

AGENDA PACKET

JANUARY 16, 2024 MEETING

	<u>CAL#</u>	<u>PAGE</u>
<u>AGENDA</u>		3
<u>WOLF CONSERVATION CENTER, BUCK RUN, SOUTH SALEM</u>	Cal #06-17PB	Cal #43-23WP
No new materials	Cal #18-23SW	-
<u>19 MARK MEAD ROAD LLC PARKING, 19 MARK MEAD ROAD, CROSS RIVER</u>	Cal #03-23PB	Cal #03-23PB
Site Plan, Site Design Consultants, dated November 21, 2023		4
<u>MERCHAN AND VALENCIA RESIDENCE, 1324 ROUTE 35, SOUTH SALEM</u>	Cal #22-23WP	Cal #02-23WV
No new materials		-
<u>SUPERVISOR'S RESPONSE TO PLANNING BOARD'S INQUIRY ABOUT CAPACITY AND ADDITIONAL CONNECTIONS AT THE OAKRIDGE WATER DISTRICT AND OAKRIDGE SEWER DISTRICT FACILITIES RELATING TO THIS PROPOSAL: Villas at Vista, 920 Oakridge Common, South Salem</u>	Cal #12-22PB	Cal #36-22WP
Oakridge Water Connection Inquiry letter, Planning Board to Town Board, dated November 18, 2022		5
Response letter, Town Board to Planning Board, dated December 1, 2023		7
Dept. of Health, Permit to Operate a Public Water Supply, dated January 1, 2024		8
Comment emails; J. Holbrook, J. McDonough, S. O'Connor, V. Paolicelli, PJ Jacke, J. Holbrook, C. Deutsch & J. Brown, and S. O'Connor; November 14, 15 & 17 and December 18 & 19		9
<u>DISCUSSION OF THE LEWISBORO COMPREHENSIVE PLAN UPDATES</u>		
Comprehensive Plan final workshop flyer, undated		18
To view draft of the Inventory and Analysis visit: https://drive.google.com/file/d/1a3tWuSVV5YFCe_hC5LLn7RK1ryHR6fJJ/view		-

<p>To view draft of Comprehensive Plan and Zoning Code Amendments visit:</p> <p>https://drive.google.com/drive/folders/1CwWQKx5GZAKLqgw1w0lQY25ms4O8qBU</p> <p>or</p> <p>without Google Drive for the draft plan</p> <p>https://drive.google.com/file/d/1bvJgdujpexTXc99ecKnmPrip4ul4cjgR/view</p>		-

TOWN OF LEWISBORO
Westchester County, New York



Planning Board
79 Bouton Road
South Salem, New York 10590

Tel: (914) 763-5592
Fax: (914) 875-9148
Email: planning@lewisborogov.com

AGENDA

Tuesday, January 16, 2024

The Commons / Courtroom at 79 Bouton Road

Meeting will start at 7:30 p.m. and end at or before 11:00 p.m.

I. CONTINUATION OF PUBLIC HEARINGS

Cal #06-17PB, Cal #43-23WP, Cal #18-23SW

Wolf Conservation Center, Buck Run, South Salem, NY 10590; Sheet 21, Block 10803, Lots 3, 65, 67, 81, 82, 83, 86 & 88 (Wolf Conservation Center, owner of record) - Application for a Site Development Plan Approval, Special Use Permit Approval, Wetland Activity Permit Approval and Stormwater Permit Approval for a private nature preserve.

Cal #03-23PB, Cal #05-23SW

19 Mark Mead Road LLC parking, 19 Mark Mead Road, Cross River, NY 10518; Sheet 20, Block 10800 Lot 1 (19 Mark Mead Road LLC, owner of record) – Application for construction of 12 parking spaces for Bacio restaurant employees and four residential spaces.

II. WETLAND PERMIT REVIEW

Cal #22-23WP, Cal #02-23WV

Merchan and Valencia Residence, 1324 Route 35, South Salem, NY 10590; Sheet 39, Block 10543, Lot 22 (Lina Merchan and Fabio Valencia, owners of record) - Application for remediation of wetlands.

