

TREES

Chapter 93

TREES

ARTICLE 1

Tree Preservation

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§ 93-1

## POUND RIDGE CODE

§ 93-2

## ARTICLE 1

## Tree Preservation

[Adopted 1-18-1990 as L.L. No. 1-1990]

**§ 93-1. Findings.**

A.

The Town Board finds it has been established that trees stabilize the soil and control water pollution by preventing soil erosion and flooding, reduce air pollution, provide oxygen, yield advantageous microclimatic effects, temper noise, provide a natural habitat for the wildlife of the Town and further, that unusual, large and old trees, especially protected, specimen and native species, have unique visual, aesthetic and historic values. Indiscriminate removal of trees causes deprivation of these benefits and disrupts the town's ecological systems. It is, therefore, the purpose of this chapter to prevent the indiscriminate or unnecessary destruction of trees within the Town of Pound Ridge.

B.

Since the Tree Code was adopted in 1990, environmental science has identified invasive tree species which are non-native to the local environment and dominate to the exclusion of native and naturalized trees. These invasive tree species have been identified by the New York State Office of Invasive Species (April 13, 2011.)

C.

The Town, furthermore, takes note of the findings of the New York State Environmental-Quality Review Act, among them being the obligation of the Town to serve as a steward of air, water, land and living resources and the obligation to protect the environment for the use of this and further generations. It is the intent of the Town to recognize these responsibilities in part by providing these procedures as well as to preserve the public health and welfare and rural character of the community which is reflected in the woodlands of the Town of Pound Ridge.

**§ 93-2. Definitions.**

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

**TREE**

A living woody plant with an erect perennial trunk six (6) inches or more diameter at breast height (dbh) with a definitely formed crown of foliage.

**CLEAR-CUTTING**

The cutting of more than one half (1/2) of the existing trees in an area of one acre per parcel over the period of five (5) consecutive years.

**DBH (DIAMETER AT BREAST HEIGHT)**

The diameter of a tree measured at a point 4 1/2 feet above the ground measured in inches.

### **INVASIVE TREE SPECIES**

A species of tree that is non native to New York State and whose introduction has been known to cause or is likely to cause economic or environmental harm or harm to human health.

### **PROTECTED TREE**

Any living tree species designated by the New York State ~~Development~~ Department of Environmental Conservation as endangered, threatened, rare or vulnerable in the New York Natural Heritage Program: New York Rare Plant Status List or any living tree species designated by the Town because of its uniqueness or vulnerability in the wild as a result of environmental stress. A list of protected tree species appears in Appendix A.

### **SPECIMEN TREE**

A living woody plant with an erect perennial trunk 24 inches or more dbh, and exclusive of invasive tree species. A list of invasive tree species appears in Appendix B.

### **SUBDIVIDABLE ACREAGE**

Acreage that is two or more times the minimum lot size required within the applicable zoning district (i.e., two or more acres in a one-acre zone, four or more acres in a two-acre zone and six or more acres in a three-acre zone).

### **TREE CUTTING and TREE REMOVAL**

Terms used throughout and interchangeably to mean the destruction of a living tree.

## **§ 93-3. Administration and Enforcement.**

- A.  
The Town Board designates the Building Inspector to administer and enforce this Tree Ordinance.
- B.  
The Building Inspector shall perform the following duties:
- (1)  
Receive and keep accurate records of tree removal permit applications.
  - (2)  
Inspect the trees described in each application.
  - (3)  
Determine the disposition of the application based on the standards for granting permits described in § 93-4C.
  - (4)  
Carry out such other duties as pertains to this Tree Ordinance as may be assigned from time to time by the Town Board.

**§ 93-4. Tree Removal permit**

A. **General regulations.** A tree removal permit will be required before:

- (1) Removing, cutting or causing injury to living trees 6" dbh or greater growing on slopes over ~~twenty-five percent (25%)~~ fifteen percent (15%), including the ridgelines when two rising slopes meet forming a narrow hilltop.
- (2) Removing, cutting or causing injury to any specimen tree 24" dbh or greater or protected tree regardless of size anywhere on the property.
- (3) Removing, cutting or causing injury to any living trees 6" dbh or greater within 25 feet of any property line.
- (4) Removing, cutting or causing injury to living trees 6" dbh or greater growing on designated wetland setbacks (see §93- 4D (4).)
- (5) Clear-cutting.
- (6) On sub-dividable acreage, removing, cutting, or causing injury to living trees 12" dbh or greater anywhere on the property.

