

MINUTES OF THE AUGUST 7, 2014 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 RICHARD LYMAN; COUNCIL MEMBERS: JONATHAN POWERS, DANIEL PASCHKES, ALISON BOAK AND BONNIE SCHWARTZ

ALSO PRESENT: TOWN CLERK, JOANNE PACE
TOWN ATTORNEY, WILLIAM P. HARRINGTON

CALL TO ORDER: Supervisor Lyman called the meeting to order at 8:15 p.m.

EXECUTIVE SESSION: None

ANNOUNCEMENTS:

- Supervisor Lyman announced that there will be the annual 9.11 ceremony at Sachs Park at 10 AM.
- Supervisor Lyman announced that the Garden Club is having their annual Flower Show at Conant Hall Friday, August 08, 2014 from 2:30 -5:30 p.m. and Saturday, August 9, 2014 from 11:30 a.m. – 4:00 p.m.

MINUTES: Acknowledge/correct/accept minutes of the Town Board meeting held on Thursday, July 10, 2014 and Special Town Board Meeting on Wednesday, July 30, 2014.

Board Action: Motion by Councilman Powers, seconded by Councilwoman Schwartz, all voting aye to accept the minutes of the Town Board meeting held on Thursday, July 10, 2014 and Special Town Board Meeting on Wednesday, July 30, 2014.

PUBLIC HEARING: New Local Law regarding residency requirements of Deputy Town Attorney in Pound Ridge

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye to open the Public Hearing to consider the new local law regarding residency requirements of Deputy Town Attorney in Pound Ridge.

Civil Service has informed the Town that Counsel to Town Attorney is not a title in the classification plan and recommended that the Town consider a new Local Law to dismiss the requirement of Pound Ridge residency and give the title of Deputy Town Attorney to John Loveless who resides in Bedford, NY. The suggested text of the new Local Law 4 of 2014 is as follows:

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Section 1. Purpose.

It is the purpose of this Local Law to repeal the residency requirements of Town Law Chapter 23 and Section 3 of the Public Officers Law, which states that the Deputy Town Attorney of the Town of Pound Ridge must be a resident and elector within the Town of Pound Ridge.

Section 2. Authority.

This Local Law is enacted pursuant to the provisions of Section 10 of Municipal Home Rule Law.

Section 3. Title.

The title to the Local Law shall be “Residency Requirements for the Deputy Town Attorney”.

Section 4. Residency Requirements.

The Deputy Town Attorney of the Town of Pound Ridge need not be a resident and elector within the Town of Pound Ridge, but must reside in a municipality contiguous to the Town of Pound Ridge, Westchester County, New York.

Section 5. This Local Law shall take effect immediately.

There was no comment from the audience and the only comment from the Town Board was to eliminate the “must reside in a municipality contiguous to the Town of Pound Ridge”.

Board Action: Motion by Councilman Powers, seconded by Councilwoman Schwartz, all voting aye to close the Public Hearing to consider the new local law regarding residency requirements of Deputy Town Attorney in Pound Ridge.

RESOLUTION #: 130 -14

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

RESOLVED, that the Town Board hereby adopts the new Local Law 4 of 2014 to repeal the residency requirements of Town Law Chapter 23 and Section 3 of the Public Officers Law, which states that the Deputy Town Attorney of the Town of Pound Ridge must be a resident and elector within the Town of Pound Ridge as amended eliminating the part “but must reside in a municipality contiguous to the Town of Pound Ridge, Westchester County, New York”. The new Local Law 4 of 2014 shall be titled: “Residency Requirements for the Deputy Town Attorney”.

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NEW BUSINESS:

- **Ridge 29 – application for Special Use Permit for multi-family housing**

Janet J. Giris, Partner with DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, spoke about the Special Use Permit for the multi-family housing project at Ridge 29, LLC located between Pine Drive and Lower Trinity Pass. The property to be developed is approximately 29.1 acres and is in the R1 district. They will be three (3) bedroom units. There will be a total of 39 units plus five (5) affordable units meeting the 10% requirement. The County Planning Department is suggesting the Town embrace the idea of flexibility of design. The applicant has asked in the Special Use Permit is the ability to land bank parking spaces. They plan on 132 parking spaces; land banking 22 of those parking spaces. They are also proposing to reduce the landscape buffer from 100' around the perimeter to a 50' buffer being kept in its natural vegetative state. This will be part of the site plan review conducted by the Planning Board.