III. DISCUSSION

Supervisor's response to Planning Board's inquiry about capacity and additional connections at the Oakridge Water District and Oakridge Sewer District facilities relating to this proposal:

Cal #12-22PB, Cal #36-22WP

Villas at Vista, 920 Oakridge Common, South Salem, NY 10590 Sheet 49D, Block 9829, Lot 10 (Smith Ridge Associates, owner of record) - Application for construction of 14 additional housing units.

Discussion of the Lewisboro Comprehensive Plan 2024 Timeline

- January 29, 2024 final public workshop (in-person at Town House and over Zoom)
- Nelson Pope Voorhis (NPV) to conduct office hours for residents' specific concerns – date TBD
- Town Board to conduct public hearing(s) regarding Comprehensive Plan and zoning amendments to the Town Code; drafts can be found at: <https://www.lewisborogov.com/cmpsc>

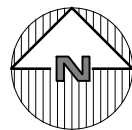
IV. MINUTES OF December 19, 2023.

V. NEXT MEETING DATE: February 20, 2024.

VI. ADJOURN MEETING.



LOCATION MAP
NOT TO SCALE



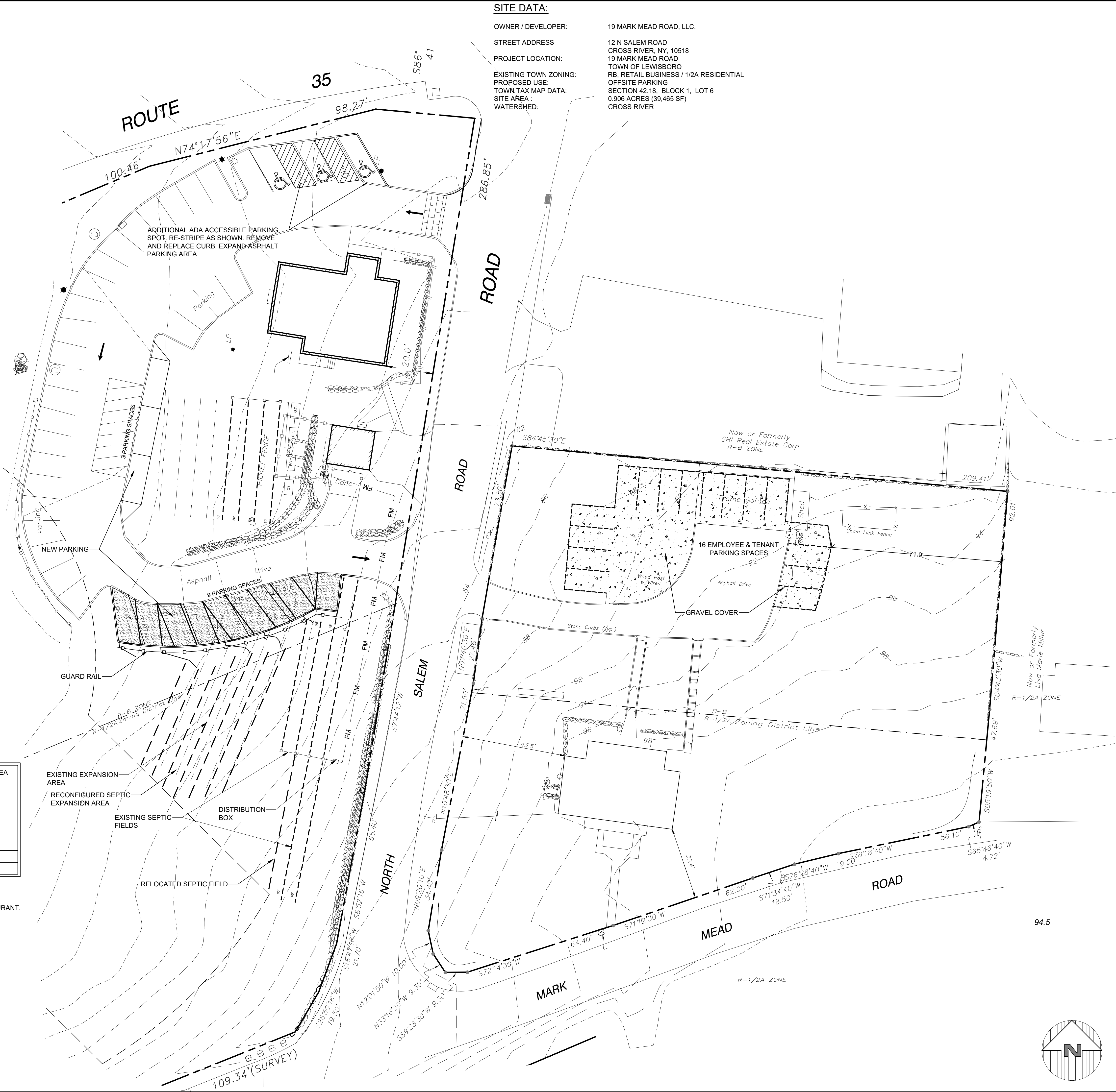
PARKING SCHEDULE

REQUIRED PARKING RESTAURANT BUILDING:	1 SPACES PER 100 SF OF GROSS FLOOR AREA 1902 S.F. @ 60 SEATS / 2 = 30 SPACES TOTAL REQUIRED: 30 SPACES
PROVIDED PARKING:	ON BACIO SITE: 27 STANDARD ON SITE + 12 ADDITIONAL 3 ADA SPACES OFFSITE PARKING: 12 FOR EMPLOYEES
