

CONSERVATION ADVISORY COUNCIL
Meeting Minutes
Tuesday, May 20, 2014
Delancey Hall

Members Present: **Lori Tripoli, Co-Chair**
 Pam Pooley, Co-Chair
 Nancy Welo
 Alan Towers

Also Present: **Janice Will, Secretary**

Lori Tripoli opened the meeting, suggesting the CAC put off discussing noise regulation until Alan Towers arrived.

Approval of April 22 meeting minutes: all in favor.

Planning to meet with Joe Bridges/development of Best Management Practices re invasive species removal from wetlands

Ms. Tripoli stated that she called Dr. Bridges to ask what his fee is, and learned that it is \$125/hour. Ms. Tripoli thought the CAC would have to ask Dr. Bridges to come for at least an hour. She commented that it would be ideal if they could see him when he is coming to the area for another reason, as it would help with the expense of travel time. She said the CAC would need to request funding from the Town, so they should come up with a ballpark estimate of what will be needed. Ms. Tripoli also spoke to Will Agresta at MDRA, who suggested a 1 hour meeting and phone-call follow-up, so it seemed like they should expect to need funds for at least 2 hours of Dr. Bridges' time.

Nancy Welo said it would be helpful to prepare questions in advance of the meeting with Dr. Bridges.

Pam Pooley hoped that if the CAC meets with Dr. Bridges during the day, the secretary might be available to take notes at the meeting. She added that it might be helpful to e-mail some questions to Dr. Bridges in advance of the actual meeting.

Ms. Welo commented that it will be important to watch the time and keep on point during the meeting.

Ms. Tripoli stated that Cynthia Curtis, Planning Board Chairperson, suggested the CAC develop Best Management Practices for removal of invasive species from wetlands. Everyone received a copy of the BMP for bridle trails, and they agreed it was a good model.

Ms. Pooley asked if Ms. Curtis should attend the meeting with Dr. Bridges.

Ms. Tripoli thought perhaps they could meet with Ms. Curtis in June for help on how to go about producing the BMP, see Dr. Bridges in July, and aim to produce a paper by September.

It was agreed that this was a good plan.

Ms. Tripoli asked if they should request funds now and how much the others thought they should ask for.

Ms. Welo pointed out that bringing the proposal to the attention of Supervisor Warren Lucas now would alert him to their hope of tying the CAC meeting into another reason for Joe Bridges to come to North Salem that the Supervisor might be aware of.

It was agreed to ask for \$250 for 2 hours of Dr. Bridges' time.

Ms. Welo remarked that Dr. Bridges will be helpful with the Best Management Practices.

Ms. Tripoli said she will e-mail the Supervisor, explaining that the funding is being requested for 2 hours of Joe Bridges' time so he can help them with the BMP in general and with specific focus on removal of invasive species.

Ms. Pooley wondered if their efforts would overlap with the bridle trails BMP, but Ms. Welo said the bridle trails people focus on safety and not invasives.

Ms. Pooley commented that the woods around the bridle trails are filled with barberry and multiflora rose, both of which are invasives. She added that she has posted photos of both on the Facebook page.

The group discussed the problems of invasive plants/need for education.

It was agreed to invite Cynthia Curtis to the June 17 CAC meeting.

Other meetings attended

Ms. Tripoli stated that she attended a recent Planning Board meeting and hoped to go again on May 21. She admitted that having missed several meetings, she has lost the thread of some application discussions. She noted that some agenda items were also not of particular interest to the CAC.

Alan Towers arrived at this point in the meeting.

Hawley Woods

Ms. Tripoli said the Planning Board was requesting further information before going further with the hearing of the application. She stated that the CAC did receive a memo from Joe Bridges and Will Agresta about this application, detailing their comments on information received so far.

Ms. Welo noted that if not all the information is in yet, the CAC may still comment.

Ms. Pooley remarked that if Dr. Bridges is following the Hawley Woods application, the CAC need not worry too much unless they are simply interested.

Ms. Welo said she would like to see his comments, and Ms. Tripoli told her the e-mailed memo went out on May 5.

