

**Bedford Wetlands Control Commission
425 Cherry Street
Bedford Hills, NY 10507**

2nd Floor Conference Room

**AGENDA
February 2, 2015
8:00 p.m.**

Announcements:

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

Amendment to Resolution:

8:05 – 8:30 pm Proposed Amendment No. 2 to Res. No. 12/34 (approved 10/1/12;
expired 10/1/13) amended by Res. No. 13/21 as Amendment No. 1
(approved 8/5/13; expiring 10/1/15)
(Application received 12/31/14)
Proposed Cattle Pastures
Section 71.7 Block 1 Lot 1.2, R-4A Zone
Croton Lake Road, Bedford Corners (Vacant Land)
Owner/Applicant: **Ivanna Farms, LLC**

Reports:

8:30 – 8:40 pm A - Status of Violations/Enforcement Actions
 B - Town Wetland Official (Beth Evans) Monthly Report:
Administrative Permits
C - Resolution Tracking Record

Discussions:

8:40 – 9:30 pm

- Balter February/March Site Walk
- Wetland Law Changes: Providing Public Information & Education
- Review of Fencing Guidelines
- Meeting Schedule Adjustments

Minutes to be Approved:

- September 8, 2014
- December 1, 2014

Please Note: Attendees scheduled for **8:30** or later are requested to arrive 30 minutes before scheduled time.

Supporting documentation for all items on this agenda is available at the Town of Bedford website. www.bedfordny.gov Larger documents and plans are available at the office of the Wetlands Commission.

Town Of Bedford - Wetlands Control Commission

Original WCC Permit Resolution No.: 1234 Approved: 10/1/12 Expired: 10/1/13

Application for:

- Reinstatement (Late Request fee of \$100 is required)
- 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 1/1 Ck. # dated 1/1 from:
B) Escrow Account # 619 Balance as of 12/31/14 = \$ -375 (\$200 Minimum Required)
\$ 205 Escrow Fee received on 11/1/14 Ck. # 2362 dated 11/7/15 from: Ivanna Farms LLC

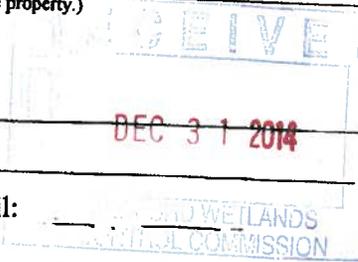
1. Identification of Owner(s):

Name(s) of Current Owner(s): Ivanna Farms, LLC
Address: Eric Hadar, Member, c/o Allied Partners, 770 Lexington Ave, 17th Fl., NY, NY 10021
Phone: 212-935-4900 (home) (work); Fax: 212-935-4995 E-Mail: edh@alliedpartnersinc.com
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: (work); Fax: E-Mail:



3. Identification of Property:

Bedford Tax Map Designation: Section 71.7 Block 1 Lot 1.2 Area
Zoning District: R-4A Project Address: Croton Lake Road, Bedford Corners
Approximate year of construction of any structure:

4. Project Description (as listed in the original resolution):

Sheep Pens and Shelters

5. (a) Reason(s) for Reinstatement/Time Extension Request:

(b) Length of Time Extension Requested:

6. Proposed Amendment to Approved Plan:

Proposed cattle pastures in lieu of sheep pens

7. Proposed Project Start Date: May 2015

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

Res. No. 13/2 Am. # 1 Approved on: 8/5/13 Expiration Date: 10/1/15

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: 1 Description: Signed letter from an official of the LLC regarding the deposition of dredge spoils or other fill on this land Date Completed: / /

Condition No: 2 Description: Sign-off letter from the Westchester Land Trust Date Completed: / /

Condition No: 4 Description: Installation and inspection of the Erosion and Sediment Controls Date Completed: / /

Condition No: Description: Date Completed: / /

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

 X
Print name/title: Eric Hadar

Date: 1/9/15

Print name/title:

Date:

Signature of applicant (if different):

Print name/title:

Date:

December 30, 2014

Mr. Andrew Messinger, Chairman
Bedford Wetlands Control Commission (BWCC)
425 Cherry Street
Bedford Hills, NY 10507



**Re: Ivanna Farms
Proposed Cattle Pastures (former Sheep Pens)**

Dear Chairman Messinger and Members of the BWCC:

At this time we are sending you information in support of the above project, including nine copies of the following:

- **Proposed Cattle Pasture Plan**, prepared by J.D. Barrett & Associates, LLC, dated December 18, 2014.
- **Updated Survey**, prepared by Johnson surveyors, entitled "Wetland Survey of Property", dated November 13, 2014.
- **Environmental Report**, prepared by Stephen W. Coleman Environmental Consulting, LLC, dated December 30, 2014.
- **Project Chronology/Attachment List**, prepared by J.D. Barrett & Associates, LLC, dated December 24, 2014.
- **A Letter of Support** prepared by James Wood, addressed to Andrew Messinger, Chairman of the Bedford Wetland Commission, dated September 12, 2014

Background

In 2012, the applicant filed plans and applications to construct sheep pens on Ivanna Farms West in the existing meadow on the west side of Croton Lake Road. Project approval to construct two sheep pens and associated fencing and two stone animal shelters were granted in October 2012. The wetland permit for the sheep pen project was renewed in the summer of 2013. In the summer of 2014, the applicant began to till the soils on the subject meadow to install pasture grasses in connection with his plan to switch from sheep husbandry to cattle husbandry. Because the tilling of the soil was not part of the wetland permit approval for the sheep pens, unauthorized soil disturbance/soil tilling and seeding was stopped by the Town authorities. Notices of Violations (NOV's) were then issued by the Town, NYSDEC and NYCDEP for the current work. At that point, the applicant had retained his team of professionals to help resolve the current situation.

Property History

Ivanna Farms is the former Braewold Farm owned for generations by the Wood Family. James Wood, the former owner of Braewold Farm (now Ivanna Farms) has remained in contact with the current Ivanna Farms owner, Eric Hadar. Mr. Wood has shared the

property history with Mr. Hadar, including the agriculture history of the subject meadow currently proposed at this time to serve as cattle pasture. Mr. Wood has described that the subject meadow has historically served farmed related uses, including the growing of crops and grazing of farm animals, including cattle. Mr. Wood is supportive of Mr. Hadar's plans to reintroduce cattle grazing to the subject pasture, thereby preserving another piece of the farms history and Town's agricultural heritage. We attach to this cover letter, Mr. Wood's letter to the BWCC in support of the proposed cattle pasture application currently before the BWCC for Amended Wetland Permit Approval. Mr. Wood's letter also provides a brief agricultural history of the subject meadow.

Follow-up by Project Team

In late August of 2014, the offices of Stephen W. Coleman and J.D. Barrett & Associates met at the property with the farm manager-S. Crolick to review the project and NOV's. Concurrently, the applicant had engaged attorney Michael Sirignano to also review the situation and help resolve the project issues and NOV's. In early September of 2014, the office of J.D. Barrett issued an explanatory letter to the Town's Environmental Consultant-B. Evans, advising her of the work that occurred and remediation measures taken to immediately stabilize the exposed soils with additional silt fencing and seed mixes. Installation of the cattle pasture seed mixes and wetland restoration seed mixes were also installed in September 2014 in an effort to vegetatively stabilize the site and take advantage of the optimal seeding window. The pasture grasses are becoming established now – see pictures on site plan).

Updated Survey Prepared

In October and November of 2014, the project surveyor prepared an as-built survey of the soil disturbance boundaries as well as the improvements and drainage repairs made in conjunction with the establishment of the cattle pasture grasses. In addition, the surveyor staked in the field wetland lines and the 100-foot wetland buffer line to assist the regulators with assessing the level of encroachment into the regulated area that resulted following installation of the pasture grasses. The current site plan prepared for this application is based on the latest site plan.

NYSDEC (DEC)

The NOV issued by the DEC stated that the preparation of an Erosion Control Plan and SWPPP and NOI must be prepared for the project. However, because the project disturbance was realized during the installation of an agriculture-related activity and not a construction-related activity, it was unclear if a SWPPP and NOI were warranted for the project. DEC requested that our office prepare a background summary of the project and property and forward same to them for review to assist them in determining if the project qualified as a "construction" activity and needed to be covered by a SWPPP. Our office provided a letter and report to DEC on September 29, 2014 addressing their questions. (Copy of the 09/29/14 letter and report are attached.) In October 2014, DEC requested additional information and same was provided in our October 15, 2014 letter to DEC, highlighting four issues DEC requested clarification on to help them make a project determination. We have not received feedback yet from DEC, however, we understand

that upon their return from the holiday break in January 2015, that we will receive correspondence on the matter from them.

NYCDEP (DEP)

In conjunction with NYSDEC's NOV, the DEP also issued a NOV. Our office had engaged in multiple discussions with DEP officials regarding the project and they were copied and included with all correspondence with DEC. In December 2014 the DEP issued a letter to the applicant that the DEP's NOV has been satisfactorily resolved, where DEP is acknowledging that the subject activity in the meadow is/was agriculture-related and not construction-related and, therefore, that Agency will not regulate the farm work on proposed cattle pastures. Recent discussions with DEP personnel indicate that DEC may be taking a similar position, as the Agencies work very closely together.

NYS Department of Agriculture & Markets (NYS A&M)

The applicant has discussed their farm operations with NYS A&M and Ivanna Farms has initiated the proper paperwork to be considered as a "start-up" farm under NYS A&M law. Dr. Somers from NYS A&M has coordinated with DEP, DEC and Town officials to help resolve the NOV's and position Ivanna Farms as a farm operation in New York State. Correspondence from Dr. Somers to the Town of Bedford is attached.

Proposed Site Plan

The project team has worked with the Town's Wetland Consultant to prepare a site plan for the cattle pastures that can be reviewed with the BWCC for (amended) Wetland Permit Approval to convert the proposed use at the subject meadow from a Sheep Husbandry to Cattle Husbandry use. The proposed site plan identifies the limits of disturbance and shows the recently installed pasture-related improvements, including the repairs to portions of the existing field under drains, new drain pipes installed and well points to distribute cattle drinking water to the proposed cattle "waterers" positioned in the proposed cattle pastures. Four cattle pastures (pens) are proposed (versus two sheep pens). The cattle pastures vary in size, as follows:

- Pasture 1 2.85 acres
- Pasture 2 3.50 acres
- Pasture 3 2.95 acres
- Pasture 4 2.41 acres
- Total Pastures 11.71 acres

The previously approved sheep pens measure 6.1 acres and 4.5 acres for a total of 10.6 acres of pasture. It should be noted that the location of the western cattle pasture fencing is in the same location as the previously approved western fencing location of the sheep pens, so that the cattle pastures are not any closer to the wetland and pond system than the sheep pens were located.

It is proposed that approximately 10 cows will be pastured in the meadow. The cattle shall be rotated from pasture to pasture, as needed, to help maintain healthy stands of pasture grass in each pasture or pen. The applicant also still wishes to install the stone animal

shelters in the meadow (approved for the sheep pens), to provide a place to protect the cattle from inclement weather, or the hot summer sun. The applicant is currently discussing the installation of the stone animal shelters with the Westchester County Land Conservation.

Water Quality

During the installation of the cattle pasture grasses, redundant erosion controls were installed in the meadow to contain erosion and sedimentation resulting from the soil disturbance to install the pasture grasses. The pasture grass is now in place and will continue to thicken and spread in the coming spring and summer months, thereby further stabilizing the meadow area. In an effort to continue to protect the downstream wetland and pond from stormwater runoff from the pasture areas after installation of the pastures, the site plan proposes approximately 3700 LF of staked coir (coconut fiber) logs be installed at the base of the fence line at the mid-meadow pasture fencing line and the lower-most western cattle pasture fence line. A single row of coir log is envisioned for the mid-fence line and a double coir log at the lower fence line. It is felt that the coir logs will act as stormwater berms or diversions to help slow stormwater and promote infiltration of storm flows into the soil. The coir logs will eventually become vegetated with pasture grass and decompose in place, but slight humps (combination of decayed coir logs and collected soils) in their original location will remain to continue to slow water runoff and infiltration of storm flows in the pasture for long-term protection of the down slope wetlands. It is felt that this solution is best because it negates the need for additional earthwork to create berms and swales between the pastures and wetland to achieve a similar result.

Additional Mitigation Measures

It was discussed at the November 20th field meeting with the Town Environmental Consultant that a stormwater sump be installed at the base of the piped outflow that discharges into the wetland at the northwestern corner of the pasture. This pipe collects flows from Croton Lake Road as well as the farm drains. We have schematically shown on the plan the location of the proposed sediment sump. This area will be further detailed as the project proceeds through the review process with the BWCC.

The applicant also proposes to renovate the existing wetland system adjacent to Croton Lake Road where it is currently a dense stand of phragmites. It is proposed that this invasive stand of vegetation be removed and the area reclaimed to native wetland plantings. The detail of this wetland restoration will be detailed as the project proceeds through the review process with the BWCC. It is felt that an improved wetland habitat and system can replace the existing invasive stand of phragmites and also return this area of the farm to its former natural state without the phragmites.

