

Bedford Wetlands Control Commission

425 Cherry Street
Bedford Hills, NY 10507
2nd Floor Conference Room

AGENDA
September 8, 2014
8:00 P.M.

Announcements:

8:00 – 8:05 PM - Submission Deadlines
 - Site Walk Date

Permit Reinstatement and Time Extension:

8:05 – 8:10 PM Proposed Amendment No. 2 to Resolution No. 12/27
 (approved 8/6/12; expired 8/6/13) Amended by
 Resolution 13/19 (approved on 7/1/1; expired on
 8/6/14). Request received 7/23/14 with Late Request
 Fee.
 Construction of House Additions and Terrace
 Section 84.5 Block 1 Lot 14, R-4A Zone
 535 Guard Hill Road, Bedford
 Owners/Applicants: **Samuel and Katherine Terry**

Conference:

8:10 – 8:40 PM Construction of Single-Family Residences with
 Associated Driveway Access,
 Septic, Well and Drainage Facilities:
 Section 94.5 Block 1 Lot 7, R-4A Zone
 270 Sarles Street, Bedford
 Owner/Applicant: **270 Sarles Realty, L.L.C.**
 Section 94.5 Block 1 Lot 6, R-4A Zone
 278 Sarles Street, Bedford
 Owner/Applicant: **278 Sarles Realty, L.L.C.**

Reports:

- 8:40 – 8:45 PM A - Status of Violations/Enforcement Actions
 B - Town Wetland Official (Beth Evans) Monthly Report:
 Administrative Permits
 C – Resolution Tracking Record

Discussion:

- 8:45 – 9:05 PM Follow-up Discussion and Request for Unanimous
 Consent on Legislative Changes and
 Recommendations to the Town Board

Minutes to be Approved:

- June 2, 2014

Please Note: Attendees scheduled for **8:30** or later are requested to
arrive one-half hour before scheduled time.

Supporting documentation for all items on this agenda is available at the Town of Bedford website. (www.bedfordny.gov) – Enter - Town Meetings – Meeting Agenda) Larger documents and plans are available at the office of the Wetlands Commission.

Town Of Bedford - Wetlands Control Commission

Original WCC Permit Resolution No.: 12/27 Approved: 8/6/12 Expires: 8/6/13

Application for:

XXX Reinstatement (Late Request fee of \$100 is required)

XXX Time Extension (Extension request must be submitted not less than 60 days prior to the expiration date of the resolution being extended, otherwise, a Late Request Fee of \$100 is required.)

Amendment to Approved Plan (of Original Resolution) (9 sets of revised documents are required.)

Office use only: All checks payable to "Town of Bedford"

A) \$100 Late Request Fee received on 7/23/14 Ck. # 208 dated 7/16/14 from: Samuel + Katherine Terry

B) Escrow Account #702 Balance as of 7/16/14 = \$12.50 (\$200 Minimum Required)

\$ 187.50 Escrow Fee received on 7/23/14 Ck. # 209 dated 7/16/14 from:



1. Identification of Owner(s):

Name(s) of Current Owner(s): Samuel and Katherine Terry

Mailing Address: 535 Guard Hill Road, Bedford, New York 10506

Phone: _____ (home) _____ (work); Fax: _____ E-Mail: _____

Name of Owner(s) of Property at Time of Original Approval (If different than current owner): _____

(In the case of a change of ownership, a copy of the deed is to be provided evidencing the applicant's ownership of the property.)

2. Identification of Applicant (if other than Owner(s)):

Name of Applicant: _____

Address: _____

Phone: _____ (home) _____ (work); Fax: _____ E-Mail: _____

3. Identification of Property:

Bedford Tax Map Designation: Section 84.5 Block 1 Lot 14 Area _____

Zoning District: R-4A Project Address: 535 Guard Hill Road, Bedford

Approximate year of construction of any structure: _____

4. Project Description (as listed in the original resolution): Construction of House Additions and Terrace

5. (a) Reason(s) for Reinstatement/Time Extension Request: Project not yet commenced.

(b) Length of Time Extension Requested: one year

6. Proposed Amendment to Approved Plan:

7. Proposed Project Start Date: _____

8. History of Amendments to the Original Resolution: (Reinstatement/Time Extension/Amendment to Approved Plan)

Res. No. 13/19 Am. # 1 Approved on: 07/01/13 Expiration Date: 08/06/14

Type of Amendment: Time Extension

Res. No. / / Am. # Approved on: / / Expiration Date: / /

Type of Amendment: _____

Res. No. / / Am. # Approved on: / / Expiration Date: / /

Type of Amendment: _____

9. Conditions of Original Resolution To Be Met Prior to Issuance of Building Permit:

Condition No: Description: _____ Date Completed: / /

10. Condition(s) – if any – added to Amendments to Original Resolution:

Condition No: Res. / / Approved: / / Description: _____ Date Completed: / /

Condition No: Res. / / Approved: / / Description: _____ Date Completed: / /

11. Declarations:

The owner(s) hereby give(s) permission to the Town of Bedford, its agents, servants and employees, including, without limit, members of the Wetlands Control Commission and consultants to the Town to enter upon the Property solely for the purposes incidental to the within application (including without limit, inspection of the project after completion) at reasonable times upon reasonable notice to the owner or tenant in possession, which notice may be by telephone. If the applicant is different than the owner(s), the owner(s) hereby approves this application and consents to the applicant acting as agent for the owner in submitting this application and the applicant accepts its designation as agent for the owner(s).

Reinstatement and/or Time Extension Only: By signing below, the owner(s) hereby certifies that there have been no changes in the plans which the Commission approved under the original resolution.

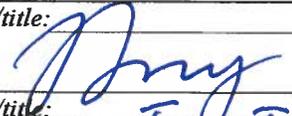
12. Signatures:

Signature of owner(s): 
All owners must sign _____
Print name/title: KATE TERRY

Date: 2/16/14

Print name/title: _____

Date: _____

Signature of applicant (if different): 
Print name/title: Tom Terry

Date: _____

**WETLANDS CONTROL COMMISSION
Town of Bedford
Westchester County, New York
WCC PERMIT RESOLUTION NO. 13/19
Amendment No. 1 to Resolution No. 12/27
Time Extension
Construction of House Addition and Terrace**

Samuel and Katherine Terry

WHEREAS, Samuel and Katherine Terry (collectively, the "Applicant") submitted an Application for Time Extension dated 5/17/13 and received 5/20/13, for an extension of the permit (the "Permit") heretofore granted by the Wetlands Control Commission (the "Commission") of the Town of Bedford (the "Town"), County of Westchester, State of New York; and

WHEREAS, the Applicant proposes to perform certain work (the "Project") at the Applicant's property (the "Property") commonly known as 535 Guard Hill Road, Bedford Town of Bedford, County of Westchester, State of New York, which Property is more particularly described in the Applicant's deed; and

WHEREAS, the Project consists of the construction of house additions and a terrace; and

WHEREAS, the Property is designated on the Town's Tax Maps as Section 84.5, Block 1, Lot 14 and is located in an R-4A zone; and

WHEREAS, all or a portion of the Project is located in Wetlands and/or Wetland/Watercourse Buffer (the "Protected Area"), as such terms are defined in the Town's Freshwater Wetlands Law (as may be amended from time to time, the "Law"); and the Project constitutes a regulated activity under the Law which requires a permit from the Town's Wetlands Control Commission (the "Commission"); and

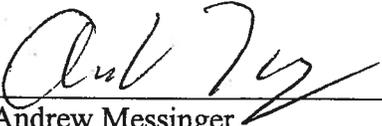
WHEREAS, the Commission adopted its Resolution No. 12/27 (the "Prior Resolution") on 8/6/12 (with expiration date of 8/6/13) which granted the Permit to allow the Applicant to carry out the Project subject to the conditions set forth in the Prior Resolution; and

WHEREAS, the Extension Request was received within the deadline provided under the Law, which is not less than sixty days prior to the expiration of the Permit which the Commission granted to the Applicant initially under the Prior Resolution; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby grants the Time Extension Request until 8/6/14, subject to the following conditions:

1. All conditions of Resolution No. 12/27 shall be met.
2. No work or other activities shall be performed other than those permitted under the Permit.
3. No revisions shall be made in the plan for the work to be performed under the Permit without prior approval of the Commission.
4. A plan for the mitigation plantings on the west side of the barn shall be submitted to and approved by the Town Environmental Consultant prior to the issuance of a Certificate of Occupancy or Certificate of Compliance by the Building Department.
5. The mitigation plantings shall be installed during the fall of 2013 and inspected and approved by the Town Environmental Consultant prior to the issuance of a Certificate of Occupancy or Certificate of Compliance by the Building Department.
6. No dumpsters, portable toilets or construction equipment are to be placed or parked within the regulated area without the prior written approval of the Town Environmental Consultant. The placement of these shall comply with the existing regulations.
7. Prior to the commencement of the Project and when erosion and sediment controls have been installed in accordance with the New York Guidelines for Urban Erosion and Sediment Control, the Applicant shall notify the Commission at (914) 666-5140 to arrange an inspection of such controls. There shall be no work commenced on the Project unless and until the Town Environmental Consultant or the Town Director of Planning has approved such controls.
8. The Project shall be carried out in accordance with the approved Plan, in accordance with the Prior Resolution.
9. Promptly upon completion of the Project, the Applicant shall notify the Commission to arrange an inspection of the Project, including conditions as may be set forth in this Resolution. No certificate of occupancy or certificate of compliance shall be issued unless and until the Town Environmental Consultant or the Town Director of Planning determines that the Project has been completed in compliance with the conditions of the Resolution.
10. The permit granted under this Resolution shall expire on the completion of the Project or on 8/6/14, whichever occurs sooner. An application for the renewal of the Permit must be received not less than sixty (60) days before the expiration of the Permit.
11. Pursuant to Section 122-9I of the Law, the Applicant shall be responsible for obtaining the approvals or permits required by any other agencies prior to commencement of the Project.
12. Pursuant to Section 122-9K of the Law, the Applicant shall reimburse the Town for the costs of any inspection, review or work performed by the Town Environmental Consultant and any other consultants in connection with the application and the Project.

