

Meeting of the Planning Board of the Town of Lewisboro held at the Town House, 11 Main Street, South Salem, New York on Tuesday February 9, 2010 at 7:30 P.M.

Present: Joseph Decaminada, Acting Chairman  
John Gusmano  
Richard Ellrodt  
Maureen Maguire  
Jan Johannessen, Kellard & Sessions Consulting, Planning Consultant  
Ryan Coyne, PE, Kellard & Sessions Consulting, Town Consulting Engineer  
Bruce Barber, Interim Wetland Inspector  
Lawrence Praga, Esq., Planning Board Counsel  
Janet Andersen, CAC Chairwoman  
John O'Donnell, CAC  
Aimee Hodges, Planning Board Secretary

Absent: Jerome Kerner, Chairman

Mr. Decaminada called the meeting to order at 7:31 P.M. and introduced the Board and its consultants.

## **I. DECISION**

### **Lake Kitchawan Conservation Committee, P. O. Box 261, South Salem, New York - Application for Wetland Activity Permit Approval. - Cal. #63-09 W.P.**

Mr. Barber reviewed the draft resolution he prepared for the Board's consideration.

On a motion made by Mr. Gusmano, seconded by Mr. Ellrodt the resolution Lake Kitchawan Conservation Association, Inc. Wetland Activity Permit Approval was adopted.

Vote: Yes: Gusmano, Decaminada, Ellrodt, Maguire  
Absent: Kerner

## **II. PUBLIC HEARINGS**

The Chairman reviewed the public hearing procedures. There were no objections to the time or place of the public hearing and there were no requests to have the notice of public hearing read aloud.

### **Matthew and Andrea Lustig, 36 Perch Bay Road, Waccabuc, New York - Application for Wetland Activity Permit Approval to permit the demolition of an existing single family house and the construction of a new six (6) bedroom single family house, motor court, stormwater management facilities and installation of wetland mitigation - Cal. #19-09 W.P. (Reconvened)**

Matthew Lustig was present with his environmental consultant Beth Evans and legal counsel Adam Wekstein, Esq.

Ms. Evans displayed the proposed site plan and reviewed the application to demolish the existing one family residence and for the construction of a new residence on the site. She noted that most of the proposed disturbance falls within the buffer associated with an intermittent watercourse that runs through the property. In addition there is a 150 foot setback from Lake Waccabuc. Ms. Evans advised that proposed language and associated map to prevent the alteration of the vegetation between the residence and the lake in a way that would be detrimental to the lake had been discussed and reviewed by the wetland inspector and Planning Board counsel. She noted the proposed mitigation areas. The existing trails have been identified; she advised that although that they had been shown as ten foot wide maintenance areas to clear out back brush and vegetation they are not proposing to increase the trail width to ten feet.

Mr. Coyne reviewed his February 8, 2010 memo to the Board and advised that the preblasting protocol was thorough and acceptable. The blasting plan will be developed and reviewed by the Building Inspector prior to the issuance of a blasting permit.

At the request of Mr. Barber, Ms. Evans reviewed the notes on the plat referring to the restricted areas.

Mr. Barber noted that there could be selective pruning and that that the property owner would maintain the existing trails as they are presently. He reviewed his memo to the Board dated February 7, 2010 noting that both he and the Planning Board attorney concurred with respect to the language of the plan notes. In addition he acknowledged receipt of the February 8, 2010 memo of the Building Inspector.

Ms. Andersen noted that the CAC questions with respect to the trail had been addressed.

Mr. Decaminada acknowledged receipt of the January 21, 2010 correspondence from the NYCDEP determining that the watercourse on the property is an intermittent watercourse.

There was no public comment.

In response to a question of Mr. Gusmano, Mr. Barber advised that this project had evolved into a net gain for the environment given that both the house and the septic system would be moved further away from the lake. In addition the sensitive area between the house and the lake had been preserved while still maintaining a balance so that the property owner can enjoy the lake.

In response to a question of Mr. Ellrodt, Mr. Coyne advised that he was comfortable that the drainage facilities were designed in such a manner that the neighboring property owner would not be impacted.

Ms. Evans advised that most of the rock being blasted would be removed from the site.