Anthony Sblendorio, founder of Back to Nature Home & Garden spoke about constructed wetlands for wastewater and storm water systems. Constructive wetlands would help to treat effluent and pollutants in the ground. In between the septic holding tank and the drainage fields, would be a constructed wetlands area containing an impermeable or rubber liner, gravel and mulch and water-loving plants on the top without soil to help filter the water. The plants would help slow the run off to the water shed. The treated water is of a sufficient quality that could be used for recreational purposes. Constructed wetlands simulate natural wastewater treatment systems using grass and water-loving plants. The roots of the plants help break down contaminants. The applicant is still working with the Westchester County Department of Health to accept this concept versus the conventional septic system. The applicant would prefer to use a natural system versus a man-made system.

Councilman Paschkes asked why the applicant is requesting a reduction in the 100' buffer and it was explained that it would only be in a very limited area where that would be required.

Supervisor Lyman asked if the applicant had considered the possibility of a small amount of the units being offered to seniors for a lower-than-market value or a smaller unit. Mr. Sblendorio said they will consider the request.

Patrick Naughton, resident, spoke regarding his concern that this project is taking off without enough information being passed onto the residents around that property. He has spoken with Anthony Sblendorio, the Westchester Health Department, Aquarian, SEQRA and many agencies regarding the natural septic proposal vs. conventional septic systems and the entire project. He worries that the Town is going forward without knowing all options. He would like to see the studies already done to give a full understanding of the wetland process before decisions are made. Counsel Harrington explained that this is the very beginning of the process and said it's like a horse race without the horses actually being in the gate. Every step will be public for comment. There are many studies yet to be done and none required by the Town as of yet because there isn't even an application before the Town. They will be subject to the same scrutiny that all projects are subject to.

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This will be tabled until the September 4, 2014 Town Board meeting for further discussion.

- **Road Closed for Block Party**

Barbara Ingraldi of Autumn Ridge Road spoke on behalf of the residents of Autumn Ridge Road regarding the upcoming Block Party they are planning for September 13, 2014. They are looking to close a portion of the street from #36 to #57. They plan to have either a DJ or a band to play music during the event between 4:00 p.m and 8:00 p.m. The Town Board reminded them of the noise ordinance and was told that the Police Department will monitor the noise. If they fail to comply after complaints, they will be told to shut down. A major concern was the traffic control at the start of Autumn Ridge Road off Route 137 and at the start of the road at Brook Farm Road. The residents involved with the party planning should get an off-duty Police Officer for both ends. This will take care of vehicles going in and out with direction. They were also told to inform the surrounding neighbors of the party and have directions in and out the two entrances to hand out to people trying to go through the block. It was suggested that they don't close the street but close off one lane. Chief Ryan will work with them to come up with the best and safest recommendation for the party.

RESOLUTION #: 131-14

Board Action: Motion by Councilwoman Schwartz, seconded by Councilman Paschkes, all voting aye to allow the residents of Autumn Ridge Road to hold a block party on September 13, 2014 with a rain date of September 14, 2014 from 4:00 p.m. to 8:00 p.m. subject to Chief David Ryan's recommendations for street/lane closure and to hire two (2) off-duty Police Officers to direct the traffic on both entrances to Autumn Ridge Road at Route 137 and Brook Farm Road and with proper notification to surrounding neighbors and directions in and out of Autumn Ridge Road and noise control.

- **Inn at Pound Ridge – follow up discussion on amendments to the original Special Permit**

Amended Special Use Permit

258 Westchester Avenue
Pound Ridge, New York 10576

This permit is issued pursuant to Chapter 113-28 of the Zoning Code of the Town of Pound Ridge.

