

MINUTES OF THE MAY 02, 2013 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE AND PUBLIC HEARINGS 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, PETER FALCO, DANIEL PASCHKES AND
ALISON BOAK

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

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

CALL FOR EXECUTIVE SESSION: None

ANNOUNCEMENTS: None

MINUTES: Acknowledge/correct/accept minutes of the Executive Session minutes and the Town Board meeting held on April 11, 2013.

RESOLUTION #: 117 -13

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 the Town Board meeting minutes of April 11, 2013. The Executive Session minutes of April 11, 2013 will be acknowledged at the next Town Board meeting.

PUBLIC HEARINGS:

- **To consider and act upon a local law entitled “Local Law Pertaining to the inclusion of Fair and Affordable Housing in the Zoning Chapter of the Town Code” as required by the Westchester County Housing Settlement**

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye to open a Public Hearing to consider and act upon a local law entitled “Local Law pertaining to the inclusion of Fair and Affordable Housing in the Zoning Chapter of the Town Code”.

David Stolman, President of F.P. Clark Associates, went through the proposed Local Law and resolution. The purpose of the new local law is to amend the Town of Pound Ridge Zoning Chapter to be consistent with the Westchester County Affordable Affirmatively Furthering Fair Housing Units Model Ordinance. The first thing we did was to rename “affordable” units to “below market rate” units. He went through the definitions for purchased affordable units and rental affordable units. Mr. Stolman mentioned that there

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are a series of regulations regarding the affordable housing units. For example, within residential developments of 10 or more dwelling units created by subdivision or site plan approval in the Town, no less than 10% of the total number of units must be created as affordable fair housing units. There is also a section on maximum rent and sales price. The affordable units remain affordable for a minimum of 50 years. The property must be restricted using a mechanism such as a declaration of restrictive covenants that ensure affordability for 50 years. They have to be marketed in accordance with the County's marketing plan under the housing settlement. The resale price of the units shall not exceed the then-maximum sales price for said unit and the value of the affordable units shall be taken into consideration by the Town Assessor in determining the full value basis for assessments on such units. There is also administration and monitoring compliance with these regulations.

Supervisor Warshauer mentioned that this law had to be submitted to Westchester County and they sent back comments. The issues that the County raised include recommending that the Town have at least one affordable AFFH unit for developments of five to nine units. The Town does not agree with that recommendation and will keep our proposed regulation of ten units or more. The other recommendation is to round up if the affordable component results in a fraction of less than .6. The Town discussed this in Work Session and decided to round up with fractions .6 and greater for units under 30 and round down with fractions .1 through .5. With units over 30, the Town will round up for all fractions. The other item the County brings up is HUD's definition of income. We will be deleting the definition of *Affordable Fair Housing Unit-Eligible Household* as well as *§113-100, Section B*.

The next item in the County's letter pertains to Calendar/agenda priority. They are suggesting that there should be some expedited review for affordable fair housing projects. With respect to that, the Town would have a section saying an expedited project review process would have the various review and approval authorities involved with a project, make every practical effort to hold their meetings concurrently and further, projects containing affordable fair housing dwelling units shall be placed at the beginning of all relevant meetings and work sessions. Should the approval process extend beyond one year, an applicant for a development including affordable fair housing unit shall be entitled to at least one additional meeting per year with the department agencies.

Last but not least, the County is recommending a certain set of occupancy standards. The Town Board believes that the septic systems could probably not handle the greater number of occupants that the County is suggesting for the larger units. They will keep the number of occupants per dwelling units as proposed in our local law. If that changes, a future Board can revisit the maximum numbers allowed in the dwelling units.

Santo Borsellino, Rolling Meadow Lane, is concerned about what happens if someone occupies the affordable unit and their income goes up. It was explained that once you

purchase the unit, you can stay forever even if your income goes up. The profit that can be made on an affordable unit is capped. The increased value is always going to stay below market value. On rental units, if your income goes up above the limit allowed, you will be given one year to get out of the unit.

Board Action: Motion by Councilman Lyman, seconded by Councilman Paschkes, all voting aye to close the Public Hearing to consider and act upon a local law entitled “Local Law pertaining to the inclusion of Fair and Affordable Housing in the Zoning Chapter of the Town Code”.