In response to a question of Mr. Decaminada, Mr. Praga advised that there would be a notice filed in the Westchester County Clerk's office advising that there is a restriction pertaining to this land and will refer to the map filed in the Planning Board office. The property owner cannot violate those restrictions without violating the approval. Any penalty would at the discretion of the Planning Board.

On a motion made by Ms. Maguire, seconded by Mr. Gusmano the public hearing was closed.

Vote: Yes: Gusmano, Decaminada, Ellrodt, Maguire  
Absent: Kerner

Mr. Barber was directed to prepare a draft resolution for the February 23, 2010 agenda.

**Bedford Audubon Society, 35 & 36 Todd Road, Katonah, New York – Application for Special Use Permit Approval to permit the operation of a Private Nature Preserve – Cal. #2-10 P.B.**

There were no objections to the time or place of the public hearing and there were no requests to have the notice of public hearing read aloud.

James Nordgren was present representing the applicant.

Ms. Andersen reminded the Board that she had previously recused herself as she is a member of the Board of Directors. She reported that the CAC had reviewed this application but did not prepare a memo.

Mr. Nordgren displayed the site plan noting that this is the first special use permit for a nature center under the new local law. He advised that there are no changes or structures being proposed with the exception of formalizing the parking. He noted the hole in the stonewall which will permit access to a grass parking area outside of the 150 foot wetland buffer. The wetland buffer area will be delineated with a post and rail fence to ensure that there will not be an incursion into this area.

Mr. Barber verified the wetland and wetland buffer. Mr. Nordgren advised that they did a line of site to ensure that there would not be any impact to the neighboring property owners. The hours of operation would be from dawn to dusk. He reminded the Board that if the permit is granted that it would be for two years. If any of the activities disturbed the neighbors they would have an opportunity to comment prior to a renewal.

Mr. Johannessen advised that all of his previous comments had been addressed.

Mr. Barber referred to his memo to the Board dated February 7, 2010 and requested clarification with respect to the location of the post and rail fence.

Mr. Nordgren noted that the parking would only be located within the dashed area; the fence will run along the edge of the buffer.

Mr. O'Donnell advised that the CAC had reviewed and discussed the application and there was a general consensus that the plan was a reasonable balance which provides for the goals of environmental education.

There was no public comment.

On a motion made by Ms. Maguire, seconded by Mr. Ellrodt the public hearing was closed.

Vote: Yes: Gusmano, Decaminada, Ellrodt, Maguire  
Absent: Kerner

Mr. Johannessen reviewed the SEQR Negative Declaration and draft resolution he prepared for the Board's consideration.

On a motion made by Ms. Maguire, seconded by Mr. Gusmano the Board adopted the resolution issuing a SEQR Negative Declaration, Notice of Determination of Non-Significance.

Vote: Yes: Gusmano, Decaminada, Ellrodt, Maguire  
Absent: Kerner

On a motion made by Mr. Gusmano, seconded by Ms. Maguire the resolution issuing Special Use Permit Approval for the Bedford Audubon Society-Private Nature Preserve was adopted.

Vote: Yes: Gusmano, Decaminada, Ellrodt, Maguire  
Absent: Kerner

**Mary E. Clark, c/o Arthur Clark, Deepwell Farm Road, South Salem, New York – Application for Wetland Activity Permit Approval to permit the construction of a single-family residence, driveway, septic system, drainage, stream channel improvements, grading and installation of wetland mitigation within the wetland & wetland buffer – Cal. #5-05 W.P.**

There were no objections to the time or place of the public hearing and there were no requests to have the notice of public hearing read aloud.

Aleksandra Moch, Soils and Wetland Scientist was present representing the applicant.

Ms. Moch displayed and reviewed the proposed site plan for a proposed single-family residence. She noted that the applicant proposed stream restoration as mitigation for a previous wetland violation. A wetland activity permit has been received from the NYSDEC and as per their recommendations the applicant will install a plunge pool to address the velocity from the pipe and to collect the sediment. The existing headwall will be relocated outside of the wetland area. To better understand and address the erosion situation she divided the stream into three different sections and reviewed the proposed channel enhancement methods.

Ms. Moch advised that the applicant was looking for a bifurcated wetland permit; to address the mitigation and stream restoration which the applicant will implement and to show the feasibility of constructing a residence within an approved building envelope given that the property owner is looking to sell the building lot.

