

MINUTES OF THE JUNE 21, 2012 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD AT 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 AND ALISON BOAK

ALSO PRESENT: TOWN ATTORNEY JAMES J. SULLIVAN, ESQ.
TOWN CLERK, JOANNE PACE

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

CALL FOR EXECUTIVE SESSION:

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

ANNOUNCEMENTS: July 4th Fireworks and 5K Race will be held on Saturday, June 30, 2012 with a raindate of Sunday, July 1, 2012.

MINUTES: Acknowledge/Correct/Accept minutes of the Executive Session on April 12, 2012, Town Board Work Session held on April 25, 2012, Town Board Executive Session of May 10th, Town Board meeting held on May 10, 2012 and Town Board Work Session held on May 16, 2012.

RESOLUTION #: 126 -12

Board Action: Motion by Councilman Lyman, seconded by Councilman Falco, with Councilman Paschkes abstaining from the vote for the Executive Session of April 12, 2012 because he was not present, all voting aye on the following:

RESOLVED, that the Town Board hereby acknowledges the minutes of the Executive Session on April 12, 2012, Town Board Work Session held on April 25, 2012, Executive Session and Town Board meeting held on May 10, 2012 and Town Board Work Session held on May 16, 2012.

RESOLUTION #: 127-12

Board Action: Motion by Councilman Lyman, seconded by Councilman Falco, with Supervisor Warshauer abstaining from the vote because he was not present, all voting aye on the following:

RESOLVED, that the Town Board hereby acknowledges the minutes of the Executive Session and Special Town Board meeting minutes held on June 7, 2012.

NEW BUSINESS:

Filming Permits- Review application process

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The Town Board recently issued a film permit and there were some issues resulting from the issuing of the permit. As a result of that, the Town Clerk and the Police Chief reviewed the process and made some significant recommendations on amending that process. Supervisor Warshauer said that the Town Board will talk about this in detail at future meetings but said the result of what occurred has the Town Board rethinking the process. Neighbors of any film permit applicant will be duly notified and have the opportunity to come to a Town Board meeting to review the specifics of the permit and have the ability to speak prior to the issuance of the permit. Supervisor Warshauer will take the recommendations and put them in draft form as an amendment to our filming permit ordinance. It will be brought to a Town Board work session for review and comment and when it is in the final format, it will come to a Town Board meeting for distribution and a Public Hearing will be scheduled to consider adopting the amendments. Supervisor Warshauer gave the opportunity to Mr. Allan Wechsler to speak his concerns because he was inconvenienced by the filming at his neighbor's house. Mr. Wechsler spoke extensively about his concerns and what went on during the filming of the television commercial at his neighbor's house. He told us he moved to Pound Ridge for privacy and what he experienced during this filming was anything but privacy. He is asking the Town Board for an apology for what he experienced and for issuing the permit within a few days violating the Town's code where it states that a permit must be obtained at least one month from the time of the filming. He suggests that the Town Board address the application process with proper notification of the surrounding neighbors a site review of the scope of the project and an opportunity for homeowners directly affected by the photo shoot to state their objections. There also should be accurate supervision on the sets. Mr. Wechsler apologized to the Town Clerk for his behavior when voicing his objections to the filming to her at the Town House and praised the Police Chief for the way he mediated the situation at the scene.

Supervisor Warshauer extended an apology to Mr. and Mrs. Wechsler on behalf of the entire Town Board for any inconvenience the issuance of the filming permit has caused his family. He agreed with a lot of the comments he made and said that the Town Board is going to amend the existing filming ordinance. The other issue that Mr. Wechsler mentioned was still shoots or commercial activity on a property. The Town Board will address this also because currently a permit is not necessary for still shoots.

Tree Ordinance-discuss proposed amendments to the current ordinance, recommended by the Conservation Board

The Town Board and the Conservation Board have been discussing the proposed tree ordinance referring to removal of trees on subdividable acreage. This was to prevent clearing of land prior to a subdivision. The section of the ordinance that is primarily being addressed is §93-4. Tree Removal Permit. The highlights suggested by the Conservation Board are as follows:

Highlights of the Tree Code

The purpose of the Tree Code is to preserve the historic character and the present environment of Pound Ridge by protecting the tree cover from indiscriminate destruction. The Code requires a permit for the removal of *certain size* trees on *certain areas* of a homeowner's property. A permit is also required for the removal of *certain species* of trees, and there is a blanket prohibition against clear cutting of any kind without a permit.