Ms. Tripoli said she will leave the application on the CAC agenda for the time being.

Bloomerside balloon test

No one knew whether or not this test has actually occurred. It will remain on the agenda.

Highgate/Woodlands

Ms. Tripoli said she thought there was nothing new on this application.

Mr. Towers said he had heard that the plan is being scaled back, but he could not say for certain.

The Commons at Purdys

Nothing new at present.

Fuelco Food Marts

No one knew whether or not this project is still being considered.

ELLA request for update on NS CAC activities

Ms. Tripoli said she attended a meeting of Environmental Leadership in the past, and now she and Ms. Pooley have received a request for information for a database of CAC's that ELLA is putting together. She thought they would let them know about the Facebook page, work on removal of invasive species, Best Management Practices, review of noise regulation and tree removal in town, and field inspections with Joe Bridges.

Everyone agreed with Ms. Tripoli's list, and Ms. Pooley offered to respond to ELLA.

Other: meeting dates

Mr. Towers has been experiencing difficulty with the 5 pm. meeting time on Tuesdays, so the CAC discussed changing the day of the week. It was agreed to hold future meetings on the third Monday of the month at 5 pm. Ms. Pooley will invite Cynthia Curtis to the CAC meeting on June 16.

Regulation of Noise

Ms. Tripoli explained that Mr. Towers asked her to read Chapter 250-58 of the Zoning Ordinance to ascertain whether it applies to contractors. She also looked at other chapters of the Town Code re enforcement/Building Inspector's authority (92-15) and

complaints (92-12). Ms. Tripoli said the Building Inspector has the authority to suspend a building permit if provisions of the permit are violated.

Mr. Towers asked if this applies only to construction. He said he became confused when he read the section entitled Performance Standards (Chapter 250-58).

Ms. Tripoli said Standards has to do with compliance with permits/the Code.

Re Mr. Towers' question about whether this section applies only to construction/not to residential activity, Ms. Welo said it would apply to anything requiring a permit from the Building Department.

Mr. Towers said it seemed it would not apply to parties, etc.

Ms. Tripoli wondered what would cover the horse shows at Old Salem Farm, etc.

The secretary explained that there are conditions in Old Salem Farm's Special Permit that pertain to noise, lighting, etc.

Mr. Towers said that since there is no residential noise ordinance or standard, you don't need a permit to parade around on your property.

Ms. Tripoli said she did not know how the horse show conditions are managed.

Mr. Towers said maybe the big horse shows require some other kind of permit that merits enforcement.

Ms. Welo thought they would need a permit for parking at the school, and they also use the North Salem Police to manage traffic.

The secretary said neither of these would have anything to do with the Building Department. She also said the Building Inspector also acts as the Fire Marshall and spends a fair amount of time at Old Salem Farm during the shows.

Ms. Tripoli said she had thought Mr. Towers' original question was about to whom the Ordinance applies; the property-owner is definitely subject to the law, but the Building Inspector may pursue anyone who violates requirements of the law (contractors, etc. in the employ of the property-owner for example). She said it seemed a bit discretionary, and she was not sure who would be responsible to pay any fine incurred (the property-owner or the contractor).

Mr. Towers said that, given the current breadth of the noise ordinance exemption, the Building Inspector would presumably only be called about a violation that occurs before 8 am or after dark.

Ms. Pooley asked if the CAC would suggest something to the Town about noise or not.

Mr. Towers said he would like to hear what the others thought.

Ms. Welo remembered saying in the past that she would like a restriction on fuel-powered tools if work is going to be allowed to start earlier than 8 am.

Mr. Towers asked about restricting early deliveries also, but Ms. Welo said she is not bothered by that so much/it can be hard for big trucks to manoeuver/make deliveries during busier times of the day.

Ms. Tripoli said she had been of the impression that the CAC was not going to recommend anything about noise.

