

MINUTES OF THE FEBRUARY 16, 2017 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD AT TOWN HOUSE, 179 WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT 8:00 P.M.

PRESENT: SUPERVISOR RICHARD LYMAN; COUNCIL MEMBERS:
DANIEL PASCHKES, BONNIE SCHWARTZ, JODY SULLIVAN AND
DAVID DOW

ALSO PRESENT: TOWN ATTORNEY, WILLIAM P. HARRINGTON
TOWN CLERK, JOANNE PACE
DEPUTY SUPERVISOR JONATHAN POWERS

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

CALL FOR EXECUTIVE SESSION:

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Schwartz, all voting aye to hold an Executive Session immediately following the Town Board meeting for a Parking District legal matter.

ANNOUNCEMENTS: None

MINUTES: Acknowledge/correct/accept minutes of Town Board Meetings on February 2, 2017 and the Special Town Board meeting on Saturday, February 11, 2017.

Board Action: Motion by Councilwoman Sullivan, seconded by Councilwoman Schwartz, all voting aye on the following:

RESOLVED, that the Town Board hereby acknowledge/correct/accept minutes of Town Board Meetings on February 2, 2017 and the Special Town Board meeting held on Saturday, February 11, 2017.

OLD BUSINESS: Steep Slopes Revisions

Chapter 89. Slopes Protection

§ 89-1. Legislative intent.

The purpose of this chapter is to establish regulations which prevent improper disturbance or alteration of steep slopes. These regulations are enacted with the intent of providing a reasonable balance between the rights of the individual property owner to the fair use of property, and the need to protect the local environment in the interests of the general public health and welfare by employing building and development methodologies and mitigation measures to preserve the character and quality of the natural and as-built environment of the site. The Town of Pound Ridge finds and declares it to be the public policy of the Town to further preserve, protect and conserve its steep slopes so as to:

- A. Maintain and protect existing terrain and its vegetative features;
- B. Preserve wetlands, water bodies and watercourses;
- C. Prevent flooding; protect important scenic views and vistas;
- D. Preserve areas of wildlife habitat;
- E. Provide safe building sites;
- F. Preserve the aesthetic character of the property; and
- G. Protect adjoining property by preventing:

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- (1) surface erosion,
- (2) creep, and
- (3) sudden slope failure.

H. Promote the use of sensitive and sustainable methodologies and mitigation measures to preserve the character and quality of the natural and as-built environment of developed land.

§ 89-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CUSTOMARY LANDSCAPING

Land maintenance involving tree trimming and pruning, the removal of dead and diseased vegetation, the care of existing lawn, the care of established noncommercial gardens, the care and the planting of decorative trees, shrubs and plants, provided that such activity complies with all other applicable ordinances, laws and regulations of the Town of Pound Ridge.

DISTURBANCE

The removal of vegetation and/or the filling, excavation, regrading or removal of soil, rock or retaining structures whether by hand labor, machinery or explosive, or any combination thereof, and shall include the conditions resulting from any excavation or fill. The condition of T EMC /P urbance shall be deemed to continue until the area of T EMC /P urbance EMC /P permanently stabilized.

PERMIT

That form of Town approval required by this chapter for the conduct of any regulated activity within any area of the Town defined as a "steep slope."

STEEP SLOPE

Any geographical area whether on a single lot or not, having a topographical gradient of 25% or

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§ 89-5. Standards for application review.

A. Approval standards. Where a proposed disturbance, in the context of the proposed development of the site, is found to be consistent with the legislative intent of these regulations and Town planning policy, is determined to be in the environmental interests of the property, or where a disturbance cannot be avoided so that reasonable use of a property may occur, such disturbance shall be minimized through mitigation measures set forth in a permit of approval and shall be in accordance with the standards set forth herein, as follows:

(1)

The proposed activity will not result in creep, sudden slope failure, or additional post-construction erosion.

(2)

The proposed activity will not adversely affect existing or proposed wells or sewage disposal systems.

(3)

The proposed activity will not adversely affect any endangered or threatened species of flora or fauna.

(4)

The proposed activity constitutes the minimum disturbance necessary to allow the property owner a reasonable use of the property.