B. **Exceptions.** Regulated trees may be removed as may be necessary:

- (1) To maintain Town, County, state or utility right-of-way or to control forest fires by the public agency with appropriate jurisdiction. Two weeks' prior notification of tree removal and highway maintenance activities within the Town roads right-of-way should be given to the Conservation Board.
- (2) If the presence of the tree endangers the public, the person or the property of the owner or of an adjoining owner.
- (3) If the tree is dead.

C. **Standards for the granting of permits.** The granting of a tree removal permit by the Building Inspector shall be based on the following criteria:

- (1) The tree is diseased, is in poor physical condition or is an invasive tree species which threatens the ~~health of other trees~~ environment.
- (2) The proximity of trees to existing or proposed improvements if located:
  - (a)

(b) Within ~~three~~ five feet of a sidewalk, ~~or driveway, or driveway/roadway intersection.~~

(c) Within 10 feet of leaching fields, other leaching devices, dry well, septic tank or other subsurface improvement.

~~(d)~~  
~~Within five feet of a driveway/roadway intersection.~~

~~(e)~~  
Within related residential improvements such as lawns and tennis courts.

(3)

The effect of the removal on the ecological systems, including the erosion potential of the property.

(4)

The effect of removal on the area as determined by accepted tree management practices, such as appropriate thinning to promote proper crown development (see Appendix C), the removal of invasive tree species, and the maintenance or improvement in the mix of age and species of tree.

(5)

The effect of the removal on the property values and aesthetics of the neighborhood.

(6)

The effect of the removal on the solar access of existing or proposed structures on the property.

~~(7)~~

~~The presence of the tree causes hardship~~

#### D. Other permits deemed tree removal permits.

(1)

Where tree removal is proposed in connection with any site plan or subdivision application submitted or to be submitted to the Planning Board for approval, trees shall be removed from the affected property only in conjunction with the final field inspection of the proposed subdivision and right-of-way as stipulated in § A117-33 of the Land Subdivision Regulations.

The Planning Board shall apply the same criteria and procedures set forth herein for tree permits granted by the Building Inspector.

(2)

Commercial District site plans approved by the Planning Board showing trees to be removed and trees to be preserved shall be deemed a tree removal permit for the removal of trees so designated.

(3)

Administrative permit granted under the freshwater wetlands activity permit issued by the Building Inspector shall be deemed a tree removal permit for the removal of trees so designated.

(4) Wetlands activity permit issued by the Water Control Commission shall be deemed a tree removal permit for the removal of trees explicitly designated to be removed on plans approved by the Water Control Commission for which a wetlands activity permit has been issued.

(5)

Logging operations permits granted by the Town Board shall be deemed a tree removal permit.

### § 93-5. Permit Application

A. The applicant shall file three copies of the tree removal permit application with the Building Inspector. The application shall include the following information:

(1)

Name and address of applicant

(2)

Address and Town Tax Map designation of the property on which the tree(s) is/are located.

(3)

Total land area of the parcel and total land area involved in cutting operations.

(4)

The number, size and species of trees to be removed.

(5)

The purpose of the tree removal.

(6)

In the case of site plans and subdivisions, the tree survey shall be submitted to the Planning Board as a part of the site plan or subdivision construction plans. A survey of that section to be disturbed and the adjacent twenty-five-foot perimeter not to be disturbed showing the location of all trees regulated herein to an accuracy of one foot, indicating those trees to be cut and those to be preserved, their species and their diameter.

(7)

Where no subdivision or site plan is involved, the survey requirement may be eliminated and a simple sketch drawn by the applicant may be substituted for Subsection A6 above. This sketch should include the location of the trees requested for removal in relation to the property's benchmarks and other information as may be necessary.

(8)

Any additional information as may be required by the approving agency.

B.

A permit shall be granted or denied within 15 business days after the receipt of all required information.

**§ 93-6. Conditions for granting a permit**

The Building Inspector may, as a condition of granting a permit:

- A.  
Require the reasonable relocation of proposed foundation walls, driveways, surface and subsurface improvements or drainage systems to preserve specific trees.
- B.  
Regulate the days and hours of operation.
- C.  
Require a performance bond to ensure compliance with this Article.
- D.  
Require that each tree approved to be cut or removed has been marked.
- E.  
Require such safeguards and guidelines as appropriate to minimize the environmental impact of such removal operations. When appropriate, requirements may include safeguards and guidelines as recommended in Standard 12 of the Westchester County: Best Management Practices for Construction Activities and/or as recommended by the New York State Department of Environmental Conservation State Forester, environmental consultant, arborist or landscape architect.

