

Town of Warren
Inland Wetlands and Conservation Commission
Regular Meeting – Minutes

Thursday, June 25, 2020 – 7:00PM

MEETING HELD VIRTUALLY VIA ZOOM

Warren Town Hall – 50 Cemetery Road

*Due to the COVID 19 Pandemic and the recent restrictions imposed this meeting
was closed to in-person public participation per Executive Order 7B.*

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES

John Favreau, Chair, called the online meeting to order via Zoom at 7:00 p.m. Members present were Cynthia Shook, Vice Chair; Nancy Binns; and Nora Hulton; Mr. Favreau seated Alternate Tara Tanner for Thomas Caldwell. Alternate Darin Willenbrock was absent. Also online were Kathy Castagnetta, Land Use Administrator and IWEO; and Richelle Hodza, recorder of minutes *pro tem*.

2. PUBLIC HEARING

- A. Paul Szymanski, PE, Kent Road (Map 21, Lot 27), Construct 50' x 80' office/barn to be used for equipment storage with an office, including sanitary system, well, driveway, grading, and related appurtenances.

This Public Hearing had been tabled to the July 23, 2020 Regular Meeting of the Inland Wetlands and Conservation Commission. There was no discussion of the application. Mr. Favreau announced that the Commission was planning to hold the public hearing at Warren Woods, 157 Brick School Road, in the Pavilion, in order to accommodate in-person public participation, while following State guidelines for health and safety during the pandemic. [Application materials remain available on the Town's website at <https://www.warrenct.org/inland-wetlands-conservation/pages/application-rte-341kent-rd-plumb-project>.]

3. APPROVAL OF MINUTES

- A. Regular Meeting, May 28, 2020

MOTION by Ms. Binns, SECONDED by Ms. Hulton, to APPROVE the MINUTES of the May 28, 2020 Regular Meeting: UNANIMOUSLY APPROVED

4. OLD BUSINESS

- A. David R. Wilson, P.E., 157 North Shore Road (Map 45, Lot 13), Install emergency generator with concrete pad, buried 1,000-gallon propane tank, electrical conduits, and propane piping. (Date of Acceptance: 5/28/2020.) Mr. Wilson was present to represent his client. There was no discussion.

MOTION by Ms. Binns, SECONDED by Ms. Hulton, to APPROVE the PERMIT APPLICATION: UNANIMOUSLY APPROVED

5. NEW BUSINESS – RECEIVE AND DETERMINE SIGNIFICANCE

- A. David Feigenbaum, 52 Sackett Hill Road (Map 18, Lot 4), Forestry mulch mow. (Date of Acceptance: 6/25/2020.) Neither the applicant nor his representative was present. Mr. Favreau reviewed the application and reported on his site walk. After some discussion about the nature of multiflora rose; the question turned to whether a declaratory ruling could be made. It was determined that such a ruling would be appropriate because the work was normal maintenance, removal of invasive species, and there would be no significant disruption of wetlands.

MOTION by Ms. Shook to make a DECLARATORY RULING to allow the applicant to remove multiflora rose as of right under Section 4.1.d, which includes the maintenance of existing landscaping; SECONDED by Ms. Hulton; UNANIMOUSLY APPROVED

Robyn Kasler of 241 Brick School Road asked to be, and was, recognized by Mr. Favreau. She wanted to know why the Inland Wetlands Commission does not include a provision for public comment on its agenda, as do other Town commissions. Ms. Castagnetta and Mr. Favreau offered responses. Ms. Kasler thanked them for clarification.

- B.** Michael C. Sciulli, 152 Brick School Road, (Map 26, Lot 10-01), Request for Declaratory Ruling - Land and tree clearing for agricultural use. (Date of acceptance 6/25/2020) Mr. Favreau explained Mr. Sciulli's application intended to accommodate a small herd of llamas and alpacas. He interpreted the plan for the commission members' benefit and recommended that the application be received and accepted and that independent site walks, or a group site walk be arranged. The commission had questions regarding the location of the animals as well as any structures to protect them. Mr. Favreau suggested that the questions could be better addressed during the site walk.

MOTION by Ms. Shook to receive and accept the application pending an organized site walk to view the impact on the wetlands area; SECONDED by Ms. Binns; UNANIMOUSLY APPROVED

- C.** Michael Griffen and Molly Hart, 145 North Shore Road (Map 45, Lot 18), Repair existing roof drains in upland review area. (Date of acceptance 6/25/2020.) Dennis McMorrow, P.E., Berkshire Engineering was online to describe the nature of the proposed work. There were several questions from the Commission, mainly asking for clarification, which Mr. McMorrow answered.

MOTION by Ms. Binns, SECONDED by Ms. Hulton, to RECEIVE AND ACCEPT the APPLICATION; UNANIMOUSLY APPROVED for acceptance.

6. INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT

None.

7. DISCUSSION AND POSSIBLE DECISION ON CLOSED PUBLIC HEARINGS

Mr. Favreau explained the plan to hold public hearings in open air under the pavilion at Warren Woods with a back-up plan to hold them at the gymnasium in the Community Center with provisions for social distancing.

8. CORRESPONDENCE

None.

9. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

- A.** 120 Tanner Hill Road – modification of front yard drainage improvements to eliminate rain garden requirement as shown on the "Front Yard Drainage Plan, revised 7-11-08" and to lift the notice of violation from the land records. Mr. Favreau asked Brian Neff, P.E., who was representing the current owner of the property [120 THR LLC, 2410 N Forest Rd, Amherst, NY 14068], to review the proposal to eliminate the requirement of a rain garden, which was presented at the last meeting. Mr. Favreau had driven by the site and agreed with Mr. Neff that the area seemed stable, with natural vegetation having been let to grow over the past twelve years. There were questions about the driveway, swales, and possible run-off. Mr. Neff suggested that disturbing the area would potentially cause new erosion.

MOTION by Ms. Shook, SECONDED by Ms. Binns, to APPROVE MODIFICATION of front yard drainage improvements to eliminate rain garden requirement as shown on the "Front Yard Drainage Plan, revised 7-11-08" and to LIFT THE NOTICE OF VIOLATION from the land records; UNANIMOUSLY APPROVED.

- B.** Mr. Favreau announced a request by the Warren Land Trust for two letters of support to be written by the Inland Wetlands and Watercourses Commission in its *de facto* capacity as Conservation Commission in support of the Trust's proposal to purchase, via grants, two properties for preservation in perpetuity. One property is at the end of Cunningham Road (between the 'old Girl Scout Camp' and the 'old Bible Camp', about 240 acres), the other lies on Route 341 (the Tanner Farm property, over 200 acres). Mr. Favreau read into the record a draft he had prepared to that end, and the Commission was in favor of his submitting the final versions of that letter. No member voiced dissension. It was determined that the action did not need formal approval by the Commission. Mr. Favreau said he would finish preparing the letters, sign them, and send them to the Warren Land Trust.

10. ADJOURNMENT

MOTION by Ms. Binns to ADJOURN [at 7:56 pm]; SECONDED by Ms. Hulton: UNANIMOUSLY PASSED.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'RH', with a horizontal line extending to the right.

Richelle Hodza
Recording Secretary, *pro tem*

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