Summary

We trust that the above information will be helpful to the BWCC's review of the project. We look forward to discussing the project with the BWCC at the February 2015 BWCC meeting. Please let us know if additional information is required.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Barrett', with a large, stylized initial 'J'.

Jeri D. Barrett, R.L.A.
JDB:lj
Enc.

Cc: E. Hadar
M. Sirignano
S. Crolick
S. Coleman



STEPHEN W. COLEMAN
ENVIRONMENTAL CONSULTING, LLC

Environmental Planning & Site Analysis
Wetland Mitigation & Restoration Plans
Wetland Delineation & Assessment
Natural Resource Management
Pond & Lake Management
Wildlife & Plant Surveys
Breeding Bird Surveys
Landscape Design

December 30, 2014

Mr. Andrew Messinger, Chairman
Wetlands Control Commission
Town of Bedford
425 Cherry Street
Bedford Hills, New York 10507



Re: Ivana Farms – Proposed Cattle Pastures (former Sheep Pens) - Environmental Assessment and Recommended Mitigation and Remedial Measures

Dear Mr. Messinger:

As you are aware, in 2012, the applicant filed plans to construct sheep pens on Ivana Farms West in the existing meadow on the west side of Croton Lake Road. This project was approved by the BWCC in October 2012 and renewed in 2013. The wetland permit was for the construction of two sheep pens, fencing and two animal shelters. In the summer of 2014, the applicant had decided to change from sheep to cattle. The applicant began tilling of the soils in the meadow with the purpose of planting pasture grasses for future use by cattle. In addition, drainage improvements to existing drains in the pasture area were completed. The clearing of the meadow and subsequent tilling of the soil was not part of the original wetland permit granted for the Sheep Pens. Due to the extensive amount of earth disturbance, violations were issued by the Town, NYSDEC and NYCDEP.

Follow up meetings were held with the project team and also with the Beth Evans, the Town's Environmental Consultant to outline immediate site stabilization measures; to assess the extent of wetland encroachment from tilling operations; and to determine appropriate remedial measures to be implemented. Based upon the site meetings, the applicant had installed additional erosion control measures to minimize any transport of sediment into adjacent wetland areas downslope, had completed seeding of the two pastures, and installed wetland and wetland buffer seed mixes within wetland areas located within the proposed pasture areas. This work was completed by the end of September. A follow up meeting was held with Beth Evans in November to review the required temporary remedial measures and to discuss next steps and information that will be included within the proposed site plans to be submitted to the BWCC for review and approval.

Proposed Site Plan

Please refer to the "Proposed Cattle Pasture Plan" prepared by J.D. Barrett & Associates LLC for specific details of the proposed site plan. The proposed site plan reflects recommendations made as a result of a November site meeting with the Town's Wetlands Consultant. The proposed use has changed from sheep to cattle husbandry. A total of 4 pastures are proposed for cattle use as compared to two large pastures originally proposed as part of the sheep project. The size of the cattle pastures are slightly larger 11.71 acres compared to 10.6 acres. The additional increase in pasture is located outside of regulated wetland buffer areas. A total of 10 cows will be kept within the pasture areas.

The location of perimeter fencing along the western side will be located within the same location as originally proposed for the sheep pens. No additional encroachment will occur to the wetland or adjacent pond system.

Proposed Wetland and Wetland Buffer Mitigation Measures

Restoration of Wetland Areas

As a result of tilling operations, the wetland at the bottom of the slope was encroached in two areas. The location and acreage of these areas were survey located and are shown on the proposed site plans. Each area will be restored back to original condition. Each wetland area will be re-planted with native herbaceous plants and grasses to replicate species that are currently present. A planting plan will be developed as part of the approved site plan.

The linear wetland along Croton Lake Road currently consists of a dense stand of phragmites grass. The phragmites grass will be removed and the area restored with native wetland plantings. This measure will help improve available wetland habitat and provide more effective water quality treatment measures. Specific details will be provided as part of the review process.

Water Quality Protection Measures

Ivanna Farm will follow recommended best management practices for raising cattle on the farm. This will include the use of smart grazing strategies, manure management and the use of vegetated buffers and filter strips. Due to the slopes in the vicinity of the pasture/paddock areas, a permanent row (3700 linear feet) of staked coir logs will be installed at the base of the fence line at the mid-meadow pasture fencing line and the lower most western pasture fence line. A single row will be installed at the mid-meadow fence line and a double row at the lower most western fence line. The coir logs will serve as a semi-permanent filter strip that will serve to slow rain runoff, increase soil infiltration, and filter microorganisms, nitrogen, phosphorous, and organic matter from small volume runoff that may contain manure. Once runoff leaves the coir logs, surface water will continue to be filtered downslope by the existing dense field/meadow grasses located as part of the wetland buffer

At the base of the wetland in the northwestern corner of the pasture the existing drainage outflows directly into the wetland. This area will be retrofitted with a stormwater practice designed to capture and treat runoff from the drain pipe and any runoff that may enter the wetland from pasture activities. This will include the construction of a deep sediment sump and forebay treatment area. Specific details will be provided as part of the final proposed plans.

It is our hope that this additional information will assist the Commission in their review of this project. We look forward to discussing the proposed changes of the pastures and restoration plans with members of the Wetlands Control Commission. Please let us know if you have any questions or require additional information.

Sincerely,

Stephen W. Coleman

Stephen W. Coleman

SWC/tbh

cc: J. Barrett

IVANNA FARMS WEST / PROPOSED CATTLE PENS
Croton Lake Road, Bedford, New York
December 24, 2014



Chronology / Attachment List

1. August 30, 2012
Submittal to BWCC for wetland permit to install fencing and shelters for two sheep pens.
 - Sheet 1 of 2 – Site Information Plan, dated 08/29/12 (reduced to 11” x 17”)
 - Sheet 2 of 2 – Alternative Fencing Plan, dated 08/27/12, revised 10/01/12 (reduced to 11” x 17”)
2. October 1, 2012
Wetland permit granted to construct sheep pens and shelters – WCC Resolution No. 12/34
3. August 5, 2013
Time extension granted for wetland permit – WCC Resolution No. 13/21
4. September 3, 2014
Explanatory letter to Beth Evans following unauthorized site work activity and proposed remediation/stabilization approach.
5. September 8, 2014
Notice of Violation from New York City DEP issued for soil disturbance activities without SWPPP approval.
6. September 9, 2014
Notice of Violation issued from NYSDEC for soil disturbance without a SPDES permit.
7. September 10, 2014
Email correspondence between J.D. Barrett, Beth Evans and Eric Hadar. Remediation efforts begin in consultation with Beth Evans and project team. Wetland seed mixes applied to all disturbed soils.
 - Seed mixture descriptions
8. September 21, 2014
Letter and plan to Beth Evans from J. D. Barrett & Associates explaining status of remediation efforts
 - Temporary Stabilization Plan, dated September 21, 2014.
9. September 22, 2014
Letter from Robert Somers, NYS Department of Agriculture and Markets to Chris Burdick, Town Supervisor, regarding investigation of Bedford’s wetland and stormwater management laws and establishment of the Ivanna Farms property as a farm operation with legal farm status.
10. September 29, 2014
Letter to Adedayo Adewole, PE, NYS DEC explaining history of project and proposed remediation.

11. October 1, 2014

Letter from Mr. Adewole, NYSDEC, requesting additional information.

12. October 14, 2014

Follow-up letter from Robert Somers, NYS Department of Agriculture and Markets determining that Ivanna Cattle Farm, LLC qualifies as a "start-up" farm under AML.

13. October 15, 2014

Letter to Pat Ferracane, NYSDEC, providing additional background information for DEC determination of coverage requirements under SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-10-001).

14. October/November 2014

As-built survey prepared (attached to submittal cover letter).

15. November 20, 2014

Field meeting with Town's Wetland Inspector-B. Evans, Farm Manager-S. Crolick and Project Wetland Consultant-S. Coleman. Site conditions reviewed and remediation plan measures discussed.

16. December 18, 2014

Letter from Joseph Ziminsky, Stormwater Enforcement Coordinator, (NYCDEP) stating that the Notice of Violation has been satisfactorily resolved.

17. December 31, 2014

Submittal to BWCC for Amended Wetland Permit for Proposed Cattle Pastures

IVANNA FARMS WEST / PROPOSED CATTLE PENS
Croton Lake Road, Bedford, New York
December 24, 2014



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Letter from Joseph Ziminsky, Stormwater Enforcement Coordinator, (NYCDEP) stating that the Notice of Violation has been satisfactorily resolved.
17. December 31, 2014
Submittal to BWCC for Amended Wetland Permit for Proposed Cattle Pastures

August 30, 2012

Mr. Andrew Messinger, Chairman
Bedford Wetlands Control Commission (BWCC)
425 Cherry Street
Bedford Hills, NY 10507



**Re: Proposed Sheep Pens
Ivanna Farms, LLC**

Dear Chairman Messinger and Members of the BWCC:

We enclose nine copies of the following information for your review in support of a Wetland Permit for the above project.

- This explanatory **Cover Letter**, prepared by J.D. Barrett & Associates, LLC, dated August 30, 2012.
- A completed **BWCC Wetland Permit Application**, prepared by J.D. Barrett & Associates, LLC, dated August 30, 2012, along with an **Application Fee** (\$200.00) and **Escrow Fee** (\$500.00).
- A completed **Short Form EAF**, prepared by J.D. Barrett & Associates, LLC, dated August 30, 2012.
- Six copies of the **Property Deed and Title Report**.
- A site plan, entitled **Site Information Plan**, Sheet 1 of 2, prepared by J.D. Barrett & Associates, LLC, dated August 29, 2012.
- A site plan, entitled **Proposed Fence Plan**, Sheet 2 of 2, prepared by J.D. Barrett & Associates, LLC, dated August 29, 2012.
- A survey map, entitled **Wetland Survey of Property**, prepared by H. Stanley Johnson & Company Land Surveyors, P.C., Mt.Kisco, NY, dated November 2011.
- **Architectural Plan**, entitled Ivanna Farm Proposed Sheep Pen, prepared by Teo Siguenza Architect, dated August 30, 2012.

Overview

Ivanna Farms proposes to install two sheep pens on the western portion of the farm (Ivanna Farms West) situated to the west of Croton Lake Road. The addition of sheep husbandry to the farm operation is intended to provide more diversity to the existing farm operation where currently horse husbandry occurs on Ivanna Farms East, sited on the eastern side of Croton Lake Road and along the northern side of Wood Road. A Wetland Permit Application is being applied for, as portions of the sheep pen fencing occur in regulated areas on Ivanna Farms West.

Proposed Sheep Pens

It is proposed that two sheep pens be positioned in the west sloping field on Ivanna Farms West. The subject area where the sheep pens will be installed is currently maintained as mowed

meadow (mowed 5-6 times per year). Two sheep pens are proposed in the field. The more southerly sheep pen (sheep pen #2) will cover approximately 3.86 acres and entail approximately 1,908 LF of fencing. The northerly sheep pen (sheep pen #1) will cover approximately 4.1 acres and entails 1,754 LF of fencing. In each sheep pen, a 13' x 20' stone sheep shelter is proposed to match the existing stone shelter building on the adjacent Gosin property to the north. The project architect, Teo Siguenza, has provided an architectural plan of the proposed structure.

Proposed Sheep Pen Fence

The sheep pen fencing consists of 6-inch diameter cedar posts with three 1 x 6 oak rails. The fence height is approximately five feet. Stapled to the inside of the rails will be galvanized 2 x 4 steel mesh to prevent predatory coyotes from accessing the sheep pens. It is preferred that wildlife cut-outs in the bottom of the mesh not be provided, fearing that coyotes may use these openings to dig under the fence and "belly crawl" into the sheep pens. Because the sheep pens are separated by a 30' wide corridor, we believe access around the sheep pens for small animals will still be possible. The fence material will be allowed to weather to a natural silver grey color. There is no excavation required for fence installation as the posts are driven into the ground with a small pile driver mounted to a skid-steer loader.

Proposed Stone Sheep Shelters

Two, 13' x 20' stone sheep shelters are proposed. The project architect has provided a plan of the structures. The design intent is to mimic the existing stone shelters on the adjacent property to the north. Native fieldstone will cover the walls and a slate roof is proposed, so the structures will be maintenance free. A masonry foundation will be required and minor excavation and backfill will be required to construct the shelters. Appropriate erosion controls will be provided around the work area to contain the construction. All work for the sheep shelters occur outside the wetland buffer.

Town Code in Connection with Keeping of Animals

Section 125-25 of the Town Code discusses the keeping of animals on a property. Section 125-25B(2) discusses goats and sheep and states that same is considered an accessory use in the R-4A zoning district, which the property is located in. It further stipulates that all pens shall be at least five feet from the property line and all feed stored in rodent-proof containers. The project will comply with the above.

