

Meeting of the Planning Board of the Town of Lewisboro held at the Town House, 11 Main Street, South Salem, New York on Tuesday April 28, 2009 at 7:30 P.M.

Present: P. J. Rossi, Chairman
Joseph Decaminada
John Gusmano
Richard Ellrodt
Maureen Maguire
Jan Johannessen, Kellard Sessions Consulting, Planning Consultant
Bruce Barber, Interim Wetland Inspector
Margaret Clark, Esq., Special Counsel
Janet Andersen, CAC Chairwoman
Aimee Hodges, Planning Board Secretary

The Chairman called the meeting to order at 7:30 P.M. and introduced the Board and its consultants.

I. DECISIONS

Terence F. & Cynthia M. McNamara, 59 East Street, South Salem, New York - Application for Wetland Activity Permit Approval – Cal. #33-08 W.P.

Terence McNamara was present.

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 Terence & Cynthia McNamara, Wetland Activity Permit Approval, Cal. #33-08 W.P. was adopted.

Vote: Yes: Decaminada, Gusmano, Rossi, Ellrodt, Maguire

Anton Kola, 230 Spring Street, South Salem – Application for Wetland Activity Permit Approval – Cal. #40-07 W.P.

Anton Kola was present with his attorney, Michael Sirignano, Esq.

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

On a motion made by Mr. Ellrodt, seconded by Ms. Maguire the resolution issuing a Negative SEQR Declaration and Wetland Activity Permit Approval, Anton Kola, Cal. #40-07 W.P. was adopted.

Vote: Yes: Decaminada, Gusmano, Rossi, Ellrodt, Maguire

II. PUBLIC HEARING

Twin Lakes Water Works Corp., P. O. Box 258, South Salem - Application for Wetland Activity Permit Approval to permit the installation of an emergency electrical generator to an existing water supply system, installation of underground utility lines, stormwater

improvements and associated site improvements within the regulated wetland adjacent area - Cal. #82-08 W.P. (Reconvened)

Paul Lewis was present representing the applicant.

Mr. Rossi noted that the public hearing had previously been adjourned in anticipation of the receipt of the NYSDEC Wetland Activity Permit. The permit has been received.

Mr. Lewis briefly reviewed the application. He advised that the NYSDEC wetland activity permit referenced the January 7, 2009 plan.

Ms. Andersen noted that she had recused herself from this project.

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

Vote: Yes: Decaminada, Gusmano, Rossi, Ellrodt, Maguire

Mr. Barber was directed to prepare a draft resolution for the May 12th meeting.

III. PROJECT REVIEW

Homeland Towers, LLC, applicant (Sprint/Nextel/AT&T, co-applicants) (Vista Fire District, owner of record), 377 Smith Ridge Road, Vista – Applications for Special Use Permit and Wetland Activity Permit to construct wireless telecommunications facility – Cal. #3-09 P.B.

Manny Vicente was present with the project attorney Christopher Fisher, Esq., Dean Gustafson, wetland consultant and Mike Kopperwatts.

Alan Cole a member of the Antenna Advisory Board was also present for this discussion.

Mr. Fisher noted that the applicant had met with the Town's consultants prior to resubmitting the application materials. He further noted that he believed that they were at a point at which SEQR could be brought to a conclusion which was necessary for the applicant to go to the ZBA for the required zoning variances. He noted that there were still some outstanding site plan and SEQR issues that could be discussed. It was his belief that they could revise the EAF within the next week and asked to be put on the next agenda for a SEQR determination.

Mr. Johannessen reviewed the April 24, 2009 Kellard Sessions memo to the Board.

Mr. Barber reviewed his April 23, 2009 memo to the Board. He advised that he had visited the site twice and determined that the area immediately to the south of the site is a vernal pool. Given the presence of facultative species, he suggested that the Town work with the applicant to provide an alternative to the stilling basin adjacent to the vernal pool which would serve as a wolf pond. In addition, the applicants proposed use of Rodeo an herbicide to control the invasive species should be revisited as another measure to protect the vernal pool.

Mr. Decaminada noted the comments in the Kellard Sessions memo relative to the fencing alternatives and color of the tower and advised that given the quaint village of Vista that the tower would be noticeable.

Mr. Rossi advised that the Board will need an understanding of the effect a particular style pole has on coverage to make a proper evaluation.

Mr. Fisher advised that this was a decision the Board would need to make by the end of the process, but believed they could make a SEQR without it. He explained that the flag pole limited the function in terms of coverage and collocation. The monopole with a platform allows for multiple antennas on the same level. The "tree" is taking the same monopole and adding branches; functionally they are similar but visually different.

Mr. Ellrodt questioned whether the same coverage could be achieved with concealed antennas on a monopole at 140 feet as a 120 foot high monopole with platforms.

Mr. Fisher believed that they could if the number of carriers were limited to one or two because of the required separation distances between antennas.

Ms. Maguire questioned whether the coverage differences could be quantified.

