

AGENDA
TOWN BOARD WORK SESSION

Meeting date: Thursday, August 1, 2013
Meeting Time: 5:30 PM

Town House, 179 Westchester Avenue
Pound Ridge, New York 10576

PRESENT: Supervisor: Gary David Warshauer
Deputy Supervisor: Jonathan Powers
Councilmembers: Richard Lyman
Peter Falco
Alison Boak
Daniel Paschkes

- **Executive Session:**

Board Action: Motion by Councilwoman Boak, seconded by Councilman Paschkes, all voting aye to hold an Executive Session immediately following the Work Session for legal and personnel matter.

- **Minutes: Acknowledge/accept minutes of the Town Board Work Session and Regular Town Board meetings held on Thursday, July 18, 2013.**

Board Action: Motion by Councilman Lyman seconded by Councilwoman Boak, all voting aye to accept the minutes of the Town Board Work Session and regular Town Board meeting held on July 18, 2013.

Discuss Agenda for the August 1, 2013 Town Board Meeting, which tentatively includes the following items:

- **Review Funding Application for the Transportation Enhancement Program, including supporting documentation and Traffic Committee Report; and consider adoption of the Resolution to Apply and Match Funds.**
- **Photo shoot request for one day on August 22nd**
- **Recreation Department- refund overpayments for camp**
- **Monthly Reports**
- **Pay Bills**

Other Discussion:

Supervisor Warshauer mentioned that the Town has received another letter from the US Department of Housing and Urban Development regarding the case United States ex rel Anti-Discrimination Center of Metro New York, Inc. vs. Westchester County, New York of which Pound Ridge is a part of this. We will discuss this further in the regular Town Board meeting. David Stolman, F.P. Clark Associates Planning Consultant, presented proposed zoning amendments to Section 113-57 of the Town Code. Basically, what we are looking at doing is taking our existing senior multi-family zone and amending it to remove the senior restriction so that it will apply to what the lawsuit is trying to remedy. We are also looking at areas around

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Scotts Corners for apartments and residential development in and around the business district. There may be an opportunity to create some zoning to accommodate a moderate increase of residential area and help our businesses and help our fire department.

- **Presentation of Proposed Ecological Residential Cottage Community on property with frontage on Pine Drive, Rolling Meadow Lane and Lower Trinity Pass.**

There is an Ecological Residential Cottage Community proposed on property with frontage on Pine Drive, Rolling Meadow Lane and Lower Trinity Pass. Anthony Sblendorio, a partner in the Ridge 29, LLC, went over what is proposed on that property. He spoke about constructed wetlands for wastewater and storm water systems because one of the problems with developing the acreage has been creating a septic system that would adequately serve the entire community. Constructed 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 with soil to help filter the water. The plants would help slow the run off to water shed. The treated water is of a sufficient quality that it 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. It was estimated that the area needed would be ½ square foot of wetland per gallon of water used daily. It is on average about 75% smaller than a conventional leach field.

The same system can be used for storm water treatment. There would be a third party monitor to test the quality of the storm water flow. It is an effective way to treat storm water. A homeowners association would be formed that would pay for road maintenance and for the continued care of the septic system.

The restraints and opportunities were presented to the Conservation Board and received good feedback.

The housing would be a very small home cottage-based community meeting the demands for smaller homes for those who want to stay here and can't afford to with larger homes. They are currently working with a Passive Home Certification similar to LEED Certification focusing more on building orientation and the outside skin of the buildings so that the buildings are more energy efficient. In general, a certified passive building can be between 60% and 80% more energy efficient without using renewable energy. The proposed project would consist of 37 homes with 4 units of affordable housing, totaling 41 units. The units will be pretty close together and will incorporate working vegetable gardens for local food.

There is combination of single detached units as well as doubles. They may incorporate triples later on but it is not in the plan currently.

The project will also serve as a curriculum for local schools being used as an outside laboratory.

Alfred DelBello, counsel for the project, spoke about the zoning code. He took the suggestions of Multi-family housing from David Stolman and changed it a little. The planned community of "dwelling units" is designed and intended for multiple families, containing three or more dwelling units of various styles. Currently in our Town Code we have a section under multi-

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family housing stating a Special Use Permit is required for multi-family housing. Mr. DelBello would like to amend it to say “No special permit shall be issued for the development of “multi-family” unless the Town Board shall find in addition to the other requirements of this article, that the proposed “use” satisfactorily meets all of the following standards and conditions.” He is very concerned with the way the allocation is written under “Standards for “multi-family” housing.” The maximum number of “dwelling units” is determined by dividing the gross “lot area” by the minimum “lot area” required for “one-family dwellings” in the zoning “district” in which it is located, multiplying that result by four. He is suggesting multiplying it by five giving them the leeway of building affordable units. They need a greater density.