Mr. Barber reviewed his memo to the Board dated February 7, 2010 reminding the Board that a violation had occurred on this site approximately seven to eight years prior for the filling of sections of the wetlands. Extensive analysis was done and the Board had determined that the removal of the fill was not the appropriate way to go but required that the property owner develop suitable mitigation

to address the highly eroded stream channel. The NYSDEC wetland permits had been obtained but the Board in working through this felt that it would be prudent to review the permits for the mitigation and site plan for the proposed residence. He asked for clarification as to what the applicant's goals were relative to the proposed house.

Ms. Moch advised that they would like to make the lot marketable to a future buyer in that it would support a four bedroom single family residence.

Mr. Praga advised that the Board could not grant an approval for a theoretical house that may be going on the property. The Board can only approve what is on the map; a subsequent buyer could come in for a revision of the approval.

In response to a question of Mr. Ellrodt, Ms. Moch advised that the proposed development straddles the two lots. Mr. Praga advised that it was his understanding that the NYSDEC approval required that the two lots are to be combined.

Mr. Coyne referred to the Kellard Sessions memo to the Board dated February 8, 2010 and advised that he did not have the large plan being displayed and could not get a good judge of what was being proposed. He asked that the plans be better coordinated and although he believed that what is proposed is manageable from a stormwater perspective he suggested that a technical meeting with the applicant be held.

Ms. Andersen advised that the CAC had no further comments.

There was no public comment.

Mr. Decaminada suggested that the public hearing be adjourned with the understanding that the applicant would schedule a technical meeting with the Town Consulting Engineer and the Wetland Inspector.

Mr. Gusmano questioned whether the wetland mitigation relative to the stream banks is a long term solution with respect to the erosion.

Mr. Barber advised that the primary challenge is with the velocity creating a tremendous amount of erosion, undercutting the banks and transporting sediment down to the NYSDEC wetlands. He noted that it is important that the Town Engineer look at how much velocity is coming into the stream during storm events. If it is below a certain CFS this mitigation should provide a nice stability.

In response to a question of Ms. Maguire, Ms. Moch advised that the plunge pool will require periodic maintenance.

In response to a question of Mr. Gusmano as to how future property owners would be made aware of the need to maintain the plunge pool, Mr. Praga advised that he would research this further. Ms. Moch advised that this structure would be located within the Town's drainage easement.

On a motion made by Mr. Gusmano, seconded by Mr. Ellrodt the public hearing was adjourned.

Vote: Yes: Gusmano, Decaminada, Ellrodt, Maguire  
Absent: Kerner

**III. PROJECT REVIEW**

**Town of Lewisboro, Town Park, NYS Route 35, South Salem – Application for Waiver of Site Development Plan Procedures – Installation of storage shed – Cal. # 3-10 P.B.**

Dana Mayclim, Superintendent of Parks & Recreation and Randy Price, Parks Foreman were present.

The site plan for the installation of a shed in the gravel parking lot behind the pool area to store parks equipment (lawn mowers, weed whackers, pool filters) currently stored outside was displayed.

Mr. Barber advised that the activity required a NYSDEC Wetland Activity Permit. The shed is being placed on a previously disturbed gravel surface. The Planning Board had determined in December that this activity would fall under the realm of an administrative wetland activity permit.

Ms. Andersen referred to the CAC memo dated February 4, 2010 and advised that the major consideration was whether the activity fell outside of the 100 year floodplain elevation. The CAC wanted assurance that there would not be anything stored in the shed that could wash into the wetlands and potentially harm them.

Mr. Price stressed that all of the equipment is being stored in this location now but is being stored outside.

Mr. Coyne confirmed that this is not within the 100 year floodplain.

Mr. Johannessen reviewed the draft resolution prepared for the Board's consideration.

In response to a question of Ms. Maguire, Mr. Barber advised that the application to the NYSDEC is being submitted this week.

Mr. Johannessen advised that the NYSDEC indicated that no wetland mitigation would be required.

On a motion made by Mr. Ellrodt, seconded by Mr. Gusmano the resolution Site Development Plan Approval Utility Shed at Town Park was adopted.