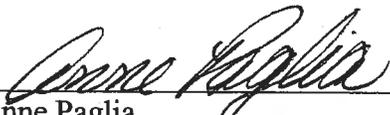
The Commission at its 7/1/13 meeting approved this Resolution No. 13/19, as Amendment No. 1 to Resolution No. 12/27, by the unanimous vote of the following members: Andrew Messinger, Carol Parker, Fiona Mitchell, Don B. Scott and John Stockbridge.



Andrew Messinger
Chairman

Dated as of July 1, 2013

The foregoing is certified to be a true copy of the Resolution of the Wetlands Control Commission of the Town of Bedford and was filed in the Office of the Clerk of the Town of Bedford on 7/30/2013.



Anne Paglia
Wetlands Commission Secretary

WETLANDS CONTROL COMMISSION
Town of Bedford
Westchester County, New York
WCC PERMIT RESOLUTION NO. 12/27
Construction of House Additions and Terrace

Samuel and Katherine Terry

WHEREAS, Samuel and Katherine Terry (collectively, the “Applicant”) propose to perform certain work (the “Project”) at the Applicant’s property (the “Property”) commonly known as 535 Guard Hill Road, Bedford, Town of Bedford (the “Town”), County of Westchester, State of New York, which Property is more particularly described in the Applicant’s deed; and

WHEREAS, the Project consists of the construction of house additions and a terrace; and

WHEREAS, the Property is designated on the Town’s Tax Maps as Section 84.5, Block 1, Lot 14 and is located in an R-4A zone; and

WHEREAS, all or a portion of the Project is located in Wetlands and/or Wetland/Watercourse Buffer (the “Protected Area”), as such terms are defined in the Town’s Freshwater Wetlands Law (as may be amended from time to time, the “Law”); and the Project constitutes a regulated activity under the Law which requires a permit from the Town’s Wetlands Control Commission (the “Commission”); and

WHEREAS, the Applicant submitted an application (the “Application”) to the Commission for a permit (the “Permit”) to carry out the Project; and

WHEREAS, the Project is depicted on a site plan (the “Plan”) titled “Existing Conditions Plan” and “Wetlands Permit Plan,” prepared by Kellard Sessions Consulting (the “Applicant’s Consultant”), dated 7/6/12, in accordance with the recommendations of the Commission and Beth Evans, the Town Environmental Consultant; and

WHEREAS, the Applicant also submitted the following items with the Application:

- (1) Short Environmental Assessment Form;
- (2) Lawyers Title Insurance Corporation Title Policy No. A75-2039664, dated 5/21/04, with respect to the Property;
- (3) The Applicant’s deed to the Property, dated 5/21/04, from Michael H. Adair to Samuel Thomas Terry, Jr. and Katherine Klemmer Terry; and
- (4) Wetlands Report, prepared by the Applicant’s Consultant, dated July, 2012;

WHEREAS, the Commission and the Town Environmental Consultant conducted a site inspection (the "Site Inspection") of the Project and the Property on 7/19/12; and

WHEREAS, the Town Environmental Consultant submitted to the Commission her verbal recommendations (the "Consultant's Recommendations") to the effect that subject to the conditions of this Resolution, the Project will not result in any adverse impact on the Protected Area; and

WHEREAS, the Commission at its meeting on 8/6/12, further reviewed the Application, the Consultant's Recommendations and such further information as may have been submitted to it; and

WHEREAS, on the record before it, the Commission has determined and found that:

1. Pursuant to Section 122-9 D of Law, the Applicant has demonstrated that the Project, subject to the conditions set forth in this Resolution, is not adverse to the general health, safety, or economic and general welfare of the residents of the Town or its neighboring communities, that it will not degrade the environment nor result in any of the adverse impacts stated in Section 122-2 of the Law and that the Applicant will otherwise suffer undue hardship if a permit is not issued.
2. Subject to the conditions set forth in this Resolution, the Project is consistent with the policy of the Law to preserve, protect, and conserve wetlands and the benefits they provide, to prevent the despoliation and destruction of wetlands and to regulate the development of such wetlands in order to secure the natural benefits of wetlands consistent with the general welfare and beneficial economic, social, and agricultural development of the Town.
3. The Project, subject to the conditions set forth in this Resolution, is consistent with the land use regulations governing wetlands applicable in the Town.
4. The Project, subject to the conditions set forth in this Resolution, is compatible with the public health and welfare.
5. The Project, subject to the conditions set forth in this Resolution, minimizes degradation to or loss of any part of the wetland or its adjacent area and minimizes any adverse impacts on the functions and benefits, which said wetland provides.

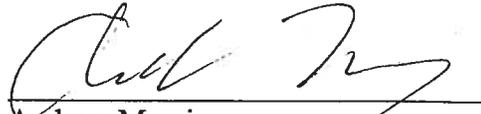
WHEREAS, the Commission further has determined that the Project, subject to the conditions set forth in this Resolution, would not have a significant effect on the environment as defined in the New York State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby issues a negative declaration pursuant to SEQRA.

BE IT FURTHER RESOLVED that the Commission hereby grants the Permit, for one year from the date of the approval of this resolution subject to the following conditions:

1. A plan for the mitigation plantings on the west side of the barn shall be submitted to and approved by the Town Environmental Consultant prior to the issuance of a Certificate of Occupancy or Certificate of Compliance by the Building Department.
2. The mitigation plantings shall be installed during the fall of 2012 and inspected and approved by the Town Environmental Consultant prior to the issuance of a Certificate of Occupancy or Certificate of Compliance by the Building Department.
3. Prior to the commencement of the Project and when erosion and sediment controls have been installed in accordance with the New York Guidelines for Urban Erosion and Sediment Control, the Applicant shall notify the Commission at (914) 666-5140 to arrange an inspection of such controls. There shall be no work commenced on the Project unless and until the Town Environmental Consultant or the Town Director of Planning has approved such controls.
4. The Project shall be carried out in accordance with the approved Plan.
5. Promptly upon completion of the Project, the Applicant shall notify the Commission to arrange an inspection of the Project, including conditions as may be set forth in this Resolution. No certificate of occupancy or certificate of compliance shall be issued unless and until the Town Environmental Consultant has inspected the Project and has determined that the Project has been completed in compliance with the conditions of the Resolution.
6. The Permit granted under this Resolution shall expire on the completion of the Project or on 8/6/13, whichever occurs sooner. An application for the renewal of the Permit must be received not less than sixty (60) days before the expiration of the Permit.
7. Pursuant to Section 122-9I of the Law, the Applicant shall be responsible for obtaining the approvals or permits required by any other agencies prior to commencement of the Project.
8. Pursuant to Section 122-9K of the Law, the Applicant shall reimburse the Town for the costs of any inspection, review or work performed by the Town Environmental Consultant and any other consultants in connection with the application and the Project.

The Commission approved this Resolution No. 12/27 at its 8/6/12 meeting by the unanimous vote of the following members: Andrew Messinger, Don B. Scott and John Stockbridge.



Andrew Messinger
Chairman

Dated as of August 6, 2012

The foregoing is certified to be a true copy of a Resolution of the Wetlands Control Commission of the Town of Bedford and was filed in the Office of the Clerk of the Town of Bedford on 9/7/2012.



Arne Paglia
Wetlands Commission Secretary

SHAMBERG MARWELL HOLLIS ANDREYCAK & LAIDLAW, P.C.

ATTORNEYS AT LAW

55 SMITH AVENUE
MOUNT KISCO, NEW YORK 10549
(914) 666 - 5600

August 13, 2014

VIA HAND DELIVERY

Hon. Andrew Messinger, Chairman
and Members of the Town of Bedford
Wetlands Control Commission
Town House
425 Cherry Street
Bedford Hills, NY 10507



Re: *Wetlands Permit Applications:*
(1) *270 Sarles Realty, LLC*
Section 94.05, Block 1, Lot 7, R-4A Zone
270 Sarles Street, Bedford
(2) *278 Sarles Realty, LLC*
Section 94.05, Block 1, Lot 6, R-4A Zone
278 Sarles Street, Bedford

Dear Chairman Messinger and Members of the Bedford Wetlands Control Commission:

As your Commission is aware, our Firm represents 270 Sarles Realty, LLC and 278 Sarles Realty, LLC with regard to their applications for Wetlands Permits for their parcels of real property located at 270 Sarles Street and 278 Sarles Street, respectively (the "Applications").

We have requested that these ongoing applications be placed on the agenda for your Commission's September 8, 2014 meeting, and look forward to discussing the status of these applications with you at that time.

We note however that, as part of this ongoing application, our client will now be seeking a fence permit in order to fence the two properties against trespassers and deer. We include for your review nine (9) copies of the following:

- (1) Fence Permit Applications, dated August 13, 2014.
- (2) Proposed Fencing Permit Plans for the parcels at 270 Sarles and 278 Sarles, prepared by our client's engineering consultant Naderman Land Planning and Engineering, P.C.

