Kisco residents and Ridgefield, Ct. residents coming into our town. Councilman Paschkes said that the environmental restraints in the Scotts Corners area will be limited without the necessity of the language saying that it should be limited to convenience shopping for the residents. He doesn't want the language down the road to reject other novel ideas that might be a benefit for business.

Steve Kushner, Planning Board member, said that the Planning Board is interested in maintaining the scale and character of the Town and they were very careful with the language to keep it that way. It can be referred to neighborhood shopping and it won't restrict the ability to have the markets and fairs that they have to promote business. Jon Powers, Deputy Supervisor, agreed with Steve Kushner and said that there was never the intent of the language to limit or restrict the shopping to Pound Ridge residents. Scotts Corners definitely needs the patronage of outsiders to be successful.

Councilman Falco and Councilman Lyman pointed out that there are actually three paragraphs that refer to the commercial development being for the convenience of the residents. It can be tweaked to include Pound Ridge residents and surrounding communities to make it more inclusive. It can say "immediate surrounding communities". All agreed with changing the language.

Supervisor Warshauer said that this is a document that makes a significant number of observations and recommendations and adopting the Comprehensive Plan is really just the beginning of the process. It is a document that challenges the Town Board to start looking at the recommendations and the first thing they will do once they take action on this is to actually create a priority list of all the recommendations and consider making policy and/or zoning changes to accommodate them. And, every ten years an adopted Comprehensive Plan has to be updated. Elyse Arnow asked if there can be an implementation task force put together to put keynote action into short-term, mid-term and long-term projects and goals. She asked the Town Board to suggest what two things in the Plan they can put ahead as priority. Supervisor Warshauer said that there are a lot of things in the Plan that need immediate action, but a priority in his mind is the recommendation to increase zoning from 3 acres to 4 acres in portions of town. When we look at the zoning of the Town and look at the actual ability of properties to achieve the zone, there is a discrepancy when you factor in the environmental features, slopes and wetlands, septic system and wells. In most cases, more than 3 acres per lot is required. Our zoning should better reflect reality.

Elyse Arnow asked about growth potential in Pound Ridge and Supervisor Warshauer said that the Comprehensive Plan discusses growth potential and that Westchester County's 2025 Plan will also have a growth potential analysis that we should consider.

Councilman Paschkes said that his priority would be hilltop and ridgeline protection. Councilman Lyman said that at the moment he doesn't have a list of priorities and will wait for the County's comments.

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Supervisor Warshauer said that establishing an implementation task force is a good idea and that it should include members of our Land Use Boards and Commission, Conservation Board, Planning Board and Water Control Commission and that the task force should be mandated to act expeditiously.

**Board Action:** Motion by Councilman Paschkes, seconded by Councilman McConville, all voting aye to continue the Public Hearing on October 14, 2010 to consider and act upon the adoption of the Comprehensive Plan for the Town of Pound Ridge.

**RESOLUTION #: 167 -10**

**NEW BUSINESS:**

**Special Use Permit Application – Mariella’s Wine and Espresso Bar**

The Planning Board reviewed the proposal to operate a wine bar at 71 Westchester Avenue. They recommend approval with the request that the Town Board, when reviewing the special permit application, consider requesting that the parking area in the rear of the building become part of the parking district. Counsel Sullivan suggested getting something in writing from the owner of the building stating that they will become part of the parking district and not restrict parking. He recommends not awarding the Special Use Permit until we have the signed document.

Councilman Paschkes suggested putting language in the Special Use Permit subject to the owner becoming part of the parking district. He would like to schedule the Public Hearing with the understanding that they will open up the parking to everyone and sign the agreement.

Councilman Falco mentioned that it is not only a parking issue but a site access issue. The tenant should demand that the owner open up the parking and join the parking district. Counsel Sullivan agrees and said that the Town Board should wait to give the Special Use Permit until they get something in writing.

It was agreed that the Public Hearing be scheduled and that the Town Attorney contact the property owner regarding the importance of their joining the Parking District.