TOTAL PROVIDED PARKING:	54 SPACES
PARKING VARIANCE REQUIRED:	0 SPACES

SITE PLAN NOTES:
a. PARKING LOT LIGHTS WILL ONLY ON DURING OPERATION HOURS OF THE RESTAURANT.
LIGHTS WILL BE PLACED ON A TIMER TO INSURE THEY ARE OTHERWISE OFF.

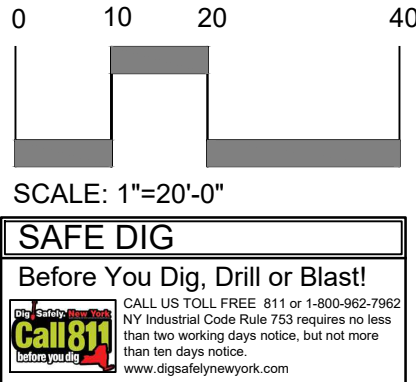
NOTE:
1. THIS IS NOT A SURVEY. ALL SURVEY INFORMATION SHOWN ON THIS PLAN HAS BEEN
TAKEN FROM SURVEY MAP PREPARED BY JEFFREY B. DEROSA, DATED 7/5/2022. THE
ENGINEER ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

NOTE: UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.



SITE DATA:

OWNER / DEVELOPER: 19 MARK MEAD ROAD, LLC.
STREET ADDRESS: 12 N SALEM ROAD
CROSS RIVER, NY, 10518
PROJECT LOCATION: 19 MARK MEAD ROAD
TOWN OF LEWISBORO
RB, RETAIL BUSINESS / 1/2A RESIDENTIAL
EXISTING TOWN ZONING: OFFSITE PARKING
PROPOSED USE: SECTION 42.18, BLOCK 1, LOT 6
TOWN TAX MAP DATA: 0.906 ACRES (39,465 SF)
SITE AREA: CROSS RIVER
WATERSHED:



Site Design Consultants
Civil Engineers • Land Planners
251-F Underhill Avenue, Yorktown Heights, NY 10598
(914) 962-4488 - Fax: (914) 962-7386
www.sitedesignconsultants.com

Engineer:
JOSEPH A. RINA
LICENSED PROFESSIONAL ENGINEER
NYS Lic. No. 64431

Revisions:	No.	Date	Comments
	1.	4/28/23	Reduce Parking
	2.	8/29/23	Plan Update
	3.	9/27/23	Town Comments
	4.	10/28/23	Low Comments
	5.	11/21/23	Low Comments
	6.	11/21/23	All Plan