**§ 93-7. Fees.**

A tree removal permit application for tree removal shall be accompanied by a fee to be determined by the Town Board and set in the fee schedule, except when the applicant is the Town of Pound Ridge.

**§ 93-8. Penalties for offenses**

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of an offense, which shall be punishable by a fine of not more than ~~two hundred fifty dollars (\$250)~~ five hundred dollars (\$500) for each and every regulated tree removed, cut down or damaged, by a direction of the Building Inspector, directing a violator to replace any trees removed or damaged with native and/or non invasive nursery stock trees, as specified by the Building Inspector in consultation with the Conservation Board and planted within a specified time and with a guarantee that said trees shall be maintained in a healthy living condition for a minimum of two years, or by all of the above. Where such a direction is made, no building permit, certificate of occupancy or certificate of compliance shall be issued until such replacement has been completed.

**§ 93-9. Appeals.**

Any applicant aggrieved or affected by the determination of the Building Inspector shall have the right, within 10 days from the date of action by the Building Inspector to appeal to the Zoning Board of Appeals and shall state the reason for the appeal. The Zoning Board of Appeals shall render a decision on the appeal within 60 days following the close of a public hearing.

## TREES

### APPENDIX A

#### PROTECTED TREES

Protected trees identified as endangered (E), threatened (T), rare (R), or vulnerable in the New York Natural Heritage Programs: New York Rare Plant Status List, February 1989, defined in regulation 6 NYCRR 193.3, New York State Environmental Conservation Law ~ 9-1503 (amended 5-22-1989):

<b>Scientific Name</b>	<b>Common Name</b>
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar (R)
<i>Diospyro virginiana</i>	Persimmon (R)
<i>Gymnocladus dioicus</i>	Kentucky Coffee Tree (R)
<i>Malus glaucesen</i>	American Crab (R)
<i>Pinus enchinata</i>	Shortleaf Pine
<i>Pinus virginiana</i>	Virginia Pine (E)
<i>Populus heterophylla</i>	Swamp Cottonwood (T)
<i>Quercus marilandica</i>	Blackjack Oak (R)
<i>Quercus phellos</i>	Willow Oak (E)

#### Locally designated protected trees:

<b>Scientific Name</b>	<b>Common Name</b>
<i>Castanea dentata</i>	American Chestnut (6 or more inches dbh)
<i>Juglans nigra</i>	Black Walnut (6 or more inches dbh)
<i>Ulmus americana</i>	American Elm (6 or more inches dbh)



# TREES

## APPENDIX B

### INVASIVE TREE SPECIES

Invasive tree species are non-native to New York State and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. The following invasive tree species are identified by the New York Office of Invasive Species (April 13, 2010).

<u>Scientific Name</u>	<u>Common Name</u>
<i>Acer Platanoides</i>	Norway Maple
<i>Acer pseudoplatanus</i>	Sycamore Maple
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Aralia elata</i>	Japanese Angelica Tree
<i>Paulownia tomentosa</i>	Princess Tree
<i>Phellodendron amurense</i> , <i>P. Japonicum</i>	Amur Cork Tree
<i>Robinia pseudoacacia</i>	Black Locust
<i>Vitex rotundiflora</i>	Beech vitex, Roundleaf, Chastetree

## TREES

### APPENDIX C

#### TREE SPACING DETERMINATION

Space between dominant trees can be determined by averaging their dbh and adding six, the resultant being the advisable space in feet. For example, a twelve-inch dbh tree and a twenty-two-inch dbh tree should be 23 feet apart.

Tree A:	12dbh
Tree B:	22dbh
Sum:	34
Average:	$34/2 = 17$
Add	+ 6
Distance Apart:	23 feet

## 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:**

1. 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 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.