The Code requires a homeowner to obtain a permit from the Building Department if considering the removal of a tree or trees as follows:

TREES 6 INCHES IN DIAMETER OR LARGER:

1. within 25 feet of the property line
2. slopes greater than 15 percent
3. in designated wetland setbacks

TREES 12 INCHES IN DIAMETER OR LARGER:

- I. if they are anywhere on a property that can be subdivided

TREES 24 INCHES IN DIAMETER OR LARGER:

1. are designated "specimen trees" because of their size, anywhere on the property

PROTECTED TREES: There is a list of 12 endangered, rare, or threatened trees in the Code's Appendix. A permit is required to remove them regardless of size or location on the property.

INVASIVE TREE SPECIES: There is a list of 8 invasive trees in the Code's Appendix. Such trees *may* be removed with a permit regardless of size or location on the property, unless serving in the control of erosion, because they are non-native and quickly supplant all other tree species.

EXCEPTIONS TO THE CODE: A tree can be removed without a permit if it:

1. endangers utility lines
2. presents a dangerous condition
3. is a dead or dying tree

STANDARDS FOR GRANTING PERMITS:

1. tree in poor physical condition
2. proximity of tree to existing or proposed improvements
3. the effect on the ecology
4. proper tree management practices
5. effect on property values or aesthetics
6. effect on solar access

Several other Town Codes include restrictions on tree removal and are cross-referenced in the Tree Code.

Instructions are included in the Code for: a) applying for a permit; b) conditions for removal of

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a tree after a permit is granted; c) fees charged if any; d) penalties for the unauthorized removal of a tree (\$500 fine and replacement tree per tree removed); and e) the appeals process.

Councilman Paschkes is surprised by the suggestions and the proposed amendments. He thought there was language worked out at the last meeting that said that up to 5 trees over a 3 year period, if they were not specimen trees or heritage trees, didn't need a permit to be cut down. If that is not the direction that the Conservation Board and the Town Board want to go, then that's alright, but he thought that was what was discussed. The main short coming of how this is being presented is if you have a non-subdividable property, a two and a half acre property in a three acre zone, you can do anything short of clear cutting without a permit.

Gail Jankus, Chair Conservation Board, said that you need a permit if the tree is 6" or more or if it is a specimen tree. Councilman Paschkes said that if it is not a specimen tree, then you don't need a permit. He feels that they are not controlling sufficiently on smaller properties. If they were to leave the ordinance as it currently stands, our Building Inspector would remain involved.

Supervisor Warshauer suggested that the Town Board move the process forward and schedule a Public Hearing for the amendments.

RESOLUTION #: 128-12

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

RESOLVED, that the Town Board hereby schedules a Public Hearing to consider adopting the amendments to the proposed Tree Ordinance as written on September 6, 2012.

T-Mobile Northeast LLC-Request for extension of approval granted for the cell tower at the ambulance corps property in Scotts Corners

The record shows that Councilman Paschkes recused himself from the discussion. Cara Bonnomolo of Snyder & Snyder, LLP represents T-Mobile Northeast LLC in connection with T-Mobile's proposal to locate a wireless telecommunications facility at the Pound Ridge Lions Ambulance Corps, 89 Westchester Avenue, Pound Ridge, NY. They are requesting an extension of the required time frames outlined in the Resolution of the Town of Pound Ridge dated May 19, 2011 pursuant to a stipulation of litigation settlement. Ms. Bonnomolo said that the building permit has recently been issued. It has not been picked up yet. They are having foundation and tower drawings prepared that they wanted to have finished before they picked up the permit. Councilman Lyman questioned how a building permit could have been issued if the construction drawings have not yet been submitted.

Counsel Sullivan said that they truly need an extension. He recommends that the applicant give a written representation as to what the anticipated time frames are for commencement of construction and getting an operating tower at the site. A time frame of anticipated construction should start here and conclude there. This is a health and safety issue and must be completed in a timely fashion.

