

# MINUTES

## Richmond Conservation Commission

Tuesday February 11 ,2020 at 7PM. Richmond Town Hall 1529 State Road

---

### Call to order and Introductions

- Adam Weinberg, Vice- Chair called the meeting to order at 7:10PM.
- Mr. Weinberg made this statement:

**Notice:** This meeting will be recorded by the Richmond ConCom (1) and if any other person will be recording this meeting, they are to notify the committee at this time.

- Commission members present: Dan Scorpa, John Scorpa (associate member) Shep Evans (associate member and agent), Adam Weinberg Vice-Chair, Bob Dahlen, Pat Seckler
- Commission members absent: Nick Martinelli, Ron Veillette
- Applicants and Others Present: Claudia Ryan (recording secretary), Brent White (White Engineering) and,  
Mary Lee and Steven Ledbetter

1. Review & approval of the minutes from the January 14<sup>th</sup>, 2020 meeting.
  - a. Mr. Weinberg asked if there were any comments concerning the previously distributed minutes. There were none. Mr. Weinberg made a motion to accept the minutes, Mr. Dan Scorpa seconded it and it passed unanimously
2. Notices of Intent (New/Continued/Extensions):

**2b. Notice of Intent (DEP File # 271-0212) from White Engineering, Inc. on behalf of Steven & Mary Lee Ledbetter, property at 1110 Lenox Road, Map 408 Lot 118. The proposed work consists of construction of a new driveway in the Buffer Zone of an Intermittent Stream replacing a steep driveway. Continued from January 14, 2020.**

2b1. Brent White (White Engineering) spoke on behalf of Mr. & Mrs. Ledbetter. Mr. White handed out a letter to the Commission detailing what they proposed to do and explaining why they will be unable to change the plan. Mr. Veillette at the previous hearing had requested a change in the original plans for relocating the parking area closer to the common driveway along the existing driveway alignment and having the owners enter the house through the basement level. It was determined by both the engineers and the homeowners that this would not be possible. A copy of the letter is attached to these minutes.

There was some discussion about the types of trees and shrubs that will be planted, 10 trees 1 inch in diameter and 4-5 ft. tall in total will be planted (5 Gray Birch and 5 Northern Red Oaks). There will be 40 native species shrubs planted, these shrubs will be 3 to 4 ft. in height. Mr. Weinberg suggested instead of high bush blueberry they plant low bush blueberry. This type is better for holding the soil on a steep slope and spread over the ground. Mr. Weinberg also reminded Mr. White that it is very important that they provide water for the shrubs especially in their first year since the hillside they will be planted on is away from the stream. Mr. Weinberg also asked about the tree stumps, whether they plan on leaving them or totally removing the stumps. Mr. White stated that they plan on leaving as many as possible, only removing the ones that are necessary for the driveway and parking area. Leaving the stumps would cost them less and provide for better soil retention. Mr. Evans explained to the Commission that trees which are planted are expected to have a 90% survival rate over 5 years and shrubs a 75% survival rate over 5 years. These numbers are inferred when issuing a Standard Order of Conditions.

Mr. Weinberg asked about the material that was being excavated, would it be stored on the property or hauled off as excavated. Mr. White stated that it would be hauled off as excavated and that if there is going to be material stored on the premises it would be tarped and covered. Mr. Weinberg asked about the water- spreaders that will be installed. Mr. White stated that last month's discussion covered that issue. He stated that there will be 5 spreaders placed along the driveway so that the water will be spread over the entire area not just diverted to one area.

# MINUTES

Richmond Conservation Commission

Tuesday February 11 ,2020 at 7PM. Richmond Town Hall 1529 State Road

The Commission said that they vote on a standard list conditions but also there would add a list of Special Conditions that needed to be fulfilled prior to a Certificate of Completion. These would include:

1. A secondary straw bale barrier be placed on the stream side of the driveway from the 1.75 ft pint to the 2.3 ft point on the curve. To prevent silt from going into the stream.
2. Leave as many stumps as possible
3. Use of low bush blueberry shrubs
4. Planting of 10 native trees and 40 native shrubs

Mr. Dan Scorpa made a motion to issue a positive Order with Standard Conditions and with the Special Conditions. It was seconded by Mr. Dahlen and passed unanimously.

Mr. White asked about a partial Certificate of Compliance once everything but the 5 years for the trees and shrubs has been completed. Mr. Evans stated that a partial Certificate of Compliance can be issued.

**2a. Notice of Intent (DEP File # 271-0213) from White Engineering, Inc. on behalf of TCB Nominee Trust, property at 2089 State Road, Map 408 Lot54. The proposed work consists of site improvements in a buffer Zone including barn reconstruction, invasive plant species removal, driveway grading and stormwater management. Continued from January 14, 2020**

Mr. Evans stated that the applicants had shrunk their plans from the original NOI request.