Going over the April meeting minutes, Mr. Towers said that exemptions for construction and grounds-maintenance make existing noise regulations useless except for construction on Sundays in other towns/grounds-keeping is not restricted at all. Mr. Towers noted that a lot of towns trim the Saturday hours for construction to an hour later in the morning and an hour earlier in the afternoon. He agreed that residential/party-type noise could be handled by a call to the Police – or to the offending neighbor first. He said he does not think North Salem needs a law to maintain residential quiet.

Ms. Pooley commented that the CAC had seemed not to want to come off in a bad light, either.

Ms. Tripoli concurred, adding that she does not think there is really a big problem.

Ms. Welo thought they had tabled the idea of recommending anything.

Mr. Towers read from the April minutes that he thought the lack of restriction on Sundays for construction noise should be addressed.

Ms. Welo said they could write a recommendation/memo to the Town about limiting the hours/ days, but they don't want to seem frivolous.

Ms. Tripoli said she just did not think there was enough construction going on to worry about it. She said there are also reasons for leniency; for example, her neighbor's roof was leaking, she needed it fixed immediately, and another neighbor is doing the work.

Mr. Towers agreed that an emergency would be different, but he thought non-emergency construction could be limited to 6 days a week.

Ms. Tripoli said you could get into an argument about what constitutes an emergency.

Ms. Pooley said she felt that the CAC should be geared more toward development practices and environmental issues (not that noise is not an environmental issue), and as a small group should not look to spread themselves too thin.

Mr. Towers said he has always wanted to recommend some restriction of construction noise.

Ms. Welo recommended a memo to the Town Board, after which they would leave it up to the Town Board to follow through.

Ms. Tripoli reiterated that she does not feel there is really a problem.

Mr. Towers disagreed, adding that the Building Inspector feels there is a problem. He said he believes people hire someone to do work on Sundays who is moon-lighting/works cheaper, and it spoils the quiet of a Sunday afternoon spent outdoors for others.

Ms. Tripoli said the opposite of Mr. Towers' take on it is that people of modest means with smaller houses will only ever have small construction projects, which big contractors won't even take on.

Ms. Pooley said sometimes a good/big crew will work on a Sunday because it is the only time they have available/not for economic reasons.

Mr. Towers said he feels a basic civil courtesy is missing if people aren't prevented from disturbing their neighbors one day a week. He added that recommending such a limitation would not be because other towns do it, but there is a reason those other towns do it.

Ms. Pooley thought it was worth mentioning that North Salem is the only town that doesn't limit the number of days.

Ms. Welo thought equilibrium between Towns would be good; otherwise, construction crews would come to know that they can always work on Sundays in North Salem.

Mr. Towers said he thinks it is also an issue for the Building Inspector, because he gets calls from people and has to tell them that he can't help.

Ms. Welo stated that they should write a memo to the Town Board, saying they have researched the issue and want to fall in with the prevailing standard of noise ordinances that restrict construction to Monday through Saturday.

Mr. Towers thought it was also important to state that such a restriction is in keeping with the rural character of the Town. He added that if no power equipment is to be used, he has no objection to work being done. Mr. Towers said he does not think prohibiting construction noise on Sundays is onerous, and it would only apply to construction and not to lawn-mowing which would be unenforceable.

Ms. Welo and Ms. Pooley both said they would go along with such a recommendation.

Ms. Tripoli said she would abstain/she was neither for nor against the idea. She does not think construction noise is a big problem, and feels such a recommendation is detrimental to the economic vitality of contractors.

Mr. Towers was satisfied with 3 members in favor and one abstaining. He expressed his dismay when, after the Comprehensive Plan Committee put a lot of work into a proposed noise ordinance, the Town Board essentially ignored it. He said he will draft something and reminded the others that in addition to no construction noise at all on Sundays, the Building Inspector also recommended specific weekday hours of 7 am to 6 pm and shorter/also specific hours of 8 am to 5 pm on Saturday. Mr. Towers asked the others if they wanted to include these recommendations as well.

Ms. Welo and Ms. Pooley said they did.