RESOLUTION #: 129-12

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

RESOLVED, that the Town Board hereby grants an extension of six months (6) subject to receiving a written time frame of a construction begin date and an end date.

*Councilman Paschkes returned to join the Town Board for the rest of the meeting.

Maggie May's –request to block off four (4) parking spaces in front of store for their Grand Opening on Sunday July 15, 2012

RESOLUTION #: 130 -12

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

RESOLVED, that the Town Board hereby approves the request from the owners of Maggie May's Yogurt to hold a Grand Opening for one day, July 15, 2012 using the parking area in front of the store subject to coordinating with the Police Chief for emergency services to have access.

Pound Ridge Partnership – Special Event Permit application for 2nd Annual Harvest Festival on Saturday, October 13, 2012 and requesting permission to hang banner across Westchester Avenue for the event

Pound Ridge Partnership is requesting permission to hold their 2nd annual Harvest Festival block party on Saturday, October 13, 2012 from 2:00 p.m. to 7:00 p.m. Activities will include Fall-type activities for families, live band, food and beer and wine. They are requesting closure of Westchester Avenue from North Star Restaurant to Plum Plums from 12:00 p.m. to 9:00 p.m. to accommodate set up and clean up. The Pound Ridge Partnership will apply for a liquor license to sell beer at the event. Any proceeds would go toward the beautification of Scotts Corners. They plan to have pumpkin painting, window painting, scarecrow making contests, bobbing for apples, etc. for the children. They plan to have food vendors and have local breweries and wineries sell at the event.

The Town Board is supportive of the event and would lift any open container laws for the event. The Partnership must get the proper approval and permits from the NYS Health Department and the proper liquor licenses needed to sell beer and wine.

RESOLUTION #: 131 -12

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

RESOLVED, that the Town Board hereby approves the Special Event Permit as submitted by the Pound Ridge Partnership for a Harvest Festival Block Party in Scotts Corners on Saturday, October 13, 2012 from 2:00 p.m. to 7:00 p.m. and the hanging of a banner across Westchester Avenue to advertise their Harvest Festival in Scotts Corners. They will hang the banner around September 13, 2012 and take it down a day or two after the event.

Business Association- requesting amendment to the Special Event Permit issued for their Arts & Crafts Show-to change the dates of the event from October 20th-21st to October 27th-28th, 2012

RESOLUTION #: 132 -12

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

RESOLVED, that the Town Board hereby authorizes the change of date for the Business Association Arts & Crafts Show from October 20 & 21, 2012 to October 27 & 28, 2012.

Reschedule September 13, 2012 Town Board meeting, due to Primary Election

The September Primary would have been held on Tuesday, September 11, 2012 but New York State did not want to have it on 9/11. They scheduled the Primary to take place on Thursday, September 13, 2012 from 6:00 a.m. to 9:00 p.m. This will interfere with the regularly scheduled Town Board meeting on September 13, 2012 at 8:00 p.m. The Town Board has rescheduled the Town Board meeting to be held on September 19, 2012 at 8:00 a.m.

Board Action: Motion by Councilwoman Boak, seconded by Councilman Paschkes, all voting aye to cancel the Town Board meeting on September 13, 2012 and hold a Work Session meeting on September 19, 2012 at 8:00 a.m. due to a Primary being held on September 13, 2012 from 6:00 a.m. to 9:00 p.m. The September 26, 2012 Work Session has also been cancelled.

FINANCIAL MATTERS:

Water Control Commission-release of bond

RESOLUTION #: 133 -12

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

RESOLVED, that the Town Board hereby authorizes the Water Control Commission to release the following bond as all of the work has been satisfactorily completed:

David Michael, 30 Laurel Road, Block 9822, Lot 14, \$1,000 cash bond (#11-06).

