

**WATER CONTROL COMMISSION
MINUTES OF THE MEETING
Wednesday, June 10, 2020
Video/Teleconference Meeting 8:00 p.m.**

Board Members Present: *Bill Bedford, Chairman
Peter Marchetti
Betsey Miller
Phil Sears
Peter Senatore*

Also present: *John Loveless, Counsel
Jim Perry, Building Inspector
Karen Taft, Administrator*

The meeting commenced at 8:00 p.m.

Mr. Bill Bedford explained the process of the hearing. The applicant presents their application. The Commission members will ask questions, and anyone attending the meeting is welcome to ask questions as well.

**Michael O'Brien
145 High Ridge Road
Block 9453, Lot 52**

Application for a permit to allow construction of attached garage to existing residence that is within the 150' wetland regulated area. The property is located in an R-2A zoning district and consists of 2.109 acres. Application is currently in review by the Planning Board.

Previous meeting dates: 5/13/2020

Site Visit: 5/13/2020

Mr. Rene Mueller, Architect, and Mr. Dan Collins, Hudson Engineering, were present at the meeting. Mr. Mueller presented elevations and a floor plan. The proposed garage is one story and has one entrance. Mr. Collins explained that the construction limit line, dumpster, stockpile staging area, a no mow line, and construction sequencing had been indicated on the plan.

Mr. Bedford requested a distinct limit of lawn line. Mr. Collins will make the line more defined.

Mr. Oscar Villavicencio, Landscape Architect, will define the biofilter area, add a plant list and provide a legend.

Ms. Miller asked how the oil on the concrete floor would be addressed. Mr. Collins replied that it would be dispersed to the rain garden. Mr. Mueller noted that there would not be floor drains. Mr. Marchetti suggested that the floor be pitched toward the exterior doors. Mr. Bedford did not believe it to be problem, provided that materials didn't drain into the wetlands.

Mr. Perry stated that all work will be done in an already disturbed area. There is no new impact to the area, and the biofilter has taken care of the runoff.

Mr. Bedford stated that other than indicating the limit of lawn, the plan was good. Mr. Sears made a motion to approve the application conditioned on submittal of a revised plan that indicates the limit of lawn and posting a \$5,000 bond. Mr. Senatore seconded the motion, and all Commission members voted in favor.

BE IT HEREBY RESOLVED that the application of Michael O'Brien, 145 High Ridge Road, Block 9453, Lot 52 for a permit to allow construction of an attached garage to the existing residence that is within the 150' wetland regulated area, as indicated on plans submitted by Rene Mueller, Architect, is hereby approved, subject to submission of revised plans indicating the limit of lawn and approval by the Planning Board. The application is further subject to the following conditions:

FIRST, once siltation protective measures are in place, the Building Inspector shall be notified and within 48 hours (two working days) a site inspection shall be performed. Prior to commencing work within the minimum activity setback area, all protective measures shall comply with specifications of the Building Inspector and/or Commission. The limit of any tree disturbance should be flagged in the field and noted on the plans.

SECOND, prior to removal of the siltation protective measures, it will be necessary to notify the Building Inspector at least 48 hours (two working days) of the intent to remove the barrier so a site inspection can be performed. Said barriers shall not be removed until so authorized by the Building Inspector and/or Commission.

THIRD, interim inspections may be made by the Building Inspector and/or Commission at any time. The Building Inspector is authorized by the Commission to act in its behalf, if necessary, in any emergency.

FOURTH, this resolution of approval is not a permit to start clearing, grading or construction of the site. Upon receipt of all fees, bonds, and revised plans, if required, the construction permit will be issued by the Building Inspector.

FIFTH, if the plans and conditions as specified and approved are not fully complied with as determined by the Building inspector, said permit shall be voided. In such event, all work must cease, except for temporary mitigating procedures as may be required, and the applicant shall be required to apply to the Commission for a new hearing and reinstatement of the permit, if necessary.

SIXTH, within thirty (30) days after completion of all work allowed under said permit, as-built drawings and consultant's verification shall be submitted. An engineer, landscape architect or architect licensed by the State of New York shall verify that the work has been completed in compliance with the approved permit documents. The Commission shall be notified if there is any change in the plans.

SEVENTH, when all work allowed under a permit is deemed acceptable, the Town Engineer and/or Commission shall issue a Certificate of Completion.

EIGHTH, a bond in the amount of \$5,000 shall be required to insure that the work is performed in a manner that complies with the permit documents. The bond shall be posted with the Town of Pound Ridge prior to the commencement of work. Said bond shall be processed for release once a Wetlands Activity Completion certificate is issued.

BASIS FOR DECISION: Applying Chapter 63-25 of the Wetland Ordinance, the Commission finds that the proposed site is the best practical alternative, that adequate safeguards for the protection and preservation of the environment will be taken to protect the wetlands and the proposed action is not adverse to the general health, safety or economic and general welfare of the residents of Pound Ridge and is in accordance with the intent of the Town's Freshwater Wetlands Ordinance. The plan provides for the state-of-the-art wetland and ground water safeguards, which will effectively protect potable water sources, preserve the wetland function and protect against flood pollution and disturbances to the wetlands.