Section 125-25B(2)c discusses the number of sheep allowed on a property and states that at least one acre of a lot is required for the first two sheep and an additional one-half acre of the lot is required for each sheep after the first two. Hence the following calculations would apply:

Site Area: Ivanna Farms West - 21.603 acres

<u>Area</u>	<u>Number of Sheep</u>
Acre 1 = 2 sheep per first acre	2
Acres 2-21.5 = 19.5 acres @ 1 sheep/half acre	39
Total Number Sheep Allowed	41
Total Number of Sheep Proposed	30

Summary

We believe that the installation of sheep pens and sheep husbandry is an allowable and practical use of the property. Indeed, this same pasture historically has been used in the past as cattle pasture by the former owner, Mr. Wood. We believe that the plan proposed is practical and represents an appropriate use of the property while contributing to the scenic and bucolic nature of the Croton Lake Road view shed.

We look forward to discussing the plan with the BWCC at the October 2012 meeting. Please call with any questions.

Sincerely,



Jeri D. Barrett, R.L.A.

JDB:lj

Enc.

cc: Eric Hadar-Member
Steve Crolick-Property Manager
Stephen Coleman, M.S.
Teo Siguenza, R.A.

**WETLANDS CONTROL COMMISSION
Town of Bedford
Westchester County, New York
WCC PERMIT RESOLUTION NO. 12/34
Construction of Sheep Pens and Shelters
Ivanna Farms, LLC**



WHEREAS, Ivanna Farms, LLC (the "Applicant") proposes to perform certain work (the "Project") at the Applicant's property (the "Property") commonly known as Croton Lake Road, Bedford Corners, 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 sheep pens and shelters; and

WHEREAS, the Property is designated on the Town's Tax Maps as Section 71.7, Block 1, Lot 1.2 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 "Site Plan") prepared by *J.D. Barrett + Assoc. LLC* ~~Craig Intinarella~~ (the "Applicant's Architect"), titled:
Sheet 1 of 2 Site Information Plan dated 8/29/12
Sheet 2 of 2 Alternative Fencing Plan dated 8/27/12, revised 10/1/12; 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. LT060373, dated 9/13/06, with respect to the Property;
- (3) The Applicant's deed to the Property, dated 12/14/06, from James Wood to Ivanna Farms, LLC;
- (4) Cover letter from Jeri D. Barrett, J.D. Barrett & Associates, LLC, dated 8/30/12;

- (5) Wetlands/Watercourse Investigation and Delineation, prepared by Stephen W. Coleman Environmental Consulting, LLC , dated 7/10/12;
- (6) Plan titled "Proposed Sheep Pen," prepared by Teo Siguenza, Architect, dated 8/30/12; and
- (7) Wetland Survey of the Property, prepared by H. Stanley Johnson and Company Land Surveyors, P.C., dated 11/3/11, delineating the Wetlands and Wetland/Watercourse Buffer, as flagged in the field on 9/26/11 by Stephen W. Coleman Environmental Consulting, LLC.

WHEREAS, the Commission and the Town Environmental Consultant conducted a site inspection (the "Site Inspection") of the Project and the Property on 9/20/12; 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 10/1/12, 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.

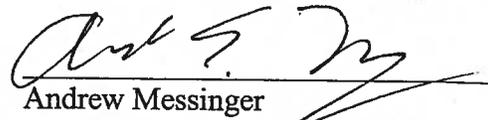
BE IT FURTHER RESOLVED that the Commission hereby grants the Permit, for one year from the date of the approval of this resolution subject to the following conditions:

1. Prior to the beginning of any work on this project, the Applicant shall provide a signed letter from an official of the limited liability corporation who can make legal commitments for the corporation, declaring that the previously submitted application (dated 8/2/12 and received on 8/6/12) for the proposed dredging and restoration of the pond on the Reeber and Ivanna Farms properties for the use of this land for the deposition of dredge spoils or other fill, has been abandoned and that the sole use of the land indicated on this submitted plan will be for the grazing and shelter of sheep without changes to the contour, slope or grade of the land.
2. Prior to the beginning of any work, and before the issuance of any building permits for this project, the applicant shall provide the Commission with a "sign-off" letter from the conservation easement holder, the Westchester Land Trust, indicating that there is no opposition to the plan as presented, or that the conservation easement currently in effect permits the grazing of livestock in the area located on the plan.
3. This permit shall not apply to any construction of the dock and boardwalk indicated on the approved plan.
4. 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.
5. The Project shall be carried out in accordance with the approved Plan.
6. 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.

7. The Permit granted under this Resolution shall expire on the completion of the Project or on 10/1/13, 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.
8. 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.
9. 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. 12/34 at its 10/1/12 meeting 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 October 1, 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 11/9/2012.


Anne Paglia
Wetlands Commission Secretary

**WETLANDS CONTROL COMMISSION
Town of Bedford
Westchester County, New York
WCC PERMIT RESOLUTION NO. 13/21
Amendment No. 1 to Resolution No. 12/34
Time Extension
Construction of Sheep Pens and Shelters**



Ivanna Farms, LLC

WHEREAS, Ivanna Farms, LLC (the "Applicant") submitted an Application for Time Extension dated 7/11/2013 and received 7/12/2013, 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 Croton Lake Road, Bedford Corners 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 sheep pens and shelters; and

WHEREAS, the Property is designated on the Town's Tax Maps as Section 71.7, Block 1, Lot 1.2 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. 12/34 (the "Prior Resolution") on 10/1/2012 (with expiration date of 10/1/2013) which granted the Permit to allow the Applicant to carry out the Project subject to the conditions set forth in the Prior Resolution; and

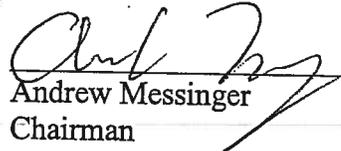
WHEREAS, the Extension Request was received within the deadline provided under the Law, which is not less than sixty days prior to the expiration of the Permit which the Commission granted to the Applicant initially under the Prior Resolution; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby grants the Time Extension Request until 10/1/2015, subject to the following conditions:

1. All applicable previous conditions under the original permit shall remain in effect.
2. No changes or alterations shall be made to the site that are not contained within the previous resolution or indicated on the submitted site and mitigation plans.
3. Prior to the beginning of any work on this project, the Applicant shall provide a signed letter from an official of the limited liability corporation who can make legal commitments for the corporation, declaring that the previously submitted application (dated 8/2/2012 and received on 8/6/2012) for the proposed dredging and restoration of the pond on the Reeber and Ivanna Farms properties for the use of this land for the deposition of dredge spoils or other fill, has been abandoned and that the sole use of the land indicated on this submitted plan will be for the grazing and shelter of sheep without changes to the contour, slope or grade of the land.
4. Prior to the beginning of any work, and before the issuance of any building permits for this project, the Applicant shall provide the Commission with a "sign-off" letter from the conservation easement holder, the Westchester Land Trust, indicating that there is no opposition to the plan as presented, and that the conservation easement currently in effect permits the grazing of livestock in the area located on the plan.
5. This permit shall not apply to any construction of the dock and boardwalk indicated on the approved plan.
6. 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.
7. The Project shall be carried out in accordance with the approved Plan.
8. 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.
9. The permit granted under this Resolution shall expire on the completion of the Project or on 10/1/2015, 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.
10. 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.
11. 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 8/5/13 meeting approved this Resolution No. 13/21, as Amendment No. 1 to Resolution No. 12/34, 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 August 5, 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 9/9/2013.


Anne Paglia
Wetlands Commission Secretary

September 3, 2014

Ms. Beth Evans
Wetlands Inspector
Town of Bedford
425 Cherry Street
Bedford Hills, NY 10507



**Re: Ivanna Farms, LLC
Sheep Pen Area Preparation**

Dear Beth:

Following our discussions with you and the applicant's farm manager-Steven Crolick, Stephen Coleman and I have prepared the following status report for your review.

- 1) Overview – The land operations to prepare the soil for reseeding to a pasture seed mix suitable for animal grazing, which includes the following operations:
 - Mowing and mulching of the existing field grasses
 - Repairs of larger sink holes through the fields
 - Repairs of existing tile drain fields throughout the fields
 - Installation of new subsurface curtain drains
 - Installation of two deep well points to ground water to provide a source for future water supply for the farm animals
 - Installation of ¾" PVC fresh water lines (in same trenches as curtain drains).
 - Installation of perimeter silt fencing
 - Plowing the soils to overturn the existing sod/turf
 - Discing the soils to break up the large sod clumps
 - Harley raking of the soils to remove large stones, etc. and prepare the surface to receive seed

- 2) It is estimated that approximately 10 acres of meadow is currently under renovation.

- 3) The following operations are required to install seeding to re-vegetate the meadow:
 - Install the pasture mix in all field areas – except the designated wetland area
 - Install the wetland seed mix in designated areas

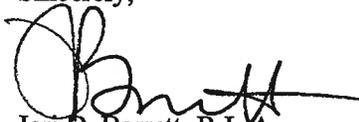
- 4) Other, additional measures currently underway, per our discussions, include:
 - The surveyor has been retained to stake the wetland line and the wetland buffer at +/- 100-foot intervals throughout the meadow per a sketch prepared by Stephen Coleman.
 - The farm manager shall install additional silt fencing at the approximate mid-point in the fields in addition to the lower perimeter silt fencing already in place.
 - The farm manager shall install additional silt fencing below and above the wetland encroachment adjacent to the pond area.

- 5) The surveyor has also been instructed to prepare an as-built survey of the existing condition in the meadows that will show the following:
 - Topography
 - Wetland lines and 100-foot wetland buffer lines
 - Areas of current disturbance line
 - Locations of new or repaired field drains, tile drains and/or curtain drains
 - Solid pipe connections to and from existing drainage structures
 - Locations of well points and fresh water lines
 - Locations of intrusion into wetland areas by recent farm work
- 6) Once the as-built survey is prepared, a copy will be forwarded to you, the Director of Planning the BWCC and Code Enforcement Officer.
- 7) Once the as-built survey is prepared, the offices of Stephen W. Coleman and J.D. Barrett & Associates shall prepare a restoration and remediation plan to address the current situation. We will request a site meeting with you to review our thoughts and approach and garner any suggestions you may offer.
- 8) In order to stabilize the currently exposed soils in the meadow, we have recommended to the farm manager that the pasture seed mix be installed in all disturbed areas, except the designated wetland areas. A copy of the proposed pasture seed mix is attached herein. The method of seed installation shall be with a tractor-mounted seed drill.
- 9) In order to stabilize the currently exposed soils in designated wetland areas, a wetland seed mix shall be installed. A copy of the seeded mix is attached herein. The method of seed installation shall be by hand or walk-behind spreader and the seed shall be lightly raked into the prepared soil and then covered with weed-free straw.
- 10) Stephen Coleman and J.D. Barrett had recommended to the farm manager to install the above-noted seed mixes in items #8 and #9 above as soon as the soils are prepared to receive the seed mixes. Our position is that it is best that we reestablish the vegetation in the meadow to stabilize the exposed soils and provide protection to the down-slope wetland resources.

We trust that you are in agreement with the above measures. Please let us know if you have any questions or additional comments.

We will keep you updated on our progress.

Sincerely,



Jeri D. Barrett, R.L.A.

JDB:lj

cc: Jeffrey Osterman, Director of Planning
William O'Keefe, Code Enforcement Officer
Andrew Messinger, Chairman-BWCC
Eric Hadar
Steven Crolick
Stephen Coleman



September 8, 2014



Allied Partners Inc.
Attn: Mr. Eric Hadar
770 Lexington Avenue
New York, NY 10021

Emily Lloyd
Commissioner

Re: **Notice of Violation (NOV)**
Ivanna Farms, LLC/Allied Partners Inc.
Croton Lake Road
(T) Bedford, (C) Westchester
Tax Map #71.7-1-1.2
DEP Log # 2014-CNC-0514-SP.1

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

Dear Mr. Hadar:

465 Columbus Avenue
Valhalla, New York 10595

T: (845) 340-7800
F: (845) 334-7175

Enclosed please find a *Notice of Violation (NOV)* of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations) issued to you by the New York City Department of Environmental Protection (DEP) for the following activities:

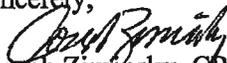
- Commencing soil disturbing activities associated with the plans for development of land that will result in the disturbance of five or more acres of total land area without first obtaining DEP approval of a Stormwater Pollution Prevention Plan (SWPPP) as required by Section 18-39 (b) (3)(i) of the Watershed Regulations; and
- Commencing a land clearing and land grading project involving two or more acres, located at least in part within the limiting distance of 100 feet of a watercourse or wetland, or on a slope exceeding 15%, without first obtaining DEP approval of a Stormwater Pollution Prevention Plan (SWPPP) as required by Section 18-39 (b) (3)(iv) of the Watershed Regulations.