Recreation Department –requests authorization refunds

RESOLUTION #: 134 -12

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

RESOLVED, the Town Board hereby authorizes the Recreation Department to make the following refunds:

Laura Evans 37 Horseshoe Hill Rd. Pound Ridge, NY 10576	\$630.00 from A2001	Transfer of child from Teen Travel Camp to Day Camp
Pennie Wekstein 48 Horseshoe Hill Rd. Pound Ridge, NY 10576	\$40.00 from A2002	Withdrawal of child from Day Camp trip
Pennie Wekstein 48 Horseshoe Hill Pound Ridge, NY 10576	\$220.00 from A2001	Overpayment of activity fees
Margaret Morris 34 White Birch Rd. Pound Ridge, NY 10576	\$450.00 from A2001	Withdrawal of child from Day Camp
Amos Friedland 21 Pound Ridge Rd. Pound Ridge, NY 10576	\$1450 from A2001	Withdrawal of 3 children from Day Camp

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Amos Friedland 21 Pound Ridge Rd. Pound Ridge, NY 10576	\$80 from A2002	Withdrawal of children from Day Camp trips
Barbara Frisenda 51 Major Lockwood Pound Ridge, NY 10576	\$20 from A7620	Refund for price change for trip
Katie Heaphy 254 Salem Road Pound Ridge, NY 10576	\$25 from A7620	Refund for trip not able to attend
Maureen Errickson 142 Old Stone Hill Road Pound Ridge, NY 10576	\$25 from A7620	Refund for trip not able to attend
Terri LeDonne 142 Old Stone Hill Road Pound Ridge, NY 10576	\$25 from A7620	Refund for trip not able to attend
Mary LaTronica Trinity Pass Pound Ridge, NY 10576	\$20 from A7620	Refund for price change for trip
Ivar Kist 8 Knapp Road Pound Ridge, NY 10576	\$25 from A7620	Refund for trip not able to attend
Andrea Soleiman 44 Autumn Ridge Rd. Pound Ridge, NY 10576	\$400 from T-30	Refund of deposit for use of Conant Hall
Donna Karlson 34 Robin Hood Rd. Pound Ridge, NY 10576	\$400 from T-30	Refund of deposit for use of Conant Hall

Tax Receiver – requests authorization to refund two (2) duplicate payments

RESOLUTION #: 135- 12

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

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

<u>Block/Lot</u>	<u>Name</u>	<u>Address</u>	<u>Amount</u>	<u>Reason</u>
10047-15.9	Ricca	32 Old Stone Hill Rd.	\$ 728.46	overpayment
10047-58	Mele	250 Salem Road	\$7447.34	duplicate pmt.

Town Clerk – authorization to sell cemetery plots

- **request refund of security deposit to HSI Productions, Inc. for use of Conant Hall**

RESOLUTION #: 136 -12

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 #52-1 & 2 Section 3 to Paul Sorge, 202 Barnegat Road, Pound Ridge, NY 10576 in the amount of \$2,000 for two gravesites, AND BE IT

FURTHER RESOLVED, that the Supervisor be and is hereby authorized to sell Town Cemetery Plot #33-2, Section 3 to James Lutton, 11 Donbrook Road, Pound Ridge, NY 10576 in the amount of \$1,000 for one gravesite.

HSI Productions, Inc., 3630 Eastham Drive, Culver City, CA 90232 is requesting a refund in the amount of thirty-two hundred dollars (\$3,200) for four (4) day use of Conant Hall at \$800.00 per day during filming television commercial. The Town Board would like to resolve the violation issue, if any, before refunding the deposit. This will be addressed at the next meeting.

Payment in Advance of Audit for the July 4, 2012 celebration

RESOLUTION #: 137-12

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

RESOLVED, that the Town Board hereby authorizes the payment in advance of audit for the July 4, 2012 celebration expenditures including the fireworks company, printing, sanitation, D.J. and mailings.

BAN and Bond Extension

RESOLUTION #: 138-12

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

RESOLVED, that the Town Board hereby authorizes Supervisor Warshauer to sign the documents for the \$929,000 seven year installment bond and the extension of the BAN in the amount of \$260,000, pursuant to the Bond Resolutions adopted by the Board on January 5, 2012.

Monthly Reports

Monthly reports have been received for May 2012 and are available in the Town Clerk's office.

ADJOURNMENT: There being no further business to come before the Board Supervisor Warshauer asked for a motion to adjourn the meeting at 9:30 p.m.

Joanne Pace
Dated at Pound Ridge, New York
June 26, 2012