On August 7, 2014, the Town Board of the Town of Pound Ridge approved the issuance of a further amended Special Use Permit to KKPR, LLC (fee owner) and Jean-Georges of Pound Ridge, LLC (the operator), collectively referred to herein as the "Applicant", to operate a commercial restaurant/catering facility at 258 Westchester Avenue, Pound Ridge, NY subject to the following terms and conditions:

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1. All vehicle parking for the patrons and other invitees of the Applicant as well as its employees shall occur in accordance with the Amended Site Plan drawing set prepared by John Meyer Consulting, PC, last revised June 19, 2014 (attached in small scale as Exhibit A) as well as the Revised On and Off Premises Parking Management Plan prepared by the Applicants, dated August --, 2014 (attached as Exhibit B), collectively detailing the on-site parking at the Premises and the off-site parking jointly at the Pound Ridge Nursery (see redacted Agreement attached as Exhibit C) and Bedford Central School District (see redacted Agreement attached as Exhibit D).
2. Notwithstanding the fact that the on-site parking complies with zoning, the Applicant is required to notify the Town Board within 7 days of their notice of any change to the off-site parking arrangements at the Pound Ridge Nursery and adjacent Bedford Central School District property reducing the total off-site parking below 55 spaces. Should the total of off-site parking fall below 55 spaces combined or should a new property be introduced, then the Applicant will immediately commence a Special Use Permit Amendment process with the Town Board. All temporary parking arrangements for Conant Hall, Samuel Parker's Landmark Deli or otherwise will end upon the issuance of a Certificate of Completion for the improvements contemplated by the 2014 Approvals of the Amended Site Plan and the Amended Special Permit.
3. The Applicant also will operate on the Premises in accordance with Chapter 100 (Vehicles and Traffic) and its penalties for offenses set forth in Sections 100-13, 100-15 and 100-27.
4. The Applicant will offer dinner and lunch seven days per week at the Premises.
5. Kitchen service at the Premises will be available until no later than 11:30 PM each day.
6. All dining services will be indoors, and all music or other forms of entertainment will be conducted indoors.
7. All refuse pick-up will occur between 7:00 a.m. and 7:00 p.m. in accordance with Chapter 90 (Solid Waste) and its penalties for offenses set forth in Section 90-4B as well as Chapter 84 (Refuse Disposal and Carters) and its penalties for offenses codified in Section 84-13. Likewise, all garbage and recycling will be placed in outdoor receptacles no later than 11 PM on any evening. Similarly, all deliveries will occur between 7:00 a.m. and 7:00 p.m. with the Applicant placing a sign on the front and rear entrances at the end of business each night setting forth that there are no deliveries before 7 a.m. and that **NO COMMERCIAL VEHICLES ARE TO ENTER THE PROPERTY PRIOR TO 7 AM** with timely deliveries occurring solely at the rear entrance.
8. The outdoor patio and contiguous lawn and garden area may be used on a limited basis to conduct wedding vows, photographs, and similar activities. Such outdoor spaces may also be used for limited cocktail/hors d'oeuvres services offered in connection with the wedding ceremony or similar limited activities. Such outdoor spaces may further be used for limited appropriate musical accompaniment for wedding vows and similar activities. The outdoor spaces may not be used for sit down dinner service. In all events, use of the outdoor spaces for any patron services shall terminate no later than one-half of one hour after sun down. All activities at the Premises regardless of whether they occur indoors or outdoors must comply with Chapter 75 (Noise) and its penalties for offenses set forth in Section 75-9. Notwithstanding Section 75-9 allowing for issuance of a warning citation on a first offense conviction, the Applicant waives its rights to such a reduced first offense conviction penalty and acquiesces to any first offense conviction being treated as a second offense upon conviction. Further, the Applicant will post courtesy signs in the south-eastern portion of the premises reminding patrons that the restaurant is located in a residential area.
9. All music and/or other entertainment activities shall cease at the Premises no later than 12:00 a.m., except that such activities may continue until 2:00 a.m. on New Year's Day, all in accordance with Chapter 49 (Curfew, Restaurant and Cabaret) and its penalties for offenses set forth in Section 49-2.
10. At all times, the Applicant shall possess and maintain all necessary municipal, county, and state licenses, permits, certificates and approvals required to conduct the contemplated lawful activities at the Premises. In

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addition, at all times, the Applicant shall, consistent with its representations, operate the permitted restaurant/catering and related activities giving due regard to the rights of its residential neighbors to peaceful and quiet enjoyment of their property. The Applicant also will post signs in the employee changing areas (consistent with the sign attached as Exhibit E) reminding employees of appropriate behavior after work in the parking lot. Further, the Applicant shall undertake quarterly review and training to ensure that the employees know and abide by the above-conditions.

