

**Town of Pound Ridge
Water Control Commission Minutes
Wednesday, March 10, 2021**

Attendees:

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

Advisors: John Loveless, Counsel
Jim Perry, Building Inspector

Conservation Board: Ellen Grogan
Andrew Karpowich

Staff: Christeen Dur, Administrator

The meeting began at 7pm and it was noted that it is being recorded.

Mr. Bill Bedford introduced the Board Members and explained the process of the meeting. Each applicant presents their application and plans. The Commission members will ask questions and anyone attending the meeting is welcome to ask questions as well.

**Dr. Luciano Tuluca
70 Parkview Road South
Block 10047, Lot 3**

Application for a permit to install a 10' wide x 48' long x 4' deep lap pool in the rear yard, and install a <30" high retaining wall, which is within 150' wetland regulated area. The proposed lap pool will predominately be surrounded by grass with only a small area of new paving.

Zoning District: R-2A, Area: 2.104 New Application

Dr. Tuluca introduced his architect, Louise Grigg. Ms. Grigg reviewed the plans for the steel shell lap pool and retaining wall. She explained that adding such a pool and wall will improve erosion control, reduce the slope and will be surrounded by grass. Mr. Bedford asked her to explain the scope of work, show construction access, and changes to the grade of the land. Ms. Grigg explained that there will not be any demolition, no tree removal and the deck will remain the same. She added that they will be cutting some of the grade, carting away any excess soil and using concrete pour and fill. Ms. Grigg described that an existing buried propane tank will be used and pool equipment will be in a fenced in enclosure. Dr. Tuluca explained that the propane tank is currently used for the stove and generator.

Mr. Bedford explained that all information needs to be detailed on the drawing since it is the drawing that is being approved. The drawing must include information about the scope of work, materials used and how the soil and pool water will be removed. Mr. Bedford noted that the Board has no objection to the project but they need more information on the plans to move forward at the next meeting.

Mr. Mo Koyfman
24 Midway Lane
Block 9452, Lot 10

Application for a permit to install a generator and a 40sf concrete pad, which is within 150' wetland regulated area. The proposed generator will be located near the driveway adjacent to other utilities such as the electric meter and electric vault.

Zoning District: R-3A, Area: 9.795 New Application

Mr. Glenn Ticehurst, landscape architect, reviewed the plans for the generator and concrete pad that were updated since their first submission on deadline day to include the propane tanks that will be used for the generator and a new transfer switch. Mrs. Dür confirmed that the revised plans were shared with the Board earlier in the day. Mrs. Miller noted that an oak tree will need to be protected. Mr. Ticehurst confirmed that the oak tree will be fenced in. Mr. Marchetti asked about the soil and how will the tanks be anchored. Mr. Ticehurst explained that the tanks will be anchored on concrete slabs and can be moved away from the oak tree and its roots. Mr. Bedford asked that updated plans be submitted with the following: more specifics describing the work and its sequence, dimensions added, a fence added around the oak tree and details about how the soil will be removed and details about the concrete pad, propane tanks and concrete washout.

Ms. Miller made a motion to approve under the condition that updated plans are submitted with the notations discussed and reviewed by Mr. Perry, with a bond of \$1,000, Mr. Sears seconded the motion, all members voted in favor.

Be it hereby resolved that the application by Mr. Mo Koyfman, 24 Midway Lane, Block 9452, Lot 10, for a permit to install a generator, a 40sf concrete slab and propane tanks, which is within the 150' wetland regulated area is approved under the condition that updated plans with the notations discussed are submitted, reviewed and approved by Mr. Perry.

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 \$1,000 shall be required to ensure 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 averse 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.

Mr. Nicholas Haines
141 Old Church Lane
Block 9827, Lot 31

Application for a permit for a 2nd floor family room addition, a stairwell addition, a front door roof and terrace expansion, which is within 150' wetland regulated area.