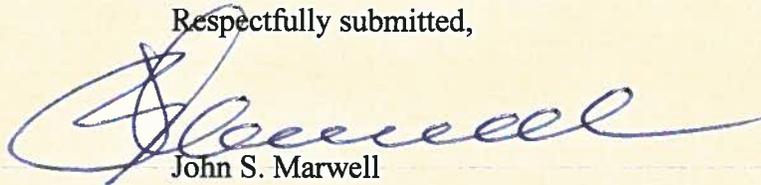
SHAMBERG MARWELL HOLLIS ANDREYCAK & LAIDLAW, P.C.

Hon. Andrew Messinger, Chairman
and Members of the Town of Bedford
Wetlands Control Commission
August 13, 2014
Page 2

- (3) Wetlands Impact Analysis for each parcel prepared by William Kenny Associates,
dated August 6, 2014.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Marwell", written over a horizontal dashed line.

John S. Marwell

JSM:tt
Enclosures

c: Barry G. Naderman, P.E. (via email)
William L. Kenny CPWS, ASLA (via email)

Permit # _____

TOWN OF BEDFORD FENCE PERMIT APPLICATION

Article I, Section 125-3 Definitions
Article III, Section 125-15

Property Owner: 278 Sarles Realty, LLC c/o Shamborg Marwell Hollis Andreycaak & Laidlaw, P.C.

Property Address: 278 Sarles Street

Telephone Number: 914-666-5600 Email: _____

Section: 94.05 Block: 1 Lot: 6 Zoning Dist: R-4A

Fence Installer: To Be Determined

Telephone Number: _____

Type of Fence: Black vinyl chain link fence with bottom rail 6" above grade.

Height of Fence: 6' Front yard Height 6' Side yard Height 6' Rear yard

All fencing within 20' of property lines shall be limited to 4' in height

****Please include a copy of the property survey highlighting the location of the fence.**

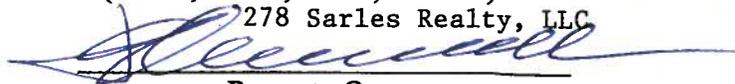
I have read the Fence Ordinance in the Town of Bedford Zoning Code and submit this application in conformity with its provisions.

I hereby certify that the above statements are correct and true, to the best of my knowledge and belief.

My position with respect to this application is that of: Authorized Agent

(owner, tenant, lessee, installer)

278 Sarles Realty, LLC



Applicant

Property Owner
By: John S. Marwell

DO NOT WRITE BELOW THIS LINE – FOR OFFICE USE ONLY

Approved: _____

Disapproved: _____

Survey

Reason: _____

Fee: _____

Date: _____

Building Inspector and/or
Code Enforcement Officer



August 6, 2014

Wetlands Control Commission
Bedford Town House
321 Bedford Road
Bedford Hills, NY 10507



WILLIAM KENNY
ASSOCIATES LLC

SOIL SCIENCE
ECOLOGICAL SERVICES
LAND USE PLANNING
LANDSCAPE ARCHITECTURE

Re: Wetland Impact Assessment
Proposed Fence
278 Sarles Street, Bedford, NY

Dear Commission Members:

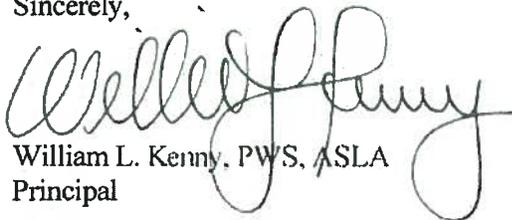
The Applicant and Owner (278 Sarles Realty, LLC) is proposing to install fencing along the southern and eastern boundaries of its property at 278 Sarles Street. I am familiar with the onsite wetlands and with the fencing installation proposal and find that the proposed fencing will not degrade the environment nor will it be adverse to the general health, safety or economic and general welfare of the residents of Bedford or neighboring communities. The fencing will not adversely affect the wetlands or watercourses or the regulated buffers to these areas and the wetland functions and the benefits that they provide will be maintained.

Myself and other wetland scientists from William Kenny Associates and related professionals have visited the site and have studied the site wetlands on numerous occasions beginning in November 2005. The methods and results of our studies were provided to the BWCC beginning in August 2008. The scope and location of the proposed fencing is shown on the drawing prepared by Naderman Land Planning and Engineering, P.C., titled *Proposed Fencing Permit Plan*, and dated May 5, 2014.

The proposed fence is designed and will be installed and maintained in accordance with the BWCC *Guidelines for Fences* that was adopted on January 11, 2007 and is attached for your reference. As such, I find that the fencing will not adversely impact the wetlands or watercourses or the regulated buffers to these areas and the wetland functions and the benefits that they provide will be maintained.

Please do not hesitate to contact me if you should have any questions or comments regarding my assessment and determination.

Sincerely,



William L. Kenny, PWS, ASLA
Principal

Enclosure

Ref. No. 795

195 TUNNIS HILL ROAD
FAIRFIELD, CT 06825
PHONE: 203 366 0588
FAX: 203 366 0067
www.wkassociates.net

Chapter 122. WETLANDS

[HISTORY: Adopted by the Town Board of the Town of Bedford 8-20-1991. Former Ch. 122, Wetlands, adopted 2-20-1973, as amended, was repealed 8-20-1991 by L.L. No. 3-1991. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 53.

Flood damage prevention — See Ch. 62.

Subdivision of land — See Ch. 107.

Zoning — See Ch. 125.

§ 122-1. Title; purpose.

This legislative action shall be known as the "Freshwater Wetlands Law of the Town of Bedford." The intent of this chapter is to promote the health and welfare of the citizens of Bedford by preserving and protecting the wetlands of the Town through careful regulation and control so that they may continue in their natural functions and to protect property from damages caused by flooding and other losses due to wetland destruction.

§ 122-2. Legislative findings.

A. The Town Board of the Town of Bedford has determined that the public interest, health, safety and the economic and general welfare of the residents of the Town of Bedford will be best served by providing for the protection, preservation, proper maintenance and use of its ponds, lakes, reservoirs, water bodies, rivers, streams, watercourses, wetlands, natural drainage systems and adjacent land areas from encroachment, spoiling, polluting or elimination.

B. The remaining wetlands (as defined below) in Bedford are a valuable natural resource which serves to benefit the entire Town and the surrounding region by:

- (1) Providing drainage and flood control through hydrologic absorption and natural storage.
- (2) Protecting surface/subsurface water resources, watersheds and groundwater recharge systems.
- (3) Providing a suitable living, breeding, nesting and feeding environment for many forms of wildlife, including waterfowl, shorebirds and rare species such as the osprey.
- (4) Treating polluted surface and subsurface waters through biological degradation and chemical oxidation.
- (5) Controlling downstream erosion and serving as natural sedimentation areas and filter basins.

- (6) Providing sources of nutrients in freshwater food cycles.
- (7) Serving as nursery grounds and sanctuaries for freshwater fish.
- (8) Providing recreation areas for fishing, boating, hiking, bird watching, photography and other passive recreational uses.
- (9) Preserving much needed open space which serves to satisfy man's psychological and aesthetic needs.
- (10) Maintaining the potable water supply and renovation of septic and other wastes in the Town.

C. Wetlands protection is a matter of concern to the entire Town and the establishment of regulatory and conservation practices in this critical area serves to protect the public health, safety and welfare by ensuring review and regulation of any activity on wetlands which might adversely affect that health, safety and welfare.

D. Wetlands in Bedford and other areas form an ecosystem which is not confined to any one property owner or neighborhood. Experience has demonstrated that effective wetlands protection requires uniformity of preservation and conservation throughout the town.

E. Loss of wetlands can cause or aggravate flooding, erosion, degradation and diminution of water supply for drinking and waste treatment and may pose a threat to the health, safety and welfare of the people of Bedford and the surrounding region.

F. Regulation of wetlands is consistent with the legitimate interests of farmers and other landowners to graze and water livestock and to make reasonable use of water resources.

§ 122-3. Intent.

A. It is declared to be the intent of the Town of Bedford to control, protect, preserve, conserve and regulate the use of wetlands (as defined below) within the Town of Bedford to ensure that the benefits found to be provided by wetlands as set forth in § 122-2 hereof will not be lost and to protect the important physical, ecological, recreational and economic assets of the present and future residents of the Town, and so as to protect the broader public interest.

B. These regulations are enacted with the intent of providing a reasonable balance between the rights of the individual property owner to the free use of his property and the rights of present and future generations. Therefore, this chapter recognizes the rights of owners of property in or near wetlands to use their property for reasonable purposes consistent with other regulations and controls, provided that such use, in the judgment of the appropriate agencies or officials of the Town of Bedford, does not result in a loss of or impairment to the wetland system, both on and off site, or the functions which the wetlands have found to fulfill in the Town of Bedford.

C. It is the intent of this chapter to incorporate the consideration of wetlands protection into the town's extant land use and development approval procedures.

§ 122-4. Word usage; definitions.

[Amended 6-7-2005 by L.L. No. 9-2005]

A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future and the plural includes the singular. The word "shall" is intended to be mandatory.

B. As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT

See "person."

BEDFORD REGULATED WETLAND AREA MAP

A series of maps, dated January 1991, prepared by Evans Associates that show areas which may constitute regulated wetlands.

BUILDING

Any structure having a roof, supported by columns or by walls or self-supporting, and intended for the shelter, housing or enclosure of natural persons, animals or chattel.