**RESOLUTION #: 168 -10**

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

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RESOLVED, that the Town Board hereby schedules a Public Hearing on Thursday, October 7, 2010, to consider the Special Use Permit application from Mariella's Wine and Espresso Bar at 71 Westchester Avenue, Pound Ridge, N.Y.

**Assessor's Office – requests authorization for Michele Jordan to attend training classes in October 2010**

Carole Long, Assessor, sent a memo to the Town Board regarding two courses being held at the Orange County ORPTS offices in October which she would like Michele Jordan to take: "Fundamentals of Data Collection" which involves three weeks of on-line course study from Oct. 4-22 and classroom study October 26<sup>th</sup> & 27<sup>th</sup>; and "Introduction to RPS Version 4" held as a classroom course October 20-21. There is no tuition cost for the classes. The anticipated costs for mileage and lunch for the 4 days of classroom study in Newburgh are approximately \$280.00 (120 miles round trip per day and \$10.00 per day for lunch).

**RESOLUTION #: 169 -10**

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

RESOLVED, that the Town Board hereby grants approval to Michele Jordan to take the two courses offered by ORPTS offices in Orange County entitled: "Fundamentals of Data Collection" which involves three weeks of on-line course study from Oct. 4-22 and classroom study October 26<sup>th</sup> & 27<sup>th</sup>; and "Introduction to RPS Version 4" held as a classroom course October 20-21. There is no tuition cost for the classes. The anticipated costs for mileage and lunch for the 4 days of classroom study in Newburgh are approximately \$280.00 (120 miles round trip per day and \$10.00 per day for lunch).

**Town Clerk – requests authorization for the sale of cemetery plot**  
**- requests authorization to change Dog Fees**

**RESOLUTION #: 170 -10**

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

RESOLVED, that the Supervisor be and is hereby authorized to sell Town Cemetery Plot #236, site 1 & 2, Section 3 to David and Sally Firestein, 252 Eastwoods Road, Pound Ridge, N.Y. 10576, in the amount of \$2,000 for two gravesites.

NYS Department of Agriculture and Markets will no longer maintain the state-wide data base for dog licenses, which will be turned over to the individual municipalities effective January 1, 2011. The

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Town Clerk's office is requesting authorization to raise the fees to obtain a dog license. Currently, the fee for a spayed dog is \$7.50 and we would like to raise that to \$9.00 and for an unsprayed dog, the current fee is \$15.00 and we would like to raise that to \$18.00. This will help offset the cost of supplying new dog tags, paperwork for the actual licenses and renewal notices, envelopes and all postage. In addition, it can help offset the annual contract cost with the SPCA. The Town Board did not want to take action on this tonight and requested some information regarding the number of dogs Pound Ridge has registered and how many are spayed and unsprayed. They would like to see if the current fee will cover our expenses before they think of raising the fees. Town Clerk Joanne Pace will get that information together for the next Work Session being held on Wednesday, September 29, 2010 at 8:00 a.m.

**FINANCIAL MATTERS**

- **Police Department** -requesting approval for budget transfer to cover the purchase of new police vehicle-approved 7/8/2010

Steve Conti, Director of Finance, is requesting Town Board approval for a budget transfer to cover the purchase of a new police vehicle. The purchase was approved July 8, 2010 and the cost of the vehicle is \$29,475.00. The transfer would come from contingency (A1990.400) and transfer into A3120.204.

**RESOLUTION #: 171-10**

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

RESOLVED, that the Town Board hereby authorizes Steve Conti, Director of Finance, to transfer \$29,475.00 from A1990.400 into A3120.204 to cover the cost of a new police vehicle.

**ADJOURNMENT:** There being no further business to come before the Board, Supervisor Warshauer adjourned the regular meeting at 9:45 p.m.

Joanne Pace  
Dated at Pound Ridge, New York  
September 22, 2010

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9MINUTES OF THE MEETING OF THE TOWN BOARD  
TOWN OF POUND RIDGE  
POUND RIDGE, N.Y.  
September 10, 2009