

**Town of Pound Ridge
Water Control Commission Minutes
Wednesday, April 14, 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

Administrator: Christeen CB Dür

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

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

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

Mr. Bill Bedford introduced the Board Members and explained the process of the meeting. Each applicant presents their application and plans. The Board 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, Previous Meeting: 03/10/21, Site Walk: 03/10/21

Ms. Grigg, engineer, presented the updated plans that incorporated the Board Members' comments from the last meeting and noted that no changes have been made to the design. She reviewed the materials being used to build the proposed pool and answered questions from the Board. As a result of the discussion, Ms. Grigg will update the special project notes to include descriptions of the concrete washout, spoil from pool excavation, and winterization processes. She will also show the pipe from the pool to the drywell on the plans. Mr. Bedford noted the conservation easement adjacent to the property. Mr.

Bedford explained that the conservation easement area is not to be maintained or mowed and be respected just like the existing stone walls. Ms. Grigg will also add a note that no fertilizer and/or pesticides shall be used in the conservation easement. The Board will look into the original subdivision plan to review the conservation easement. Mr. Perry explained that if the owner is in violation of the conservation easement then a permit can not be issued for this or any application. Mr. Sears asked if the original subdivision map can be reviewed. Mr. Loveless said the map and deed can be reviewed to determine if there is a violation but the Board can address this application as is and review it as a separate issue from the conservation easement. Mr. Bedford explained that the Board does not have any further issues with the pool application as they were appropriately addressed. He added that the conservation easement must be respected and he will look into it with Mr. Perry.

Mr. Bedford made a motion to approve the application for the pool and a 30" retaining wall, with a bond of \$4,000, Ms. Miller seconded the motion, all members voted in favor.

Be it hereby resolved that the application by Dr. Luciano Tuluca, 70 Parkview Road South, Block 10047, Lot 3 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 activity is within the 150' wetland regulated area is approved under the condition that the pipe from the pool to the drywell be added and special project notes discussed are updated on the plans, 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 \$4,000 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

Previous Meeting: 03/10/21

Site Walks: 03/10/21, 03/12/21, 03/15/21

Mr. Bedford explained the Water Control Commission's role in this application is to review it as it pertains to any wetland issues according to Pound Ridge Town Code and advise the Planning Board as lead agency. The jurisdiction of the Water Control Commission is the wetlands area greater than a ¼ acre and the minimum activity setback of 150'. Mr. Bedford explained since the last meeting, the Board walked the site again on March 12 and March 15. He described his observations of some standing water near Dann Farm Road at the northern property line during one visit but that the water does seep into the ground. Mr. Bedford asked Mr. Sessions, engineer, to bring the Commission members up to date and review the revised plans. Mr. Sessions explained he has been to the site many times and after the rain the water does seep into the ground and evaporate. Mr. Sessions reviewed the notes added to the plans per the Town Engineer's memo and

clarified that he is the one who conducted the wetland survey. Mr. Sessions reminded the Board Members and neighbors present that the driveway on the plans is theoretical and shown to demonstrate that a driveway is possible for subdivision approval.

Mr. Bedford invited the neighbors present to speak. Ms. Konrad, 103 Dann Farm Road, expressed her concern about the driveway going through the wetland buffer and protecting it from runoff. Mr. Sessions said the theoretical driveway is as far away from the wetland area as possible any future development plan would have to include a stormwater prevention plan. Mr. Bedford acknowledged he does not see any significant changes that can be made to the theoretical driveway in the future for an actual driveway. Ms. Heaton, 101 Dann Farm Road, asked if there is any alternate driveway or shared driveway plan. Mr. Bedford explained that it would be under the Planning Board's jurisdiction to require such plans but not under the Water Control Commission's jurisdiction.

Mr. Bedford reminded everyone that it's the Water Control Commission's responsibility to make a recommendation to the Planning Board, asked the Board Members if they had any questions and discussed the process to determine a recommendation.

The Water Control Commission has three major concerns when evaluating and implementing wetlands law: Does the proposed application do any of the following?

1. Reduce the size of wetland area,
2. Change the flow of the water and effect the hydrology,
3. Create pollution or change water quality.

Mr. Bedford suggested the following as the recommendation to the Planning Board:

The theoretical driveway in the application does not go through the wetlands and the closest to the wetlands is at the driveway turn which is about 60'-70' away. The Water Control Commission is not approving the theoretical design submitted by Kellard Sessions but has determined that a driveway is possible in the proposed lot 2 with mitigation. The Water Control Commission believes that an application for a driveway could be approved with the following:

- 1. A minimum disturbance to grading and tree removal.**
- 2. Drainage is controlled on site.**
- 3. Replacement plantings be required.**
- 4. Suggest a Conservation Easement with a driveway right-of-way be established that includes the property northeast of the 119 Barnegat Road Lot plus a 20' buffer strip along the property line with the open space lot.**

Ms. Goggin, Samuel Dann Way resident, asked Mr. Bedford to explain more about the decision-making process. Mr. Bedford explained that the recommendation will include the requirement that the drainage from this or any driveway be controlled as it is typically required on any application and he does believe it is feasible to control drainage. Mr. Sessions added that there are several storm water treatment options for any future development.

Mr. Veith, Simpson's attorney, asked for more details about the conservation easement with driveway right-of-way requirement being suggested and how could the driveway be used safely if such an easement is required. Mr. Bedford explained that the Commission does not want the area to be cleared and made grass and that there are driveways through wooded areas.

Mr. Bedford made a motion to approve the recommendation described above to be sent to the Planning Board, Ms. Miller seconded the motion. All Board Members voted in favor.

The Planning Board will review the Water Control Commission's recommendation on the Simpson Subdivision application on April 22, 2021.

The next Water Control Commission meeting will be held on Wednesday, May 12, 2021 at 7pm via Zoom.

Mr. Bedford adjourned the meeting at 8:53pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Christeen CB Dür". The signature is written in black ink and is positioned above the printed name.

Christeen CB Dür



TO: Michele Rudolph, AIA, Board Chair
Planning Board

FROM: Bill Bedford, Board Chair
Christeen CB Dür, Administrator
Water Control Commission

DATE: April 19, 2021

SUBJECT: 115 Barnegat Road, Block 9457, Lot 5
Simpson Subdivision
Owner: Abby Simpson

The Water Control Commission has reviewed the Simpson Subdivision application that is currently before the Planning Board as lead agency.

The Water Control Commission has three major concerns when evaluating and implementing wetlands law: Does the proposed application do any of the following?

1. Reduce the size of wetland area
2. Change the flow of the water and effect the hydrology
3. Create pollution or change water quality

The theoretical driveway in the application does not go through the wetlands and the closest to the wetlands is at the driveway turn which is about 60'-70' away. The Water Control Commission is not approving the theoretical design submitted by Kellard Sessions but has determined that a driveway is possible in the proposed lot 2 with mitigation. The Water Control Commission believes that an application for a driveway could be approved with the following:

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3. Replacement plantings be required.
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