RESOLUTION # 118-13

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

**RESOLUTION ADOPTING LOCAL LAW 2 OF THE YEAR 2013
PERTAINING TO THE INCLUSION OF FAIR AND AFFORDABLE
HOUSING IN CHAPTER 113, ZONING, OF THE POUND RIDGE TOWN
CODE**

WHEREAS, the Town Board is entertaining the adoption of a Local Law pertaining to the inclusion of Fair and Affordable Housing in Chapter 113, Zoning, of the Pound Ridge Town Code (the “Proposed Action”); and

WHEREAS, the subject Local Law is intended to amend the Town of Pound Ridge Zoning chapter in connection with the Westchester County Affordable Affirmatively Furthering Fair Housing Units Model Ordinance; and

WHEREAS, in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), the Town Board is the only Involved Agency with respect to the Proposed Action and is therefore the Lead Agency; and

WHEREAS, the Town Board has had a Full Environmental Assessment Form prepared in connection with the Proposed Action; and

WHEREAS, the Town Board referred the proposed local law to the Pound Ridge Planning Board in accordance with Section 113-97B of the Town’s Zoning chapter; and

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WHEREAS, the Planning Board responded to the above mentioned referral by means of its memorandum dated April 8, 2013, which memo contained recommended modifications to the Local Law; and

WHEREAS, the Town Board has revised the Local Law as a result of the Planning Board's recommendations; and

WHEREAS, the Town Board referred the proposed local law to the Westchester County Planning Board in accordance with Sections 239-1 and m of New York State General Municipal Law and Section 277.61 of the Westchester County Administrative Code; and

WHEREAS, the Westchester County Planning Board responded to the above mentioned referral by means of its letter dated May 1, 2013, and the Town Board has given due consideration to said letter; and

WHEREAS, the Town Board has revised the proposed local law as a consequence of considering said letter from the Westchester County Planning Board; and

WHEREAS, the Town Board held a public hearing on the subject Local Law on May 2, 2013, at which time all interested persons were given an opportunity to be heard.

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. After conducting a "hard look" at the Full Environmental Assessment Form and other materials related to the Proposed Action, the Town Board hereby adopts the attached Negative Declaration for the reasons stated therein, thereby finding that the Proposed Action will have no significant adverse impact upon the environment and thereby ending the SEQRA process.
3. The Town Board hereby adopts Local Law 2 of 2013; except as specifically modified by the amendments contained therein, the Town of Pound Ridge Zoning chapter, as originally adopted and amended from time to time thereafter, is to remain in full force and effect.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Gary David Warshauer, Supervisor Voting: aye

Peter J. Falco Voting: aye

Richard B. Lyman Voting: aye

Daniel S. Paschkes Voting: aye

Alison Boak Voting: aye

The resolution is hereby duly declared adopted.

Dated: May 2, 2013

Pound Ridge, New York

TOWN BOARD

Town of Pound Ridge

- **To consider and act upon the proposed amendment to Peddlers and Solicitors Local Law**

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye to open a Public Hearing to amend the Peddlers and Solicitors Law adding a fee for fingerprinting.

The Town Board reviewed proposed language to add a fee for fingerprinting in §78-4, Section I. The ordinance had language regarding taking and recording fingerprints but there was no mention of a fee for fingerprinting. It is now being sent to an outside agency and there is a charge for this service.

The following is the proposed amendment:

Be it enacted by the Town Board of the Town of Pound Ridge that the following amendment be added to existing Peddlers and Solicitors Law:

§78-4. Application for license.

- I. A fingerprint record duly authenticated by a municipal, county or state law enforcement agency authorized by law to prepare such charts or records and take and record such fingerprints *for a fee duly noted by the agency.*

Chapter 78-9. FEE should also be amended to reflect the proposed change to read:
A fee shall be collected and paid to the Town Clerk in the sum as set forth in the Schedule of Fees for each individual application at the time such application is filed. The license fee shall not be refundable to a person whose application shall be rejected for cause. *As noted in Chapter 78-4, Section I., a fee will be charged for fingerprinting.*

Board Action: Motion by Councilman Lyman, seconded by Councilwoman Boak, all voting aye to close the Public Hearing to amend the Peddlers and Solicitors Law adding a fee for fingerprinting.

RESOLUTION #: 119 -13

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

RESOLVED, that the Town Board hereby adopts the amendment to Chapter 78, Peddlers and Solicitors law to include the fee for fingerprinting in §78-4, Section I. and in §78-9. Fee. as amended above.