Vote: Yes: Gusmano, Decaminada, Ellrodt, Maguire  
Absent: Kerner

**Estate Motors-Mercedes Benz (Charisma Holding Corp., owner of record), 321 Main Street, (NYS Route 22), Goldens Bridge – Application for Site Development Plan Approval – Cal. # 8-09 P.B.**

Janet Giris, Esq., Robert Roth, PE of John Meyer Consulting and John Sullivan, Sullivan Architecture, PC were present representing the applicant.

Ms. Giris advised that a formal application had been submitted to the Building Department. The applicant received comments back from the Building Inspector and were surprised to discover that one of the parcels that had not been a part of the now expired approval and is a part of the current application is not located within the General Business zoning district. Mr. Barrett identified the necessary variances; the applicant is now hoping that the Planning Board is comfortable sending the applicant to the Zoning Board of Appeals for the variances and to the Town Board for the zoning district change. The submission submitted for review this evening had responded to the previous comments. The applicant has reviewed the latest comment memos and believes that most comments are technical in nature and are not unattainable. It would be a great expenditure to the applicant to address the comments and it is their desire to seek the required variances and zoning district change prior to addressing them because without either, there is no project.

Mr. Decaminada expressed concern that any decision made by the ZBA or Town Board not restrict the Planning Board. Mr. Johannessen noted that as the Planning Board is Lead Agency in a coordinated SEQR review that they would need to issue a SEQR determination prior to any other agency i.e. ZBA and Town Board rendering a decision. The Planning Board will need to review this project in more detail prior to rendering a SEQR determination.

Mr. Johannessen advised that the comments within the Kellard Sessions memo dated February 5, 2010 were technical in nature and would not change the project significantly. He suggested that because the Town Board had not been an involved agency at the time of the SEQR Lead Agency circulation that the Planning Board now transmit a letter to the Town Board requesting their consent that the Planning Board acts as Lead Agency. Mr. Johannessen reviewed the planning comments within the memo. Given that the comments are mostly technical it would be appropriate to have a technical meeting with the applicant's consultants. He advised that he would not hesitate to refer this application to the Zoning Board of Appeals and the Town Board.

Mr. Coyne reviewed the engineering comments within the Kellard Sessions memo.

Mr. Barber believed that the Fire Inspector memo suggested that a sprinkler system would be in order and as such, there would be an identified need for a water source. He advised that if there is any need for a wetland activity permit associated with the water source, he would let the applicant know.

Mr. Praga clarified that the Planning Board would be bound by any variances granted by the ZBA and advised that the Board should be comfortable with the plan prior to referring it to the ZBA.

Mr. Ellrodt expressed his concern with the ongoing drainage issues with a neighboring property owner and advised that he would like to see something as a good neighbor from the applicant prior to giving a referral to the ZBA.

Mr. Decaminada acknowledged receipt of the February 8, 2010 e-mail from the neighboring property owner Melanie DeNicola.

Ms. Giris advised that the variances being requested are similar to those granted for the expired approval. The plan that is before the Planning Board is the plan that the applicant would like to build. Ms. Giris advised that she had seen the February 8, 2010 e-mail from Ms. DeNicola and advised the applicant is unable to do any work on the site until they receive an approval. She further advised that she spoke with her client today about the comments within the e-mail and he advised that he had never been contacted by the Health Department; no one from the Health Department has been out to the site in regard to the allegations. She also advised that snow is not plowed up to the property line shared with Ms. DeNicola and that there are actually cars stored along that particular property line. The Board is more than welcome to come out to the site after this impending snow storm to see how the snow is being plowed and noted where the snow is being stored.

Mr. Gusmano advised that the snow is being stored uphill from Ms. DeNicola's residence.

Ms. Giris advised that the snow could be stored elsewhere on site and advised that the drainage issues that exist cannot be addressed until approval is received from this Board. The applicant is not trying to delay the work and would like to get through the approval process as soon as possible.

In response to a question of Mr. Decaminada, Mr. Praga advised that the applicant cannot do any physical site work until they get through SEQR; at the very least they have to address the environmental effects of either a portion or the entire project before they can actually go into the ground. He stressed that this Board is not an enforcement body; if there are any codes being violated it is up to other departments in Town to cite the property owner.