The other suggestion is that the Town Board may waive any standards and/or requirements of this Section if it is in the best interest of the Town pertaining to the public health, safety and general welfare.

The Town Board will consider what was said and expect an application for our September Town Board meeting.

- **Proposed zoning amendments to Section 113-57 of the Town Code.**

David Stolman, F.P. Clark Associates Planning Consultant, went over the latest draft of amendments to the local law pertaining to the inclusion of Multi-family housing. There were very few changes but we now have a definition of “Two-Family Dwelling” and also indicate that “Multi-family housing” projects may contain or be comprised of “two-family dwellings.”

Councilman Lyman said that there has been a big spotlight on this as far as the Federal Monitor is concerned because they object to the Special Use Permits. Keeping the Special Use Permit can be beneficial because it comes to the Town Board first and can be a benefit to getting it through the Planning Board. We set the stage for that. The Town Board’s involvement can be positive.

Supervisor Warshauer said that this is the subject of Public Hearing and he hopes this evening the Town Board can come to some conclusion as to what we want to go forward with. Supervisor Warshauer would then like to send it to Westchester County Planning Department for their review and recommendation and then sit down with the Federal Monitor and get their comments on it. We should be pro-active.

Councilman Falco said that if the Town Board considers eliminating the step of the Special Use Permit, they should seriously consider where multi-family housing can be allowed. Right now it is allowed all over Pound Ridge, maybe it should be limited. Councilman Paschkes agreed that it becomes an uncertain prospect for those making a considerable investment in real estate and having a floating zone any where around you. We are better off defining an area. Councilman Lyman said that would run counter with what the Federal Monitor is saying. He agrees with the premise, but no matter what we do in Pound Ridge, it will never be enough for the Federal Monitor. Supervisor Warshauer feels that it will be a very difficult process if we want to limit the multi-family housing. There are safeguards in the zone that protect against the issues they are concerned about.

David Stolman also did an analysis of the development potential for multi-family housing. He worked with the properties located entirely within ¼ mile of the PB-A, PB-B and PB-C districts.

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There are 57 parcels that fall within that area. The number of conceivable multi-family dwelling units is 231. Off those 57 parcels, there are 54 single family homes, so we would deduct that in terms of coming up with a net density and that would be 177. The next question is what happens if each of those homes had an accessory apartment. You would deduct 54 and get a net increase of 123 multi-family dwelling units on those 57 parcels.

David Stolman was asked to identify the 20 and 30 acre parcels throughout the Town to show the potential of multi-family opportunities. He will do this and bring it to the next Work Session. He will also review Counsel DelBello's suggested language and see if it fits in our zoning code and bring another draft to the Town Board.

Councilman Falco doesn't feel that the idea of the Town Board being able to waive any standards and/or requirements of this Section should be put in the ordinance. Counsel DelBello explained that putting in a limited waiver authorization would avoid having the applicant go to the Zoning Board of Appeals for everything. This will be discussed further by the Town Board.

The other area that needs further discussion is the parking space issue. There will be two parking spaces per unit but the question is how many visitor spaces would be needed.

Supervisor Warshauer suggested scheduling a Special Town Board Meeting for August to discuss the issues above.

RESOLUTION #: 166 -13

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

- RESOLVED, that the Town Board hereby schedules a Special Town Board meeting for August 10, 2013 at 10:30 a.m. to continue the discussion of the proposed zoning amendments to Section 113-57 of the Town Code.

David Stolman continued by discussing the Federal Monitor's letter to the Town Board dated July 31, 2013. "The Monitor has concluded that the County's assertion that exclusionary zoning does not exist in Westchester County is not supported by the data, including data submitted by the County. The report makes a number of key findings based on the data provided:

- Zoning regulations in 24 out of the 31 municipalities are not exclusionary. In fact, four municipalities having zoning codes that are commendable in terms of their efforts to provide meaningful opportunities for affordable housing.
- The zoning codes of seven municipalities are exclusionary on the basis of socioeconomic status. These include restrictions on multifamily housing, lack of incentives and mandates for affordable housing, and restrictions on alternative sources of affordable housing. In addition, these municipalities have not addressed in a significant way the regional need for affordable housing.
- Although a more searching analysis by the parties is necessary, the data shows that zoning restrictions in some of the seven municipalities may serve to perpetuate segregative housing patterns and may have a disparate impact on racial and ethnic minorities, and therefore may violate federal law."

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We are responding by saying that we have already adopted the Model Ordinance and that we are doing what we are being asked to do with the multi-family amendments. The Federal Monitor is aware of the environmental issues in Pound Ridge, but they feel it is a matter of technology. We are doing the best we can with what they are asking of us. Supervisor Warshauer wrote that we are moving forward with this zoning/rezoning process and they were pleased with that and anxious to see how we are progressing. We will explain our efforts to provide reasonable opportunities for affordable housing by the due date of August 27, 2013.