Mitchell Cannold and Dori Berinstein
15 Colonel Sheldon Lane
Block 9816, Lot 37.12

Application for a permit to allow pond dredging and construction of a footbridge, which activity is within the 150' wetland regulated area. The property is located in an R-3A zoning district and consists of 6.53 acres.

Previous meeting dates: 5/13/2020

Site Visit: 5/13/2020

A Declaration of Restriction formed on behalf of the previous owner of 15 Colonel Sheldon Lane in 2006 had been reviewed by Mr. Loveless, Counsel. He determined that any activity in the area of the pond was restricted. The Covenant Agreement had been forwarded to Mr. Glenn Ticehurst, Landscape Architect, the homeowner and his attorney, Mr. Frank Veith, who were all present at the meeting.

Mr. Ticehurst understood that dredging the pond and constructing a footbridge was not allowed, but he asked to remove the decayed fallen trees and invasive plants from the area. He noted that removal of invasives was a priority set by the Conservation Board.

Mr. Ticehurst assured the Commission that no machinery would be used, and all materials would be removed by hand. Mr. Cannold stated that the Covenant was a surprise to him. He said that at the time of drafting the document in 2006, there were no invasives or decayed trees on the property. He abandoned the request to dredge the pond and the request to construct a footbridge. Mr. Cannold stated that he merely wanted to clean up the area.

Mr. Frank Veith had reviewed the Covenant and stated that it was clear that it restricted the area to be free of any structures, but the homeowner merely wanted to maintain the area.

Mr. Loveless said the purpose of the agreement was to protect the wetland. Drafting this document allowed the residence on the property to be built. It should be enforced as it is written.

Mr. Bedford stated that a determination should be made with consideration of how the area can be protected and the future prevention of invasives. He said they should come to some agreement. Mr. Perry suggested that Mr. Ticehurst meet with Ms. Carrie Sears, Chair of the Conservation Board, to determine if and where the invasives are located.

Mr. Bedford asked Mr. Ticehurst to prepare a drawing indicating the location of the materials, and how they would be removed. Following preparation of the drawing, the Commission will visit the property, and it will be discussed at the next meeting.

Ronnie & Dan Abrams
10 Midway Lane
Block 9452, Lot 8.1

Application for a permit to allow renovations to an existing residence including a 310sqft addition and a 200sqft deck to accommodate a relocated bedroom and new office space, which is within the 150' wetland regulated area. The property is located in an R-3A zoning district and consists of 5.96 acres. Application is currently in review by the Planning Board.

Previous meeting dates: New Application

Mr. Jeri Barrett, Landscape Architect, Mr. Teo Siguenza, Architect, and Mr. Dan Holt, Engineer, attended the meeting.

Mr. Barrett explained that previously, the boathouse on the property had been rebuilt. The current application was to allow an addition to the existing residence for a family room on the lower floor and a bedroom on the upper floor. A lower area deck was proposed with a balcony above.

Mr. Barrett said that 20 yards of fill will be removed from the property and would be transferred to the adjoining lot at 18 Midway Lane. He mentioned that additional plantings would be added.

Ms. Miller asked if they were changing the number of bedrooms. Mr. Siguenza replied that the 2nd floor has an existing bedroom, and one bedroom will be added. He will sort out the number of bedrooms at the next meeting. The master suite will be relocated to the lower floor. Mr. Dan Holt stated that the Health Department considered a closet an opening, and an opening was not considered a bedroom.

Mr. Marchetti mentioned that the March 12th plan indicated a relocated adsorption area and septic tank. Mr. Holt said they will do the testing, and they presently are not sure if the property requires a new system. He said they will evaluate the system when they open it and will have the results for the next meeting.

Mr. Perry noted that the septic is 100 feet from the wetland. Since it is adjacent to a water body, Health Department approval is necessary.

Mr. Bedford stated that the following issues must be addressed:

1. Verification of the distance of the septic to the wetland
2. Construction sequencing listed on the plan
3. Indication of trees to be removed
4. Construction limit lines, limit of lawn, grade, location of dumpster

Mr. Barrett will submit a planting plan.

Mr. Bedford asked that the septic issue be resolved prior to the next meeting.

Mr. Marchetti stated that a letter from Ms. Gail Edwards, 115-117 S. Bedford Road, had been received. Ms. Taft noted that the letter was addressed to the Planning Board stating their concerns with 10 Midway and 18 Midway Lane, but she had forwarded it to the Commission since they were also reviewing 10 Midway.

Adoption of Minutes from the Meeting of March 11, 2020

Mr. Senatore made a motion to adopt the minutes, and Mr. Marchetti seconded. All members voted in favor.

Adoption of Minutes from the Meeting of May 13, 2020

Ms. Miller made a motion to adopt the minutes, and Mr. Marchetti seconded. All members voted in favor.

Regarding the Cannold application, Mr. Bedford asked that the debris requested to be removed from the property at 15 Colonel Sheldon Road be marked in the field, and an earlier walk of the property be done by the Commission members.

Mr. Bedford made a motion to close the meeting, and Mr. Marchetti seconded. All Commission members voted in favor.

Respectfully submitted,

Karen Taft, Administrator
Water Control Commission