SCALE: 1" = 20'

DRAWN BY: JCR

DATE: 3/10/23

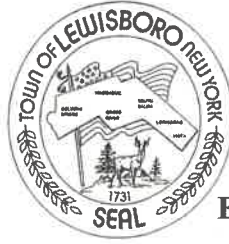
Altemate
Site Plan

SITE PLAN
PREPARED FOR
19 MARK MEAD ROAD, LLC
19 MARK MEAD ROAD
Lewisboro
Westchester County, NY

Sheet
1
of
10

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TOWN OF LEWISBORO
Westchester County, New York



Planning Board
79 Bouton Road
South Salem, New York 10590

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Fax: (914) 875-9148

Email: planning@lewisborogov.com

November 18, 2022

Honorable Tony Goncalves, Supervisor and
Members of the Town Board
Town of Lewisboro
11 Main Street
South Salem, New York 10590

Re: Application of Smith Ridge Associates
920 Oakridge Commons -
"Villas at Vista"
(P.B. Cal. #12-22 PB & #36-22 WP)

Dear Supervisor Goncalves and Members of the Town Board:

The Planning Board has received a formal application from Smith Ridge Associates, owner of Oakridge Commons, seeking site development plan approval and a wetland permit for proposed modifications to these premises. In sum, the application proposes the conversion of existing commercial space into eight (8) new dwelling units and the construction of six (6) new townhouses on the Oakridge Commons site.

A prior application, which was granted by the Planning Board, authorizes the conversion of commercial space within Oakridge Commons into four (4) new dwelling units. Consequently, the application now before the Planning Board, coupled with this prior approval, entails eighteen (18) new dwellings (comprised of two (2) two-bedroom units and sixteen (16) three-bedroom units). These residential units are located within and are proposed to be serviced by the Oakridge Water District.

The Planning Board will, as it must, evaluate this application under the Town Code and SEQRA. As it undertakes this review process, a threshold question is presented – namely, will the Oakridge Water District extend service connections to these new residential units? This question likewise applies to potential connections to Oakridge Sewer District wastewater services. If an impediment to these service connections exists, the Planning Board and the applicant may, in fact, be embarking upon an empty exercise.

Honorable Tony Goncalves, Supervisor and
Members of the Town Board
November 18, 2022
Page 2

Accordingly, the Planning Board has authorized me, as its Chair, to submit this letter to the Town Board, which is responsible for management, maintenance, operation and repair of Oakridge Water District and Oakridge Sewer District facilities. Specifically, I have been authorized to solicit the Town Board's position as to whether service connections for these units will be provided by the Oakridge Water and Sewer Districts.

In making this inquiry, the Planning Board is mindful of the November 10, 2022 Memorandum prepared by Joseph M. Cermele, P.E., CFM of Kellard Sessions, which addresses the capacity of the Oakridge Water District Treatment Plant. Moreover, the Planning Board has received written comments from Town residents expressing concerns as to the impact of the proposed residential units upon both water capacity and the quality of water supplied by the Oakridge Water District to its consumers.

Again, the Planning Board seeks a response from the Town Board to facilitate its review of this application and avoid a commitment of resources toward a project that, absent these service connections, will not go forward.

On behalf of the Planning Board, I thank the Town Board for its consideration of this request.

Respectfully submitted,

A handwritten signature in black ink that reads "Janet Andersen" followed by two cursive "cc" characters.

Janet Andersen, Chair

cc: Gregory Folchetti, Esq.

TOWN OF LEWISBORO
11 MAIN STREET
P.O. BOX 500
SOUTH SALEM, NEW YORK 10590

Cc: Gregory Folchetti, Esq
Members of the Town Board

Westchester County Department of Health

George Latimer
County Executive
Department of Health
Sherlita Amler, M.D.
Commissioner of Health

Bureau of Environmental Quality

Permit to Operate A Public Water Supply

Facility Name: OAKRIDGE WATER DISTRICT
Owner: TOWN OF LEWISBORO
Attention: THE HONORABLE TONY GONCALVES,
SUPERVISOR
Mailing Address: PO BOX 500
Municipality: SOUTH SALEM
State: NY
Zip Code: 10590
WCDH Facility Number: 00055
Facility Type:
NYS Facility No.: 5918395

Water Supply Description:

An unfiltered groundwater supply consisting of five (5) wells with a total production capacity of 282,000 gpd, an average daily consumption of 55,000 gallons, a water distribution storage capacity of 95,000 gallons, and with treatment that includes permanganate and green sand filtration and liquid chlorine disinfection, serving a population of 892.