Mr. White (White Engineering) spoke on behalf of the applicants. He explained that there had been an old barn on the property and that it was destroyed last year during a storm. The applicants had wanted to rebuild the building but with an increase in the footprint of the original building. They received a letter from DEP explaining that they could not do this since it would involve having storm water standards come into effect. There is a well on the property that is considered a public water source.

Mr. White explained that since DEP has rejected the expansion of the building the applicants now want to rebuild in the original footprint which by law they are entitled to do. They also would like to make improvements to the driveway and parking lot which would not affect storm water management. It was stated that the storm water management from the new building will be the same as the previous building.

The applicants would also like to remove the invasive plant species that are growing on the property and replace them with native shrubs. It was mentioned that they would speak with their neighbors about the removal of the invasive species from their property also so that they would not creep back onto the applicant's property.

Mr. Dan Scorpa asked about the boulders and was told that the only heavy equipment that would be used would be for moving of the boulders. All the removal of the invasive species work will be done with handheld equipment and by a certified invasive species professional. Mr. Weinberg asked Mr. Evans what type of method is usually used to eradicate knotweed and he was told that a clip & drip method is what is used most often. It usually is done every year until it no longer returns. Mr. Evans said the exact method should be left up to the professionals.

Mr. Dan Scorpa asked about the size and types of shrubs to be planted. Mr. White stated that they would be 3 to 4 ft. tall but the exact types has not yet been determined.

Mr. Seckler made a motion to approve the NOI it was seconded by Mr. Dan Scorpa and passed unanimously.

### 3. Requests for Determination of Applicability:

- a. Request for determination of Applicability: None

4. Certificate of Compliance requests: None

MINUTES

Richmond Conservation Commission

Tuesday February 11 ,2020 at 7PM. Richmond Town Hall 1529 State Road

**5. Discussion of Violation and/or Enforcement Actions, Superseding Orders, Etc.:**

a. Enforcement Order dated 11-27-2019 issued to Susan Poritzky c/o Sandy Poritzky 321 North Highland Avenue, Ossining, NY 10562. Violation at #9 Boat Lane, Map101 Lot 164. Counter signatures of the Commission required.

Mr. Evans told the Commission that they needed to counter sign the Order. He passed it out for them to sign.

b. Extension of Order of Conditions (DEP File # 271-0182) From John O' Brien. A second 3year extension on work at O'Brien family cottage at 200 Branch Farm Road. Originally permitted in 2013 and extended once for 3 years. Mr. Seckler asked if the Commission can extend indefinitely and Mr. Evans stated there was no limit but that the Commission can tell the applicant that there is a good possibility that they might not give another extension. Mr. Dan Scorpa made a motion to extend the Order, Mr. Weinberg seconded it passed unanimously.

**6. Special Permits, Variance or Appeals Recommendations: None**

**7. Open NOI/OOC's & RDAs: Status and Action Items: None**

**8. Inquiries to ConCom about future/ possible applications: None**

**9. Richmond Pond Association: MTG Attendance Report.** Mr. John Scorpa stated that they association is not holding any meetings at this time of year.

**10. Discussion of OSRP action Items: None**

**11. Conservation Fund Discussions: None**

**12. ConCom Bylaw and Process Update Discussions: None**

**13. Citizen Speak Time: None**

**14. Other discussions including items not reasonably anticipated prior to Agenda posting:**

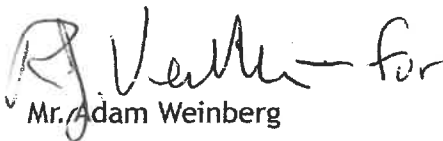
Mr. Evans said he issued a stop work enforcement order on East Road, the Potash property, for cutting trees in the Scenic Mountain area without a permit. The owner had told the loggers that he had gotten a permit. He told them that they needed to submit a plan for both cutting and replanting of the property to the Commission.

Mr. Evans told the Commission that he sent a letter to a cottage owner on Branch Farm Road explaining that the Commission does not create a plan that the applicant must hire a licensed professional to prepare for NOI.

**15. Adjournment.** At 8:10 Mr. Dahlen made a motion to adjourn the meeting. It was seconded by Mr. Weinberg and passed unanimously.

Next Meeting: 3-10-2020  
Requested By: 2-19-2020

New Filings

  
Mr. Adam Weinberg

Date

5/12/20

**MINUTES**

**Richmond Conservation Commission**

**Tuesday February 11 ,2020 at 7PM. Richmond Town Hall 1529 State Road**

---

-----  
Vice-Chair