*This summary of the Tree Code does not substitute for the complete language of the Code (Town Code, Chapter 93).*

August 23, 2012

BY HAND

Supervisor Gary David Warshauer  
and Members of the Town Board  
Town of Pound Ridge  
The Town House  
179 Westchester Avenue  
Pound Ridge, New York 10576

Re: Request for Acceptance of Final Plans  
The Inn at Pound Ridge  
Premises: 258 Westchester Avenue, Pound Ridge  
Tax Id: Section 21, Block 9816, Lot 50

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Dear Supervisor Warshauer and Members of the Town Board,

On behalf of KKPR, LLC and in connection with its Special Use Permit to operate a restaurant at the above-referenced Premises, we respectfully request placement on the September 13, 2012 Town Board meeting agenda for acceptance of the final plans for the approved restaurant.

As you may recall from our last appearance before the Town Board, KKPR, LLC is eager to launch a first class restaurant in the Pound Ridge community with Jean Georges – one of the world's most famous chefs and restaurateurs. Since the November 2011 Town Board meeting, the KKPR, LLC design team has developed the final detailed plans for the restaurant. As indicated to the Town Board, the plans for the restaurant will comply with all of the conditions set forth in the Special Use Permit approval granted by the Town Board.

Subsequent to the November 2011 Town Board presentation, the KKPR, LLC design team appeared before the Landmarks and Historic District Commission and obtained its approval for the restaurant enhancements on December 13, 2011. For your convenience, a copy of this approval is attached. As noted therein, the Landmarks and Historic District Commission is looking forward to the implementation of KKPR, LLC's enhancements to the existing building and premises.

The KKPR, LLC design team also obtained approval from the Westchester County Department of Health for the replacement of the existing above ground septic system with a new underground septic tank and system designed to accommodate the existing size of the restaurant. Given that the existing septic tank is located at the rear of the building, approximately 40 feet from the patio, the new approved underground septic system is a more suitable system for a restaurant atmosphere. The approved septic system will also incorporate an aerobic treatment system to assist in the treatment process. The Westchester County Department of Health also issued approval for the restaurant kitchen and a copy of this approval is also attached.

The landscaping and architectural enhancements that were presented to the Town Board are detailed in the enclosed final drawings. Some of the highlights of these enhancements include:

- Landscaping along the front of the Premises and the northern and southern property boundaries;
- Repair and update of existing landscaped islands to improve circulation;
- Installation of a wood privacy fence along the southern property boundary for additional screening;
- Relocation of above ground propane tanks to an underground location;
- Replacement in kind of the deck at the rear of the building;
- Modest architectural improvements that include the removal of the existing canopy (which is in disrepair) and the installation of a wood trellis on the eastern side and southern side of the existing restaurant building, and replacement of some existing windows and doors on the right and rear side elevations; and
- Small, low wattage lighting fixtures carefully arranged to provide subtle lighting for the parking areas.

In accordance with the State Building Code, a fire suppression system with underground storage tanks will be installed. As a practical matter, emergency provisions for prolonged power outages consisting of a back-up diesel generator were also designed. The back-up generator is sized to ensure that during a protracted power outage, perishable foods will not spoil. The back-up generator will also allow emergency lighting, the water pump and the septic pump to operate during a power outage. As shown in the enclosed drawings, the back-up generator will be located within the basement of the barn along with the sprinkler system pump and motor.

In accordance with the requirements of the Westchester County Department of Health, the potable water system required upgrading to meet current code requirements. The required chlorination will be provided in a new 10,000 gallon storage tank to be located in the northeast corner of the site. This location was selected to provide the required tank elevation to serve the existing building.

The enclosed final drawings for acceptance include:

Drawings prepared by John Meyer Consulting, PC consisting of:

- SP-1, Existing Conditions Plan, last revised 08/23/2012;
- SP-2, Layout & Landscaping Plan, last revised 08/23/2012; and
- SP-3, Grading & Utilities Plan, dated last revised 08/23/2012.

Drawings prepared by L'Observatoire International consisting of:

- 030 Proposed Exterior Lighting Plan, dated 02/03/2012;
- Photo of Light Fixtures Locations, dated 02/03/2012; and
- Light Fixture Specifications, dated 11/04/2011.

