

Village of Croton-on-Hudson
Water Control Commission Meeting of
September 17, 2014

PRESENT: Mark Goldfarb, Acting Chair
Ian Arturo
Charles Kane

ALSO PRESENT: Daniel O'Connor, Village Engineer

ABSENT: Stuart Greenbaum, Chair
Gail Sasso

1. Call to Order:

The Water Control Commission Meeting of September 17, 2014 was called to order at 8:00 P.M.

2. New Business:

- a) **Con Edison Corporation - Hessian Hills Road (Sec. 68.09 Blk. 4 Lot 1) -** Application for Wetlands Activity Permit for removal of 20 trees and various saplings within wetlands buffer area from property on which electrical transmission line is located.

Michael Amato, Field Operations Planner, and Christopher Peterson, Chief Construction Inspector, both from Con Edison, were present at tonight's meeting. Mr. Amato presented the application. He said the proposed land maintenance project entails removing 20 trees and various saplings along the electrical transmission line on a 1200-foot long span of Con Edison property. The property runs along Hessian Hills Road and lies between two residential lots and the Croton Arboretum. He said that a lot could go wrong from an "interruption from vegetation". He added that the project was a repeat of a previously approved 2008 project whose scope was much larger (about 64 trees). That project, he said, went well.

Acting Chairman Goldfarb asked how long the project would take and Mr. Amato replied that it usually would only take a week but because of the sensitivity of the work area and the work being done by hand, the proposed project should take about 2 weeks.

Acting Chairman Goldfarb then asked the height of the tallest tree scheduled for removal. Mr. Amato replied that the trees are between 15 and 30 feet, but explained that the height of the tree is relative; a smaller tree can cause more sagging in the middle of the electrical line span than a taller one closer to a pole. He added that Best Management Practices would be implemented during the tree removal process.

Mr. O'Connor said that as part of the 2008 project, the property had been surveyed and monumented.

Mr. Kane asked how Con Edison planned to remove the trees. Mr. Amato said it was going to be a labor-intensive task and that as much as can be managed would be dragged away physically.

As a follow-up question, Mr. Kane asked if a licensed contractor was going to be used for the project and Mr. Amato said Con Edison would be using a qualified contractor, Lewis Tree Service, and would report back to the Board whether the contractor was licensed in Westchester County.

Acting Chairman Goldfarb then asked if there were any comments from the public in attendance.

Elizabeth Keller, of 224 Hessian Hills Road stepped forward first. She said she has lived at that address since the late 1970s and that her property adjoins the Con Edison property to the east. She said that when Con Edison initially came before this Board back in 2008, it had made promised many things. She said they had said they would take care with the wildlife, would replant trees, and would clean up the debris; none of which, she said, was done. She said once the trees were taken down, she never saw Con Edison again. She feels they were fooled by Con Edison. She said she would like to see that this time anything promised by Con Edison is put in writing.

Elissa Holzman of 218 Hessian Hills Road stepped forward next. She said her property backs to the Con Edison property where the trees at issue are located. She can see all that goes on. She said that after the similar work in 2008, Con Edison did not plant replacement trees or perform cleanup. For her part, Con Edison did not hold up their end of the agreement and now need to be held accountable.

Next to speak was Maureen Helbig of 220 Hessian Hills Road. She echoed Ms. Keller's and Ms. Holzman's opinions that Con Edison did not follow through with what was promised after the 2008 tree removal project. She said she has lived in her house for 12 years. Her property is flat and then goes to a slope. She said the loss of the approximately 100 trees back in 2008 has caused significant damage in the watershed. She then offered the Board a pamphlet prepared by the Penn State Extension titled "The Role of Trees & Forests in Healthy Watersheds" for information purposes. She said it explains what happens when trees are removed from a watershed. On a personal level she said she now has a cliff at the end of her property from the erosion with exposed roots and rotting debris. She further stated that Con Edison had promised to replace the trees, which she believed at the time, but nothing had been put in writing. She requested that before the Board members make a decision, she would like them to come and see what the removal of the trees from the past project has done to the erosion of the hill on her property. She added that she also has concerns that when trees are removed the electrical field goes up.

