

Meeting of the Planning Board of the Town of Lewisboro held at the Town Offices at Orchard Square, 20 Cross River Plaza, Lower Level, Cross River, New York on Tuesday, October 15, 2013 at 7:30 p.m..

Present: Jerome Kerner, Chairman
Robert Goett
Gregory LaSorsa
John O'Donnell
Ronald Tetelman
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Joseph Cermele, PE, Kellard Sessions Consulting, Town Engineer
David Sessions, RLA, AICP, Kellard Sessions Consulting, Wetland Inspector
Margaret Clark, Esq., Special Counsel
Lawrence Praga, Esq., Planning Board Counsel
Lisa Pisera, Planning Board Secretary

Also in Attendance: Janet Andersen, Conservation Advisory Council (CAC).

The Chairman called the meeting to order at 7:30 p.m. and noted the emergency exits.

I. DECISION

New Cingular Wireless PCS, LLC (AT&T), applicant (American Towers, Inc., owner of record), South NYS 35 & West Route 123, South Salem, NY – Equipment Upgrade – Cal # 5-13PB

Anthony Murando, Cuddy & Feder, was present on behalf of the applicant.

Mr. Johannessen reviewed the application.

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the resolution dated October 15, 2013 granting Exemption from Requirements to New Cingular Wireless PCS, LLC (AT&T), South NYS 35 & West Route 123, South Salem, New York, was adopted.

All In Favor: Mr. O'Donnell, Mr. LaSorsa, Mr. Kerner, Mr. Goett, Mr. Tetelman.

II. SKETCH PLAN REVIEW

James Snyder, 42 Bishop Park Road, Pound Ridge, New York – Applications for Wetland Activity Permit and Stormwater Permit Approvals to construct a 3 season porch and new terrace, enclose existing porch, replace existing deck, and make interior renovations.

Ken Okamoto, AIA, was present on behalf of the applicant.

Mr. Okamoto reviewed the application, and shared the stormwater management report prepared by Keane Coppelman Gregory Engineers, P.C.

A deep hole test was done and the results were incorporated into the evaluation. Kellard Sessions had not witnessed the test.

A rain garden was designed to handle the overflow from the infiltrators.



In response to a question from Mr. Tetelman, Mr. Okamoto indicated that the rain garden would pick up the impervious surface only from the new expansions, not from the entire roof.

Mr. Okamoto took photos of the site on May 24, 2013, when there had been a four inch rainstorm, in order to determine where the water was going. There had been no overflow or erosion. Mr. Okamoto determined that the existing roof leaders were performing satisfactorily, but was not sure where the roof leader drains discharged.

Mr. Johannessen stated that he had been to the site.

Mr. Tetelman asked for verification that the Town's stormwater regulations state that mitigation is only necessary for a twenty-five-year storm.

Mr. Johannessen clarified that because the area of disturbance is less than one acre, the applicant is not required to do any post-construction stormwater practices. The applicant is proposing post-construction stormwater practices as mitigation for the wetland buffer disturbance, but it is not a requirement. The practice accommodates a 100-year storm event from the added impervious cover which is slightly less than 1,000 square feet.

The possibility of conveying stormwater runoff from the entire roof area to the proposed stormwater system was discussed.

Mr. Tetelman suggested that options allowing any impervious surfaces within the buffer to be directed to the rain garden were preferable solutions.

At the request of Mr. Goett, Mr. Okamoto discussed the outdoor shower. As pointed out in the Kellard Sessions Memo dated October 11, 2013, the shower drain overflow is currently not shown to connect to the stormwater system, but will be revised by the applicant as requested.

The possibility of the leaders emptying directly into the lake was addressed. Mr. Kerner pointed out that in some of the photos, erosion into the lake appears. Mr. Okamoto stated that filter fabric could be used to stabilize the area, as well as removing rocks and replacing with mulch.

Mr. O'Donnell asked that Mr. Okamoto address whether the applicant owns the adjoining property. Mr. Okamoto stated that Mr. Snyder owns the adjacent property as well, stating that they are separate properties.

Mr. Okamoto stated that the total estimated cost of the project is \$350,000.

Mr. O'Donnell explained that if the Board were to require mitigation or compliance with a prior order, the scale of the project might be a relevant factor.

Mr. Johannessen stated, in response to Mr. Tetelman, that this property required annual septic pumping per a prior wetland permit, under a different owner. The applicant recently complied with that condition by pumping the septic on May 17, 2013.

Mr. O'Donnell pointed out that page two of the Stormwater Plan indicates that notifications will be made. Mr. Okamoto agreed to a suggestion by Mr. O'Donnell that the Wetland Inspector be included in these notifications.

Mr. Johannessen stated that the proposed action is a Type II Action and is exempt from the State Environmental Quality Review Act (SEQRA).

Mr. O'Donnell questioned whether the property drained into a municipal stormwater system. It was the belief of Mr. Johannessen that the property pitches toward the lake and does not enter the Town's system.

Mr. Johannessen reviewed the comments outlined in the Kellard Sessions memo dated October 11, 2013.