Ms. Maguire believed that the plan now before the Planning Board is more extensive than the approved plan that expired not only because the building is much larger but because of the double decker parking even though there may be similar variances. She expressed concern with the neighbor and noted that this has gone "around and around" for years and feels at this point they needed to be creative in finding a solution but was not sure what the Planning Board could do.

Mr. Praga advised that prior to the ultimate remedy there may be something that could be looked at but noted there were a number of State legal constraints with respect to water and other environmental incidents that affect this property.

Ms. Maguire asked that at the very least that the property owner plow and store the snow in another location on the site.

Mr. Praga advised that the Board could insist that the applicant attend future Planning Board meetings.

Ms. Maguire advised that she would like a letter from the Health Department.

Mr. Gusmano advised that the Board should also focus on keeping this project moving to hopefully have a project that works for the applicant, Town and the neighbor.

Mr. Johannessen stressed again that the ZBA could not render a decision until the Planning Board issued a SEQR determination. In addition, the comments within his memo were technical in nature and would not change the plan or the variances being sought by the applicant.

Ms. Giris advised that the process involved in addressing the technical comments is very expensive and were typical of comments that would be addressed as they got closer to an approval.

Mr. Praga reiterated that the Board should be comfortable with the layout as set forth on the plan noting that if they were not comfortable with one large structure but preferred two then this would be something they would ask of from the applicant prior to referring the project to the ZBA.

Mr. Barber advised that a technical meeting could flesh out, identify and quantify the neighbor's allegations and maybe help put forth a solution for the Board to consider.

Mr. Gusmano advised that he was concerned with the Fire Department's concern with the turning radius and the stacked parking.

In response to a question of Mr. Decaminada, Mr. Roth reported that there is parking on grade in the range of 175 vehicles; this does not include the stacked vehicles. This includes cars parked inside of the buildings as well.

It was agreed that the applicant's consultants and the Town's consultants would have a technical meeting. The Planning Board will be updated on the results of this meeting prior to their referring the application to the ZBA. There will be a good faith discussion in how to address the neighbor's issues at this technical meeting.

#### **IV. SKETCH PLAN REVIEW**

##### **First Taxing District City of Norwalk, East Street, Vista – Application for Wetland Activity Permit Approval to rehabilitate Browns Reservoir dam to meet NYSDEC requirements – Cal. #3-10 W.P.**

Bill Broderick of Paul C. Rizzo Associates was present representing the applicant.

Mr. Broderick displayed the site plan to rehabilitate the existing dam to comply with the NYSDEC Dam Safety regulations. He advised that the dam was originally constructed between 1908 and 1910. In 1940 there were modifications to increase the low level outlet. In 1988 there was a significant improvement in the form of a spillway lengthening to increase the stormwater spillway capacity. The existing structures do not meet safety requirements with respect to their ability to pass the appropriate design flow without overtopping. If the water goes over the embankment it would be very dangerous resulting in a catastrophic failure. The slopes on the existing embankment structures are very shallow and over the years there has been lack of serious maintenance and vegetation has been allowed to grow on the embankment itself which weakens the structure. The analysis also revealed that the spillway had a problem with the design stability. He reviewed the wetland mapping of the site. Mr. Broderick displayed and discussed the plan with the proposed contours superimposed to determine and illustrate the wetland impacts. He advised that there is great concern with the internal materials of

the earthen dam leaching out which could cause a serious catastrophic failure. Part of the solution is to create a steeper slope, regrade the areas and to remove the trees which weaken the slope. He reviewed the erosion and sedimentation control measures and spillway modifications. He advised that because this is an existing dam that the regulations allowed them to design for a 100 year return storm. The applicant is currently preparing the application for the NYSDEC wetland activity permit; they have already approved the stability analysis and concepts. He requested authorization to meet with the Town's consultants for a technical meeting and advised that they were on a tight time clock with the NYSDEC in getting these improvements implemented.

Mr. Barber reviewed his February 8, 2010 memo to the Board. He advised that Wetland D which had been altered several times in the past would be most affected. He noted that it was unusual for the Town and NYSDEC wetland boundaries to coincide and asked for the authorization to delineate the wetlands. A technical meeting with the applicant's wetland consultant will help determine what methodology was used. He noted that it was unclear whether the applicant was eligible for the general permit noting that the individual permit would require more time and information and suggested that the applicant start this discussion now with NYS DEC.