BUILDING INSPECTOR

The duly appointed Building Inspector of the Town of Bedford.

CERTIFICATE OF COMPLIANCE

That form of written confirmation by the Town of Bedford that all authorized activities have been physically completed in accordance with this chapter and an authorizing activity permit and/or activity implementation permit as required.

CODE ENFORCEMENT OFFICER

The official of the Town appointed by the Town Board to fulfill the designated responsibilities set forth in this chapter.

COMMISSION

The Wetlands Control Commission as defined and established in §§ 122-6 and 122-7 of this chapter.

CONSERVATION BOARD

The duly appointed Conservation Board of the Town of Bedford as created pursuant to § 239-y of the General Municipal Law.

DAMS and WATER CONTROL MEASURES AND DEVICES

Barriers which regulate or obstruct the flow of water or raise, or lower or maintain the level of water in ponds, lakes, natural drainage systems and wetlands.

DEPOSIT

To fill, place, eject or dump any liquid, solid or gaseous material or the act thereof, but not including uncontaminated stormwater.

ECOLOGIST/BOTANIST

A person having special knowledge of the physical, chemical and biological sciences related to the physiology, identification and distribution of native plants and vegetative associations in wetland and upland systems and of methods to describe, classify and delineate vegetative species and associations.

FACULTATIVE

Having the power to exist in and become adapted to changed conditions; distinguished from obligate.

FERTILIZER

Any organic or inorganic material of natural or synthetic origin that is applied to the soil to supply one or more of the nutrients essential for the growth of plants.

MATERIAL

Substances including, but not limited to, soil, silt, gravel, rock, sand, clay, peat, mud, debris and refuse; any organic or inorganic compound, chemical agent or matter (excluding pesticides, herbicides, algacides and agricultural or radioactive wastes to the extent that same are exempt or regulated exclusively by the State of New York); sewage, sewage sludge or effluent; and industrial or municipal solid waste.

MITIGATION PLAN

The plan prepared by an applicant to compensate for the proposed wetland, watercourse and wetland/watercourse buffer impacts pursuant to the standards and requirements of this chapter.

OBLIGATE

Having only one life condition; distinguished from facultative.

PERMIT

That form of Town approval required by this chapter for the conducting of a regulated activity within any area of the Town of Bedford defined as a "wetland" or "wetland/watercourse buffer."

PERSON or APPLICANT

Any individual or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

PLANNING BOARD

The duly appointed Planning Board of the Town of Bedford as created pursuant to § 271 of the Town Law.

PLANT

Living organisms including but not limited to trees, shrubs, herbs, grasses, ferns, mosses, and other vegetation.

POLLUTION

The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property.

REMOVE

To dig, dredge, suck, bulldoze, dragline, blast or otherwise excavate or regrade or the act thereof.

SOIL SCIENTIST

A person having special knowledge of the physical, chemical and biological sciences and applicable to the genesis and morphology of soils as natural bodies and of the methods to describe, classify and map soil units.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

The law pursuant to Article 8 of the New York Environmental Conservation Law providing for environmental quality review of actions which may have a significant effect on the environment.

STATE FRESHWATER WETLANDS

Lands and waters of the state, as shown on the State Freshwater Wetlands Map, which contain any and all of the conditions described in Subdivision 1 of § 24-0107 of the Environmental Conservation Law.

STRUCTURE

Anything constructed or erected, the use of which requires location on or under the ground or attachment to something having location on the ground. Structure shall include a building as defined herein.

TOWN BOARD

The duly elected Town Board of the Town of Bedford.

TOWN CLERK

The duly elected Town Clerk of the Town of Bedford.

TOWN DIRECTOR OF PLANNING

The Director of Planning of the Town of Bedford.

TOWN ENGINEER

Any person employed by the Town of Bedford as the Town Engineer, including consultants.

TOWN ENVIRONMENTAL CONSULTANT

The qualified environmental scientist which the Town Board retains to carry out the functions described in this chapter.

WETLANDS

All areas and waters of the Town of Bedford that are comprised of hydric soils and/or are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophytic vegetation. The following criteria shall be used to determine the presence of hydrophytic vegetation, hydric soils and hydrologic indicators:

(1) Hydrophytic vegetation are those plants which are dependent upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other species. These plants may belong to any of the following vegetative types: wetland trees, wetland shrubs, emergent vegetation, submergent and rooted floating-leaved vegetation, free-floating vegetation, wet meadow vegetation and bog mat vegetation. The following indicators of hydrophytic vegetation may be used in conjunction with hydric soils and/or wetland hydrology:

(a) The presence of obligate wetland species, particularly as dominants, in a vegetation unit shall be considered diagnostic of wetlands. Facultative species may be present but obligate upland species cannot be present on other than microsites. Obligate and facultative vegetative species are listed in the National Lists of Plant Species That Occur in Wetlands: Northeast (Region 1) (Reed, 1988) prepared by the United States Fish and Wildlife Service in cooperation with the National and Regional Wetland Plant List Review Panels, as amended from time to time and as on file with the Town Clerk.

(b) Plants with adaptations to inundation and/or saturated soil conditions shall be considered diagnostic of wetlands. Such adaptations include but are not limited to pneumatophores, buttressed tree trunks, floating stems, floating leaves, multiple trunks, hypertrophied lenticels and inflated leaves, stems or roots.

(2) Hydric soil is a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part, as set forth in the Federal Manual for Identifying and

Delineating Jurisdictional Wetlands, dated January 1989, prepared by the federal government, and as updated from time to time and as on file with the Town Clerk.

(3) Hydrologic indicators.

(a) The following water bodies and watercourses are regulated under this chapter:

[1] Ponds, lakes, reservoirs, marshes, swamps, bogs or other areas of permanent water retention, regardless of origin.

[2] All natural drainage systems, including rivers, streams and brooks which contain water at least six months of the year and the associated floodplains of such watercourses.

(b) The Bedford Regulated Wetlands Area Map is intended to provide general guidance only in locating and determining those areas which constitute wetlands, and areas not shown on said map may constitute wetlands as defined herein. Finite boundaries of wetlands may be required to be established by the Commission or the applicant. The delineation of wetlands boundaries shall be performed by a qualified botanist/ecologist and/or certified soil scientist.

WETLAND/WATERCOURSE BUFFER

An area surrounding a wetland/watercourse that is intended to provide protection to the wetland/watercourse from human activity and other encroachment associated with development. The wetland/watercourse buffer shall be an area extending 100 feet horizontally away from and parallel to wetland boundary or bank of the watercourse. Regulated area surrounding such natural drainage systems shall include all adjacent surface for 100 feet as measured from both sides of the bank of the watercourse or adjacent surface which has an elevation of less than five feet above the normal (mean) water line, whichever is more.

WETLANDS PERMIT OFFICIAL

The administrative official appointed by the Town Board to fulfill the designated responsibilities set forth in Subsection D of § 122-8 of this chapter and who shall be qualified as a wetlands scientist or by reason of training and experience in wetlands science.

§ 122-5. Amendments.

This chapter may be amended by the Town Board after due notice and public hearing.

§ 122-6. Creation and organization of Wetlands Control Commission.

[Amended 6-7-2005 by L.L. No. 9-2005]

A. The Town Board is hereby authorized and empowered to create a Wetlands Control Commission which shall consist of five resident members, who shall be qualified by reason of training, experience or interest in engineering, in water-related science, community planning, conservation, landscape architecture, wildlife management, forestry, ecology, hydrology or other related field. The Commission

may also obtain access to such training through qualified consultants. The members of the Wetlands Control Commission shall be appointed by the Town Board, and the Town Board may allocate and budget for such expenses as may be necessary and proper. The Town Board is hereby authorized to make such appropriation as it may see fit for such expenses. If a previous Commission does not exist, of the members first appointed, one shall hold office for the term of one year, two for the terms of two years and two for the terms of three years. If a previous Commission does exist, their successors shall be appointed for terms of three years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of a term, it shall be filled by the Town Board by appointment to the unexpired term. Meetings of the Commission shall be held on a regular basis. Three members of such Commission shall constitute a quorum for holding a meeting. A minimum of three concurring votes shall be required to approve or deny an application. The Commission shall keep minutes of its proceedings showing the vote of each member upon any question or, if absent or failing to vote, indicating such fact, and shall also keep records of its official actions.

B. The Commission may refer appropriate questions to the Town Engineer, the Director of Planning, the Town Environmental Consultant and Code Enforcement Officer for his or her opinion and recommendation. The Commission may require of an applicant such engineering studies or information as is necessary for its review of an application.

C. In connection with each application, the Town Environmental Consultant shall determine the boundaries of a wetland based on field investigation, flagging and survey of the property by the applicant. The Town Environmental Consultant may consult with, and/or may require the applicant to consult with, biologists, hydrologists, soil scientists, ecologists/botanists or other experts as necessary to make this determination.

§ 122-7. Powers and duties of Wetlands Control Commission.

[Amended 6-7-2005 by L.L. No. 9-2005]

A. Every decision, recommendation or determination of the Commission shall be filed in the office of the Town Clerk within 10 days and shall be a public record. The Wetlands Control Commission shall have the power to adopt, amend and repeal rules and regulations governing its procedure and transaction of business consistent with the Public Officers Law § 100. All rules and regulations and any amendments or repeal thereof shall take effect immediately upon filing in the office of the Town Clerk, after approval by the Town Board.

B. The Wetlands Control Commission shall review applications for and take appropriate action on projects submitted within its jurisdiction pursuant to § 122-9 of this chapter.