This Permit supersedes any earlier Permit to Operate issued for this supply by the Department.

That the operation of this supply shall be in accordance with the supply description, approved plans, and any special conditions for this supply on file with the Department.

This public water supply shall be operated in compliance with the Provisions of Chapter 873, Article VII of the Laws of Westchester County and Part 5 of the New York State Sanitary Code.

This Permit shall be suspended or revoked as provided by the Laws of Westchester County, if this public water supply is maintained or operated other than in compliance with the above.

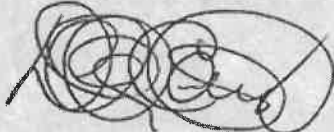
FOR THE COMMISSIONER



SHERLITA AMLER, M.D.

By:

Sherlita Amler, M.D. Commissioner of Health



By:

Delroy Taylor, P.E., Assistant Commissioner
Bureau of Environmental Quality

Permit Issued: 01/01/2024

Permit Expires: 12/31/2024

THIS PERMIT MUST BE POSTED CONSPICUOUSLY

Ciorsdan Conran

From: Jeff Holbrook <jholb1@gmail.com>
Sent: Monday, November 14, 2022 8:03 PM
To: planning@lewisborogov.com
Subject: Cal #12-22PB, Cal #36-22WP

Lewisboro Planning Board,

I live at 17 Split Rock Rd and I'm not able to attend the meeting tomorrow night in person.

I strongly encourage you **not** to approve the additional 18 housing units "Villas at Vista" for the following reasons:

- The Town Board has not conducted a proper engineering study around the capacity and sustainability of the Oakridge Water and Sewer District "OWD"
 - Kellar Sessions has no expertise in this field
 - Note the disclaimer in the Kellar Sessions Presentation " ***We note that this evaluation in no way considered or evaluated treatment processes, overall operations of the water treatment plant or current water quality.***"
 - The town is unwilling to challenge the developer and is hiding behind this cursory analysis rather than make a difficult decision
- The Town Board is relying strictly on usage data provided by the developer. From the perspective of the OWD, the developer has everything to gain financially and almost nothing to lose. If the OWD fails, the owners of the individual units and houses are responsible for whatever repairs are necessary (not the developer).
- This summer, we had to bring in water trucks when the wells ran dry
- We continue to have issues with dangerous levels of PFAS in the water which have yet to be properly addressed

The Town Board is failing the residents who rely on the OWD. I implore each of you to please do the right thing and reject this proposal until such time as a proper engineering study (capacity analysis, water quality testing, etc).

The OWD has been in peril for many years. It defies all logic to continue to allow the developer to increase the demands on the water and sewer system.

Thank you for your consideration, Jeff

Note: I pay approximately \$8000/year for water and sewer. Due to water quality issues, I had to purchase a charcoal filter in order to ensure safe drinking/bathing water (in addition to water softener, radon mitigation, etc.). There seems to be no end in sight between increasing cost and issues with the water quality.

Ciorsdan Conran

From: Jean McDonough <mcdonoughjean0@gmail.com>
Sent: Tuesday, November 15, 2022 8:05 PM
To: planning@lewisborogov.com
Cc: supervisor@lewisborogov.com
Subject: Villas at Vista

Hi All -

I am very disappointed that tonight's Planning Board Meeting did not have a Zoom link. It is incredibly disturbing that such an important meeting over the Villas at Vista is not being held via Zoom. I feel like something is being hidden from the current residents of Oakridge. The water issue is pressing and urgent and no additional building should be done prior to receiving in depth information regarding the water usage from an Engineering Firm. The water issue is dire as we are still under drought conditions and adding that many more units would adversely impact the current resident.