11. This Special Use Permit is granted to the Applicant and does not run with the land, nor shall this Special Use Permit be assigned or transferred to any other individual or entity without the prior written approval of the Town Board of the Town of Pound Ridge.
12. Should the Applicant desire to engage in any other activities not specifically permitted hereby, the Applicant may request that the Town Board of the Town of Pound Ridge amend or modify this Special Use Permit.
13. Violation of any of the terms or conditions of the Special Use Permit or of any applicable provision(s) of the Town Code may cause the Town Board of the Town of Pound Ridge to amend, modify or revoke this Special Use Permit.
14. Notwithstanding the above, the Town reserves its police power and rights to enforce the terms of this special use permit, impose appropriate and reasonable monetary sanctions for any violations thereof, or otherwise prohibit any conduct, action, practice or event that, in the Town's discretion, threatens the safety, health or welfare of the Town, its residents or the public (a "Default Event"). The Town shall provide the Applicant with written notice of any Default Event and the opportunity to be promptly heard to address and resolve same. The Town's written notice of any Default Event shall include specifics of the Default Event, including but not limited to date, time, location and persons involved, if known, and shall specify how the Default Event threatens the safety, health or welfare of the Town, its residents or the public. Upon receipt of the Town's written notice of any Default Event, the Applicant has 30 days to respond in writing and be heard. Monetary sanctions will not be imposed by the Town upon resolution of the Default Event by the Applicant to the satisfaction of the town.
15. This Special Use Permit is being issued to KKPR, LLC as fee owner and Jean-Georges of Pound Ridge, LLC as the operating entity of the business and activities hereby permitted.

Counsel Harrington recommended that the last line in Paragraph 14 be eliminated and the applicant agreed.

RESOLUTION #: 132-14

Board Action: Motion by Councilwoman Boak, seconded by Councilman Paschkes, Board polled and motion passed 4-0 with Councilman Powers abstaining on the following:

RESOLVED, that the Town Board hereby approves the amended Special Use Permit to KKPR, LLC (fee owner) and Jean-Georges of Pound Ridge, LLC (the operator), collectively referred to herein as the "Applicant", to operate the Inn at Pound Ridge restaurant/catering facility at 258 Westchester Avenue, Pound Ridge, NY as corrected.

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- **Court Clerk- approval of annual conference of NYS Association of Magistrates Court Clerks**

RESOLUTION #: 133-14

Board Action: Motion by Councilwoman Schwartz, seconded by Councilwoman Boak, the Board polled and the motion passed 4-0 with Councilman Paschkes abstaining, on the following:

RESOLVED, that the Town Board hereby authorizes Court Clerk Sonia Mercado-Jimenez to attend the annual conference of the New York State Association of Magistrates Court Clerk, Inc. September 28th through October 1, 2014 in Albany, NY. The estimated expenses for the conference will be approximately \$1,023.54 for hotel accommodations, meals, transportation/mileage and pre-registration.

- **Liaison reports**

All Town Board members gave an update on the various Boards and Commissions that they are liaisons to.

FINANCIAL MATTERS

- **Recreation Department – requests authorization for refunds**

RESOLUTION #: 134-14

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

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

Marni Amsellem 30 Eliot Lane Stamford, CT 06903	\$50.00 from A2025	Partial refund of nonresident membership fee as compensation for new member referral
Kristina Hooper 124 Brook Farm Rd. East Pound Ridge, NY 10576	\$31.00 from A2002	Overpayment for day camp specialty programs
Barbara Ingraldi 58 Autumn Ridge Rd. Pound Ridge, NY 10576	\$40.00 from A2002	Refund of day camp trip fee
Mark Gjelij PO Box 107 Pound Ridge, NY 10576	\$65.00 from A2002	Refund of specialty camp fee

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WHEREAS, Councilwoman Schwartz has audited 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:

PARKING DISTRICT	ST		\$1,173.74
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ADJOURNMENT: There being no further business to come before the Board, Supervisor Lyman adjourned the regular meeting at 10:15 p.m.

Joanne Pace
Dated at Pound Ridge, New York
August 8, 2014

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