Mr. Fisher explained that there would be no difference in coverage at 150 feet for a carrier on either type of pole. The difference comes into play with the placement of the antennas; the platform allows the placement of six to twelve antennas on one platform. The flagpole would require spreading the antennas from the 150 foot level down to 135 feet limiting the second carrier, shrinking the coverage potential. The coverage potential for additional carriers would be diminished.

Mr. Rossi asked that the applicant provide a map so that the Board could understand visually what happens in terms of coverage. He also requested that the applicant provide the Board with a list of the five different types of towers that exist within a 25 mile radius. The Board members would be able to go on their own to see for themselves what to expect visually.

Given the fact that the type of pole would determine the height requirement and coverage, Mr. Gusmano questioned whether this should be determined prior to the applicant going to the ZBA.

Mr. Fisher advised that it was his intent to go to the ZBA for a 150 foot pole; the ZBA should not be concerned with what the pole looks like.

In response to a question of Mr. Decaminada, Mr. Fisher advised that the applicant would not discriminate against any other colocators on this pole.

In response to a question of Mr. Ellrodt, Mr. Barber advised that the vernal pool he identified was within ten feet of the gravel driveway. Mr. Barber advised that the Board could be careful to ensure that the vernal pool is maintained from a hydrology perspective. Currently there is a lot of debris and invasive species between the edge of the gravel and water.

Mr. Barber noted that both he and Mr. Coyne have asked that the applicant make every effort to coordinate this application with the pending application to expand the firehouse.

Mr. Fisher hoped that the consultants could work offline to revise the EAF which would allow the applicant to come back to focus on SEQR. The applicant would continue to work out the site plan issues.

Mr. Barber agreed that there should be one more technical meeting to sort out the outstanding issues. In addition, he asked for the opportunity to visit the site with the applicant's wetland consultant giving them the opportunity to review his findings relative to the vernal pool in the field and determining the best way to address the issues relative to it.

Mr. Rossi noted that the SEQR determination would also encompass the visual impacts and noted that he was not ready to make that determination given that the Board had not spent the time on visuals.

Mr. Johannessen noted the visual assessment that had been received from the applicant.

Mr. Barber advised that it appeared that the Board needed to determine the minimum height with the maximum potential for collocation and coverage. The applicant will need to provide that information so the Board can make the assessment. In addition, there are still some outstanding items in the EAF which are needed to make this document complete.

Mr. Fisher maintained that the height would not change relative to coverage; the form would decrease the availability for other carriers. The Board needs to bifurcate what is a SEQR issue and what is a special permit issue. The fact that someone can see something is not a visual impact; the question is where you can see the tower from i.e. significant State resource or scenic view.

Mr. Decaminada believed that the Board should have a draft SEQR resolution prepared to be considered by the Board after the consultants for the applicant and Town meet.

Mr. Rossi advised that it would be helpful to have the list of existing towers prior to making a SEQR determination.

Mr. Ellrodt, Ms. Maguire and Mr. Gusmano advised that they were not opposed to having a draft SEQR determination prepared for their consideration.

Mr. Cole advised that the AAB had been concerned that a 120 foot tower was not high enough requiring a second tower. The AAB would not have an issue with a higher tower.

If after the consultants meet and find that the issues have been addressed, Mr. Rossi advised that a SEQR Determination could be prepared for this Board to consider. The applicant can then go to the ZBA for the required variances. After the variances are received, the other issues could be worked out prior to the scheduling of a public hearing.

IV. SKETCH PLAN REVIEW

Randolph Scully & Meredith McGraime, 508 Mount Holly Road, Katonah – Application for Wetland Activity Permit Approval – Cal. #75-08 W.P

Alan Pilch of Evans Associates was present representing the applicant.

Mr. Pilch displayed the proposed site plan. He advised that deep hole tests had been performed in the location of the proposed recharger on March 12th and they found that they had good quality soils. At the request of the Town Engineer, the proposed recharger facility was expanded to contain the entire two year runoff. An outlet was provided to the north for the existing residence. The soils were tested in the area of the proposed rain garden and it was determined that it was not feasible as there is an existing water line in this location; a grass swale has been proposed instead. He noted that erosion controls have been provided.

Mr. Barber reviewed his memo to the Board dated April 22, 2009.

Mr. Johannessen reviewed the engineering comments contained in the April 24, 2009 Kellard Sessions memo.

Ms. Andersen reviewed the memo prepared by the CAC dated April 24, 2009.

Ms. Maguire questioned whether the runoff from the infiltrator is being directed onto the adjacent property.

Mr. Pilch advised that it was, but the existing swale already conveyed runoff to the wetland.

Mr. Barber believed that the Town Engineer would be looking to ensure that there were no septic systems on adjoining properties that would be affected. The engineer would also look to determine if there is any post construction increase of water flow that would be deleterious to the adjoining properties.

Mr. Pilch anticipated that this overflow would occur during a two year storm event. He noted that the flow was being directed west of the drainage divide to an area that already received the overflow.