In addition, I would like to know if any sort of traffic study has been done as well. The current 3 way stop sign in front of the Commons is a problem. As it is, many people do not even stop. We're lucky if they slow down and I can foresee many accidents occurring there. There is also the quality of life issue. With that many units being added, it increases the number of cars and air pollution.

I am asking on my behalf and behalf of the residents of Oakridge to judiciously look at this application to ensure that the integrity of our water and our quality of life are not impacted.

Regards,
Jean McDonough
Oakridge

189 Laurel Ridge
So. Salem, NY

SIMONE O'CONNOR

3 ROBINS CT

SOUTH SALEM, NY 10590

November 15, 2022

Planning Board – Town of Lewisboro

Dear Planning Board Members,

I am writing this letter to you, to be read into the record at today's meeting, in regards to the new construction being contemplated at Oak Ridge Condominiums. It has been well documented that the drinking water in the entire development has been of poor and undrinkable quality. This has been the case for decades, with little to no attempts to rectify the abhorrent situation by the Town.

This has caused the residents, many of whom are elderly like my mother, to have to buy bottled water to drink and cook and to bear the dirty water for a shower. This has been an additional tax on all residents of the complex. While Mr. Pine's utter disregard continued for decades, the Town paid lip service to the matter. The Town has now indicated they have been awarded a grant to fix the water issue by the Federal Government, which has not yet been received. The work is projected to be completed in the next couple of years with no guarantee of what the water quality will be upon completion.

Before you is another expansion of the Oak Ridge Complex by Mr. Pine, which will further tax the water system servicing the complex. It is beyond rational thought that the Planning Board would consider any expansion of the complex until the water system issues have been resolved. Should the Board approve this without the proper due diligence, they will bring the Town into the chain of liability in this matter. It is incumbent on this Board and is frankly common sense for any approval to expand the complex be postponed until the water system has been completely rectified.

Thank you,

Simone O'Connor
Simone O'Connor

Ciorsdan Conran

From: Vincent G. Paolicelli <vincentp981@aol.com>
Sent: Thursday, November 17, 2022 12:49 PM
To: Ciorsdan Conran; epaolicelli@verizon.net; Tony Goncalves
Subject: Re: TB and PB question

Thank you very much for your reply I'm going to have a phone call with Tony this evening.

I sincerely hope the Planning Board did listen to the minutes of the Town Hall meeting as well as read my letter in regard to Mr. Pines usage numbers of the current water supply/system.

The restaurant definitely was not open on a daily basis and I understand they used to send out their utensils and plates to be cleaned. Also the gym never had 600 members on a daily basis using it.

Now do I know if the current system can handle a restaurant that was open seven days a week and a gym that has 600 members daily I have no idea?

Basically myself and all the residents of Oakridge Commons are not concerned with the expansion of Mr Pine's project if the water is a good quality which at the present time it most certainly is not.

Respectfully,
Vincent G Paolicelli

[Sent from the all new AOL app for iOS](#)

On Thursday, November 17, 2022, 12:05 PM, Ciorsdan Conran <Planning@lewisborogov.onmicrosoft.com> wrote:

Hi Mr. Paolicelli-

Thank you for your call. The Town Board as the water and sewer authority will determine if additional connections to the water and sewer plants can be made. The Planning Board does the site plan review. The PB will ask the TB if the connections can be made via a letter to be sent out today or tomorrow.

Ciorsdan

Ciorsdan Conran

From: [Pj Jacke](#)
To: planning@lewisborogov.com
Subject: Fw: Failure Notice
Date: Monday, December 18, 2023 10:14:46 PM

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "MAILER-DAEMON@yahoo.com" <MAILER-DAEMON@yahoo.com>

To: "pjjacke@yahoo.com" <pjjacke@yahoo.com>

Sent: Mon, Dec 18, 2023 at 6:23 PM

Subject: Failure Notice

Sorry, we were unable to deliver your message to the following address.