Drawings prepared by Brooks & Falotico consisting of:

Main Building/Restaurant

- 000 Cover Sheet, dated 08/23/2012;
- 100 Lower Level Construction Plan, dated 08/23/2012;
- 100C Lower Level Building Code Plan, dated 08/23/2012;
- 101 First Floor Construction Plan, dated 08/23/2012;
- 101C First Floor Building Code Plan, dated 08/23/2012;
- 102 Second Floor Construction Plan, dated 08/23/2012;
- 102C Second Floor Building Code Plan, dated 08/23/2012;
- 200 Front and Left Side Elevations, dated 08/23/2012;
- 201 Right and Rear Side Elevations, dated 08/23/2012;
- 300 Sections, dated 08/23/2012; and
- 500 Details, dated 08/23/2012.

Barn

- 100 Barn First Floor and Lower Level Plan, dated 08/23/2012;
- 101 Barn Second And Roof Plan, dated 08/23/2012; and
- 500 Barn Details, dated 08/23/2012.

Drawings prepared by DiSalvo Ericson Group consisting of:

Main Building/Restaurant

- S100 General Structural Notes, dated 07/26/2012;
- S101 Foundation, First Floor and Low Roof Framing Plan, dated 07/26/2012;
- S102 Second Floor and Part Roof Framing, dated 07/26/2012;
- S201 Foundation Sections and Details, dated 07/26/2012; and
- S301 Framing Sections and Details, dated 07/26/2012.

Barn

- S100 Foundation and First Floor Framings Plans, dated 07/24/2012;
- S101 Second Floor and Roof Framing Plan, dated 07/24/2012;
- S200 Typical Foundation Details, dated 07/24/2012;
- S210 Foundation Sections, dated 07/24/2012; and
- S300 Typical Steel Framing Details, dated 07/24/2012.

Also included are the septic system and kitchen plan drawings approved by Westchester County Department of Health:

- Septic System approved Drawings, Approved on July 23, 2012, drawings prepared by John Meyer Consulting, PC
- Kitchen Plan approved Drawings, Approved on March 9, 2012, drawings prepared by Commercial Kitchen Design, INC.

The KKPR, LLC design team anticipates submission of the required Building Permit application materials in October. The current schedule includes a fall 2013 restaurant opening.

Thank you for your consideration of this request to be included on the September 13<sup>th</sup> Town Board agenda for acceptance of the final plans. We look forward to the opening of the restaurant so that it can continue to maintain its vital and supportive relationship with the community and be respectful of its neighbors.

Respectfully submitted,

  
Lucia Chiochio

Enclosures

cc: James H. Perry, Building Inspector  
James J. Sullivan, Esq. (w/o enclosures)  
Kathleen and Kenneth Tropin  
Steven Siegelau, Esq. (w/o enclosures)  
Louise Brooks, Brooks & Falotico (w/o enclosures)  
Vincent Falotico, Brooks & Falotico (w/o enclosures)  
Thomas Darmawan, Brooks & Falotico (w/o enclosures)  
Robert Aiello, PE, John Meyer Consulting, PC  
Steven Neff, John Meyer Consulting, PC (w/o enclosures)

## Town of Pound Ridge

Tel.: 914-764-5511  
Fax: 914-764-0107



### 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 November 10, 2011, the Town Board of the Town of Pound Ridge approved the issuance of an amended Special Use Permit to KKKPR, 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:

1. All vehicle parking for the patrons and other invitees of the Applicant shall be confined to the designated parking area located on the Premises.
2. It is anticipated that the Applicant will initially offer dinner seven days per week and brunch on Sundays at the premises. It is anticipated that lunch service will also be offered some time in the future.
3. Kitchen service at the Premise will be available until no later than 11:30 p.m. each day.
4. All dining services will be indoors, and all music or other forms of entertainment will likewise be conducted indoors.
5. The outdoor patio and contiguous lawn and garden areas 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 also 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 1/2 hour after sun down.

Town House 179 Westchester Avenue Pound Ridge, New York 10576-1743

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## Town of Pound Ridge

Tel: 914-764-3511  
Fax: 914-764-0102



6. 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.
7. 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 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.
8. 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.
9. Should the Applicant desire to engage in any other activities not specifically permitted hereby the Applicant may request the Town Board of the Town of Pound Ridge to amend or modify this Special Use Permit.
10. 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.
11. As requested by the Applicant, 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.