This NOV has been issued based on observations made by representatives of DEP on Tuesday September 2, 2014 at which time DEP observed that approximately five or more acres of disturbance, land clearing, and/or grading had occurred.

You must immediately cease all site work currently underway, stabilize all disturbed areas and address the violation outlined in the attached NOV by submitting a SWPPP for DEP's review and approval.

Please call me at (914) 773-4441 within five (5) days of the date of this NOV to discuss this matter.

Sincerely,


Joseph Ziminsky, CPESC, CPSWQ
Stormwater Enforcement Coordinator

c: Joya Cohen, DEP Bureau of Legal Affairs, JCohen@dep.nyc.gov
Devon Goodrich, NYC Law Department, dgoodric@law.nyc.gov
Jean Marc Roche, DEP
Bill O'Keefe, Town of Bedford Building Department
Kevin Wynne, Town of Bedford Highway Department
Adedayo Adewole, P.E., NYSDEC Region 3
Ferracane, NYSDEC, Plferrac@gw.dec.state.ny.us

CITY OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF VIOLATION

TO: Mr. Eric Hadar
Allied Partners Inc.
770 Lexington Avenue
New York, NY 10021

DATE: September 4, 2014

LOCATION: Ivanna Farms LLC/Allied Partners
Croton Lake Road
Bedford, NY
Westchester County

PLEASE TAKE NOTICE THAT:

Pursuant to Section 1100 *et seq.* of the New York State Public Health Law, Title 10, Part 128 of the New York Codes, Rules and Regulations ("NYCRR"), and Title 15, Chapter 18 of the Rules of the City of New York ("RCNY"), the New York City Department of Environmental Protection ("DEP") is authorized to inspect the sources of the drinking water supply of the City of New York and determine whether any conduct within its watershed constitutes or threatens to constitute a temporary or permanent source or act of contamination of the water supply.

Upon investigations conducted by DEP staff on September 2, 2014, it has been determined that there is reasonable cause to believe that you have violated the following section(s) of 10 NYCRR Part 128 and 15 RCNY Chapter 18-21 and 18-39 (copies of the violated sections are attached):

- | | | |
|-------------------------------------|---------------------------------------|---|
| <input checked="" type="checkbox"/> | 10 NYCRR § 128-2.1; 15 RCNY § 18-21: | Contamination from a Regulated Activity |
| <input type="checkbox"/> | 10 NYCRR § 128-3.1; 15 RCNY § 18-31: | Pathogenic Materials |
| <input type="checkbox"/> | 10 NYCRR § 128-3.2; 15 RCNY § 18-32: | Hazardous Substances and Hazardous Wastes |
| <input type="checkbox"/> | 10 NYCRR § 128-3.3; 15 RCNY § 18-33: | Radioactive Materials |
| <input type="checkbox"/> | 10 NYCRR § 128-3.4; 15 RCNY § 18-34: | Petroleum Products |
| <input type="checkbox"/> | 10 NYCRR § 128-3.5; 15 RCNY § 18-35: | Human Excreta |
| <input type="checkbox"/> | 10 NYCRR § 128-3.6; 15 RCNY § 18-36: | Wastewater Treatment Plants |
| <input type="checkbox"/> | 10 NYCRR § 128-3.7; 15 RCNY § 18-37: | Sewerage Systems, Service Connections, and Discharges to Sewerage Systems |
| <input type="checkbox"/> | 10 NYCRR § 128-3.8; 15 RCNY § 18-38: | Subsurface Sewage Treatment Systems |
| <input checked="" type="checkbox"/> | 10 NYCRR § 128-3.9; 15 RCNY § 18-39: | Stormwater Pollution Prevention Plans and Impervious Surfaces |
| <input type="checkbox"/> | 10 NYCRR § 128-3.10; 15 RCNY § 18-40: | Miscellaneous Point Sources |
| <input type="checkbox"/> | 10 NYCRR § 128-3.11; 15 RCNY § 18-41: | Solid Waste |
| <input type="checkbox"/> | 10 NYCRR § 128-3.12; 15 RCNY § 18-42: | Agricultural Activities |
| <input type="checkbox"/> | 10 NYCRR § 128-3.13; 15 RCNY § 18-43: | Pesticides |
| <input type="checkbox"/> | 10 NYCRR § 128-3.14; 15 RCNY § 18-44: | Fertilizers |
| <input type="checkbox"/> | 10 NYCRR § 128-3.15; 15 RCNY § 18-45: | Snow Disposal and Storage and Use of Winter Highway Maintenance Materials |

___ 10 NYCRR § 128-2.7; 15 RCNY § 18-27

Violation involves Noncomplying Regulated Activity

___ Other: _____

Description of Violation(s):

- Commencing soil disturbing activities associated with the plans for development of land that will result in the disturbance of five or more acres of total land area without first obtaining DEP approval of a Stormwater Pollution Prevention Plan (SWPPP); and
- Commencing a land clearing and land grading project involving two or more acres, located at least in part within the limiting distance of 100 feet of a watercourse or wetland, or on a slope exceeding 15%, without first obtaining DEP approval of a Stormwater Pollution Prevention Plan (SWPPP).

These are violations of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations), in particular Sections 18-39 (b)(3)(i) and (iv), which require DEP's review and approval of the subject activity.

DEP became aware of the above violations on September 2, 2014 during a field investigation and observed disturbed area on the site that appears to total approximately five or more acres.

Please be advised that you must take the following action:

- 1) **Immediately** cease all land clearing and land grading activities.
- 2) Prepare and submit a temporary stabilization plan for DEP's acceptance within five (5) days of the date of this notice. The plan must detail the means and methods that will be used to stabilize disturbed areas until DEP approves a SWPPP.
- 3) Within five (5) days of DEP'S acceptance of the temporary stabilization plan, all measures noted therein must be implemented.
- 4) Submit a SWPPP for DEP's review and approval within 30 days of receipt of this letter and prior to any further site work.

Failure to comply within five (5) days of the date of this Notice, with the Rules and Regulations listed above, shall entitle the City: (A) pursuant to Public Health Law § 1102(3)(b), to maintain an action against you for the recovery of penalties incurred by your violation(s) and for an injunction restraining you from violating the Watershed Rules and Regulations or continuing a nuisance, and/or (B) pursuant to Public Health Law § 1102(3)(a), to summarily enforce compliance with the Watershed Rules and Regulations listed above and to summarily abate or remove the cause of the violation(s) of such Watershed Rules and Regulations or the nuisance resulting from such violation(s).

You must contact Joseph Ziminsky, CPESC, CPSWQ, at (914) 773-4441 within five (5) days of the date of this Notice to discuss resolution of your violation(s).

I swear under penalty of perjury that this above information is correct.

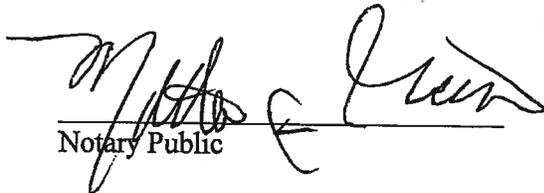


Joseph Ziminsky, CPESC, CPSWQ
Stormwater Enforcement Coordinator
Stormwater Compliance and Inspection

State of New York)
 ss.:
County of WESTCH

On the 8 day of Sept. in the year 2014 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

MATTHEW J. GIANNETTA
Notary Public, State of New York
No. 01G15075688 RT Nam
Qualified in Westchester County
Commission Expires April 7, 2015



Notary Public

New York State Department of Environmental Conservation
Division of Water, Region 3
100 Hillside Avenue • Suite 1W, White Plains, New York 10603-2860
Phone: (914) 428-2505 • FAX: (914) 428-0323
Website: www.dec.state.ny.us



Joe Martens
Commissioner

NOTICE OF VIOLATION

September 9, 2014

Mr. Eric Hadar
Allied Partners Inc.
770 Lexington Avenue
New York, NY 10021



Re: Ivanna Farms LLC
Tax Map: Section 71.7 Block 1 Lot 1.2
Town of Bedford, Westchester County

Dear Mr. Hadar:

The New York State Department of Environmental Conservation and the Town of Bedford have provided this Department with the attached documentation that construction activities involving greater than 5,000 square feet of soil disturbance was initiated at the above referenced project site without approval as required under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). Construction of a point source outlet without a SPDES permit is a violation of Article 17 of the New York State Environmental Conservation Law. Article 17 violations are subject to penalties of up to \$37,500 per violation, per day.

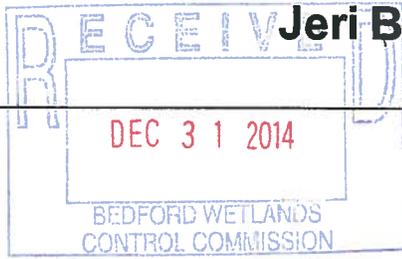
Our records do not indicate that the project has the required coverage under the Permit. A Notice of Intent (NOI) to gain coverage under the Permit must be submitted for the project. In addition a Stormwater Pollution Prevention Plan must be prepared and implemented for this project. The NOI can be obtained at this website: <http://www.dec.ny.gov/chemical/43133.html>. The completed NOI must be submitted to the address at the top of the form and a copy to this office by October 1, 2014.

This Notice of Violation also serves as a cease and desist directive to stop further violation of Article 17 of the New York State Environmental Conservation Law. These violations are being referred to our Office of General Counsel for the appropriate enforcement action.

Should you have any questions, please contact me at (914) 428-2505, Ext 365.

Very truly yours,

Adedayo Adewole, P.E.
Environmental Engineer 1



Jeri Barrett <jeri@jdbarrett.com>

Ivanna Farms

6 messages

Jeri Barrett <jeri@jdbarrett.com>

Wed, Sep 10, 2014 at 2:12 PM

To: Evans Assoc <beth@eaec-inc.com>

Cc: Steve Crolick <scrolick55@aol.com>, Steve Coleman

<steve.coleman8@verizon.net>, Eric Hadar

<edh@alliedpartnersinc.com>, BWCC <Bedfordwetland@aol.com>,

"Osterman, Jeff" <josterman@bedfordny.gov>, "O'Keefe, William"

<wokeefe@bedfordny.info>, Michael Sirignano <michael@sirignano.us>

Beth:

I discussed the seed operation with Steve Crolick and he intends to complete the seeding of the exposed soils as soon as possible. He understands that the wetland areas shall be seeded only with the Wetland Seed Mixes proposed and the remaining areas are to be seeded with the pasture mix. I plan to stop at the property later this week to go over the locations of the wetland areas with Steve so he can get started before the surveyor gets to the property next week. I attach two seed mixes that Steve Coleman and I reviewed and determined may be appropriate for the disturbed wetland areas. The first mix is Ernst Mix #122 - known as "FACW Meadow Mix" (seed mixture attached). This mix is proposed to be used in the wetter wetland areas at the base of the slope adjacent to the pond area where encroachment occurred.

The second mix will be installed in the wetland areas in the pasture. These are the long linear wetland areas in the meadow that are drier. This mix is to be provided by Newsom Seed Warehouse and is known as "Showy Northeast Native Wildflower Mix #153" (seed mixture attached). Steve Coleman feels this mix is more appropriate for the meadow area. If you are amenable to the above, I will coordinate with

Steve Crolick to order the seed mixes and install same as soon as they are available, hopefully next week.

Regarding the soil piles you viewed on the site, Steve Crolick notes that the soil piles resulted from the trenches he dug to repair or install the field drains. The only material imported to the site was the gravel for the field drains. Steve notes that he spread the trench spoils along the proposed path between the new paddocks, per the sheep pen plan. It appears that the majority of the path (per the plan) would be outside the buffer, but the beginning of the path (by Croton Lake Road) and the end of the path (by the boardwalk) appear to be within the buffer.

Please advise if the wetland seed mixes are acceptable so we can place the orders as soon as possible.

Jeri

Jeri Barrett, RLA
JD Barrett & Associates
109 Sport Hill Rd
Easton , CT 06612

203-372-5805 tel.
203-372-0499 fax

 SEED MIXES-1.pdf
198K

Beth Evans <Beth@eaec-inc.com> Wed, Sep 10, 2014 at 2:18 PM
To: Jeri Barrett <jeri@jdbarrett.com>
Cc: Steve Crolick <scrolick55@aol.com>, Steve Coleman <steve.coleman8@verizon.net>, Eric Hadar <edh@alliedpartnersinc.com>, BWCC <Bedfordwetland@aol.com>, "Osterman, Jeff" <josterman@bedfordny.gov>, "O'Keefe, William"

<wokeefe@bedfordny.info>, Michael Sirignano <michael@sirignano.us>

Jeri,

The seed mixes are fine. I assume that you will give Mr. Crolick the quantities to purchase of each based on the wetland delineation that was previously done. We will need to see the invoices for the seed. Finally, please let me know when you plan to be at the site, as I will try to coordinate it with my field work later this week.