NEW BUSINESS:

Building Department-request Town Board determination for reconstruction of fire damaged residence on a non-conforming lot

A residence at 60 Parkview Road, Pound Ridge, NY was demolished by fire and plans for reconstruction were reviewed by the Planning Board. The lot has been rendered nonconforming due to the severity of the steep slopes. Building Inspector James Perry requests that the Town Board affirm the pre-existing nonconforming status of the lot and allow the reconstruction of the property because the retaining wall must be built due to a safety measure. The Town Board has the authority to grant the approval according to Chapter 113-32 of the Zoning Code. The Planning Board agrees with the Building Inspectors recommendation. Zac Pearson, engineer with Insite, showed the Town Board blueprints of the proposed reconstruction at the site.

RESOLUTION #: 120-13

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

RESOLVED, that the Town Board hereby grants relief and affirms the pre-existing nonconforming status of the lot allowing the reconstruction of the property because the retaining wall must be built due to a safety measure. The Town Board has the authority to grant the approval according to Chapter 113-32 of the Zoning Code.

Police Department – Hiring of new police officers

RESOLUTION #: 121 -13

Board Action: Motion by Councilwoman Boak, seconded by Councilman Falco, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the hiring of three Part Time Police Officers, Peter Quinn, Anthony Scarloto and Thomas Houlahan effective April 11, 2013 at the hourly rate of \$32.97.

Recreation Department – authorization for additional services for the Pool Engineer

The Recreation Commission is requesting permission to allow Maurice Wrangell, pool engineer, to rebid the pool resurfacing project. The new bid packet would be for both pools to be started after the Labor Day weekend with a completion date of April 20th, 2014. The fee for Maurice Wrangell to redo the bid document is not to exceed \$800.00.

RESOLUTION #: 122-13

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

RESOLVED, that the Town Board hereby authorizes Maurice Wrangell, pool engineer, to redo the documents to rebid the pool resurfacing project with a fee not to exceed \$800.00.

-asking to support the application of Westfair Rides

The Pound Ridge Recreation Department was asked if they would support the WestFair Rides' application for 2013 federal funding to continue to build a mobility management system in northeast Westchester and the Sound Shore communities. They will pay the town for usage of meeting rooms at Conant Hall and for clerical work to reach out to residents.

RESOLUTION #: 123 -13

Board Action: Motion by Councilwoman Boak seconded by Councilman Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby supports the WestFair Rides' application for 2013 federal funding to continue to build a mobility management system in northeast Westchester and the Sound Shore communities.

-request authorization to advertise for an additional bus driver

David Goldberg, Recreation Supervisor, is requesting permission to advertise for an additional bus driver to help with our bus driving schedule.

RESOLUTION #: 124 -13

Board Action: Motion by Councilman Lyman, seconded by Councilwoman Boak, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Town Clerk to advertise for a bus driver to help out with the Recreation bus driving schedule.

Highway Department – requests permission to rehire seasonal employees

RESOLUTION #: 125 -13

Board Action: Motion by Councilwoman Boak, seconded by Councilman Lyman, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the rehiring of Chase Barada and Elmir Pasalic as seasonal personnel for the Highway Department beginning mid-May and terminating by summer's end. Their hourly rate will be \$15.00 per hour and it is in the 2013 budget.

Assessor – Authorization to execute Consent Judgment

RESOLUTION #: 126 -13

Board Action: Motion by Councilwoman Boak, seconded by Councilman Lyman, all voting aye on the following:

RESOLVED, that the Town Board hereby gives their approval for the real property reduction from \$1,220,00 to \$1,161,000 with a total reduction of \$59,000 for assessed year 2012 on the real property assessment owned by Jugme One Trust, Block 10047, Lot 31.

Discuss recommendations of Traffic Committee for traffic calming measures in Scotts Corner

Councilman Lyman discussed what the Traffic Committee recommends for traffic calming measures in Scotts Corner. Three D Traffic Works has cross block flexible traffic separators that seem to work. They are made of flexible urethane plastic with rubber bases. The apparatus is made to be driven over. They bolt together at each swivel joint. It is a flexible traffic control device. Data from Chief Ryan shows that speed limits

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have dropped between 10 and 12 mph and ticket giving has dropped to roughly 1 or 2 a week versus approximately 12 per week. It is affordable at approximately \$280.00 each. We would need to purchase about 21 of the devices. It can be a short term fix until funding for something more aesthetic can be allocated.

RESOLUTION #: 127-13

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

RESOLVED, that the Town Board hereby authorizes the purchase of 21 traffic calming devices as presented from Three D Traffic Works with a price not to exceed \$7,500. This will come from contingency A1990.400 fund.