(5)

The planning, design and development of buildings shall provide for structural safety, slope stability and human enjoyment while adapting the affected site to, and taking advantage of, the best use of the natural terrain and aesthetic character.

(6)

Such standards and requirements for ensuring safe and environmentally sensitive disturbance, creation, stability, regrading, erosion, cut and fill and advancement of the purposes of this Chapter as the Building Inspector, Town Engineer, or Planning Board may require in connection with any approval.

B. Slopes above 35%. Where any proposed development proposes the disturbance or creation of a slope above 35%, the Planning Board shall grant a steep slope permit only where, in addition to the satisfaction of § 89-6(A)(1)-(24) above, it determines that (a) development alternatives which avoid such disturbance will result in a less safe or less environmentally sensitive site condition that that which will be created by the proposed disturbance, or (b) disturbance of such steep slopes is necessary to provide ingress and egress and such access can be safely designed and constructed.

C. Denial Standards. The Planning Board shall have the right to deny an application for steep slopes disturbance where it determines that the approval standards set forth in § 89-6(A) & (B) cannot, on balance, be met as proposed or with mitigation measures.

§ 89-6. Permit application standards and requirements.

A. Coordination with other reviews. It is the intent of this chapter to incorporate the consideration of steep slopes protection into the Town's extant land use and development approval procedures in conjunction with the procedures of the State Environmental Quality Review Act whenever applicable. To the maximum extent possible, the review, hearings and decision upon any application processed under this chapter shall be coincident with similar procedures that the approval authority may undertake in regard to other applications that are directly related.

B. Application for permit. An application for a permit to disturb or alter a steep slope shall be filed with the following information and such other information as required by the Building Inspector or Planning Board:

(1) The name and post office address of the owner and applicant.

(2) The street address and Tax Map designation of property covered by the application.

(3) A statement of authority from the owner for any agent making application.

(4) A listing of property owners adjacent to, across streets or rights-of-way from and within 500 feet of the property and any additional property owners deemed appropriate by the approval authority.

(5) A statement of the proposed work and purpose thereof.

(6) Copies, in such reasonable number as determined by the approval authority, of a map and plan for the proposed regulated activities drawn to a scale of not less than one inch equals 50 feet (unless otherwise specified by the approval authority). Such map and plan shall be sealed and show the following:

(a) The location of the proposed construction or area of disturbance and its relationship to property lines, easements, buildings, roads, walls, sewage disposal systems, wells and wetlands within 100 feet of the proposed construction or area of disturbance for adjacent properties at the same elevation and within 500 feet for properties significantly lower, and any additional properties deemed appropriate by the approval authority.

(b) The estimated material quantities of excavation/fill.

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- (c) The location and size of areas of soils by soils types in the area of proposed disturbance and to a distance of 100 feet.
 - (d) The existing and proposed contours [National Geodetic Vertical Datum (NGVD)] at two-foot intervals in the area of proposed disturbance and to a distance of 100 feet beyond.
 - (e) Cross-sections of steep slope areas.
 - (f) Retaining walls or like constructions, with details of construction.
 - (g) The erosion and sedimentation control plan.
 - (h) A stormwater analysis consisting of a narrative and calculations of pre- and post-development runoff volume generation and flows rates, including the design of any stormwater management features required to prevent stormwater impacts.
 - (i) A list of all applicable county, state or federal permits which are required for such work or improvements.
 - (j) Calculations demonstrating soil stability using the Revised Universal Soil Loss Equation (RUSLE) methodology signed and sealed by a licensed professional engineer (PE) or a certified professional in erosion and sediment control (CPESC), and design calculations for materials required to prevent erosion.
 - (k) Other details, including specific reports by qualified professionals on soils, geology and hydrology, and borings and/or test pits, as may be determined to be necessary by the approval authority.
- (7) An application fee in the amount set forth in a fee schedule established by the Town Board.
- (8) The requirements of this §89-6(B) may be waived by the approval authority where in its discretion doing so will not result in insufficient information to make a determination in accordance with the review and approval standards herein.