Thanks,

Beth Evans

Evans Associates Environmental Consulting, Inc.

205 Amity Road

Bethany, CT 06524

203-393-0690 x112

203-710-9219 (cell)

beth@eaec-inc.com

From: Jeri Barrett [mailto:jeri@jdbarrett.com]

Sent: Wednesday, September 10, 2014 2:12 PM

To: Beth Evans

Cc: Steve Crolick; Steve Coleman; Eric Hadar; BWCC; Osterman, Jeff; O'Keefe, William; Michael Sirignano

Subject: Ivanna Farms

[Quoted text hidden]

Jeri Barrett <jeri@jdbarrett.com> Wed, Sep 10, 2014 at 2:27 PM
To: Beth Evans <Beth@eaec-inc.com>
Cc: Steve Coleman <steve.coleman8@verizon.net>, Steve Crolick <scrolick55@aol.com>

Thank you Beth.

I will calculate seeded quantities needed and get the material ordered tomorrow.

Site visit at Ivanna is probably Friday afternoon as I am down County in AM. I expect Johnson will be done staking sometime next week. Do you want to meet then instead when the staking is in place?

[Quoted text hidden]

--

Thank You,

Jeri Barrett, RLA
JD Barrett & Associates
109 Sport Hill Rd
Easton , CT 06612

203-372-5805 tel.
203-372-0499 fax

Eric Hadar <edh@alliedpartnersinc.com> Wed, Sep 10, 2014 at 3:07 PM
To: "Beth@eaec-inc.com" <Beth@eaec-inc.com>, "jeri@jdbarrett.com" <jeri@jdbarrett.com>
Cc: "scrolick55@aol.com" <scrolick55@aol.com>, "steve.coleman8@verizon.net" <steve.coleman8@verizon.net>, "Bedfordwetland@aol.com" <Bedfordwetland@aol.com>,"

12/17/2014

jdbarrett & assoc. Mail - Ivanna Farms

"josterman@bedfordny.gov" <josterman@bedfordny.gov>,
"wokeefe@bedfordny.info" <wokeefe@bedfordny.info>,
"michael@sirignano.us" <michael@sirignano.us>

Thanks so much for your assistance Beth. I have just returned from being away all summer and am so upset that all this happened. We had been working on this project in conjunction with a local farmer from southern Connecticut. Apparently, he was told numerous times by Steve to stay clear of the wetlands, however those instructions were not effectively communicated to his tractor operator who plowed the area while Steve was away on summer holiday as well.

In any event, I want to assure you that we are making every effort to do whatever necessary to restore the wetlands in accordance with your direction and protect from erosion until the area is stabilized.

I'm confident after discussions with Jeri and Steve that we will succeed in getting the disturbed wetlands area restored as quickly as possible.

Thank you again for your assistance and I want you to know how sorry I am that this happened. I trust that those involved on my side have learned a valuable lesson and I can assure you this won't happen again!

Best regards,

Eric

Eric Hadar
Allied Partners
770 Lexington Ave.
New York, NY 10065-8165

(212) 317-7770 Direct

(212) 935-4995 Fax

edh@alliedpartnersinc.com

From: Beth Evans [mailto: Beth@eaec-inc.com]

<https://mail.google.com/mail/u/0/?ui=2&ik=1>

FACW Meadow Mix

ERNMX # ERNMX-122

Cost Per Pound \$65.36

Seeding Rate 20 lb per acre, or 1/2 lb per 1,000 sq ft

Mix Type Wet Meadow & Wetland Sites

Species List (click for details)

- 29% Fowl Bluegrass (Poa palustris)
- 20% Virginia Wildrye, PA Ecotype (Elymus virginicus, PA Ecotype)
- 11% Lurid (Shallow) Sedge, PA Ecotype (Carex lurida, PA Ecotype)
- 7% Green Bulrush, PA Ecotype (Scirpus atrovirens, PA Ecotype)
- 6% Hop Sedge, PA Ecotype (Carex lupulina, PA Ecotype)
- 3% Blue Vervain, PA Ecotype (Verbena hastata, PA Ecotype)
- 3% Cosmos (Bristly) Sedge, PA Ecotype (Carex comosa, PA Ecotype)
- 2% Flat Topped White Aster, PA Ecotype (Aster umbellatus (Doellingeria umbellata), PA Ecotype)
- 2% Common Sneezeweed, PA Ecotype (Helenium autumnale, PA Ecotype)
- 2% Giant Ironweed, PA Ecotype (Vernonia gigantea (V. altissima), PA Ecotype)
- 2% Boneset, PA Ecotype (Eupatorium perfoliatum, PA Ecotype)
- 2% Oxeye Sunflower, PA Ecotype (Helopsis helianthoides, PA Ecotype)
- 2% Soft Rush (Juncus effusus)
- 2% Sensitive Fern (Onoclea sensibilis)
- 2% Rattlesnake Grass, PA Ecotype (Glyceria canadensis, PA Ecotype)
- 1% Purplestem Aster, PA Ecotype (Aster puniceus (Symphyotrichum puniceum), PA Ecotype)
- 1% Swamp Milkweed, PA Ecotype (Asclepias incarnata, PA Ecotype)
- 1% Woolgrass, PA Ecotype (Scirpus cyperinus, PA Ecotype)
- 1% Narrowleaf Blue Eyed Grass (Sisyrinchium angustifolium)
- 0.5% Ditch Stonecrop, PA Ecotype (Penthorum sedoides, PA Ecotype)
- 0.5% Great Blue Lobelia, PA Ecotype (Lobelia siphilitica, PA Ecotype)

Total: 100%

Prices are subject to change without notice. Please call (800) 873-3321 for current pricing.

Search

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Ernst Conservation Seeds, Inc.

8884 Mercer Pike, Meadville PA 16335

(800) 873-3321

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 Saturday & Sunday: Closed

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Phone: 301-355-6366
 Fax: 301-355-7446
 7620A Rickenbacker Drive
 Gaithersburg, Maryland 20879

Hours
 Monday-Friday: 7:30AM-4PM
 Saturday & Sunday: Closed

Showy Northeast Native Wildflower Mix: #153

<i>Schizachyrium scoparium, PA Ecotype</i>	Little Bluestem, PA Ecotype
<i>Bouteloua curtipendula</i>	Side Oats Grama
<i>Elymus virginicus</i>	Virginia Wild Rye
<i>Sorghastrum nutans, PA Ecotype</i>	Indian Grass, PA Ecotype
<i>Andropogon gerardii, Niagara</i>	Niagara Big Bluestem
<i>Chamaecrista fasciculata</i>	Partridge Pea
<i>Rudbeckia hirta</i>	Black Eyed Susan
<i>Senna hebecarpa</i>	Wild Senna
<i>Hypericum pyramidatum</i>	Great St. John's Wort
<i>Monarda fistulosa</i>	Wild Bergamot
<i>Penstemon digitalis</i>	Tall White Beard Tongue
<i>Tradescantia ohioensis</i>	Ohio Spiderwort
<i>Baptisia australis</i>	Blue False Indigo
<i>Helopsis helianthoides</i>	Ox Eye Sunflower/False
<i>Penstemon laevigatus, PA Ecotype</i>	Appalachian Beard Tongue, PA Ecotype
<i>Aster laevis</i>	Smooth Blue Aster
<i>Silphium trifoliatum</i>	Whorled Rosinweed
<i>Solidago juncea</i>	Early Goldenrod
<i>Zizia aurea</i>	Golden Alexanders

September 21, 2014

Ms. Beth Evans
Evans Associates
Environmental Consulting, Inc.
205 Amity Road
Bethany, CT 06524



**Re: Agricultural Activities
Ivanna Farms, LLC
Croton Lake Road
Bedford, NY**

Dear Beth:

Per our earlier discussions regarding the above project, we have worked with the farm manager-Steven Crolick to develop a temporary stabilization plan for the recently plowed, disced and Harley raked pasture areas between Croton Lake Road and the shared Ivanna-Reeber pond. We enclose a copy of our stabilization plan, entitled **Temporary Stabilization Plan**, dated September 21, 2014. The purpose of the plan is to re-vegetate the exposed soils to protect the down slope wetland areas from potential erosion and sedimentation. The purpose of this farm work operation is to provide appropriate field grasses in the meadow for the grazing of farm animals.

You will note that the plan shows the area where site work has occurred, the erosion controls installed to contain the exposed soils and the seed mixes installed to re-vegetate the bare soils. The seed mixes are shown on the plan and include the pasture mix and two wetland seed mixes for the wetland areas that were inadvertently disturbed as part of this project. It is my understanding that at this time all seed mixes have been installed, or will be installed in the next day or two.

As you are also aware, please note that the surveyor is on site this week staking the wetland and wetland buffer lines in the meadow, as well as preparing an as-built survey of what improvements have been installed as part of this operation, including the locations of repaired or new field drains, irrigation well points and piping for future animal "waterers", etc. Once we receive the as-built survey, we shall request a field meeting with you to discuss the project and review alternatives to prepare a restoration plan for the wetland areas disturbed.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeni D. Barrett". The signature is fluid and cursive, with a large initial "J" and "B".

Jeni D. Barrett, R.L.A.

JDB:lj

Enc.

cc: Jeffrey Osterman, Director of Planning
William O'Keefe, Code Enforcement Officer
Andrew Messinger, Chairman-BWCC
Adedayo Adewole, PE-NYSDEC
Joseph Ziminsky, CPESC, CPSWQ-NYCDEP
Eric Hadar
Steven Crolick
Stephen Coleman



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS
Division of Land and Water Resources
10B Airline Drive, Albany, New York 12235
Tel: 518-457-3738 Fax: 518-457-3412
www.agriculture.ny.gov

September 22, 2014



Honorable Chris Burdick, Supervisor
Town of Bedford
Bedford Town House
321 Bedford Road
Bedford Hills, NY 10507

Re: Agriculture and Markets Law Section 305-a, subd. 1 Review Concerning the Town's Wetland and Stormwater Management Laws, and the Administration of the Same, With Respect to the Establishment of Pasture on Ivanna Cattle Farm, LLC (Eric Hadar Property)

Dear Supervisor Burdick:

The Department received a request from Eric Hadar and Steve Crolick to review the Town of Bedford's Wetland and Stormwater Management Laws, and the administration of the same, for compliance with Agriculture and Markets Law (AML) §305-a, subdivision 1. On August 19, 2014, Code Enforcement Officer William M. O'Keefe issued a Stop Work Order to Ivanna Farms LLC for working within a wetland/buffer area on Mr. Hadar's property. On September 17, 2014 I visited the farm to examine the work being conducted on the property.

From information received and based upon my examination of the property, as well as a discussion with former owner James Wood and Curtis Ek (the person who is assisting Mr. Hadar and Mr. Crolick with the establishment of a permanent pasture for the grazing of beef once the pasture is established), it was determined that Ivanna Cattle Farm LLC is considered a "start-up" farm under the AML. Upon review of Department records, the subject parcel is located within Westchester County Agricultural District No. 1, a county adopted, State certified agricultural district.

The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products which is set forth as a policy of the State in the New York State Constitution, Article XIV, Section 4. Pursuant to AML §305-a, subdivision 1, one of the statutes which implements the State constitutional policy, local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district unless it can be shown that the public health or safety is threatened. AML §301, subd. 11 defines "farm operation" as "...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise," including a 'commercial horse boarding operation' as defined in subdivision thirteen of this section, a 'timber operation' as defined in subdivision fourteen of this section and 'compost, mulch or other biomass crops' as

Honorable Chris Burdick, Supervisor
Town of Bedford
Page 2

defined in subdivision sixteen of this section and a commercial equine operation as defined in subdivision seventeen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

The Department performs AML §305-a reviews on a case-by-case basis, taking into account the specific facts of a situation. Department staff initially determine whether the land involved is located within a State certified, county adopted agricultural district and if the land use and activity constitute a "farm operation" as defined by AML §301, subd.11. In determining whether the operation constitutes a "commercial enterprise," the Department evaluates such factors as the acreage in production; capital investment; gross sales of crops, livestock and livestock products; the type of enterprise and number of years in operation. In examining whether a local law is unreasonably restrictive, the Department considers several factors, including, but not limited to: the cost of compliance for the farm operation affected; whether the requirements will cause a lengthy delay in the construction of a farm building or implementation of a practice; whether the requirements adversely affect the farm operator's ability to manage the farm operation effectively and efficiently; whether the requirements restrict production options which could affect the economic viability of the farm; and the availability of less onerous means to achieve the locality's objective. **The Department also considers whether a State law, regulation or standard applies to the activity regulated by the locality and, if it does, how.**

Whenever a local law is found to be unreasonably restrictive, the Department evaluates whether it can be shown that the public health or safety is threatened by the farm operation or activity which the Town seeks to regulate. Prior to making a decision as to whether a local law unreasonably restricts a farm operation within an agricultural district, the Department considers all pertinent information submitted by the affected farm operator, the regulating municipality and the provisions of the local law involved. Any facts or circumstances that the locality may wish to bring to the Department's attention regarding the issue presented are also taken into account. The Town is encouraged to submit, within 30 days of receipt of this letter, any information or documentation which it would like the Department to consider. Once the review is completed, the Department will inform the Town of its determination and, if it is concluded that an unreasonable restriction exists, the Town will have an opportunity to submit any evidence it may have of a threat to the public health or safety. Thereafter, the Department will determine whether the local law and its administration are in compliance with §305-a, subd.1.