Zoning District: R-3A, Area: 5.394 New Application

Mr. Jeri Barrett, architect, reviewed the plans for the proposed work for the home to create a better flow and functionality for the homeowners. He described enclosing the porch to create a family room, the 2nd floor addition, a new staircase and a small roof over the front door. Mr. Barrett continued that they will be changing the filter for the pool for an old sand filter that requires backwash and switch to a cartridge system. He discussed mitigation plantings and how they are over coverage due to the driveway, pool and tennis court. Mr. Barrett noted that this application is also being presented at the next Planning Board meeting. Mr. Siguenza, architect, joined the meeting and clarified that with this proposed work the home is actually going down from 7 bedrooms to 6 bedrooms. He explained that they are expanding on top of the existing footprint by enclosing the existing porch and adding a wood deck with stone piers where water can drain properly.

Mr. Bedford noted that the application has good information and they have found a solution with their plantings to separate the lawn and water. Mr. Bedford asked them to add a specific list of the scope of the work for each area of the building.

Mr. Bedford made a motion to approve the interior work, under the condition that updated plans are submitted with a more specific list of the scope of the work and is also subject to Planning Board approval, with a bond of \$3,000, Mr. Sears seconded the motion, all members voted in favor.

Be it hereby resolved that the application by Mr. Nicholas Haines for a permit for a 2nd floor family room addition, a stairwell addition, a front door roof and terrace expansion, which is within the 150' wetland regulated area is approved for interior work only under the condition that updated plans with the notations discussed are submitted and is also subject to Planning Board approval.

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 \$3,000 shall be required to ensure 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 averse 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.

**Ms. Abby Simpson, Simpson Subdivision
115 Barnegat Road
Block 9457, Lot 5**

Application for Preliminary and Final Subdivision approval splitting 6.739 acres into 2 lot; lot 1 consisting of 3.230 acres and existing 1 story frame residence and lot 2 consisting of 3.509 acres, which is within 150' wetland regulated area.

Zoning District: R-3A, Area: 6.739 New Application

Mr. Bedford explained that the Board will listen to the applicant's presentation and will ask questions and then recognized that neighbors in attendance will be given an opportunity to comment. He noted that the Planning Board will be the lead agency for this application and that 3 letters from concerned neighbors were submitted to the Board. Mr. Dave Sessions, architect, provided a detailed review of the plan to split 1 lot into 2, that

this application does not include any proposal for development and that the wetland area was flagged in November. Mr. Sessions described that the area does not include a brook, there is no standing water and the land is fairly level. The goal of the homeowner is to simply to subdivide the land and sell lot 2. As part of the subdivision process, Mr. Sessions had to create a theoretical plan with a septic for the health department. This application is not to develop a driveway or house. It will be up to a future owner to apply for any development on the proposed lot 2. Mr. Sessions described the theoretical stormwater treatment areas and theoretical tree removal for future development.

Mr. Sessions explained that he has presented to the Planning Board and spoken with the Town's engineer to prepare for the next Planning Board meeting on March 25. Mr. Bedford explained that it is the Water Control Commission's role to make a recommendation to the Planning Board regarding the Subdivision application. Mr. Perry confirmed that no permits will be issued for this application. Mr. Bedford discussed that this lot was added and approved as part of the Dann Farm Subdivision 25 years ago.