C. For each application submitted to the Wetlands Control Commission, the Commission shall, pursuant to the requirements of SEQRA, make a determination of significance of the proposed action and, further, determine appropriateness of acting as the lead agency and any requirement for a draft environmental impact statement when necessary.

D. The Commission shall have the power to grant or deny permits to conduct activities regulated under this chapter, but only when such permits do not violate the intent and purposes of this chapter.

E. The Commission shall investigate, review and recommend action upon water conservation and drainage problems referred to it by the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector and Conservation Board and shall coordinate Town of Bedford water resource planning with the planning of adjacent communities, counties and governmental authorities.

F. The Commission shall endeavor to educate and inform the residents of the Town regarding the provisions of this chapter.

G. The Commission shall have the power to determine whether a person who has violated any of the provisions of § 122-8 of this chapter shall be required to restore the disturbed area to its original condition and to order such restoration be completed within a time limit as determined by the Commission.

H. The Commission shall have the power to:

(1) Collect and recommend application fees for permits to conduct activities under this chapter.

(2) When it deems necessary, the Commission may require security in the form of a bond or other form of security acceptable to the Commission as a condition of a permit granted under this chapter to ensure compliance with the terms of the permit.

I. The Commission may receive and review all minutes of the Conservation and Planning Board meetings and shall supply the Conservation and Planning Boards with minutes of all of the Wetlands Control Commission's meetings.

§ 122-7.1. (Reserved)

§ 122-7.2. (Reserved)

§ 122-7.3. (Reserved)

§ 122-7.4. (Reserved)

§ 122-7.5. Duties of Town Environmental Consultant.

[Added 6-7-2005 by L.L. No. 9-2005]

A. The Town Environmental Consultant shall conduct a site inspection and may require the applicant to stake or otherwise locate in the field all pertinent locations of a proposed activity, including wetlands, watercourses and wetland/watercourse buffer.

B. The Town Environmental Consultant shall report regularly and meet periodically with the Commission regarding the content and status of applications.

C. At the request of the Commission, the Town Environmental Consultant:

- (1) Will attend meetings and work sessions of the Commission and accompany the Commission on site walk meetings;
- (2) Prior to the Commission making its findings on an application in accordance with § 122-10, advise the Commission whether the application, after giving effect to any conditions for approval which the Commission may set, fulfills the requirements for granting a permit;
- (3) Will advise the Commission on the status of work contemplated under permits granted by the Commission;
- (4) Will otherwise advise and assist the Commission in carrying out its duties under this chapter.

D. Upon completion of all authorized regulated activities, an applicant shall request a final inspection by the Town Environmental Consultant in order to obtain a certificate of compliance as set forth in § 122-9 of this chapter, certifying that all authorized activities are completed in accordance with the permit granted by the Commission.

§ 122-8. Controlled acts.

[Amended 6-7-2005 by L.L. No. 9-2005]

A. Prohibited acts. It shall be unlawful to place or deposit materials or chemical wastes or to introduce influents of sufficiently high thermal or chemical content as to cause deleterious ecological effect in any wetland or the wetland/watercourse buffer, including without limitation, the installation of a septic tank or fields, (except as provided in 122-8.B (3) the running of a sewer outfall or the discharging of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland, watercourse or wetland/watercourse buffer. It shall also be unlawful to locate animal feedlots or pens, manure stockpiles or similar animal storage areas within a wetland, watercourse or wetland/watercourse buffer.

B. Regulated acts which require a permit. It shall be unlawful to perform any of the following activities in any wetland or within the wetland/watercourse buffer area unless specifically allowed under § 122-8C without a duly issued permit from the Commission:

- (1) Place or construct any structure, accessory structure, swimming pool or tennis court. The foregoing shall include, without limitation:
 - (a) Any related storage or stockpiling of construction materials, use of equipment or machinery or other construction activity;
 - (b) Renovations or alterations to existing improvements which increase the impervious surface or areal extent of such improvements including walls, driveways, drives or other improvements; and
 - (c) Installation of pipes or wells or service lines, conduits and cables.

(2) Conduct any form of draining, dredging, dewatering, excavation or removal of material, either directly or indirectly. The foregoing shall include, without limitation, any draining or withdrawing water from streams, ponds or other water bodies within the Town of Bedford.

(3) Conduct any form of dumping, filling or depositing of material, either directly or indirectly.

(4) Replacement of an existing septic tank or septic leaching fields located within the regulated wetland or wetland buffer may be permitted provided that there is no alternative location outside of the regulated area.

(54) Alter or grade natural features and contours, alter drainage conditions or divert any flow of a watercourse, water body, marsh or swamp.

(56) Construct docks, dams, other water control devices, pilings or bridges, whether or not they change the ebb and flow of the water.

(76) Install any service lines, cable conduits, pipes or wells.

(87) Construct pervious or impervious driveways or roads.

(98) Cut or remove any healthy plant within a wetland. The exception to this shall be the removal (by non-mechanical or non-chemical means) of those plants contained on a published and regularly updated list of invasive, non-native plant species. The list of invasive species shall be the NYSDEC invasive species list as modified from time to time. [BE1]

(109) Deposit or introduce organic or inorganic chemicals including but not limited to fertilizers, pesticides, herbicides and fungicides.

(110) Conduct any other activity that substantially impairs any of the functions or benefits as described in

§ 122-2 of this chapter that wetlands provide.

C. Acts permitted by right. The following acts are permitted by right within wetlands, or the wetland/watercourse buffer area without permit, provided that they do not constitute a pollution or erosion hazard or interfere with proper drainage or adversely affect reasonable water use by others. Such permitted acts must conform to the Town of Bedford Zoning Ordinance Editor's Note: See Ch. 125, Zoning. and any and all other applicable laws and statutes.

(1) Normal ground maintenance of existing landscaped areas and residential gardens, including existing lawn areas and trimming and removal of dead or diseased vegetation, or removal of invasive species, as described in §122-8. B (8).

(2) Repair of walkways and walls.

(3) Operation and maintenance of existing dams and water control devices, excluding the adjustment of water elevations over 18 inches in height.

(4) The activities of farmers and other landowners in grazing and watering livestock, fishing and making reasonable use of water resources.

(5) Public health activities, orders and regulations of the Westchester County Department of Health for emergencies only.

(6) Maintenance of existing drainage channels where impedence of flow may cause flooding or threaten public safety on highways or in dwellings or other structures.

D. Administrative permits. The following improvements and activities related to them are permitted for preexisting single-family residences, upon the issuance of an administrative wetland permit issued by the Wetlands Permit Official, who shall require sufficient information from the applicant to permit a proper evaluation of the permit request, and may require soils or wetlands surveys, topographic surveys, grading or drainage plans, erosion control plans or such other information as the Wetlands Permit Official may require. Prior to issuing an administrative wetland permit, the Wetlands Permit Official, after visiting the site and upon consultation with the Town Environmental Consultant, shall certify that there are no apparent violations or any other conditions at the property that adversely affect the wetlands and that the proposed improvement or activity, after giving effect to any conditions to such permit, will not result in any adverse impact on the wetlands or the wetland/watercourse buffer.

(1) Dry-laid stone walls, containing no mortar or cement, where the wall is designed to permit the passage of small animals by permitting openings at fifteen-foot intervals at least six inches in height above ground level and 12 inches in length, and where the construction of said wall will not inhibit or alter the natural drainage flow or cause the blocking or damming of surface water.

(2) Decks or porches with a footprint of 200 square feet or less located more than 50 feet from a wetland or watercourse, provided that no grading is required for their construction other than for posts or footings.

(3) Emergency repair or maintenance of sewage disposal facilities, provided that such repairs and maintenance are in kind ~~and in situ~~ replacement or repair of broken, damaged, or worn wastewater treatment system components.

(4) Single-story moveable sheds, without foundation or footings, with a footprint of 100 square feet or less located more than 50 feet from a wetland or watercourse, provided:

(a) Such sheds are not used for the storage of gasoline, oil, pesticides or other chemicals or toxic substances or any tools, machinery or equipment which use any such substances; and

(b) No grading is required for installation.

(5) Moveable play sets or swing sets or other small additions to existing structures, without foundation, with a footprint of 100 square feet or less and located more than 50 feet from a wetland or watercourse, provided no grading is required for installation.

(6) Fences ~~without mesh~~, provided:

(a) No fence post is to be placed in the streambed or within three feet from the edge of the stream;

(b) The bottom of the fence is to be no lower than 12 inches above seasonal high water of the stream;
and

(c) The bottom of the fence is no lower than 6" above grade.

(d) No grading is required for installation.

(7) Field changes to unexpired permits issued by the Commission.

(8) Applications for permit renewals or time extensions for the first renewal or extension of one year or less, provided:

(a) The application for renewal or time extension was filed ~~on a timely basis~~ prior to permit expiration.

(b) The original permit application was not the result of a notice of violation.

(c) All applicable conditions of the original permit have been met.

(9) Other activities within 100' of a wetland or watercourse where the Applicant can demonstrate that there will be no direct or indirect impact associated with the activity, and where the total project cost is less than \$10,000.

E. The Wetlands Permit Official shall furnish the Commission at each of its regular monthly meetings copies of each application and permit issued under this section together with any relevant supporting items.

§ 122-9. Permit procedures.

[Amended 10-5-1992; 6-7-1994; 12-5-1995; 6-7-2005 by L.L. No. 9-2005]

A. Application for permit. An application for a permit subscribed by the owner or agent shall be filed with the Commission and shall contain the following information:

(1) Name, post office address and telephone number of the owner and the applicant.