Mr. Coyne reviewed his February 5, 2010 memo to the Board advising that the applicant's presentation answered many of his questions. He advised that the NYSDEC will drive the application and expressed concern with the construction traffic and with the impacts to the neighborhood. He questioned whether site development plan approval would be required.

Mr. Praga agreed that site development plan approval would be appropriate.

Ms. Andersen reviewed the February 5, 2010 memo prepared by the CAC.

Mr. Decaminada acknowledged receipt of the February 5, 2010 e-mail from Stan Weil.

The Board authorized a technical meeting between the applicant's consultants and the Town's consultants. A site walk will be scheduled at the next Planning Board meeting.

**“Silvermine Preserve”, DH Mayo & Ridgeview Designer Builders, Inc., applicants (Roman Kent, Susan Avjian, Jeffrey Edward Kent, owners of record), Silvermine Drive & Lockwood Road, Lewisboro – Applications for Subdivision & Wetland Activity Permit Approvals**

Eric Moss and Sue Haft were present with the project engineer Tim Allen, PE of Bibbo Associates.

Mr. Allen displayed the proposal to subdivide the parcel into twelve residential lots. The previous discussions revolved around access; without understanding the access they cannot determine the lot count and location of the open space. He advised that the applicant is indifferent in terms of the access and requested that the Board provide direction. Mr. Allen reviewed Alternative A which would extend the existing Silvermine Drive an additional 1,250 feet on this dead end road. The applicant could provide an intermediate cul de sac. Mr. Allen reviewed Alternative B which depicted the original intention to create a through road from Silvermine Drive to Lockwood Road and noted the wetland crossings. Mr. Allen reviewed Alternative C minimizing the town road with the least

amount of impervious surface as possible by extending Silvermine Drive 700 feet with several common driveway spurs off a cul de sac. Mr. Allen reviewed Alternative D which provides for a "T" intersection off of Lockwood Road with a three way stop. Screening will reduce the impacts to the adjacent existing residence. Mr. Allen reviewed an entrance off of Lockwood utilizing an old farm road with no changes to the intersection. He advised that the NYSDEC had previously strongly recommended the Silvermine access be utilized to avoid the impacts to their wetland buffer. He advised that the Town could require the Lockwood access because of the concerns with public health and welfare given the length of the dead end road off of Silvermine.

Mr. Coyne reviewed the engineering comments within the February 5, 2010 Kellard Sessions memo to the Board. He noted that any further extension to Silvermine Drive which is now three times longer than what the Town typically allowed would be a public safety issue. If the Board wanted the Silvermine access the applicant should provide some other form of mitigation. He advised that 33 houses on a mile long cul de sac is unheard of. An emergency access could be provided off of Lockwood Road but this would still impact the NYSDEC wetland buffer. It was his opinion that the Silvermine access as shown on Alternatives A and C is less desirable. He agreed that the master plan for the Silvermine subdivision did provide for a through road as depicted in Alternative B but noted that there were obvious neighborhood impacts associated with this alternative. It was his opinion that Alternative D, the Lockwood access with a cul de sac worked. An emergency access could be built off the cul de sac this access providing alternative access for the existing homes on Silvermine Drive. Mr. Coyne advised that he had reviewed the file and noted that the applicant could provide 200 feet of site distance from the standard entrance off of Lockwood; he advised that with minor modifications that this could be improved. His memo provided a third triangle option to this intersection which would eliminate the site distance issues and potentially ease the 90 degree turn on Lockwood. This alternative would further encroach into the wetland buffer and has not been engineered. Although the NYSDEC would choose Alternatives A and C because there are no impacts to their wetland buffer, he suggested that the Town correspond with them regarding the safety issues; he did not believe that these two alternatives are viable options given the Town's code. The Board should consider further discussing what access they would prefer off of Lockwood Road.