C. Public hearing. Following the receipt of a complete application as determined by the approval authority:

- (1) Where a steep slopes permit is required as part of an application for subdivision, site plan, special permit review, or other review and approval, the Planning Board shall schedule and conduct a public hearing on the application for a steep slopes permit concurrent with any other required public hearing regarding such other reviews. In the case where a steep slopes permit is required but is not part of an application for subdivision, site plan, special permit review, or other review and approval, the Planning Board may schedule a public hearing, or may waive such hearing where it determines that doing so would not violate the intent of this Chapter.
- (2) In all cases where a public hearing is to be held by the Planning Board regarding an application for steep slopes permit, said public hearing will be held not later than 62 days after the receipt of a complete application as determined by the Planning Board. In the case where a steep slopes permit is required as part of an application for subdivision, site plan, special permit review, or other review, a public hearing shall be held after the receipt of a complete application is made for all required approvals as determined by the Planning Board. Notice of public hearings shall be given in the same manner as prescribed in § 113-63 of the Zoning Law. Nothing in this section shall be construed as authorization for default approval in the event this time period is exceeded in review of a steep slopes permit.

§ 89-7. Actions by Planning Board; Inspections.

- A. Within 62 days from the close of any public hearing pursuant to § 89-6C(1) and (2) hereof, the Planning Board shall render a written decision to approve, deny, or approve with modifications and/or conditions the application, giving due consideration to the findings and recommendations of Town professionals, where appropriate. Such decision shall include a statement of finding upon which the Planning Board has relied in its decision. In approving any steep slopes permit application, the Planning Board may impose such conditions as it determines essential to ensure compliance with the intent and purpose of this chapter. The Planning Board shall file a copy of its decision with the Town Engineer and Building Inspector. Nothing in this section shall be construed as authorization for default approval in the event this time period is exceeded in review of a steep slopes permit.
- B. A permit, unless otherwise indicated, shall expire upon completion of the work specified therein, shall expire upon the expiration of any accompanying building permit, and shall be valid for a period of one year from the date of approval. Permits may be renewed by the Planning Board or the Building Inspector, respectively, upon application submitted at least 60 days before the expiration of the permit. Standards for issuance of renewals shall be the same as for the issuance of permits. Permits, including all of their conditions, shall be binding on successors and assignees of the permit holder.
- C. The Planning Board may require posting of a performance and/or erosion control bond(s) as a condition of approval; the amount and surety of such bonds is to be approved by the Town Board. The performance bond is intended to ensure the proper completion of the proposed activity in accordance with the approved plans, the restoration of the area to its natural condition as far as practicable and protection of adjoining property owners from damage resulting therefrom.
- D. The Building Inspector, or the designated and/or authorized representative, shall inspect, on behalf of the Planning Board, activities undertaken pursuant to a permit so as to ensure satisfactory completion. If upon

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inspection it is found that any of the activities have not been undertaken in accordance with the permit conditions, the applicant shall be responsible for completing those activities according to the permit (in addition to being subject to the sanctions set forth herein.

§ 89-8. Penalties for offenses.

A. Civil Sanctions.

(1) Any person found violating any provision of this chapter or conditions duly imposed pursuant thereto shall be served by the Building Inspector with a written notice stating the nature of the violation and providing a specified time within which the violation shall cease and satisfactory corrective action shall be taken by the violator.

(2) Any person who is found to have violated, disobeyed or disregarded any provision of this chapter shall be liable to the people of the Town of Pound Ridge for a civil penalty not to exceed \$10,000 for every such violation, as well as the Town's attorneys' fees, and such penalty assessed shall constitute a valid lien against such property until such penalty has been satisfied, and may be recorded of record and enforced as such by the Town.

(3) The Town shall have the power to seek appropriate relief, to direct the violator to cease violation of the chapter and satisfactorily restore the affected area to its condition prior to the violation or otherwise complete the terms and conditions of the permit. The Town may seek an order to compel the posting of a performance bond in an amount sufficient to complete, restore or otherwise improve the violation.

B. Criminal sanctions.

(1) Any person found violating any provision of this chapter or conditions duly imposed pursuant thereto shall, for the first offense, be guilty of a violation punishable by a fine of not less than \$500 nor more than \$1,000.

(2) For a second and each subsequent offense, such person shall be guilty of a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$2,000 or a term of imprisonment of no more than six months, or both.