A memo from the Building Department dated October 9, 2013 stated that the plans/application submitted by Mr. Okamoto had been reviewed and a determination was made that the project does not require any variances from the Zoning Board of Appeals (ZBA).

Ms. Andersen stated that the concerns of the CAC had been discussed.

A site walk was scheduled to take place on November 9, 2013.

Eric Gural and Nancy Bear, 106 Boway Road, South Salem, New York – Application for Wetland Activity Permit Approval to construct an addition to existing residence and expand/reconstruct existing septic system.

Jim DeLalla, DeLalla Associates, was present on behalf of the applicants.

Mr. DeLalla reviewed the project as outlined in his Project Description dated September 12, 2013 which was submitted along with the Application for Wetland Activity Permit Approval.

Mr. DeLalla stated the expansion of the septic system is currently being reviewed by the Westchester County Health Department (WCHD).

Mr. DeLalla stated the proposed project results in a 25% increase to the footprint of the house.

Mr. DeLalla reviewed the proposed mitigation as stated in the September 12, 2013 Project Description previously provided to the Board.

Mr. Kerner noted that the entire perimeter of the house is being disturbed. Although it is only 750 square feet, going out four feet will disturb a large area.

Mr. Johannessen reviewed the comments made in the Kellard Sessions memo dated October 13, 2013.

Ms. Andersen stated that the CAC recommends a regular septic inspection be added to the requirements of future permits. Ms. Andersen also suggested that the applicant consider looking into the White Knight Microbial System or a similar advanced septic treatment technology.

Mr. DeLalla was informed that proof of the septic pumping should be provided by the applicant to the Planning Board secretary.

A site walk was scheduled for November 9, 2013.

Venanzio and Mary Cannova, 153 Main Street, South Salem, New York – Application for Wetland Activity Permit Approval to construct an addition to existing home.

The Cannovas were not present. There was no party present on behalf of the applicant.

Mr. Johannessen reviewed the Kellard Sessions memo dated October 11, 2013.

In response to Mr. O'Donnell, Mr. Johannessen stated that nothing had been received in writing indicating that the accessory apartment had been withdrawn. The applicant was asked to submit revised architectural plans.

A site walk was scheduled for November 9, 2013.

III. DISCUSSION

Hazelnut Farms, 21 Waccabuc River Lane, South Salem, New York (Lynn Bygott, owner of record), Application for Waiver of Site Development Plan Procedures to construct a covered riding ring.

Lynn Bygott was present to discuss the application.

Mr. Kerner stated that the Planning Board would like to expedite the process as quickly as possible.

Ms. Bygott stated that the exact riding ring that is being proposed exists in North Salem at the corner of Baxter Road and June Road. Ms. Bygott referred to photos submitted with her application to the Board.

Mr. Kerner stated that the property consists of a complicated entry, comprised of five or six flagged entries, several of which the entry to Hazelnut Farms crosses. Mr. Kerner stated that the diagram submitted does not show the relationship of the entries.

Ms. Bygott shared a map of the property with the Board.

In response to Mr. O'Donnell, Ms. Bygott stated that the neighbors were in favor of the project. Mr. O'Donnell suggested to Ms. Bygott that she request the neighbors to write to the Planning Board stating their agreement.

Mr. Kerner stated that if an easement exists, proof of such should be provided to the Planning Board.

Mr. Kerner expressed concern that the entrance to Hazelnut crosses five driveways located on other properties.

Mr. Kerner noted that at a prior meeting between Ms. Bygott, Mr. Johannessen and himself, Ms. Bygott stated that engineering plans prepared by Andrew Cheung, Watershed Agricultural Council, were available. Ms. Bygott responded that she would obtain those plans. Ms. Bygott also stated that Mr. Cheung would be able to attend a meeting.

The size of the property was discussed. Documentation of the property size is inconsistent.

The number of horses on the property was discussed. Ms. Bygott stated that there are currently eight horses on the property and that she would like to have ten in the future.

Ms. Bygott confirmed that she had received a violation on the property, which she believed has been cleared.

In response to Mr. O'Donnell, Ms. Bygott stated that she possesses copies of the paperwork submitted to the Westchester County Agricultural Board in order to obtain agricultural status. Ms. Bygott agreed to provide a copy of the paperwork to the Planning Board Secretary for distribution to the Board.

Mr. Johannessen stated that a violation was issued in 2012 by Peter Barrett. The violation was for operating a riding academy without a Special Use Permit. In a conversation with Mr. Johannessen last week, Mr. Barrett informed Mr. Johannessen that the violation had not been cleared. Ms. Bygott stated that she had received an email from Bob Somers stating that the notice of violation had been rescinded. Mr. Kerner stated that it is the responsibility of the Board to enforce the code as it currently stands, noting that future changes may take place. It was the understanding of Mr. Praga that the Special Use Permit provision in the Agriculture and Markets legislation is currently being reconsidered by the Town Attorney.

Mr. Johannessen approached the table to review photos submitted by Ms. Bygott.

Ms. Andersen stated that the CAC has not fully discussed the application.