(2) Street address and Tax Map designation of the property covered by the application.

(3) Statement with consent from the owner for any agent making application.

(4) Statement of proposed work and purpose thereof.

(5) The owner's permission to allow visits to site.

(6) Plans for the proposed regulated activities shall be submitted, unless otherwise specified by the Commission, drawn to a scale of not less than one inch equals 30 feet (unless otherwise specified by the

Commission). The plans shall be certified by an engineer, architect, land surveyor or landscape architect licensed in the State of New York. Plans shall show the following:

- (a) The location of all wetlands as determined by a qualified ecologist, botanist and/or soil scientist no earlier than 12 months prior to the date of filing the application.
 - (b) Location of construction or area proposed to be disturbed and its relation to property lines, buildings, roads and watercourses within 250 feet.
 - (c) Estimated quantities of material of excavation or fill.
 - (d) Location of any well and depth thereof and any sewage or wastewater disposal system within 100 feet of the disturbed area.
 - (e) Existing and adjusted contours at two-foot intervals in the proposed disturbed area and to a distance of 100 feet beyond.
 - (f) Details of any drainage system proposed, both for the conduct of the work and after completion thereof, and measures proposed to control erosion and siltation both during and after the work.
 - (g) Where creation of a lake or pond or alteration of a watercourse or wetland is proposed, details of the construction of any dams, embankments and outlets or other water control devices.
 - (h) A property location map.
 - (i) Where the existing septic system on the property is in wetlands or wetlands buffer, provide evidence of periodic cleaning within the previous two years.
 - (j) An appropriate mitigation plan.
 - (k) Other details as may be determined to be necessary by the Commission. The Commission shall notify the applicant within 60 days of receipt of an application if such additional information is necessary.
- (7) Applications affecting the water-retention capacity, water flow or other drainage characteristics of any pond, lake, reservoir, natural drainage system or wetland shall, upon the determination of the Commission, include a statement prepared by a professional engineer licensed in the State of New York of the impact of the project on upstream and downstream areas, giving appropriate consideration to flood or drought levels of watercourses and amounts of rainfall.
- (8) Copies of all applicable Town, county, state or federal permits or permit applications which are required for such work or improvement, unless such permits are conditioned upon obtaining a permit under this chapter.
- (9) An application fee and engineering and inspection fee in amounts set forth in the fee schedule approved by the Town Board.

B. Waiver of plan requirements. The plan requirements listed in § 122-9A(6) may be modified by the Commission. This waiver shall not apply to wetlands listed on the State Freshwater Wetlands Map.

C. Public hearing and notice. Upon receipt of an application, the Commission, at its discretion, may call for a public hearing on any permit or application. The Commission shall fix a reasonable time for the hearings. Notice of the public hearing shall be published at least 10 days prior to the hearing in the official newspaper and shall be mailed by the applicant or appellant at least 10 days prior to the hearing to owners of lots whose property is within 1,000 feet of the controlled area. The expense of publishing and mailing any notice required by this chapter shall be paid by the applicant, and the applicant must file with the Commission an affidavit of mailing with a list of the names of the owners of record of the property within the 1,000 feet of the controlled area, together with the section and lot number of each, with such written notice prior to the public hearing.

D. Burden of proof. The applicant shall have the burden of proof of demonstrating that the proposed activity is not adverse to the general health, safety or economic and general welfare of the residents of Bedford or its neighboring communities, that it will not degrade the environment nor result in any of the adverse impacts stated in § 122-2, and that the applicant will otherwise suffer undue hardship if a permit is not issued.

E. Action by the approval authority.

(1) The Commission shall, within 45 days of the filing of a complete application or within 30 days of the date of the closing of any public hearing held pursuant to Subsection C above, whichever date shall be later, render a decision to approve, deny or approve with modifications the application, giving due consideration as specified in § 122-10. In approving any application, the Commission may impose such conditions or limitations as it determines necessary to ensure compliance with the intent, purposes, standards and public policy of this chapter. The Commission shall state upon the record findings and reasons for all actions taken. The Commission may extend the time limitations for decision rendering only when awaiting wetland boundary or classification decisions from the New York State Department of Environmental Conservation. A decision should be rendered no later than 30 days from the receipt by the Commission of such requested information.

(2) Following action by a concurring vote of at least three members of the Commission to approve, deny or approve with modifications any application, a written resolution shall be issued by the Commission to the applicant if it was so decided and filed with the Town Clerk. Said resolution shall record:

(a) The assigned application calendar number.

(b) The name and address of the applicant.

(c) The name and address of the property owner (if different from the applicant).

(d) The address and Tax Map designation of the property.

(e) The date of the Commission action on the application.

(f) All conditions placed on the regulated activity.

(g) The date by which work is to be completed.

(h) The expiration date of the permit.

(3) Inactive permit applications. All permit applications must be diligently pursued by an applicant. Should any application before the Commission remain inactive for a period exceeding one year without submission of substantive additional written documentation and supplemental information, the application shall be considered withdrawn. Withdrawn applications may be resubmitted as new applications, subject to all fees and review requirements of this chapter.

F. Certificate of compliance.

(1) Upon the completion of all authorized work conducted pursuant to a permit the applicant shall request that the Town Environmental Consultant make a final inspection thereof to determine compliance.

(2) If the Town Environmental Consultant finds all work has been completed in accordance with the issued permits and the provisions of this chapter, then the Town of Bedford may issue a certificate of compliance relating to such permit.

(3) A certificate of compliance shall be deemed to authorize the initial and continued activity and use affecting a regulated area and resource so long as continued full conformity and compliance are maintained with the terms and conditions of an issued activity permit and the provisions of this chapter.

G. Expiration of permit.

(1) All permits, unless otherwise indicated, shall expire on completion of the acts specified or, unless otherwise indicated, shall be valid for a period of one year, whichever occurs sooner.

(2) Permits may be renewed by the Commission upon applications submitted at least 60 days before the expiration of the permit. Standards for issuance of renewals shall be the same as for the issuance of permits.

(3) The Building Department shall not give certificate of occupancy approval without prior approval of the Commission for any projects involving a wetland permit.

H. Inspection. Work conducted under a permit shall be open to inspection at any reasonable time, including weekends and holidays, by the Town Engineer, the Town Environmental Consultant, the Building Inspector or by members of the Commission or their designated representatives. The applicant shall reimburse the Town for the costs of such inspection when incurred by outside consultants hired by the Town for this purpose.

I. Other permits. Conformance with this chapter does not eliminate the necessity for any applicant to obtain the approval or permits required by any other agencies prior to construction in accordance with

the permit. Obtaining such approval or permits is the responsibility of the applicant. No operations shall be initiated until such approvals or permits have been issued.

J. Fees. Fees for wetlands applications are listed in the fee schedule as adopted by the Town Board.

K. Reimbursement for professional consulting services. The Wetlands Control Commission, in the review of a wetlands application described in this chapter, may refer any such application presented to it to such engineering, environmental or other technical consultant as such Commission shall deem reasonably necessary to enable it to review such application as required by law. The charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Town and such consultant. The applicant shall reimburse the Town for the cost of such consultant services upon submission of a copy of the voucher therefor. Such reimbursement shall be made prior to final action on an application. Any reimbursement of fees for professional consultant services rendered may be extended for one period of 90 days upon written request made by the applicant demonstrating good cause as may be determined by the Wetlands Control Commission upon consultation with the Director of Planning. However, in no event shall any action or approval on any pending application be determined until any and all such reimbursements have been made in full by the applicant.

§ 122-10. Standards for permit decisions.

[Amended 6-7-2005 by L.L. No. 9-2005]

A. Consideration. In granting, denying or conditioning any permit, the Commission shall consider the following:

- (1) All evidence offered at or before any public hearing.
- (2) All reports from other commissions and/or federal, state or Town agencies.
- (3) Additional requested information.
- (4) All relevant facts and circumstances, including but not limited to the following:
 - (a) The environmental impact of the proposed action.
 - (b) The alternatives to the proposed action.
 - (c) Irreversible and irretrievable commitments of resources which would be involved in the proposed activity.
 - (d) The character and degree of injury to or interference with safety, health or the reasonable use of property which is impacted or threatened.
 - (e) The suitability or unsuitability of such activity to the area for which it is proposed.

(f) The effect of the proposed activity with reference to the protection or enhancement of the several functions of wetlands and the benefits they provide which are set forth in § 122-2B of this chapter.

(g) The appropriate mitigation plan.

(5) The availability of preferable alternative locations on the subject parcel or, in the case of activity of sufficient magnitude, the availability of other reasonable locations.

(6) The availability of further technical improvements or safeguards which could feasibly be added to the plan or action.

(7) The possibility of further avoiding reduction of the wetlands' or watercourses' natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage and provide recreation and open space.

(8) The extent to which the exercise of property rights and the public benefit derived from such use may or may not outweigh or justify the possible degradation of the inland wetland or watercourse, the interference with the exercise of other property rights and the impairment or endangerment of public health, safety or welfare.

B. Preparation of a mitigation plan.

(1) Where the applicant has demonstrated and the Commission has determined that either losses or impacts to the wetland, watercourse or wetland/watercourse buffer are necessary and unavoidable and have been minimized to the maximum extent practicable as determined acceptable by the Commission, the applicant shall be required to prepare and implement a mitigation plan acceptable to the Commission.