(3) Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

(4) The Town Attorney or Deputy Town Attorney may prosecute any person alleged to have violated the provisions of this chapter and shall seek equitable relief to restrain any violation or threatened violation of its provisions.

Supervisor Lyman stated that Joseph Eriole, Esq., Planning Board Counsel, drafted basic revisions to the existing Steep Slope ordinance to clarify and make it easier for the Planning Board to administer and subsequently, he basically did a re-write of the ordinance. The Building Department is pleased with the revisions. Councilman Paschkes mentioned that there is an omission of specificity in Section 89-6 B (8) where it refers to a Chapter with no number. Supervisor Lyman will find out the missing information

Councilman Dow made a comment about the Legislative Intent, Section 89-1. F.

“Preserve the aesthetic character of the property” and feels it is too subjective. He feels that should be eliminated. Councilman Paschkes pointed out that aesthetic character preservation was something that was included in the Master Plan as issues that the Town should seek to preserve in future planning, so it does track the intent of the Master Plan. Supervisor Lyman agrees and even moreover, that particular issue has to do with the re-write in that in the way the previous law was written, you would wind up creating a problem trying to obey the strict interpretation of the law. A lot of what the Planning Board does is subjective.

RESOLUTION #: 39-17

Board Action: Motion by Councilwoman Sullivan, seconded by Councilwoman Schwartz, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Town Clerk to schedule a Public Hearing to consider the amendments to the Steep Slope Ordinance on Thursday, April 6, 2017 at 8:00 p.m. at the Town House.

NEW BUSINESS:

- **MS4 Permit requirements**

Supervisor Lyman e-mailed the Town Board members a copy of the MS4 permit and copies of correspondence and comments. Supervisor Lyman and Deputy Supervisor Powers met with Beth Evans, the Town of Pound Ridge storm water management officer, and who helps prepare our reports to discuss the amended MS4 permit going forward. It was alleged by the NRDC that the current Regulations were not strict enough and they sued the NYSDEC. NRDC lost at the court of appeals, but the NYSDEC rewrote the regulations anyway, making them much more strict. If enacted, at a bare minimum, it will cost the Town of Pound Ridge \$200,000 due to the fact that we would have to hire a full time person to handle the inspections, mapping and reporting not including equipment for the Highway Department. Supervisor Lyman has written to our State Representatives and will be attending meetings to discuss this with other Towns. This is frustrating and outrageous. It is another example of the imposition of unfunded mandates by State Government.

- **Recreation Dept.-authorization of Pool and Day Camp Staff pay rates**

RESOLUTION #: 40-14

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

RESOLVED, that the Town Board hereby agrees to the 2017 salaries for the summer Pool and Day Camp staff and Day Camp and Pool Director salaries and are hereby adopted and the Supervisor be and is hereby authorized to pay same as recommended by the Recreation Commission as follows:

A7140.102

2017 Day Camp Staff Salary Ranges

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Day Camp Directors	\$25,509.00
Arts/Crafts Directors	\$2,900 - \$3,500
Medical Director	\$5,000.00
Head Counselors	\$1,000 - \$1,800
Counselors	\$850 - \$1,000

Musical Entertainers	\$300 - \$900
Specialists	\$40 - \$50 per hour

2017

Day Camp Co-Director	Stephen Muller	\$7,350
Day Camp Co-Director	Jeff Nurenberg	\$7,350
Day Camp Ass't Director	Kelley Lombardo	\$4,100
Day Camp Ass't Director	Jackie Grasso	\$4,100
Camp Nurse	Margret Draper	\$5,000

A7180.102

2017 Salaried Pool Staff

Pool Director	\$8,000-\$12,000
Assistant Pool Director	\$5,000.00-\$7,000
Head Swim/Dive Coach	\$3,500.00 - \$7,600.00
Asst. Coaches	\$2,500.00 - \$3,500.00

A7180.103

2016 Pool Staff Hourly Rates

Head Lifeguard	\$13.00 - \$15.00
WSI and 3 yrs experience	\$12.00 - \$13.00
Lifeguards and Instructors	\$ 8.50 - \$16.00
Gate Attendants	\$ 7.75 - \$ 8.50

- **Town Clerk – request to bid Landscaping Maintenance Services for Scotts Corner Parking District 2017**

Specifications for Maintenance Services to be provided in Scotts Corners in 2017 between the months of April and October (25 weeks)

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- 1) Spring and Fall Clean-up of all islands, including the back parking lot and Westchester Avenue for Est. Total Cost: \$_____).
- 2) Swales – Cleaning out the ditches (swales) and weed-whacking both sides of the Parking District to be done, as needed, (at least twice a year).
 \$_____ each clean-up. (Est. Total: \$_____).