Supervisor Warshauer mentioned that he and Councilman Lyman attended a meeting with the Westchester County Health Department to try to get them to consider a decentralized waste water treatment for Scotts Corners. The health department indicated that the DEC has approved this system in New York State and are entertaining the idea for Pound Ridge. There are actually a half a dozen of these systems in our region in various sizes. Some are for storm water remediation and one was for mediation of waste water on a residential property. They seemed to be quite positive about getting something going in Scotts Corners. Councilman Lyman is in the process of applying for a grant for this project that will include a living laboratory and educational aspect. The health department would have to sign off for approval of this project.

- **Proposed Amendments to Chapter 54A-1 of the Town Code for Filming Permits and the Filming Permit Application.**

Councilman Paschkes presented suggestions for some amendments to our existing Filming Ordinance. He read many ordinances throughout the states and said that the vast majority delegate the filming process to the Town Manager or Town Clerk's office empowering them to grant the filming permits as long as all the requirements are met. The one issue he had with the initial draft of the modified ordinance is that it was unduly restrictive to very small scale operations. They should not be required to get a permit. The city of Orange, CA has some exemptions to the filming permit requirement as follows:

- Filming which requires no parking variances and uses no public property or rights of way on public property;
- Filming which does not impair the quiet enjoyment of the surrounding properties;
- Filming which does not involve the use of any pyrotechnic device as defined in California Health & Safety Code section 12526;
- A licensed business which regularly employs a licensed pyrotechnic operator as defined in California Code of Regulations section 981.5;
- Filming by news media;
- Filming solely for private-family use; or
- Filming which does not interfere with the public's use of City property.

Easthampton/Sag Harbor, NY had a provision that we should consider as follows:

- A permit shall not be required if five or less individuals constitute the entire case and crew engaged in one of the activities described above.

Councilman Paschkes would like to add to that statement "and filming does not impair the quiet enjoyment of the surrounding properties."

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Lori Sandler, 12 Old Pound Road, spoke up because her home is constantly used for smaller film shoots. She would like to see the smaller scale photo shoots treated differently from the larger filming shoots. She would also like the Town Board to consider revising the fees for the smaller shoots. There should be a differentiated fee schedule.

Supervisor Warshauer said that the Town Clerk, the Chief of Police and possibly the Supervisor be involved in the film permit process and as long as all the requirements are met, then the Town Clerk can issue the permit. If there is an issue, then it can be brought before the Town Board. Councilwoman Boak would appreciate knowing whenever a filming permit is issued.

Councilman Paschkes will draft an ordinance with statutory language and present it to the Town Board at the Work Session in September. The Town Board will then schedule a Public Hearing to consider the amendments to the filming ordinance.

- **Highway Dept. – proposal for a building to house the garbage dumpsters located behind Blind Charlie’s in the Parking District**

This will be discussed at the September Work Session.

- **Use of Conant Hall**

Councilwoman Boak was asked to come up with a plan to review the policy and procedures at Conant Hall and address some of the issues that have been percolating over the past couple of years. She came up with a plan that includes a strategy which includes collecting a lot of data and interviews with key members of the staff. She put together a questionnaire/survey seeking information in writing from the Pound Ridge Theatre Company and a survey utilizing Survey Monkey to be sent to residents via e-mail and put on the Town’s website. We can solicit some feedback from the residents as to what they are looking for, what is their impression of the hall and what they would be willing to pay to rent it. Another concern is the maintenance/cleaning of Conant Hall and this will be addressed. Councilwoman Boak put together a timeline to gather the data and put together her findings for the Town Board to review. We can then adopt it at the Town Board meeting in November.

The Town Board felt Councilwoman did a great job putting together this plan to review Conant Hall policies and procedures.

The Theatre Group is under the impression that the Town Board did not formally affirm their fall theatre dates.

RESOLUTION #: 167-13

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

RESOLVED, that the Town Board hereby affirms that the Pound Ridge Theatre Group can go on with their upcoming productions.

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Councilman Paschkes would like to amend the above resolution by adding “subject to confirmation that the dates are not in conflict with previously scheduled dates from the Recreation Department with other groups and subject to the Recreation Supervisor’s normal process.”

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

RESOLVED, that the Town Board hereby affirms that the Pound Ridge Theatre Group can go on with their upcoming productions, subject to confirmation that the dates are not in conflict with previously scheduled dates from the Recreation Department with other groups and subject to the Recreation Supervisor’s normal process.

There being no further business to come before the Town Board, the meeting adjourned at 8:15 p.m.