<planning@lewisboro.gov>:

No mx record found for domain=lewisboro.gov

----- Forwarded message -----

I respectfully request the Planning Board delay any approval for beginning construction of the Villas at Vista until AFTER completion of the planned OWD expansion/renovation to begin Spring of '24 to complete Spring of '25.

Our Town Supervisor, Tony Goncalves, attended the Annual Meeting of Oakridge Condominium Association in October to update OWD consumers about the most recent plans for the proposed work.

Based upon my personal experience of having clear water for years until a few months after beginning of construction of Laurel Ridge Townhomes when my unit started to spew suity water of a variety of grey, brown, orange, pink colors and receipt of VRIs and Westchester County's Department of Health Quarterly reports of Lead and PFAS/PFOS in our water beyond acceptable limits, forcing me to invest in a Water Filtration System and continuing to buy bottled water!

How can these additional 14-18 Condominiums be connected to the already fragile OWD BEFORE the planned expansion/renovation without causing additional safety quality of water issues for OWD consumers?

Please consider all of the existing OWD consumers of Oakridge, Laurel Ridge and Conant Valley and the future consumers of Villas at Vista. We all deserve to receive Department of Health acceptable safe water.

Thank you.
Patti Jean Jacke
102 Fox Run

[Sent from Yahoo Mail on Android](#)

#12-22 PB

From: Jeff Holbrook
To: Ciorsdan Conran; planning@lewisborogov.com
Subject: Planning Board Meeting - 12/19
Date: Sunday, December 17, 2023 7:53:08 PM
Attachments: [Planning Board Letter 18NOV2022.pdf](#)
[Response to 18NOV2022 PB Letter - Smith Ridge Assoc.pdf](#)

You don't often get email from jholb1@gmail.com. [Learn why this is important](#)

Hello,

I'm not able to attend the meeting scheduled for 12/19 but wanted to share my thoughts on Discussion item IV, "Villas at Vista".

The position taken by the Town Board on this matter is incredibly disappointing to me and my neighbors. I'm shocked and disappointed that, as the owner and operator of the OWD, the Town Board, continues to turn a blind eye to the potential issues that may be caused by expanding the number of water and sewer users.

It is disingenuous to report to the Planning Board that Kellard Sessions concluded that there was adequate capacity in the water treatment facility. I remind you, Kellard Sessions provided the following disclaimer in their report: *"We note that this evaluation in no way considered or evaluated treatment processes, overall operations of the water treatment plant or current water quality."* Kellard Sessions only reviewed the water usage reports and some additional information provided by the developer (who has a clear self interest in the outcome). Kellard Sessions **did not**:

- Visit the water treatment facility or the wells
- Evaluate the viability of the water treatment facility or the wells
- Provide an opinion on the additional strain these new units would cause to the system now or in the future

Please do not be persuaded by the statement put forth by the developer that these 14 additional residential dwellings will somehow use less water and create less sewage than a restaurant that was empty most of the time. This is a ludicrous argument based on a flawed and biased estimate which presupposes that the restaurant was literally full 7 days per week. There is a reason that no restaurant has been able to survive in this location - no customers (not to mention it was never open 7 days per week).

A study by a qualified, unbiased engineer must be completed to ensure ongoing development at Oakridge can be accommodated by the current system. This must include a holistic analysis of all aspects of "capacity" with a focus on the potential incremental costs associated with increased demand (and wear and tear) on the water and sewer system. The cost of the engineering study should be funded by the developer. Based on the findings of the study, the owner/operators of the OWD must establish a fee schedule, paid by the developer, to be applied to any further expansion to create an infrastructure support fund to offset future infrastructure repairs and improvements. **Otherwise, once again, we run the risk of the majority of these costs trickling down to the homeowners when we face our next infrastructure crisis.**

Thanks, Jeff

Jeff Holbrook
17 Split Rock Road

From: crotoncath@aol.com
To: planning@lewisborogov.com
Subject: Re Meeting Tuesday 12/19
Date: Monday, December 18, 2023 12:53:55 PM

You don't often get email from crotoncath@aol.com. [Learn why this is important](#)

Committee members,

We are owners in Oakridge Commons and am deeply concerned with further development of residential or commercial businesses as it pertains to our already compromised water district . Although we have received numerous grants to fund a new effective water treatment facility I also know that it will take some time to have it up and running and proven effective.