Mowing – Shall consist of mowing grass in back of the swale on the north side and on the south side. Weed-eater on all edging. All grass in front of the buildings that is not done by property owners shall also be done. Once per week from the middle of April to the 2nd week in August. After August 15th, once every two weeks.

Front cost -	\$_____	per cutting	
Rear cost -	\$_____	per cutting	
(Estimate: April to mid-August	= \$_____		
August 15 – October 31	\$_____	(Est. Total	
\$_____)			

- 3) September, October and November: Raking and blowing leaves every other week including along the shoulders of Westchester Avenue in PBB. Remove leaves once every two weeks.

September -	\$_____	
October -	\$_____	
November -	\$_____	If needed, first week in December – last clean-up and leaf removal \$_____.
		(Est. \$_____)

Estimated Grand Total for the above services = \$_____

RESOLUTION #: 41-17

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

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RESOLVED, that the Town Board hereby authorizes Joanne Pace, Town Clerk to go to bid for the Scotts Corner Maintenance Service for 2017.

- **Historical Society-Share a letter**

Supervisor Lyman shared a letter of thanks to our maintenance department from Ebie Woods, Chair of the Historical Society, for their help with setting up for the Historical Society's new exhibit at the Museum.

- **Discussion on Fire Tower proposal for Ward PR Reservation**

Supervisor Lyman requested authorization to issue a letter of support from the Town Board for the project at Ward Pound Ridge Reservation to resurrect the installation of the fire tower.

RESOLUTION #: 42-17

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

RESOLVED, that the Town Board hereby authorizes Supervisor Lyman to write a letter of support to Mr. Tom Cohn, President of Friends of Trailside & WPRR for the project at Ward Pound Ridge Reservation to resurrect the installation of the fire tower.

- **Association of Towns-discuss letter**

Supervisor Lyman shared a letter from The Association of Towns with the Town Board regarding the Governor's plan to pass a new "Countywide Shared Services Property Tax Savings Plans". Governor Cuomo is attempting to withhold AIM (Aid and Incentives for Municipalities) funding unless the legislation is passed by Westchester County. The Association of Towns is fighting this as it undermines local representative democracy, threatens home rule and continues to use towns as a scapegoat for high property taxes. The Association of Towns is asking everyone to contact their local government regarding this and show that towns already work together efficiently to bring a high level of service to residents.

RESOLUTION #: 43-17

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

RESOLVED, that the Town Board hereby authorizes Councilman Paschkes, voting Delegate for the Town of Pound Ridge, to sign the petition on behalf of the Town of Pound Ridge at the Association of Towns conference.

*Side Note: Councilman Paschkes had circulated a letter to the Town Board in support of the Conservation Board grant application and was hoping to have Supervisor Lyman sign the letter. Supervisor Lyman said that he tweaked the letter and would like to review it with Councilman Paschkes before the letter is signed.

Board Action: Motion by Councilwoman Sullivan, seconded by Councilwoman Schwartz, all voting aye to allow Supervisor Lyman and Councilman Paschkes to work out the language for the letter of recommendation for the Conservation Board grant application.

- **Liaisons' report**

Town Board members gave informative reports on their various Boards and Commissions.

FINANCIAL MATTERS:

- **Recreation Department – requesting refund**

RESOLUTION #: 44-17

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

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

Joan Silbersher PO Box 248 Pound Ridge, NY 10576	\$25 from A7620	Refund of canceled trip
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- **Monthly Reports**

The monthly reports have been received for January 2017 and are available in the Town Clerk's office.

ADJOURNMENT: There being no further regular business to come before the Board, Supervisor Lyman adjourned the regular meeting at 9:00 p.m.

Joanne Pace
Dated at Pound Ridge, New York
February 17, 2017