If you have any questions, please contact me at (518) 457-3738. If the Town's attorney has any questions, he or she may contact Danielle Cordier, Senior Attorney, at (518) 457-2449.

Sincerely,



Robert Somers, Ph.D.

Manager, Agricultural Protection Unit

cc: Eric Hadar, landowner
Patricia Peckham, Jr., Chair, Westchester County AFPB
William M. O'Keefe, CEO, Town of Bedford
Joseph Ziminsky, DEP
Pat Ferracane, NYS DEC
Danielle Cordier, Esq., Counsel's Office, Dept. of A&M

September 29, 2014

Mr. Adedayo Adewole, PE
Environmental Engineer 1
NYSDEC
Division of Water, Region 3
100 Hillside Avenue, Suite 1W
White Plains, NY 10603-2860



Re: Notice of Violation, dated 09/09/14
Re: Ivanna Farms, LLC
Tax Map: Section 71.7, Block 1, Lot 1.2
Town of Bedford, Westchester County

Dear Mr. Adewole:

Following our discussions regarding the above project, as requested, we are now providing you with background information on Ivanna Farms, LLC to help you better understand the nature of the farm operation, environmental setting and mission statement for the property.

We are currently in the process of preparing a SWPPP and NOI for the project to gain coverage under the SPDES Permit (GP-0-10-001), but that work has not yet been finalized. In addition, it is unclear to the applicant if coverage is required, given the nature of the subject agricultural activity to install pasture grasses for cattle grazing. Further inquiry into this matter is underway.

We will keep you apprised of further developments as the project proceeds through the regulatory process.

Please let us know if you have any questions.

Sincerely,

Jeri D. Barrett, R.L.A.

JDB:lj

Enc.

Cc: Eric Hadar, Farm Owner
Steve Crolick, Farm Manager
Michael Sirignano, Esq.
Stephen Coleman, MS
Bedford Wetland Control Commission
Jeff Osterman, Director of Planning-Town of Bedford

PROPERTY OVERVIEW

Ivanna Farms, LLC
157 Wood Road & Croton Lake Road
Bedford Corners, New York

Tax Map: Section 71.7, Block 1, Lot 1.2

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- III. Cattle Pasture Preparation
- IV. Stop Work Order & Notice of Violation
- V. Installation of Seed Mixes
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- VII. Summary
- VIII.

Appendices

- I. Seed Mixes Installed
- II. NYS Agriculture & Markets Office Letter
- III. Site Plans for Ivanna Farms, LLC
 - Site Information Plan
 - Approved Sheep Pen Plan
 - Proposed Cattle Pen Plan
 - Temporary Stabilization Plan

Prepared by:

J.D. Barrett & Associates
109 Sport Hill Road
Easton, CT 06612
203-372-5805

Date: September 29, 2014

I. Overview

Ivanna Farms, formerly Braewold Farm, consists of 40+ acres of farmland straddling Croton Lake Road at the intersection of Wood Road in a rural section of southern Bedford, New York. The current owner, Mr. Eric Hadar, purchased the farm in 2007 from the original owners – the Wood family, who had previously operated the farm for the past 150 years, or so. The farm operation is divided in use and location by Croton Lake Road. Ivanna Farms East is on the east side of Croton Lake Road and fronting on Wood Road. It includes the horse husbandry portion of the farm operation. The approximate 20-acre lot contains a farmhouse, a caretaker's house, swimming pool, tennis court and numerous barns and sheds, as well as an orchard, vegetable and flower gardens. Chicken coops and pig pens are also located on Ivanna Farms East. Fenced-in open pastures surround the development on the property for the grazing and exercising of horses.

The Ivanna Farms West property consists of 21.6 acres of undeveloped pasture/meadowland on the west side of Croton Lake Road and is the subject of the current "Stop Work Order" and "Notice of Violation" from the Town of Bedford, NYSDEC and NYCDEP. The meadow area is a gentle sloping hillside falling in a westerly direction from Croton Lake Road to a one-acre pond located at the bottom of the meadow. The pond is shared with the neighbor to the east. In 2013 the pond was dredged and restored with all appropriate regulatory permits. The meadow sloping down toward the pond contains wetland areas and regulated buffers and has been maintained as open mowed meadow since the property was put into agricultural service in the 1800's by the Wood family. A Conservation Easement covers the majority of Ivanna Farms West property and the agricultural use is allowed in the easement document. In addition, the meadow had served the former owners, the Wood family, for many years as pasture for grazing of livestock, including cattle for a number of years. It is the current owner's plan to graze cattle in this meadow once again and is currently working with the Town, State and City Departments to put this use into effect.

II. Sheep Grazing Transition to Cattle Grazing

In 2012, it was Ivanna Farms' intent to utilize Ivanna Farms West for sheep husbandry to expand and diversify the agricultural operation on the farm. An application for proposed sheep pen fencing and two sheep sheds was filed with the Bedford Wetland Control Commission (BWCC) and received permit approval. In 2013, the permit was renewed and in 2014 work was initiated to prepare the meadow for the sheep pen fencing. However, in 2014 a change in use for Ivanna Farms West was contemplated and it was determined that the raising of grass-fed cattle would be a preferred agricultural use for the meadow and Ivanna Farms West.

III. Cattle Pasture Preparation

After long consideration to transition the proposed sheep grazing pasture use to a cattle grazing pasture use to raise grass-fed cattle, Ivanna Farms collaborated with a Connecticut based farmer, Curtis Ek, who specializes in raising grass-fed cattle, to determine the best methods and means to

establish suitable grass species for the grazing and raising of beef cattle. After inspecting the existing meadow/pasture with Mr. Ek, it was determined that the current grass and vegetation species were unsuitable for cattle grazing and that re-sowing the pasture with an appropriate pasture mix was determined essential. It was also determined that several broken field drains and sink holes and gullies would need to be repaired to provide suitable pasture for the cattle. Hence, in the summer of 2014 work began in the meadow to prepare the meadow/pasture area for the grazing of cattle. The following operations occurred to establish the new pasture seed mix.

- Mowing and mulching of the existing field grasses
- Repairs of larger sink holes through the fields
- Repairs of existing tile drain fields throughout the fields
- Installation of new subsurface curtain drains, as necessary
- Installation of two deep well points to ground water to provide a source for future water supply for the farm animals.
- Installation of ¾" PVC fresh water lines (in same trenches as curtain drains)
- Installation of perimeter silt fencing
- Plowing the soils to overturn the existing sod/turf
- Discing the soils to break up the large sod clumps
- Harley raking of the soils to remove large stones, etc. and prepare the surface to receive seed

IV. Stop Work Order & Notice of Violation

During the meadow preparation work to establish the pasture seed mix for cattle grazing, work was stopped by the Bedford Building Department and Wetland Control Commission as the disturbance of approximately 10 acres of soils to prepare the seed bed for pasture grazing was not covered in Ivanna Farms' approval from the BWCC to install the sheep pens. Instead, the sheep pen approval only covered the installation of sheep pen fencing and sheep sheds where only limited ground disturbance was anticipated because at that time it was anticipated that the existing meadow grasses would be suitable for sheep grazing. The BWCC also noted concern and objection to the disturbance of two wetland areas in the meadow that inadvertently resulted from the plowing and discing operation. In addition to the Town of Bedford's Notice of Violation (NOV) and Stop Work Order, the NYSDEC and NYCDEP also issued NOV's in light of the extensive land disturbances.

V. Seeding of the Pasture Mixes

Upon receipt of the NOV's, Ivanna Farms retained its team of professionals to help sort out the site and violation issues, including Attorney Michael Sirignano-South Salem, NY; Stephen W. Coleman Environmental Consulting-Ossining, NY; and J.D. Barrett & Associates, Landscape Architect-Easton, CT. In late August, Stephen Coleman and J.D. Barrett discussed the project issues with the Town's Wetland Consultant, Evans Associates Environmental Consulting-Bethany, CT. Ms. Evans consulted with the BWCC and it was agreed that the disturbed soils should be immediately re-seeded to reestablish vegetation in the meadow and prevent future erosion and sedimentation to the down slope wetlands and ponds. Seed mixes proposed were reviewed with the Town and the seed mixes have been

obtained and installed in all disturbed areas to re-vegetate the site. Three seed mixes were used, including a pasture mix for the bulk of the meadow, a wetland (wet) mix for portions of the disturbed wetland adjacent to the pond area and (drier) wetland mix for the wetland system that runs east-west in the north meadow area. Copies of the seed mixes installed are provided herein, for review (Appendix I).

VI. Establishment of Agricultural Status

Ivanna Farms has been in contact with the NYS Department of Agriculture & Markets to discuss the NOV's and state their case that the activities they have been engaging in are normal and customary farm-related operations for animal husbandry and that they should be regulated only as a farm use. They are currently filing their application to be a "start-up" farm operation and hope to have their "farm status" established in the coming weeks. Inasmuch, it appears that they may be exempt from the NYSDEC and NYCDEP regulations with regard to land disturbances as they are performing allowable agricultural operations. A letter from the NYS Agriculture & Markets office has been prepared and delivered to the Town of Bedford in defense of Ivanna Farms and explains the farm's intent on achieving legal farm status. A copy of that letter is enclosed, herein, for your review (Appendix II).

VII. Summary

Ivanna Farms has been cooperative with the Town of Bedford, NYSDEC and NYCDEP throughout this unfortunate string of events. Per the request of the BWCC, Ivanna Farms has engaged their surveyor to prepare an as-built survey of the current work installed in the subject meadow and to provide staking in the field of the wetland locations so that an assessment of the wetland disturbance can be reviewed. It has been previously agreed with the Town's Wetland Inspector, that once the as-built survey is prepared, that the project consultants will arrange a site meeting to review the site conditions, relative wetland impacts and develop a restoration plan for the wetland areas to the satisfaction of the BWCC, all in an effort to settle this matter.

**New York State Department of Environmental Conservation
Division of Water, Region 3**

100 Hillside Avenue • Suite 1W, White Plains, New York 10603-2860

Phone: (914) 428-2505 • FAX: (914) 428-0323

Website: www.dec.state.ny.us



**Joe Martens
Commissioner**



October 1, 2014

Jeri D. Barrett, R.L.A.
109 Sport Hill Road
Easton, CT 06612

**Re: Ivanna Farms LLC
Tax Map: Section 71.7 Block 1 Lot 1.2
Town of Bedford, Westchester County**

Dear Mr. Barrett:

The Department has reviewed your correspondence dated September 29, 2014, in response to the Notice of Violation (NOV) letter dated September 9, 2014 on the above-referenced site. The information provided is not sufficient to make a determination that Ivanna Farm is exempted from coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001).

Please submit to the Department additional information on the amount of soil disturbance involved in this project for the construction of road, cattle pen, or other agricultural building and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State".

Should you have any questions, please contact me at (914) 428-2505, Ext 365.

Very truly yours,

Adedayo Adewole, P.E.
Environmental Engineer 1

cc: Patrick Ferracane, NYSDEC, Region 3
Joseph Ziminsky, NYCDEP, Valhalla
Jeffrey Osterman, Director of Planning, Town of Bedford
Eric Hadar, Allied Partners Inc.



STATE OF NEW YORK
 DEPARTMENT OF AGRICULTURE AND MARKETS
 Division of Land and Water Resources
 10B Airline Drive, Albany, New York 12235
 Tel: 518-457-3738 Fax: 518-457-3412
www.agriculture.ny.gov



October 14, 2014

Jeri Barrett, PLA
 JD Barrett and Associates
 109 Sport Hill Road
 Easton, CT 06612

RE: Agricultural Activities Conducted on Ivanna Cattle Farm, LLC (Eric Hadar Property)

Dear Mr. Barrett:

On September 17, 2014 I visited Ivanna Cattle Farm to examine pasture renovation work being conducted on the property. I was able to discuss the farm's plans associated with the restoration of pasture on the farm and the introduction of beef cows to the property once grass has been established and fencing has been constructed. I spoke with former owner James Wood, Curtis Ek (consulting farmer), Eric Hadar (current landowner) and Steve Crolick.

Based upon information received, as well as an examination of the property in question, it was determined that Ivanna Cattle Farm LLC is a "start-up" farm under the AML. Start-up status is extended to the farm as long as it continues with its pasture renovation program and imports cattle to the property to raise for market.