By order of the Town Board  
Town of Pound Ridge  
Joanne Pace

KKPR, LLC

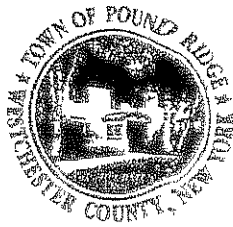
  
by Kenneth Tropin, Member

Jean-Georges of Pound Ridge, LLC

  
by Jean-Georges Vongerichten, Managing Member

# Town of Pound Ridge

Tel.: 914-764-5511  
Fax: 914-764-0102



Clayton Fowler, Chairman  
Andrew Brodnick  
Peter Efremenko  
Judy Kennedy  
Steven Kustner

John Bris  
Sam Mlynar  
Michael Landier, Consultant  
Joseph Barbagallo, Town Engineer  
Joseph Ericiz, Attorney

## PLANNING OFFICE

**TO:** Town of Pound Ridge Town Board  
**FROM:** Town of Pound Ridge Planning Board  
**DATE:** July 30, 2012  
**SUBJECT:** U.S. Summit Co./Eastwoods LLC (Pound Ridge Golf Club)  
Request to Revise Frequency of Groundwater Sampling

At the Planning Board meeting held on July 26, 2012, Board members discussed the request by U.S. Summit Co./Eastwoods LLC to revised the monitoring plan to allow ground water sampling on a quarterly cycle instead of the current monthly cycle during the golf season.

The request was approved by a vote of 5-1 (one member absent). Therefore, the Planning Board recommends to the Town Board that ground water sampling return to monitoring on a quarterly basis, subject to Mr. Barbagallo's successful review of the audit.

Attached are Mr. Barbagallo's comments dated July 23, 2012.

Please put this on the August 2, 2012 Town Board agenda.

**MEMORANDUM**

TO: Town of Pound Ridge Planning Board  
CC: James H. Perry, Town of Pound Ridge, Building Inspector  
FROM: Joseph C. Barbagallo, P.E., BCEE  
DATE: July 23, 2012  
RE: Pound Ridge Golf Club (U.S. Summit/Eastwoods LLC)  
Request for Modification to Sampling Plan

The Pound Ridge Golf Club conducts monthly groundwater sampling between the months of April and November, when the golf course is in use. The monthly sampling interval was required following the Town Board's adoption of Addendum No. 2 to the Pound Ridge Golf Course Monitoring Plan in June of 2009.

We have received the request for the resumption of quarterly groundwater sampling frequency during the golf season by Eastwood's attorney. Prior to the adoption of a reduced sampling frequency, it is necessary for Woodard & Curran to complete an audit of the groundwater operations to verify that the requirements contained within Addendum No. 2 of the Monitoring Plan have been satisfied.

With respect to the Applicant's request and given the scheduling of upcoming Planning Board meetings, we suggest that the Planning Board considers conditional approval of this request, providing that confirmation of required elements by Woodard & Curran in the role as the third party remains a condition of approval. Upon completion of our audit, Woodard & Curran will provide the Planning Board with a memorandum regarding our audit findings.

Please feel free to call me anytime at 914-448-2266 with any questions.

Sincerely,

Joseph C. Barbagallo, P.E., BCEE  
Consulting Town Engineer

LEGGETTE, BRASHEARS & GRAHAM, INC.  
PROFESSIONAL GROUNDWATER AND  
ENVIRONMENTAL ENGINEERING SERVICES

116 CORPORATE PARK DRIVE, SUITE 112  
WHITE PLAINS, NY 10604  
914-694-5711  
FAX 914-694-5744  
www.lbgweb.com

May 2, 2012

Hon. Gary Warshauer, Supervisor  
and Members of the Town Board  
Town of Pound Ridge  
179 Westchester Avenue  
Pound Ridge, NY 10576

RE: Eastwoods LLC/Pound Ridge Golf Club  
Request for Resumption of Sampling  
Frequency Under the Groundwater, Surface  
Water and Stormwater Monitoring Plan

Dear Supervisor Warshauer and Members of the Town Board:

We are the hydrogeologists representing Eastwoods LLC in connection with the water quantity and quality sampling and monitoring program being conducted for the Pound Ridge Golf Club. We are writing concerning the schedule of onsite groundwater sampling that is currently being followed to request that the frequency return to the cycle as originally approved in the Groundwater, Surface Water and Stormwater Monitoring Plan (the "Monitoring Plan") for the Golf Course. At this point in time, that would mean onsite groundwater sampling would be on a quarterly cycle during the golf season.