A site walk was scheduled for November 9, 2103. Ms. Bygott stated that she will invite Mr. Cheung to attend the site walk.

Mr. O'Donnell suggested that the neighbors be invited to the site walk. Mr. Kerner clarified that the neighbors could be present, but no discussion with the Planning Board members could take place.

Ms. Bygott confirmed that the number of horses she would like to have on the property is ten.

The Board recommended, and Ms. Bygott agreed, that the map reviewed by the Board at the meeting would be revised by Andrew Cheung to address the size of the property, as well as the comments contained in the Kellard Sessions memo dated October 11, 2013.

IV. WETLAND VIOLATION UPDATE

Rui Ferreira Oliveira, 8 Brookside Trail, South Salem – Application for Wetland Activity Permit Approval to install retaining wall, landscaping walls and drywell – Cal. #'s 25-12 WP/1-10 WV

Mrs. Suzanna Oliveira was present to provide an update.

Mrs. Oliveira stated that the project was not completed.

Mr. Johannessen shared photos taken in mid-September.

Mrs. Oliveira stated that she had taken photos which were more recent than the photos provided by Mr. Johannessen. Mrs. Oliveira indicated that the photos she had taken show that the project is more complete than is shown in the photos taken by Mr. Johannessen in mid-September. Mrs. Oliveira stated that she had emailed the photos to Lisa Pisera, Planning Board Secretary. Mrs. Pisera stated had not received the photos prior to the meeting. Mr. Johannessen stated that he inspected the property on October 5, 2013, prior to the Planning Board meeting, and discussed his observations and project status with the Planning Board.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, Rui Oliveira, 8 Brookside Trail, South Salem was required to submit an update to the Board, including photographs by December 5, 2013 and a project completion date of December 14, 2013 was set.

All In Favor: Mr. Kerner, Mr. Tetelman, Mr. LaSorsa, Mr. Goett, Mr. O'Donnell.

Mr. Oliveira was instructed to appear before the Planning Board at the December 17, 2013 meeting.

V. CORRESPONDENCE AND GENERAL BUSINESS

Wolf Conservation Center, 7 Buck Run, South Salem

Mr. Kerner stated that a letter would be sent to the Wolf Conservation asking them to provide an update to the Planning Board regarding their Subdivision and Special Use Permit applications.

Technology

Mr. O'Donnell complimented the work of Ms. Pisera, and Ms. Julie McCormick, noting that the new method of posting agenda packets to the Town website, and the creation of spreadsheets, shows a movement toward an increase in the use of technology.

Timing of Distribution of Meeting Materials

Mr. O'Donnell suggested that the timing of the distribution of materials sent to Planning Board members for review prior to the meetings be discussed at a later date.

Agriculture and Markets Law

Mr. Praga stated that he had started to write the memo requested by Mr. O'Donnell at the September 17, 2013 meeting. Mr. Praga stated that before completing the memo, he wanted to inform the Board that the task was a relatively expensive undertaking. Mr. O'Donnell suggested that the Board discuss the matter further before instructing Mr. Praga to continue.

Lewisboro Ledger

Mr. Kerner addressed Reece Alvarez, Lewisboro Ledger, concerning an article that had appeared in the Lewisboro Ledger containing an interview with Ms. Bygott. Mr. Kerner expressed that the article seemed to be one-sided. Mr. Kerner asked that in the future, the Planning Board be given the opportunity to make a statement. Mr. Alvarez stated that he was not aware of the Planning Board's willingness to make public comment. Mr. Kerner clarified that the Planning Board could provide facts regarding a project, but not publically give an opinion, re-stating that the Planning Board is accessible.

2014 Planning Board Meeting Dates

The 2014 Planning Board meeting dates will remain the third Tuesday of the month, with the exception of January and February, 2014. The January and February meetings will take place on the fourth Tuesday of the month due to Martin Luther King Day and Presidents Day. The Board agreed that it was best not to meet on the day after a holiday.

VI. MINUTES OF September 17, 2013

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the minutes of September 17, 2013 were adopted.

All In Favor: Mr. LaSorsa, Mr. Goett, Mr. Kerner, Mr. Tetelman, Mr. O'Donnell

VII. EXECUTIVE SESSION AND ADJOURNMENT

On a motion made by Mr. LaSorsa, seconded by Mr. Goett, the Board entered into Executive Session with counsel for attorney/client privilege discussions at 9:12 p.m.

All In Favor: Mr. Kerner, Mr. Tetelman, Mr. LaSorsa, Mr. Goett, Mr. O'Donnell.

On a motion made by Mr. Tetelman, seconded by Mr. Goett, the Board exited Executive Session at 9:50 p.m.

All In Favor: Mr. Kerner, Mr. O'Donnell, Mr. Goett, Mr. Tetelman, Mr. LaSorsa.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the meeting was adjourned at 9:52 p.m.

All In Favor: Mr. Kerner, Mr. O'Donnell, Mr. Goett, Mr. Tetelman, Mr. LaSorsa.

Respectfully submitted,



Lisa M. Pisera
Planning Board Secretary