(2) The mitigation plan shall be proposed where the applicant has demonstrated and the Commission has determined that either losses or impacts to the wetland, watercourse or wetland/watercourse buffer are necessary and unavoidable and have been minimized to the maximum extent practicable as determined acceptable by the Commission. In instances in which a preexisting septic tank or fields are located within wetlands and/or wetland/watercourse buffer, the Commission may consider mitigation measures which provide for the removal of such tank or fields and creation of new septic tank and/or fields to an area outside of any wetlands and/or wetland/watercourse buffer. Such facilities shall be assessed and designed consistent with the requirements of the New York City Department of Environmental Protection and the Westchester County Health Department.

(3) For the purposes of required mitigation, impacts to wetland/watercourse buffer areas will be viewed as impacts to wetlands and watercourses. On-site mitigation shall be the preferred approach; off-site mitigation shall be permitted only in cases where an on-site alternative is not possible and the applicant has control of the off-site property.

(4) Acceptable mitigation must be provided to minimize impacts to the maximum extent practicable, striving for protection and preservation of wetlands, watercourses and/or wetland/watercourse buffer

and the various functions served by those areas within the Town of Bedford. All mitigation plans shall be based on the following order of preference:

(a) Minimization of impacts and disturbance to wetlands, watercourses and wetland/watercourse buffer, in that order.

(b) Preservation of remaining wetlands, watercourses and wetland/watercourse buffer through the dedication and establishment of perpetual conservation easements, development restriction areas, or equivalent.

(c) Restoration or repair of existing damaged wetlands, watercourses and/or wetland/watercourse buffer, including enhancement thereto.

(d) Construction of replacement wetlands, watercourses and buffer areas, that recreate as nearly as possible the original wetlands, watercourses and/or wetland/watercourse buffer in terms of spatial area, type, functions, hydrologic conditions, geographic location and setting.

(5) Any mitigation plan prepared pursuant to this section and accepted by the Commission shall become part of the permit for the application.

(6) A monitoring and inspection schedule for a specified period of time as agreed to by the Commission shall be established and implemented. Town-incurred costs for monitoring and inspection of applicant projects shall be funded by an applicant as required by this chapter.

C. Findings. No permit shall be issued by the Commission pursuant to this chapter unless the Commission shall find that:

(1) The proposed regulated activity is consistent with the policy of this chapter to preserve, protect and conserve wetlands and the benefits they provide, to prevent the despoliation and destruction of wetlands and to regulate the development of such wetlands in order to secure the natural benefits of wetlands consistent with the general welfare and beneficial economic, social and agricultural development of the Town.

(2) The proposed regulated activity is consistent with the land use regulations governing wetlands applicable in the Town of Bedford.

(3) The proposed regulated activity is compatible with the public health and welfare.

(4) The proposed regulated activity minimizes degradation to or loss of any part of the wetland or its adjacent area and minimizes any adverse impacts on the functions and benefits which said wetland provides.

D. Wetland acquisition. The Commission shall deny a permit if both the affected landowner and the local government have been notified by a duly filed notice in writing that the state or any agency or political subdivision of the state is in the process of acquiring any freshwater wetland by negotiation or condemnation with the following provisions:

(1) The written notice must include an indication that the acquisition process has commenced, such as that an appraisal of the property has been prepared or is in the process of being prepared.

(2) If the landowner receives no offer for the property within one year of the permit denial, this ban to the permit lapses. If its negotiations with the applicant are broken off, the state or any agency or political subdivision must, within six months of the end of negotiation, either issue its findings and determination to acquire the property pursuant to § 204 of the Eminent Domain Procedure Law or issue a determination to acquire the property without public hearing pursuant to § 206 of the Eminent Domain Procedure Law, or this ban to the permit lapses.

E. Effect of violations on approval procedure. No permit application shall be accepted and no permit shall be granted for a property where the Building Inspector has found a violation of this chapter and where such violation has not been corrected; provided, however, that the Commission shall consider a permit application to cure a violation.

§ 122-11. Judicial review.

[Amended 6-7-2005 by L.L. No. 9-2005]

Any decision of the Commission made pursuant to or within the scope of this chapter may be reviewed at the instance of any person aggrieved by the action in accordance with Article 78 of the State Civil Practice Law and Rules, provided that such review is commenced within 30 days of the filing of such decision or order in the office of the Town Clerk.

§ 122-12. Penalties for offenses; corrective action.

[Amended 6-7-2005 by L.L. No. 9-2005]

A. Any person violating any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of \$250 and/or imprisonment for no more than 15 days, or both. Each day shall constitute a separate and distinct offense, punishable by a like fine or penalty as herein set forth.

B. Notwithstanding the penalties herein above provided, the Town of Bedford may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this chapter.

C. The foregoing provisions for enforcement of the regulations in this chapter are not exclusive, but are in addition to any and all laws applicable thereto.

D. In addition to these punishments, any offender may be ordered by the court to restore the affected freshwater wetland to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Commissioner or local government.

§ 122-13. Severability.

[Amended 6-7-2005 by L.L. No. 9-2005]

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 122-14. Conformity with other laws required.

[Amended 6-7-2005 by L.L. No. 9-2005]

All acts, whether allowed by right or by permit, must conform to the Town of Bedford Zoning Ordinance
Editor's Note: See Ch. 125, Zoning, and any and all other applicable laws and statutes.

§ 122-15. All Town Departments, divisions, and offices shall be subject to the provisions of this Chapter, although fees and required documentation may be waived, in whole or in part, by the Commission.

**THE WETLANDS CONTROL COMMISSION OF THE TOWN OF BEDFORD
BEDFORD, NEW YORK**

June 2, 2014

A meeting of the Wetlands Control Commission of the Town of Bedford was held on June 2, 2014, starting at 8:00 PM in the Town Offices at 425 Cherry Street, Bedford Hills, New York. Present were Chairman Andrew Messinger, Vice-Chairman Carol Parker, Member Fiona Mitchell, Member Don Scott, Member John Stockbridge, Town Environmental Consultant Beth Evans and Wetlands Secretary Anne Paglia.

Announcements:

Andrew Messinger announced that the next meeting of the Commission will be on Monday, July 7, 2014; the deadline for new applications for this meeting is on Thursday, June 5, 2014; the deadline for supplemental submissions for this meeting is on Thursday, June 12, 2014. The site walk for the July 7th meeting will be on Thursday, June 19, 2014.

Owner/Applicant: Giuseppe and Camille Luppino

Supplemental Submission:

**Demolition of Existing Residence, Garage, Shed and Driveway and Construction of
New Residence, Garage, Driveway, Pool and Fencing
Section 83.8 Block 1 Lot 12, R-4A Zone
212 Baldwin Road, Bedford Corners**

Owners/Applicants/Representatives Present:

Camille Luppino, Owner

Jeri D. Barrett, R.L.A., J.D. Barrett & Associates, LLC, Landscape Architects-Site
Planners-Environmental Scientists

Stephen W. Coleman, Environmental Consulting, L.L.C.

Discussion:

Discussion took place regarding the mitigation planting plan, the drainage system involving retaining wall, adding deer protection netting to the deer fence, and the need for a bond to be posted at the time of planting before permit can be issued.

Motion:

Andrew Messinger proposed that a permit be granted for a period of three years based on a set of plans prepared by JD Barrett & Associates, dated 3/5/14 and last revised 4/25/14, titled:

Sheet 1 of 4 – Site Information Plan

Sheet 2 of 4 – Proposed Site Plan

Sheet 3 of 4 – Grading, Erosion Control & Utility Plan

Sheet 4 of 4 – Tree Removal & Mitigation Planting Plan

with the following conditions.

1. Should any changes be necessitated to the site plan that affect impervious surface coverage, drainage or plantings and construction within the regulated areas, the Town Environmental Consultant shall be informed immediately. The Town Environmental Consultant shall determine if these changes can be classified as routine 'field changes' or if they are substantive and require further review by this Commission.
2. Any changes that take place to the project or plan shall be documented to the Commission in the form of updated site plans.

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3. The curtain drain designed to protect the new septic area shall discharge into the wetland or buffer and the plans adjusted to indicate this change which shall be approved by the Town Environmental Consultant.
4. The applicant shall post security in accordance with the Commission's policy in the amount of \$20,000 prior to the issuance of any building permit for the main house section to cover the viability of the planting plan. Upon certification by the Town Environmental Consultant that the plantings have been made and installed as per the plan, \$15,000 shall be refunded to the applicant. After a full two-year growing season a viability inspection shall be made and certified by the Town Environmental Consultant and upon her recommendation, the balance of \$5,000 shall be refunded.
5. The standard conditions of the Commission for a wetlands permit shall be required (See Attachment A).

Beth Evans stated that the proposed action will not have an adverse impact on the watercourse or wetland on this property.

The Commission reviewed the Environmental Clearance Form and determined that this proposal is a "Type II Action" under SEQR.

Motion: Mr. Messinger made a motion that the Commission approves this as a "Type II Action" under SEQR

Motion Seconded by: Ms. Mitchell

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None

Voting on the Permit Resolution:

Motion Seconded by: Mr. Scott

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None

Owner/Applicant: Ralph and Yasmee Bernstein

New Application:

Installation of Fieldstone Columns and Entry Gates

Section 84.9 Block 1 Lot 3, R-4A Zone

52 Clark Road, Bedford Corners

Owners/Applicants/Representatives Present:

Glenn Ticehurst, RLA, ASLA, Benedek & Ticehurst Landscape Architects & Site Planners, P.C.

Discussion:

Glenn Ticehurst presented the project to the Commission.