In June 2009, in response to a release to a stormwater drain in 2008, your Board adopted an Addendum (No. 2) to the Pound Ridge Golf Course Monitoring Plan. The Addendum included additional procedures to be followed in connection with the application of chemicals to the turfgrass on the Course, expanded the compounds for which analysis would be performed in samples taken pursuant to the Monitoring Plan, and increased for two years the frequency of onsite groundwater sampling from quarterly to monthly between April and November (the golf season). The change in sampling frequency was subject to Eastwoods' right to request resumption of the sampling cycle as originally approved, once the Course could show it was operating in accordance with all applicable procedures. Please let us know if you need another copy of the Addendum.

Pursuant to Addendum No. 2, Eastwoods has been conducting groundwater sampling at the Golf Course on a monthly basis for three years, i.e., 2009, 2010 and 2011, and it has been operating the Course in accordance with all established and approved procedures including, without limitation, the new procedures established by Addendum No. 2. For example, Adden-

May 2, 2012

dum No. 2 required the preparation of a Spill Prevention Control and Countermeasures Plan, implementation of pesticide application tracking and control procedures, the use of surface water drain covers on the course during pesticide applications and, expansion of the analytical parameter list to include all parameters identifiable by the analytical methods as opposed to analyzing only those compounds applied by the Course. All of these measures have been implemented and are being followed on an ongoing basis. On its own, the Golf Course also reconfigured the wash down area Carbtrol recycling system to direct stormwater overflows to the irrigation ponds as opposed to the High Ridge Basin.

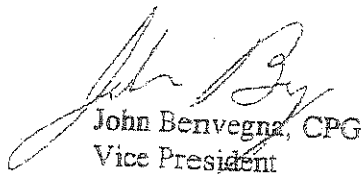
Sampling results for the last several years show continually improving water quality onsite and offsite. Several chemicals that were historically detected are no longer detectable and the concentrations of those that are have been declining or are fluctuating at or near the limits of detection. The analytical results are reported in parts per billion (ppb) and the current detection limits range between 0.1 and 0.5 ppb for a majority of the analyzed compounds.

The Golf Course commenced its 2012 season. For the reasons discussed above, we request that the Town Board modify the Monitoring Plan further to resort back to the originally approved onsite groundwater sampling frequency which, at this point in time, would be quarterly during the golf season.

We maintain a cooperative professional relationship with Woodard & Curran, the Town's third-party monitor, and although we have not appeared before your Board with respect to sampling frequency since 2009, we consult as needed with Woodard & Curran regarding the Golf Course's operations and sampling results. We have discussed this request with Woodard & Curran (Michael van der Heijden, P.E.) and we respectfully request that the Board consult with Mr. van der Heijden about it.

Please schedule this request for discussion at the next Town Board meeting.

Very truly yours,

  
John Benvegna, CPG  
Vice President

JB:dmd

cc: Hon. Clay Fowler, Chairman and Members of the Planning Board  
Michael van der Heijden, P.E.  
Mr. Ken Wang  
Geraldine N. Tortorella, Esq.

## MEMORANDUM



**TO:** Town Planning Board,  
Town Board,  
Jon Powers, Deputy Supervisor

**FROM:** Joseph C. Barbagallo, PE, BCEE  
Michael van der Heijden, LSRP

**DATE:** August 24, 2012

**RE:** Proposed Third Party Monitor Services  
Golf Course Environmental Monitoring Plan - Audit  
Pound Ridge Golf Course – Pound Ridge, NY

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Woodard & Curran is pleased to provide you with this proposed budget for Third Party Monitor Services to complete an operations and management audit of the Pound Ridge Golf Course (the "Golf Course") as it relates to the implementation of the Groundwater, Surface Water, and Storm Water Monitoring Plan ("Monitoring Plan") and Amendments.

### BACKGROUND

At the July 26, 2012 Town of Pound Ridge Planning Board Meeting the Golf Course requested a reduction in sample groundwater sampling frequency. Based on discussion with the Golf Course and the Planning Board, it was determined that the Planning Board would support recommending to the Town Board approval of this request pending the results of an audit of the Golf Course compliance with the Monitoring Plan and Amendments.