Town Clerk – award refuse bid

RESOLUTION #: 128-13

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye on the following:

RESOLVED, that the Town Board hereby awards the refuse bid to Suburban Carting for the 2013-2014 Town 2 yard, 10 yard, 20 yard and 30 yard dumpsters as they were the lowest bid for the dumpsters and award the Town House residential pick up to Somer's Sanitation, Inc. d/b/a Bria Carting Co. as they were the lowest bid for that service.

-sell back cemetery plot

RESOLUTION #: 129-13

Board Action: Motion by Councilman Falco, seconded by Councilwoman Boak, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to buy back cemetery plot #161, Section 3 from Frank & Agnes Honigman, 531A Heritage Hills, Somers, NY 10589, in the amount of one thousand six hundred (\$1,600) dollars, AND, BE It

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to resell cemetery plot #161, Section 3 to Brenda and Joseph Jeselnik, 61 White Birch Road, Pound Ridge, NY 10576, in the amount of two thousand (\$2,000)

dollars subject to obtaining the executed deed from the plot owner in a recordable form back to the Town.

Town Board Agenda Add-Ons:

The Town Board finally received the propane supply agreement from Paraco Gas to supply a propane dispenser for gas use for Town of Pound Ridge vehicles. Counsel Sullivan has reviewed the agreement and the Town Board authorized Supervisor Warshauer to sign it.

Recreation Department- request to replace 2 garage doors at pool house

David Goldberg, Recreation Supervisor, received 3 quotes for the replacement of 2 garage doors at the pool house breezeway and recommends that we use Dutchess Overhead Doors as they are the lowest quote and has installed most of the garage doors in Town. Recreation Commission Chair, John Ritzcovan had requested glass in the doors but the Town Board felt it was better not to have glass for safety and security reasons.

RESOLUTION #: 130-13

Board Action: Motion by Councilwoman Boak, seconded by Councilman Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Recreation Commission to purchase 2 new garage doors without glass inserts for the pool house breezeway from Dutchess Overhead Doors in the amount of \$3,384.00. This will come out of the Capital project line for the pool renovation.

Maintenance Department – requests funds for installation of an air ventilation system at the pool house

The Maintenance Department received two quotes for the air ventilation system at the pool house. The two vendors were Eastern Air Ventilation with a quote of \$8,843.00 and Interstate Fire & Safety with a quote of \$7,490.00. The Town Board noted that the quote from Interstate Fire & Safety did not include the electrical hookup charge. Ray contacted the Town's electrician, Mikro Electric for a quote to do the electrical hookup and it was estimated to be \$922.00. After adding that to the low bid of \$7,490.00, it was still the lowest bid totally \$8,412.00. Ray recommends awarding the bid to Interstate Fire & Safety.

RESOLUTION #: 131-13

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

RESOLVED, that the Town Board hereby awards the air ventilation system for the pool house to Interstate Fire & Safety along with Mikro Electric in the total amount of \$8,412.00. This will come out of the Capital project for the pool house.

Councilman Lyman gave a report to the Town Board on the Grace Farms project at the New Canaan, CT line. Langan Engineering & Environmental Services performed an assessment of existing paved surfaces adjacent to the Grace Farms project located on Luke's Wood Road in New Canaan, CT and Puddin Hill Road located in Pound Ridge and Lewisboro, NY. It will determine if there will be an impact on our Town roads. They will do a pre-construction pavement assessment and perform a limited field instrument survey of the roadway. They will prepare cross sections every 50 feet along Puddin Hill Road.

FINANCIAL MATTERS:

Receipt of monthly Departmental reports

The monthly reports have been received for April 2013 and are available in the Town Clerk's office.

Pay Bills:

RESOLUTION #: 132-13

Board Action: Motion by Councilman Lyman, seconded by Councilman Falco, Board polled and motion passing 4-0 with Councilwoman Boak abstaining on the following:

WHEREAS, Councilwoman Boak has audited the claims for payment and has reported that same could be paid, Now, Therefore, Be It

RESOLVED, that the Supervisor be and is hereby authorized to pay the following claims for payment provided there are sufficient funds in the account to which a claim may be charged:

GENERAL FUND	G		\$55,792.79
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HIGHWAY FUND	D		\$60,035.47
PARKING DISTRICT	ST		\$415.24
TRUST AND AGENCY	T		\$28,255.56
CAPITAL	H		\$

ADJOURNMENT: There being no further business to come before the Board Supervisor Warshauer adjourned the regular meeting at 10:30 p.m.

Joanne Pace
Dated at Pound Ridge, New York
May 6, 2013