Motion:

Andrew Messinger proposed that a permit be granted a permit for a period of one year based on a plan submitted by Benedek & Ticehurst and noted as S-1, dated 4/24/14 and last revised 5/16/14, titled "Site Plan" with the following conditions:

1. There are to be no changes or alterations to the plans and project as submitted. Any changes must be approved in advance by the Town Environmental Consultant.
2. The standard conditions of the Commission for a wetlands permit shall be required (See Attachment A).

Beth Evans stated that the proposed action will not have an adverse impact on the watercourse or wetland on this property.

The Commission reviewed the Environmental Clearance Form and determined that this proposal is a "Type II Action" under SEQR.

Motion: Mr. Messinger made a motion that the Commission approves this as a "Type II Action" under SEQR

Motion Seconded by: John Stockbridge

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None

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Voting on the Permit Resolution:

Motion Seconded by: Fiona Mitchell

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None

Owner/Applicant: Gregory and Melissa Fleming

New Application:

Installation of New Driveway with Bridge Crossing Watercourse and Replacement of Guide Rail at Roadway with Timber Guide Rail

Section 84.9 Block 1 Lot 6, R-4A Zone

24 Clark Road, Bedford

Section 84.9 Block 1 Lot 7, R-4A Zone

12 Clark Road, Bedford

Owners/Applicants/Representatives Present:

Glenn Ticehurst, RLA, ASLA, Benedek & Ticehurst Landscape Architects & Site Planners, P.C.

Discussion:

Glenn Ticehurst presented the project to the Commission.

Motion:

Andrew Messinger proposed that a permit be granted for a period of one year based on a set of plans by Benedek & Ticehurst and noted as WL-1 and WL-2, dated April 11, 2014, titled "Site Plan" and "Driveway Plan," with the following conditions:

1. Prior to the commencement of the project the applicant shall supply the Town Environmental Consultant with an updated planting plan. The Town Environmental Consultant shall approve this planting plan with tree replacements as part of the mitigation prior to the beginning of any work.
2. All mitigation planting not related to the stream bed or bank is to be completed prior to the commencement of any driveway preparation or construction.
3. The standard conditions of the Commission for a wetlands permit shall be required (See Attachment A).

Beth Evans stated that the proposed action will not have an adverse impact on the watercourse or wetland on this property.

The Commission reviewed the Environmental Clearance Form and determined that this proposal is a "Type II Action" under SEQR.

Motion: Mr. Messinger made a motion that the Commission approves this as a "Type II Action" under SEQR

Motion Seconded by: Mr. Scott

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None

Voting on the Permit Resolution:

Motion Seconded by: Fiona Mitchell

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None

Owner/Applicant: William Sarnoff Family 2000 Trust

New Application:

Construction of Single-Family Residence, Driveway, Stone Pillars and Gate

Section 84.16 Block 2 Lot 42, R-4A Zone

70 Oliver Road, Bedford

Owners/Applicants/Representatives Present:

Carol J.W. Kurth, FAIA, Carol Kurth Architecture, P.C.

Sabri Barisser, L.P.E., Bibbo Associates, L.L.P., Consulting Engineers-Planners

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Discussion:

Sabri Barisser and Carol Kurth presented the project to the Commission.

Motion:

Andrew Messinger proposed that a permit be granted for a period of three years, based on a set of plans prepared by Bibbo Associates, LLP and noted as SP1 and P2, dated 10-24-13 and last revised 5/29/14, titled "Lot Development Plan" and "Driveway Profile" with the following conditions:

1. No Certificate of Occupancy shall be issued unless and until the Town Environmental Consultant has certified in writing that all elements of the project plan having an impact and effecting within the protected area have been completed and are in compliance with the Town Code and provisions specified on the approved plans and by the Town Engineer.
2. The standard conditions of the Commission for a wetlands permit shall be required (See Attachment A).

Beth Evans stated that the proposed action will not have an adverse impact on the watercourse or wetland on this property.

The Commission reviewed the Environmental Clearance Form and determined that this proposal is a "Type II Action" under SEQR.

Motion: Mr. Messinger made a motion that the Commission approves this as a "Type II Action" under SEQR

Motion Seconded by: Fiona Mitchell

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None

Voting on the Permit Resolution:

Motion Seconded by: Don Scott

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None

Owner/Applicant:

New Application:

Application of Aquatic Pesticides to Pond

Section 72.12 Block 2 Lot 4, R-4A Zone

333 Bedford Center Road, Bedford Hills

Owner/Applicant: Tom Meyer

Section 72.12 Block 2 Lot 6, R-4A Zone

53 Narrows Road, Bedford Hills

Owner/Applicant: Rick Talmadge

Section 72.12 Block 2 Lot 5, R-4A Zone

345-349 Bedford Center Road, Bedford Hills

Owner/Applicant: Kimberly Kelly

Section 72.16 Block 1 Lot 6, R-4A Zone

95 Narrows Road, Bedford Hills

Owner/Applicant: Robert Ahrens

Owners/Applicants/Representatives Present:

James Gorman, The Pond and Lake Connection

Discussion:

James Gorman presented the application to the Commission.

Motion:

Andrew Messinger proposed that a permit be granted with the following conditions:

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1. This Annual Permit shall expire on 12/31/14 and is intended to cover pesticide applications as approved by the New York State Department of Environmental Conservation (“NYS DEC”) during the 2014 calendar year.
2. The Commission has waived the requirements for the submission of certain plans, site plans, surveys and environmental assessments but retains the right to require any and all of these filing requirements for future Annual Permits should it deem necessary.
3. The Applicants/Owners may apply for an Annual Permit for each additional calendar year in which the NYS DEC has granted an Aquatic Pesticide Permit under DEC Article 15, Title 3, so long as the following conditions have been met:
 - A. An unmowed buffer along the pond edge on the Talmadge property, as noted in the 5/2/14 letter from Rebecca Crist of the NYS DEC, shall be established and maintained in accordance with the written recommendation and approval of the Town Environmental Consultant.
 - B. A letter shall be co-signed by each permit participant (land owner) indicating that he or she understands that fertilizers and pesticides may not be applied within the wetlands or within the wetland buffers of the ponds without a Bedford Wetlands Control Commission permit as per Section 122.8-B(10) of the Town Code.
 - C. Each property owner that is a party to this permit shall verify by indicating on a map or survey where the sanitary system is located on their property. If this system is located within the regulated area, the property owner shall submit proof that the system has been inspected and pumped within the past two calendar years as per Section 122.9-6-J of the Town Code.
4. The standard conditions of the Commission for a wetlands permit shall be required (See Attachment A).

Voting on the Permit Resolution:

Motion Seconded by: Fiona Mitchell

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None

Reports:

A - Status of Violations/Enforcement Actions

No violations or enforcement actions were discussed.

B - Town Wetland Official (Beth Evans) Monthly Report: Administrative Permits

Beth Evans reported that she issued one permit on 4/9/14 for an already-built shed at 161 Pound Ridge Road that was not recently built.

C – Resolution Tracking Record

Carol Parker reviewed a list of inquiries and gave this list to the Wetlands secretary.

Minutes to be Approved:

May 5, 2014

Motion: Mr. Messinger made a motion to approve the May 5, 2014 minutes.

Motion Seconded by: John Stockbridge

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None

Discussion:

Legislative Agenda

Andrew Messinger told the Commission that he would draft the revisions to the Legislative Agenda to be submitted to the Town Board.

Meeting Adjournment:

Motion: Mr. Messinger made a motion to close the meeting.

Motion Seconded by: Mr. Stockbridge

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None

The meeting was adjourned at 9:45 PM.

Date approved by the Bedford Wetlands Control Commission: _____

Respectfully submitted,

Nora H. Marino, Wetlands Secretary

Date

Attachment A - WCC Permit Resolution Standard Conditions:

- A. The Applicant shall apply for any permits required by any other agency for this Project. No work permitted under this approval shall start until all such permits have been obtained.
- B. Prior to the commencement of the Project and when erosion and sediment controls have been installed in accordance with the New York Guidelines for Urban Erosion and Sediment Control, the Applicant shall notify the Commission at (914) 666-5140 to arrange an inspection of such controls. There shall be no work commenced on the Project unless and until the Town Environmental Consultant or the Town Director of Planning has approved such controls.
- C. The Project shall be carried out in accordance with the approved Plan.
- D. Promptly upon completion of the Project, the Applicant shall notify the Commission to arrange an inspection of the Project, including conditions as may be set forth in this condition. ***[IF THERE WILL BE A BUILDING PERMIT WITH A C/O OR C/C ISSUED: "No certificate of occupancy or certificate of compliance shall be issued unless and until the Town Environmental Consultant has inspected the Project and has determined that the Project has been completed in compliance with the conditions of the Resolution."]*** ***[IF THERE WILL NOT BE A BUILDING PERMIT WITH A C/O OR C/C ISSUED: "The Town Environmental Consultant shall inspect the Project and determine that the Project has been completed in compliance with the conditions of the Resolution."]***
- E. The Permit granted under this Resolution shall expire on the completion of the Project, _____ year(s) (*insert time granted when approved*) from the date of this resolution or at the time specified upon approval, whichever occurs sooner. Unless the resolution states that no time extensions will be granted, an application for the renewal of the Permit must be received not less than sixty (60) days before the expiration of the Permit.
- F. Pursuant to Section 122-9I of the Law, the Applicant shall be responsible for obtaining the approvals or permits required by any other agencies prior to commencement of the Project.
- G. Pursuant to Section 122-9K of the Law, the Applicant shall reimburse the Town for the costs of any inspection, review or work performed by the Town Environmental Consultant and any other consultants in connection with the application and the Project.