Mr. Amato responded. He said he had no previous knowledge of the issues on Ms. Helbig's property. He added that Con Edison is heavily regulated and it is the company's policy to reseed rather than replant on Con Edison property on areas needing re-stabilization. He said that replanting trees is rarely successful. Reseeding is performed with compatible vegetation.

With that in mind, he said there had been no promise to replant but rather reseed back in 2008. Con Edison is also required by the Public Safety Commission to notify property owners if vegetation maintenance will be performed behind their house. Mr. Amato said he had walked the property at 220 Hessian Hills earlier in the day and had seen no erosion. He did see lots of debris which he believes is the result of storm damage and possibly beech bark disease but not from the past Con Edison project. He said, however, he would be willing to remove the storm damaged debris.

Acting Chairman Goldfarb asked Mr. Amato if Con Edison had tried to reseed on the hillside of the 220 Hessian Hills Road property after the last tree removal project. Mr. Amato replied that he did not because disturbed soils were not observed at that location.

Mr. Kane then proposed a site visit and Mr. Arturo suggested that the WCC, Con Edison, and the homeowners should all participate if possible. All agreed.

The application was then adjourned to the next meeting.

- b) **Historic Hudson Valley - 525 South Riverside Avenue (Sec. 79.17 Blk. 2 Lot 6/ Sec. 79.17 Blk.2 Lot 4) - Referral from Planning Board to WCC for its review and recommendation on the issuance of a Wetlands Permit for the relocation of four existing storage containers from grass field adjacent to ShopRite to the former Route 9 Right of Way approximately 700 ft. south of the entrance gate to Van Cortlandt Manor.**

Brian Blaney, Director of Building, Grounds, and Maintenance, presented the application for Historic Hudson Valley. The proposed project entails relocating 3 large and 1 small storage containers to the overflow parking lot. The reason for the relocation is aesthetics and to increase the parking area for events such as The Blaze and Light Scapes. He explained that there would be no excavation, the new location area would be leveled, and there would be drainage underneath.

Mr. Kane asked how the containers would be moved and Mr. Blaney said they would not be dragged; they would be lifted by forklift and put on a trailer.

Mr. O'Connor reported that HHV had received site approval for the storage containers about 3 to 4 years ago and that the present location is not in a wetland. The new location is in a wetlands buffer but is not a significant one. The new location has no vegetation and is mostly lawn and there would not be much disturbance.

Mr. Kane asked if any hazardous materials are being stored in the containers and Mr. Blaney replied that only solids were being stored in them such as the "funkins" (styrofoam pumpkins), plywood, and wood framing; mostly storage for the events.

Mr. Arturo asked how much clearance there would be between the storage containers and the other side of the embankment. Mr. Blaney said it would be about 6 feet.

Mr. Arturo then followed up with a question posed to the Board as to whether this project presented any concerns with the Con Edison horizontal directional drilling project. Mr. O'Connor said there would be no interference.

Mr. Blaney said that HHV had easements with Con Edison as well as AT&T and Verizon and he was awaiting approval from them. He said he had also contacted NYS Department of Environmental Conservation (DEC) to see if it had any requirements that needed satisfying.

Mr. Kane then made a motion to recommend that the Planning Board issue the Wetlands Activity Permit for the relocation of the existing storage containers with 3 conditions: 1. that any disturbed areas be reseeded and mulched as soon as possible after the completion of the work 2. that no hazardous materials be stored in the storage containers and 3. that all necessary approvals from Con Edison, AT&T, Verizon, and NYS DEC be obtained prior to the relocation of the storage containers. Mr. Arturo seconded the motion. The motion passed 3 to 0.

3. Approval of Minutes:

Acting Chairman Goldfarb made a motion to approve the minutes of the August 20, 2014 meeting of the Water Control Commission. The motion was seconded by Mr. Kane and was passed with a vote of 3 to 0.

4. Adjournment:

The meeting was adjourned at 8:45P.M.

Respectfully submitted,

Toni Cruz
Secretary, Water Control Commission