Tree Ordinance

Mr. Towers stated that Ms. Tripoli said she would not want to do anything that could be an element in litigation, and he agreed/was glad to get an attorney's perspective. He thought they should mainly stay away from the issue and felt there were 2 options. They could include with the noise ordinance memo a non-confrontational query about the trees recently removed from the property on June Road (discussed in April) and possible dysfunction in the enforcement process which serves as an incentive for people to evade the existing law. Mr. Towers said he could not find an example of anyone truly paying a serious penalty for removing trees without a permit.

Mr. Towers said a second option would be to ask the Planning Board to explain the policy, history and enforcement of the tree ordinance. Mr. Towers said he would like to hear what Ms. Curtis has to say about the June Road property and also one on Hardscrabble that a neighboring property-owner is now litigating over due to the minimal remediation after more than 100 trees were removed. He added that he thought the CAC had not been called re tree-cutting permits because no one has applied for one.

Ms. Tripoli pointed out that Cynthia Curtis will be at the CAC's June meeting anyway, so they could speak to her about the issue then.

Everyone said they preferred to keep the tree-removal issue separate from the noise recommendation and informal.

Ms. Pooley was especially interested in talking to Ms. Curtis about the tree ordinance now that she knows the CAC is meant to be consulted re tree-cutting permits.

The possibility that the trees on the June Road property were diseased/could be removed without a permit was discussed.

The secretary explained that the Building Inspector will go and look to ascertain that the trees in question are diseased, and then he will allow the property-owner to remove the trees (no permit).

Ms. Pooley said you can also get an opinion/report from an arborist to give to the Building Inspector.

Mr. Towers said he thinks the law is good, but he wants to know that it is being respected and enforced.

Ms. Welo pointed out that they are not an enforcement agency or even an approval agency as they are a council and not a board, and Ms. Pooley added that she would just as soon see the CAC referral removed from the Ordinance (*Chapter 189*).

Mr. Towers said the way the law reads, the CAC must make a site inspection before a permit will be issued. He asked if Ms. Pooley was sure she wanted the CAC referral taken out of the Ordinance.

Ms. Tripoli stated that even 2 arborists will not always have the same opinion about the health/condition of trees, so she didn't see how valuable an opinion from the CAC would be. She wondered if the CAC was merely supposed to review paperwork.

It was commented that it is not easy to change the law.

Ms. Tripoli said she had looked at the Pound Ridge and Bedford tree laws. She noted that although the Pound Ridge ordinance is stricter, it seems there are also more trees removed in Pound Ridge, perhaps due to more development. She said her point was that development/building new houses (including putting in lawns) comes with permission to remove trees.

It was understood that this is true in North Salem also, but one may not just clear-cut trees at will.

(Unable to use the Internet to show the others the other Towns' laws, Ms. Tripoli said she will e-mail the Town Supervisor to ask for access to WiFi.)

Mr. Towers reiterated his opinion that the problem with the North Salem tree ordinance is lack of enforcement.

Ms. Pooley said she will mention the issue in an e-mail to Cynthia Curtis.

Outreach/Facebook page

Ms. Tripoli said she posted a link to the Town Code and will try to contribute more specific info re legal-aspects of things.

Ms. Welo said knowledge of these laws has value in terms of long-term safety and happiness of residents.

Mr. Towers said he thinks the line of inquiry the CAC is currently developing may raise eyebrows, but he is not concerned.

Ms. Tripoli said it reasonably within the scope of their mission to have an opinion about the noise ordinance, for example.

Other

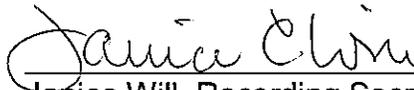
Ms. Pooley said she would like to see a fifth member appointed to the CAC, adding that someone interviewed for the vacancy months ago but she hasn't heard anything more. She remarked that the well-qualified person came forward after reading about the CAC in the Town newsletter, which was encouraging. Ms. Pooley asked if an update could be mentioned in the e-mail to the Supervisor about funding for a meeting with Joe Bridges.

Mr. Towers said he wanted to clarify that they agree they cannot apply their noise recommendation to landscaping/grounds-keeping, much as he would like to.

Everyone agreed.

The meeting was adjourned at approximately 6:15 pm.

Respectfully submitted,



Janice Will, Recording Secretary