In a September 22, 2014 letter to the Town of Bedford, the Department informed the town that it has been requested by Mr. Hadar to review the Town of Bedford's Wetland and Stormwater Management Laws as they pertain to Ivanna Cattle Farm, LLC. Upon review of Department records, the subject parcel is located within Westchester County Agricultural District No. 1, a county adopted, State certified agricultural district.

AML §301 (11) defines "farm operation," *in part* as "... the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock and livestock products as a commercial enterprise,... Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other." The AML definition does not contain minimum acreage or gross sales value thresholds. The Department considers all of the parcels, owned or rented, continuous or non-contiguous to one another to be part of the farm operation. The Department also makes allowances for "start-up" farm operations. The Department protects such farms pursuant to AML §305-a(1) if it appears that the landowner has made or will make the necessary improvements for the production for sale of agricultural

Jeri Barrett, PLA
JD Barrett and Associates
Page 2

commodities grown on the farm as a commercial enterprise and the subject parcel is located within a county adopted, State certified agricultural district.

AML §301(4) defines "land used in agricultural production". Although this section of the AML applies only to eligibility for an agricultural assessment, some municipalities and agencies use this definition to define a "farm". In 2004, the State Legislature added AML §301(4)(h) to recognize "start-up" farms and allow a farm operation to receive an agricultural assessment if it meets the acreage and gross sales value requirements during its first or second year of agricultural production. AML §301(4) defines land used in agricultural production to include everything listed from subdivision (a) to subdivision (l) of that section. AML §301(4)(h) fits Ivanna Farm's situation where Mr. Hadar will be able to qualify for an agricultural assessment in his first or second year of production if more than seven acres are being grazed and/or hayed and the cattle are sold for \$10,000 or more, minus the purchase price of each cow.

If you have any questions concerning my comments, please contact me at 518/457-8887.

Sincerely,



Robert Somers, Ph.D.

Manager, Agricultural Protection Unit

October 15, 2014

Mr. Pat Ferracane
 NYSDEC
 Division of Water, Region 3
 100 Hillside Avenue, Suite 1W
 White Plains, NY 10603-2860



Re: Follow-up Information
Re: Ivanna Farms, LLC-NOI, dated 09/09/14
Tax Map: Section 71.7, Block 1, Lot 1.2
Town of Bedford, Westchester County

Dear Mr. Ferracane:

Following our recent telephone conversation on October 6, 2014 regarding the above matter and following my correspondence regarding the matter with Mr. Adedayo Adewole of your office, Mr. Joseph Ziminsky of NYCDEP, Mr. Robert Somers from NYS Department of Agriculture & Markets, as well as the applicant, I am now providing you with additional information on the project to assist your Department in making a determination whether the recent farm activity on Ivanna Farms is exempted from coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001).

Background

Ivanna Farms is located in Bedford, NY on the north corner of Croton Lake Road and Wood Road and occupying approximately 40 acres of land. Approximately 18.4 acres of land is positioned on the east side of Croton Lake Road and 21.6 acres of land is located on the western side of Croton Lake Road. The latter portion of the farm is the subject of this matter.

Ivanna Farms is considered by NYS Department of Agriculture & Markets as a start-up beef cattle farm operation that is located in a County Adopted and NYS Certified Agricultural District. Prior to making the decision to operate as a beef cattle farm operation, the applicant had received permits from the Town of Bedford to raise sheep in the subject meadow, including erecting fencing and two sheds to create the pasture areas. In late summer of this year, Ivanna Farms decided to raise cattle instead of sheep and proceed with the beef farm operation that will include the grazing of beef cattle on the existing meadow positioned on the west side of Croton Lake Road. In order to provide the proper grass mix for the cattle pastures, portions of the meadow (approximately 10+ acres) were disced, tilled, raked and seeded to a grass mix suitable for cattle grazing. As a result of the land disturbance to install the pasture seed mix and repair the existing subsurface drainage facilities in the meadow, work was stopped by the Town of Bedford Building Department and Notices of Violation were issued by the Town of Bedford Wetland Control Commission (BWCC), NYSDEC and NYCDEP based on the scope and area of the overall disturbance in the meadow. The information provided herein is a continuing effort to clarify the farm activity that has taken place and determine if the activity is exempt from NYSDEC and NYCDEP regulations, as well as that of the Town of Bedford Wetland Commission.

Project Issues

The following four issues were identified by NYSDEC as requiring clarification when considering whether the activity is considered regulated by NYSDEC.

1. Disturbance of +/- 10 acres to disc, till, rake and seed the existing meadow to create cattle pasture grasses to raise beef cattle.

Based on our telephone conversation on Friday, October 3, 2014, we understand that NYSDEC does not regulate the growing of crops or pasture grass for cattle grazing; hence, it appears that the activity to disc, till, rake and seed the existing meadow to create cattle pasture grasses is not a regulated activity by NYSDEC. The work has been done and the newly seeded pasture grasses are currently becoming established. Appropriate erosion controls and silt fencing has been installed to contain any erosion or sedimentation to down-slope areas.

2. Installation of fill in the existing meadow along the farm path between the fenced-in cattle pastures.

During the installation of a curtain drain in the existing meadow that was installed to repair the existing-failing current underground drains, excess soil from the curtain drain trench was temporarily stockpiled in the central portion of the meadow. In an effort to clean up the existing meadow in preparation for the seeding operation, the farm manager spread the soil along a central, east-west farm path that will occur between the fenced-in cattle pastures to smooth out the rough areas of the path. The area of the spread soils along the farm path is approximately 10' wide x 380' long, or approximately 3800 SF. However, it should be clarified that the applicant has no intention of improving this path to a gravel or paved farm road. Instead, it has been seeded to pasture mix to match the rest of the meadow area. Inasmuch, I have discussed with the farm manager that the existing placed fill should be evenly dispersed to the adjacent pasture areas and reseeded to cattle pasture. During our telephone conversation on 10/03/14, I believe that given the above situation, the vegetated farm path between the fenced-in cattle pastures would not be considered a regulated activity by NYSDEC.

3. Installation of two 20' x 12' cattle run-in sheds.

During the previous review and approval process with the BWCC to install sheep pens in the subject meadow, the applicant had proposed and the BWCC had approved two fieldstone constructed run-in sheds (to match the stone shed on the adjacent property to the north) for the farm animals to retreat to in inclement weather. The applicant would like to retain the sheds for the cattle pastures, as well, for the same purpose. The footprints of the sheds are approximately 240 SF each, for a total of 480 SF, well below the 5000 SF DEC threshold disturbance regulation. However, at this time, the Westchester County Land Trust, who holds a conservation easement over the subject meadow, has not agreed to amend their easement to include "structures". Hence, at this point, there will be no run-in sheds proposed, hence, we do not believe that NYSDEC needs to consider these structures at this time.

4. Installation of fencing to create four cattle pastures.

Based on discussions with the farm manager, four pasture areas are proposed in the meadows on the established pasture grass that are to be used on a rotating basis to graze the beef cattle. The four fenced-in pastures will occupy the area recently tilled and seeded of the Ivanna Farms western meadow. We have calculated that +/- 5595 LF of fencing will be required to create the four pastures (see attached plan). The fence style proposed is a three-board style similar to the horse pasture fencing on the east side of Ivanna Farms. The round posts to support the fence are 6" diameter cedar posts and the horizontal boards are 1" x 6" oak planks. The installation

technique to install this fence system involves a small, rubber-tire truck equipped with a fence post driver attachment. In this system the truck follows the proposed fence line and the truck-mounted post driver pounds the fence posts into existing grade at approximately 8' intervals, thereby negating the need for any digging or ground disturbance. It is anticipated that the fence post driver truck will not drive over the cattle pastures to install the fence posts until a dense stand of pasture grass is in place. Hence, it is believed that very little to no site disturbance results from fence installation and, therefore, it is unclear if NYSDEC considers this work a regulated activity that requires coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity.

Summary

We hope that the above information is helpful to NYSDEC's continued review of this project. Please let us know if additional information is required.

Thank you for your consideration with this project.

Sincerely,


Jeri D. Barrett, R.L.A.
JDB:lj

Enc.

Cc: Eric Hadar, Farm Owner
Steve Crolick, Farm Manager
Michael Sirignano, Esq.
Stephen Coleman, MS
Joseph Ziminsky, NYCDEP
Jeff Osterman, Director of Planning-Town of Bedford
Beth Evans, Town Wetland Consultant
Andrew Messinger, Chairman BWCC



December 18, 2014



Allied Partners Inc.
Attn: Mr. Eric Hadar
770 Lexington Avenue
New York, NY 10021

Re: **Notice of Violation (NOV)**
Ivanna Farms, LLC/Allied Partners Inc.
Croton Lake Road
(T) Bedford, (C) Westchester
Tax Map #71.7-1-1.2
DEP Log # 2014-CNC-0514-SP.1

Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

465 Columbus Avenue
Valhalla, New York 10595

T: (845) 340-7800
F: (845) 334-7175

Dear Mr. Hadar:

This letter is in reference to the "Notice of Violation" (NOV) served by the New York City Department of Environmental Protection (DEP) on September 8, 2014 concerning violations of Sections 18-39 (b) (3) (i) and 18-39 (b) (3) (iv) of the "Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and its Sources" (Watershed Regulations).

Based on the letter from Robert Somers, Ph.D. of the New York State Department of Agriculture and Markets, dated October 14, 2014 (enclosed), confirming that the particular land uses of the above referenced property are agricultural in nature and considers the farm to be a "start-up" farm operation under the Agriculture and Market Law 301(4), DEP has determined that the violation that was the subject of the above-referenced NOV dated September 8, 2014, has been satisfactorily resolved.

If you have any questions please contact me at (914)-773-4441.

Sincerely,

Joseph Ziminsky, CPESC CPSWQ
Stormwater Enforcement Coordinator

- c: Joya Cohen, DEP Bureau of Legal Affairs, JCohen@dep.nyc.gov
- Devon Goodrich, NYC Law Department, dgoodric@law.nyc.gov
- Bill O'Keefe, Town of Bedford Building Department
- Kevin Wynne, Town of Bedford Highway Department
- Adedayo Adewole, P.E., NYSDEC Region 3
- Jeri D. Barret, R.L.A.



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS
Division of Land and Water Resources
10B Airline Drive, Albany, New York 12235
Tel: 518-457-3738 Fax: 518-457-3412
www.agriculture.ny.gov

October 14, 2014

Jeri Barrett, PLA
JD Barrett and Associates
109 Sport Hill Road
Easton, CT 06612

RE: Agricultural Activities Conducted on Ivanna Cattle Farm, LLC (Eric Hadar Property)

Dear Mr. Barrett:

On September 17, 2014 I visited Ivanna Cattle Farm to examine pasture renovation work being conducted on the property. I was able to discuss the farm's plans associated with the restoration of pasture on the farm and the introduction of beef cows to the property once grass has been established and fencing has been constructed. I spoke with former owner James Wood, Curtis Ek (consulting farmer), Eric Hadar (current landowner) and Steve Crolick.

Based upon information received, as well as an examination of the property in question, it was determined that Ivanna Cattle Farm LLC is a "start-up" farm under the AML. Start-up status is extended to the farm as long as it continues with its pasture renovation program and imports cattle to the property to raise for market.

In a September 22, 2014 letter to the Town of Bedford, the Department informed the town that it has been requested by Mr. Hadar to review the Town of Bedford's Wetland and Stormwater Management Laws as they pertain to Ivanna Cattle Farm, LLC. Upon review of Department records, the subject parcel is located within Westchester County Agricultural District No. 1, a county adopted, State certified agricultural district.

AML §301 (11) defines "farm operation," *in part* as "... the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock and livestock products as a commercial enterprise,....Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other." The AML definition does not contain minimum acreage or gross sales value thresholds. The Department considers all of the parcels, owned or rented, continuous or non-contiguous to one another to be part of the farm operation. The Department also makes allowances for "start-up" farm operations. The Department protects such farms pursuant to AML §305-a(1) if it appears that the landowner has made or will make the necessary improvements for the production for sale of agricultural

Jeri Barrett, PLA
JD Barrett and Associates
Page 2

commodities grown on the farm as a commercial enterprise and the subject parcel is located within a county adopted, State certified agricultural district.

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If you have any questions concerning my comments, please contact me at 518/457-8887.

Sincerely,



Robert Somers, Ph.D.
Manager, Agricultural Protection Unit



Mr. Andrew Messinger, Chairman
Wetlands Control Commission
Town of Bedford
Town House
Bedford Hills, N.Y., 10507

12 September, 2014

Dear Mr Chairman and Fellow Commission Members

I have read the Record Review article and have been asked questions about what is happening to the field on the west side of Croton Lake and Wood Road, which we used to own and is now owned by Eric Hadar. We placed a Conservation Easement a number of years ago which permitted continued agricultural use of this land but no structures were to be built on it. This we did to preserve the agricultural heritage that I inherited as well as to protect forever what has been designated as one of the Ten Best Viewsheds in the Town. Thus some background history may be of interest.