Mr. Barber reviewed his February 8, 2010 memo to the Board and discussed the wetland impacts associated with both access points. From the wetland perspective, the least disturbance would be coming off of Silvermine Drive. He noted that there is a significant cause for concern coming off of Silvermine given the length of the proposed road, the number of residents and concern for emergency vehicles. There is a need to quantify the public safety issues in order for the NYSDEC to consider an action within their wetland buffer. He advised that there would need to be the least amount of disturbance possible within their buffer and advised that it would be important to dialogue and coordinate early with the DEC and before the applicant gets too far in the process. He noted that there were some great opportunities for green development standards; it is possible there could be additional environmental gains with clustering opportunities and a biodiversity study could be considered.

Ms. Andersen reviewed the February 5, 2010 memo prepared by the CAC and advised that they did not like any of the alternatives. The CAC is concerned with the connectivity between the large and small wetlands when looking at biodiversity. Clustering and low impact development would help. If the open space is to be considered for recreation there should be some access to the public.

Mr. Decaminada stated that the triangle access suggested by Mr. Coyne was intriguing.

Mr. Allen advised that if the Board was of the mind to go with the access off of Lockwood Road that he would go forward and discuss the options with the NYSDEC.

Mr. Ellrodt questioned the impact associated with the traffic for 12 new homes and further questioned what the average width of the road is.

Mr. Coyne advised that the town code requires a 22 foot wide road; Lockwood is 19 feet wide.

Mr. Allen advised that the assumption for traffic is two peak trips per house; a total of 24 cars.

In response to a question of Mr. Ellrodt, Mr. Praga advised that he recalled that the Town code did not prohibit cul de sacs of this length but indicated that it is not preferred.

Mr. Barber reminded the Board with DEC's concerns with impacts to their buffer relative to the Thistlewaithe project. After some correspondence with the Town, the DEC considered the stormwater structure within their permit.

Mr. Praga advised that the Town is not bound by a NYSDEC determination. If the Planning Board determines that it is unsafe to access the property through Silvermine, the Board can make the finding that Lockwood is the appropriate access.

Ms. Maguire advised that she realized that there is no great access point, but preferred to see a cluster proposal accessed off of Lockwood Road. Erring on the side of safety she advised that she would like to see an emergency access onto Silvermine Drive.

Mr. Ellrodt and Mr. Gusmano advised that they would prefer the cul de sac with access from Lockwood Road.

The Board discussed the option of a private road and/or accepting a road 18 foot wide. The triangle intersection appeared to eliminate the impacts to the neighboring property. It was agreed that a site walk would be scheduled.

## **V. CORRESPONDENCE & GENERAL BUSINESS**

### **Vista Fire District**

The Board acknowledged receipt February 3, 2010 request of Peter Helmes to temporarily suspend the weekly erosion and sediment control reports until the weather conditions improve and the work commences.

Mr. Barber indicated that he had been to the site and noted that there had not been any wetland related activity or site work for some time. The site is stable. He supported the request but noted that this is a decision for the Board to make.

The Board agreed to the request to suspend the weekly erosion and sediment control reports.

**Falcon Ridge**

After receiving the January 29, 2010 e-mail from Eric Stand, Mr. Coyne advised that he immediately visited the site. The e-mail claimed that there had been an increase of stormwater runoff coming down Route 138 flooding the wetlands. Mr. Coyne advised that there had not been an impervious surface constructed other than 30 feet into the site. The stormwater basins have been constructed; the developer is only 1000 feet in and it was his opinion that the construction had not had any impact on any neighboring or downstream stormwater facilities. In addition, he advised that the post construction stormwater pollution prevention plan design calculations indicate that there will not be any increase in stormwater runoff from this development.

**Verizon Town Park**

Mr. Decaminada noted Planning Board counsel's response to EBI Consulting regarding a proposed Verizon tower to be located in the Town Park. It was noted that an application for a permanent tower at this site has not been received by the Planning Board.

**VI. MINUTES OF January 26, 2010**

On a motion made by Mr. Ellrodt, seconded by Mr. Gusmano the minutes of January 26, 2010 were adopted.

Vote: Yes: Gusmano, Decaminada, Ellrodt  
Abstain: Maguire  
Absent: Kerner

On a motion made by Mr. Ellrodt, seconded by Ms. Maguire the meeting was adjourned at 10:40 P.M.

Respectfully submitted,

Aimee M. Hodges  
Planning Board Secretary