My husband and I firmly believe that any new development must be paused until we are operating the new system and that it proves a full and complete solution. As it stands we are regularly shutting down numerous contaminated wells to serve the already taxed system. Oakridge and Conant Valley owners are justifiably frustrated and concerned with what impact more usage might have on the already strained system.

Not only do I, and countless others ,pay our water bills, have had home filtration systems installed at great expense and purchase bottled water but now have the worry that we will be further at risk.

I firmly encourage the Planning Board to deny the development of additional condos and or businesses until the problem is remedied. Please enter this correspondence into the formal record.

Respectfully,
Cathy Deutsch/John Brown
144 Stone Meadow Rd.

December 18, 2023

Dear Planning Board Members:

I'm not sure why, when this request was sent to the Town Board, it got bounced back to you, however, it seems like a game of hot potato and the only losers in this game are the residents of Oakridge. Years ago, the owner of Oakridge handed off his very big water problem to the Town of Lewisboro, who accepted. I am not sure if there was a financial component to the exchange, as I have heard things, but I digress. In all the years my 85 year old mother has lived there, nothing has ever been done to correct this problem. People made due and are still doing so, whether that means lugging cases of water up flights of stairs every week, over and over, or in the newer built sections, paying more monies to the owner to put in high end filtration systems, all, to have the honor of drinking clean water from their faucets in their new, expensive homes. Sadly, in the older sections, people like my mother, don't even have that option.

Imagine that you live in one of the highest taxed areas in the country and you cannot drink your water for fear of getting sick like my mother, who was rushed to the emergency room last year and in March of this year due to bacteria in the water? 2023 and it's incredulous to believe I am begging for clean and safe drinking water for hundreds of people; a non-partisan human issue. The Dept of Health in Westchester County contacted me In April of this year asking me about my mother's travels to other countries. My mother has not left the county. It is a disgrace and all of the environmental groups I am speaking to are very interested. The River Keepers have put me in touch with leaders of very strong groups, who are willing and anxious to get involved. I also went to Senator Harkham and Assemblyman Burdick, who actually just moved near my mother. He said that he and his wife have been drinking the water for the last few months and nothing has happened to them YET. Shocking! My mother has been suffering for the last 21 years, as have others. When your representatives feel there is no issue to contend with, but have applied for grants totalling over a million dollars, what does that say? Should those monies be

accepted, if in fact, they ever come? What is the fiduciary duty to our residents? It is not just PFAS, but bacteria. Is the water poisoned? I don't know, but the fact remains, neither do you.

I do not think it is a lot to ask to wait on future building, especially in the environmentally beautiful area the owner wants to build in. Weather permitting, I walk the property every day and have for years. The geese and wildlife in that area are beautiful, but the issue for the humans residing there is that the water fails the testing again and again and there is an obligation for the Town to protect its residents, before building more and more and taxing our tainted water system. My proposal is to wait, see if we get the grant money to fix the problem our representatives don't believe we have and only then to begin the requisite testing for the potential of additional building.

It is my hope that you will take this letter very seriously, as I am not going to give up. I have spoken to so many frustrated residents, who need your help. This isn't a favor, it is a legal obligation and the right thing to do. Building can wait, but the lives and quality of those lives cannot.

Yours truly,
Simne O'Connor
Vista

Simone O'Connor
3 Robins Court
South Salem

FINAL COMPREHENSIVE PLAN WORKSHOP

**JANUARY 29, 7:30PM 2024
TOWN HOUSE & ON ZOOM**

- Presentation on the DRAFT COMPREHENSIVE PLAN & DRAFT ZONING CODE AMENDMENTS
- Q&A period for public feedback
- For more info visit our website:



**SCAN ME
ESCANÉAME
扫我**

WWW.LEWISBOROGOV.COM/CMPSC

**LEWISBORO
COMPREHENSIVE PLAN
UPDATE**