Braewold Farm, now Ivanna Farm, has a long farming history. The field in question has been farmed for well over 150 years, first by my great grandfather, my grandfather, my aunt, my father and by me. Uses include pasture, and the growing of hay and corn. When Braewold Dairy, then Dutcher's Dairy was operative, up to 70 cows were pastured in that field daily from late April until October and they drank from the brook and or the pond. Under our ownership, up to 50 beef animals were pastured in that field using the same water source. It is my understanding that the few animals that Mr. Hadar plans to have in that field will NOT be permitted to drink where they have in the past or be able to seek shade from trees nearby. I believe this places a totally unnecessary burden on Mr. Hadar. Over the past several years, no animals have been pastured there, (except for a few itinerant deer who drink whenever they please!) While the field has been mowed annually as called for in the Conservation Easement Agreement, Multiflora roses and other undesirables have spread throughout the field and this has quite frankly distressed us greatly. Thus my family and I were THRILLED when Mr. Hadar opted to have that field plowed, disced, rolled and reseeded in preparation for returning it to its historic agricultural state and the prospect of having animals graze there once again.

I understand there are wetland issues. My grandfather installed drainage systems. There are two surface grills (clearly visible) to catch surface water with ceramic pipes underneath which empty into the brook to the west after picking up other underground water along the way. These ceramic drain pipes over time become clogged with roots or soil and need maintenance. As a small boy, I can recall vividly Miles Hardeñan digging and cleaning those drains in the days before backhoes. In more recent times,

we maintained these systems as best we could. When such drains there and elsewhere in that field are maintained, the entire field is able to be used for its historic agricultural purposes. Over the years of our ownership, I worked cooperatively with the Soil and Water Conservation Service of the USDA.

Periodically fields need lime and fertilizer. Soil samples have been taken, results determined by Cornell University and the appropriate amounts applied. I understand that there has been a decree that NO FERTILIZER is to be applied on this field. When soil samples indicate that certain amounts of lime and fertilizer are needed to grow desirable vegetation, what is someone trying to return a field to productive farming to do to bring the nutrient levels up to their required levels?

I also need to know if similar prohibition decrees have been issued to property owners with lawns?

I must say that I am confused. On one hand The Town of Bedford proudly extols its farming heritage but on the other hand places great obstacles in the way of one who is trying to carry on farming in the Town. I hope you will help me understand, because I think Mr. Hadar's desires and plan should be CELEBRATED, not persecuted.

Sincerely,

James Wood

cc: Supervisor Burdick
Members of the Town Board
The Record Review
Westchester Land Trust
Eric Hadar

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

September 8, 2014

A meeting of the Wetlands Control Commission of the Town of Bedford was held on September 8, 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, Don Scott, John Stockbridge, Town Environmental Consultant Beth Evans, and Wetlands Secretary Nora Marino.

Announcements:

Andrew Messinger announced that the next meeting of the Commission is scheduled for Monday, October 6, at 8 pm; the site walk is scheduled for Thursday, September 18th; the deadline for new applications was Friday, September 5th, and the deadline for supplemental submissions is Friday, September 12th; however, there are no new applications for the October meeting, and the October meeting will likely be cancelled, and any potential supplemental submissions will carry over to the November meeting.

Owner/Applicant: Samuel & Katherine Terry

Proposed Amendment No. 2 to Resolution No. 12/27 (Approved 8/6/12; Expired 8/6/13; amended by Resolution 13/19 (Approved 7/1/13; Expired 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/Representatives Present:

None (not required).

Discussion: None.

Motion:

Andrew Messinger made a motion to grant the time extension of Permit Resolution 12/27 for a period of one year from the expiration of the previous extension expiring 8/6/15, with the following conditions:

1. All of the previous conditions of the original permit and the time extension shall be carried forward to this extension.
2. There are to be no changes or alterations to the original plan approved by this Commission without the prior approval of the Commission.
3. With regard to Item #5 of the previous time extension, the mitigation plantings shall be installed during the fall of 2014 and inspected and approved by the Town Environmental Consultant prior to the issuance of a Certificate of Occupancy or Certificate of Completion by the Building Department.

Voting on the Permit Resolution:

Motion Seconded by: Mr. Stockbridge

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

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Conference:

Owners/Applicants: 270 Sarles Realty, L.L.C.; 278 Sarles Realty, L.L.C.

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

Owners/Applicants/Representatives Present:

John Marwell, Shambert Marwell Hollis Andreyck & Laidlaw, P.C.; Project Civil Engineer, Barry Naderman, Naderman Land Planning & Engineering, P.C.; Soil Scientist William Kenny, William Kenny Associates, LLC.

John Stockbridge recused himself from this item, but Andrew Messinger stated that John may participate as a member of the audience as he is a nearby resident.

John Marwell gave an overview to the Commission regarding where the applicant left off in 2011 and the recent submission of an application for a fence permit. Barry Naderman presented plans for fencing the properties. Andrew responded in detail about these plans and concluded that all Commission members and constituents need to have a meeting to discuss how best to proceed with this application.

Reports:

A – Status of Violations/Enforcement Actions

Beth Evans reported that there are currently two ongoing situations:

1. 107 Cherry Street. Stacy and Michael Katz. No plans for remediation.
2. Ivanna Farms Sheep Pens on Croton Lake Road. A stop work order/notice of violation was issued. Owner's consultant J. Barrett sent an email. Application was for installation of fencing. There is a conservation easement. More important is getting the site stabilized. No wetland delineation. Westchester Land Trust, D.E.C. have been notified.

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

Beth reported that there were five Administrative Permits issued in July and August.

C – Resolution Tracking Record

Carol Parker provided Nora Marino with a list of items to follow up on.

Discussion:

Legislative Changes and Recommendations to the Town Board

Motion: Mr. Messinger made a motion to approve the changes.

Motion Seconded by: Don Scott

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

Minutes to be Approved:

June 2, 2014

DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT

Motion: Mr. Messinger made a motion to approve these minutes.

Motion Seconded by: Carol Parker

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge

Meeting Adjournment:

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

Motion Seconded by: Fiona Mitchell and Carol Parker

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

The meeting was adjourned at 9:10 PM.

Date approved by the Bedford Wetlands Control Commission: _____

Respectfully submitted,

Nora H. Marino, Wetlands Secretary

Date

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

December 1, 2014

A meeting of the Wetlands Control Commission of the Town of Bedford was held on December 1, 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, Members Fiona Mitchell, Don Scott, and John Stockbridge, Town Environmental Consultant Beth Evans, and Wetlands Secretary Nora Marino.

Announcements:

Andrew Messinger announced that there will not be a meeting of the Commission in January, and that the next meeting will be held on February 2, 2015. The site walk is scheduled for Thursday, January 15th; the deadline for new applications is Wednesday, December 31st, and the deadline for supplemental submissions is Thursday, January 8th.

Owner/Applicant: Tynan, Matthew

Proposed Amendment No. 1 to Resolution No. 13/29 (approved 10/17/13; expired 10/7/14).

**Installation of Belgian Block Apron, Stone Columns with Entry Gates and Flexi Pave to Existing Driveway; Installation of Six-Foot Deer Fence around Portion of Property
Section 73.19 Block 1 Lot 23, R-2A Zone
700 Old Post Road, Katonah**

Owners/Applicants/Representatives Present:

None (not required).

Discussion: None.

Motion:

Andrew Messinger made a motion to grant the permit reinstatement and time extension of Permit Resolution 13/29 for a period of one year from the expiration of the previous resolution expiring 10/7/15, with the following conditions:

1. All of the previous conditions of the original permit shall be carried forward to this extension.
2. There are to be no changes or alterations to the original plan approved by this Commission without the prior approval of the Commission.

Voting on the Permit Resolution:

Motion Seconded by: Mr. Scott

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

Owner/Applicant: Fleming, Gregory and Melissa

Proposed Amendment No. 3 to Resolution No. 12/10 (approved 9/10/12; expired 5/7/14) amended by Resolution No. 12/29 as Amendment No. 1 (approved 9/12/12; expired 5/7/14) amended by Resolution No. 14/05 as Amendment No. 2 (approved 4/7/14; expired 11/7/14). Request received with Late Request Fee on 11/18/14.

DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT

Construction of House Addition, Detached Garage, Pool House, Greenhouse, Septic System and Changes to Driveway

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

24 Clark Road, Bedford

Owners/Applicants/Representatives Present:

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

Discussion: Mr. Ticehurst explained that everything is done with the exception of the mitigation planting as they ran out of time.

Motion:

Andrew Messenger made a motion to grant the permit reinstatement and time extension of Permit Resolution 12/10 for a period of nine months from the expiration of the previous extension expiring 8/7/15, with the following conditions:

1. All of the previous conditions of the original permit and the time extension shall be carried forward to this extension.
2. There are to be no changes or alterations to the original plan approved by this Commission without the prior approval of the Commission.

Voting on the Permit Resolution:

Motion Seconded by: Mr. Stockbridge

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

Owner/Applicant: Meyer, Tom

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

53 Narrows Road, Bedford Hills

Owner/Applicant: Talmadge, Rick

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

345-349 Bedford Center Road, Bedford Hills

Owner/Applicant: Kelly, Kimberly

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

95 Narrows Road, Bedford Hills

Owner/Applicant: Ahrens, Robert

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

95 Narrows Road, Bedford Hills

Proposed Amendment No. 1 to Resolution No. 14/13 (approved 6/2/14; expires 12/31/14).

Application of Aquatic Pesticide to Pond

Owners/Applicants/Representatives Present:

Daniel Hollis, Esq., Shambert Marwell Hollis Andreyca & Laidlaw, P.C.

Megan Raymond, Wetlands Consultant, William Kenny Associates

Discussion: After lengthy discussion, this application was tabled until February.

Reports:

A – Status of Violations/Enforcement Actions

1. Ivanna Farms Sheep Pens on Croton Lake Road. Beth Evans described the current status and will issue a memo. Pastures have been re-seeded, and surveyor has returned and surveyed former wetland boundary and re-staked; as a result it is clear that there had been grading and plowing well outside the original approved pastures the Commission reviewed back in 2012.

DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT

Beth met with the owner's consultant, Steve Coleman, and Steve Krolick, the property manager, and they are in the process of putting together a restoration plan for the wetland areas that were impacted outside of what had previously been approved. Also, in walking the property Mr. K. said that he never had any intentions of going into the steeply sloping portions of the pasture area that were above the wetlands. She asked him to come back with a plan showing where they actually intended to put the fencing which was at the top of the slope. For the February meeting, we should have a restoration plan for the areas that were outside of the areas reviewed before. They have erosion control measures up there now. They are making progress, but silt fence still needs to be up. Beth was asked if they were ready to come off the court agenda; she replied that they would not be until they make an application to the Commission.

2. 107 Cherry Street. Stacy and Michael Katz. We still have nothing. This is still before Town Court.
3. Andrew Messinger stated that there was a meeting scheduled for last week between Counsel, himself, and Mr. Richman in an attempt to resolve the outstanding issues for the Richman-Toporoff property. Hopefully there will be another meeting which will take place later in December.

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

There were two Administrative Permits issued in September and October.

C - Resolution Tracking Record

There is nothing new to add. Carol Parker reviewed items that needed action.

Discussion:

Wetland Law Changes: Providing Public Information & Education: Mr. Messinger stated that it is extremely important to get information out to the public. Commissioners need to come up with ideas as to how to do this.

Review of Fencing Guidelines: Mr. Messinger distributed notes on the amended guidelines. The Commission will look at it again in February.

Report on Wilder Balter presentation to the Planning Board: Carol Parker attended a preliminary presentation by Wilder Balter Properties and DPC, the architectural firm being employed, on this 113-acre property off 172 which has 5 ponds and a vernal pool on which they are proposing a cluster plan of 74 homes targeted to empty nesters built on 45 acres.

Proposed 2015 Meeting Schedule:

Motion: Mr. Messinger made a motion to approve the schedule as presented in draft for the 2015 wetlands season be adopted by the Commission.

Motion Seconded by: Fiona Mitchell

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

Mr. Messinger stated that we have had a request from both the Town Supervisor and the Town Board that we meet every other month.

Minutes to be Approved:

July 7, 2014 Minutes

Motion: Mr. Messinger made a motion to approve these minutes.

Motion Seconded by: Mr. Scott

DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT

Vote: Ayes: Messinger, Parker, Mitchell, Scott, Stockbridge – Nays: None
September 8, 2014 Minutes
Postponed until February 2015.

Meeting Adjournment:

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

Motion Seconded by: Carol Parker

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

This is Mr. Scott's final meeting due to his being elected to the Town Board. His loss to the Commission will be great. Mr. Scott stated he had enjoyed the seven years he has served on this Commission and learned a great deal.

The meeting was adjourned at 9:30 pm.

Date approved by the Bedford Wetlands Control Commission: _____

Respectfully submitted,

Nora H. Marino, Wetlands Secretary

Date