### SCOPE OF WORK

Woodard & Curran will audit and inspect the following requirements of the Monitoring Plan and Amendments:

- A. IMPLEMENTATION OF THE SPILL PREVENTION AND COUNTERMEASURE CONTROL PLAN**
  1. **Employee Training** – The SPCC Plan shall also include specific training to be required for all Golf Course employees. The training shall address the proper storage, handling, application, disposal, notification, and response practices as specified in the approved Plan and this Addendum.
  2. **Signage** – Appropriate signs shall be prominently displayed informing employees of the proper storage, handling, application, disposal, notification, and response practices. Signs shall be placed at the Golf Course at any location where chemicals are stored, handled, or disposed.
  3. **Full Cycle Pesticide Tracking and Control** - The Golf Course shall track chemical usage in more detail. Specifically, the Golf Course shall keep records of the location and actual amount of pesticides applied, if there is any pesticide remaining after the application, and the ultimate disposition of the unused pesticide. A manifest system that tracks all materials stored on-site, where and when applied, how much material is left after application, and the final disposal of the material shall be implemented. The Golf Course Superintendent (or other New York State Certified



Pesticide Applicator) is required to sign-off on every step of the storing, mixing, application, and disposal process.

Woodard & Curran will complete a records review and site inspection to verify compliance.

#### **B. COMPLETION OF STORM DRAIN MODIFICATION**

The Plan was amended to include the following storm drain modification:

1. The Golf Course shall cover all surface water drains in the areas where pesticides are actively being applied during the time of application to avoid residual pesticide runoff into surface water bodies. The drain covers shall remain in-place during the period that the pesticides are "watered-in".

Woodard & Curran will complete an onsite inspection during pesticide application to verify compliance.

#### **C. GROUND WATER QUALITY SAMPLING FREQUENCY**

Section 3.2 of the Plan was amended to include monthly ground water quality sampling of the on-site wells (as defined in Section 3.1 of the Plan) for two of the first three years (2009 and 2010) of Golf Course operation. The monthly sampling shall occur for the two-year period between the months of April and November, during which time the turf grass will become more established and the management procedures refined. After the two year period, the sampling frequency will revert to quarterly as specified in the Plan unless the Town, in consultation with the Third Party Auditor, has reason to believe that the Golf Course has not operated in accordance with the approved Plan and associated amendments.

In addition to the increased sample frequency, if a pesticide is detected in on-site ground water, thereby triggering off-site residential sampling, the laboratory turnaround time for the off-site residential samples shall be reduced to the maximum extent possible.

Woodard & Curran will complete a records review to verify compliance.

#### **D. GROUND WATER, SURFACE WATER, AND STORM WATER QUALITY SAMPLING PARAMETERS & PROCEDURES**

Section 3.4.1 of the Plan was amended to expand the list of pesticides to be analyzed to include the full list of all the pesticides that can be identified by the laboratory analytical methods (Underwriters Laboratories analytical methods S150 and L302 or equivalent). All ground water, surface water, and storm water samples collected shall be analyzed for the full laboratory list of pesticides independent of when or if it was used. The remainder of the parameters identified for analysis in Section 3.4.1 shall remain in effect (i.e. pH, temperature, conductivity, nitrate-nitrogen, ammonia-nitrogen, chloride, and total phosphorus).

Woodard & Curran will complete a records review and site inspection during a sampling event to verify compliance. In the event no precipitation event meets the Monitoring Plan thresholds for sampling occurs during the auditing period, Woodard & Curran will rely on inspections all storm water sampling equipment to verify compliance.



**ASSUMPTIONS**

Woodard & Curran assumes the Golf Course will grant access to their grounds and storage facilities for the purposes of site inspection and access to employees for interviews. The Scope of Work is organized so that the Site Inspection and Interviews can be completed during one site visit.

Woodard & Curran will coordinate the date and time of the Site Inspection with the Golf Course to ensure the required records and staff will be available for review/interview.

**PROPOSED BUDGET**

The proposed budget for proposed work is \$5,000.



Woodard & Curran recommends implementing this proposed scope of work and budget immediately upon your approval. Woodard & Curran will complete this work under the Terms & Conditions of the Master Service Agreement provided to the Town of Pound Ridge.

If you have any questions or require further information, please contact us at 914.448.2266.

**CLOSURE**

In WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized agents as of the date indicated below.

**AUTHORIZATION BY:**

<b>WOODARD &amp; CURRAN</b>		<b>TOWN OF POUND RIDGE</b>	
			
	8/24/2012		
Signature	Date	Signature	Date
Joseph C. Barbagallo, PE, BCEE		Gary D. Warshauer	
Name		Name	
Senior Vice President		Supervisor	
Title		Title	