Mr. Bedford open the floor to neighbors to comment. Mr. Gus Felix, a neighbor, discussed the conditions that came with ownership in their neighborhood and the collective responsibility to their neighbors. He expressed his concern about the large number of trees and 2 stone walls that he believed were to be removed. Mr. Felix listened to the Planning Board meeting and noted that this application could just be the nose of the camel. Mr. Sessions confirmed that this application is not for any development and that no trees or stone walls will be removed. The scenario shared in this application for 44 trees to be removed is theoretical. Mr. Bedford explained that Pound Ridge was one of the first in the State of NY to establish a wetland setback to limit activity and protect the wetlands. He continued that every lot is allowed access to a road. Mr. Bedford explained that the Water Control Commission's jurisdiction is to protect the wetland not to determine how the lot is to be divided. Mr. Shawn Regan, a neighbor, acknowledged the relationship between the Water Control Commission and the Planning Board. He asked the Board for their help in slowing down the process, allow for more study to be done, noted that it should not be rushed since the goal is to sell the land and that this application can not be endorsed due to the long driveway. Mr. Regan went on to read from a document that was part of a study done by Wesley Stout Associates that notes that this area of wetland area is different than any other area and is called Wetland #8. Mr. Regan questioned the validity of the wetland map on the application and said 115 Barnegat is a key path for abundant wildlife. Mr. Regan believes that this is a self-created burden as the Simpsons and O'Neills, now owned by the Dorgans, convinced Bayswater to give them a portion of land to connect to Dann Farm Road. He went on to refer to the Minutes from 1996 that a common driveway easement will be required.

Mr. Bedford explained that the Board has the same concerns and noted that he remembers when Dann Farm was created. The Board agreed that they will review the application carefully, more study is needed and will conduct another site walk to get more information on the wetland area. Mr. Bedford clarified that although the Board is concerned about habitat that their area of authorization is about wetlands. Mr. Sessions clarified that the area is a high functioning wetland with no drainage into the road. He went on to remind the Board and neighbors that the lot will be sold. Mr. Bedford noted that if the lot is

subdivided that any owner has the right to access their land and the development presented is theoretical.

Ms. Emily Konrad, neighbor, said that there is standing water there and is by the road. She referred to documents from when Dann Farm Road was created and that the wetlands go to the property line. Mr. Sessions asked to review what document she was referring to about the final subdivision plat. Mr. Bedford explained that more consideration and review is needed since he cannot remember a time when a driveway is not allowed. Mr. Sessions added that per the Planning Board Chair that a driveway from Barnegat Road is not an option and due to the only possible area for any future septic that any future driveway would have to be from Dann Farm Road. Mr. Bedford explained that he will notify the Planning Board that the Water Control Commission is reviewing this application and will let the Planning Board know their comments based on another site walk and research. Mr. Bedford acknowledged that the applicant wants to sell this Spring but the Water Control Commission will take its time to review the application. Mr. Bill Dorgan, a direct neighbor to the applicant, expressed his concerns about preserving the wetlands, about his own property value, and that any future driveway would be closer to his property and overall concern about the right to access. He noted that he has a steep driveway with no problems each winter.

Mr. Bedford acknowledged all the neighbors' concerns, said there will be another site walk next week and more research will be done by the Water Control Commission before the next meeting. Mrs. Dür asked Mr. Regan and Ms. Konrad to send her the documents they referenced to be share with the Water Control Commission and Planning Boards.

Mr. Regan, asked if the neighbors could attend the next site walk. Mr. Perry responded that the Planning Board has the written permission to walk the property based on their application submission to the Town but there are trespass issues for the public to attend the site walks. Mr. Bedford confirmed that nothing will happen outside of the public meetings and the site walks are for gathering information only.

Bond Releases:

Barden Enterprises, Inc.

134 Brook Farm Road East, Block 9816, Lot 123

Request for the release of Bond #2004-16 in the amount of \$1,000 for improvements to the property. Conditions of the wetland permit have been completed and inspection of work was satisfactory.

Melanie Bloom

39 Fox Hill Road, Block 9031, Lot 137

Request for the release of Bond #2004-18 in the amount of \$500 for improvements to the property. Conditions of the wetland permit have been completed and inspection of work was satisfactory.

Mrs. Miller made a motion to release both bonds, Mr. Sears seconded the motion. All members voted in favor.

Adoption of Minutes from the Meeting on February 10, 2021.

Mrs. Miller made a motion to adopt the Minutes from February 10, and Mr. Sears seconded. All members voted in favor.

The next Water Control Commission meeting will be held on Wednesday, April 14, 2021 at 7pm.

Mr. Bedford adjourned the meeting at 9:20pm.

Respectfully submitted,


Christeen CB Dür