Mr. Barber suggested that the applicant extend the topography the best they could beyond the applicant's property line. It may be possible to construct a swale on the applicant's property which would direct the flow more positively down to the wetlands.

Mr. Rossi noted that the Board was waiting for something from the Building Inspector relative to compliance with zoning. In addition, he noted that the Board had continually asked the applicant to consider some sort of deed restriction in the area the CAC had discussed in their memo.

The Secretary was directed to schedule the public hearing.

Seth & Brooke Christian, 99 Chapel Road, Waccabuc – Application for Wetland Activity Permit Approval – Cal. #94-09 W.P.

Paul Jaehnig was present representing the applicant.

Mr. Jaehnig displayed the proposed site plan. He noted they had located the well and calculated the areas of disturbance on the plans. The NYSDEC has advised that a state wetland activity permit is not required. A mitigation schedule had been prepared and submitted; the lawn area adjacent to the pond will be restored to a natural setting. The erosion plan and construction sequence have been included on the plan. He reviewed the proposed construction for each phase. He reviewed the proposed drainage plan and rain garden.

Mr. Barber reviewed his memo to the Board dated April 22, 2009.

Mr. Decaminada questioned whether there is a need for additional parking for the home office. It was not clear whether the office was for personal use; Mr. Barber advised that he would review with the Building Inspector whether or not additional parking was required.

This application has been scheduled for a public hearing on May 12, 2009.

Laurent & Carroll Raynor Paulhac, 65 Chapel Road, Waccabuc – Application for Wetland Activity Permit Approval – Cal. # 13-09 W.P.

Mr. Rossi recused himself from this application and stepped down from the podium.

Laurent and Carroll Raynor Paulhac were present with their landscape architect Jeri Barrett and Elizabeth Sheffler, an expert on horse management.

Mr. Paulhac advised that the application for a wetland activity permit was submitted to remedy the wetland violation from last November. This application seeks to keep some of the horse fencing around the horse grazing area. He advised that they had purchased the property in 2004 with the goal of having a property to keep two to four horses. He advised that for various reasons they were not able to start the building process scheduled to begin in 2004 and 2005. The run in shed had been removed as required in the Planning Board's resolution regarding the wetland violation. He advised that in May 2008 they had applied for a building permit to build their home but were not able to go through with it because of the wetland violation; the application was withdrawn. With respect to the horses, he advised that they needed to use two large areas for paddocks.

Mr. Barrett displayed and reviewed the conceptual master plan and noted NYSDEC Wetland L9 located just off the site. He noted the existing improvements. He noted the area which was the subject of the wetland violation advising that the run in shed had been removed. He noted the locations of the proposed residence, septic system, 30' x 48' barn, pastures and sand ring.

Mr. Barrett displayed and reviewed the mitigation plan and advised that they not only wanted to remedy the violation but would like the fencing to stay in place. The proposed mitigation is to install 600 feet of buffer planting on the northerly section of the property between the developed portion of the property and the NYS wetland. In addition, they are proposing to remove the invasive Japanese Stilt plant replacing it with native vegetation which will be fenced for a period of time to allow it to become established.

Mr. Barber reviewed his memo to the Board dated April 23, 2009.

Mrs. Paulhac advised that the septic system approval is in the process of being renewed.

Ms. Clark advised that she had briefly reviewed this recent submission and reminded the Board that resolution dated October 28, 2008 required that the fencing was to be removed in the area of the violation. She advised that there is a question which has been raised as to whether anything in this area would be prohibited under the code. This was something that would need to be discussed with Planning Board counsel. In addition, she advised that a request for an extension of time had not been requested to implement the restoration; there is a technical violation on the property. The previous extension went through April 14, 2009.

Mr. Decaminada questioned whether the Board was able to amend the requirement in the wetland violation.

Ms. Clark noted that there has been an amendment to a resolution in the past.

Mr. Decaminada noted that typically the mitigation plan is received during the violation process; now this Board must analyze with the assistance of counsel how they can react to what the applicant had created.

In response to a question of Mr. Paulhac, Ms. Maguire advised that the resolution adopted in October required that the fencing be removed; now the Board is being asked to allow the fencing to remain. As the fencing had not been removed and the expiration had past, this Board now finds themselves in the position of having a violation before them and the applicant is looking to review the mitigation plan. First, this Board must address the legal issues and whether or not the resolution adopted in October could be amended. She advised that she would like to look at the question as to whether the paddocks can be built as shown or rather on another location on the property.

In response to a question of Mr. Decaminada, Ms. Clark advised that the resolution stands unless there is some modification. It was her opinion that the Board would not be compromised, but rather in respect to the applicant and since everyone was present the Board may wish to consider getting the basic information that Ms. Maguire had asked for.

Mr. Paulhac advised that they understood that there is a violation still outstanding. They had asked for an extension as the ground was frozen and it was impossible to remove the posts. He advised that in addition, they wanted to understand what their options were and desired to go through the application process. He further advised that he understood that if the Board listened to their application that this would not bind the Board. He advised that they had been trying to build a house on their property for three years. They just purchased another house next door and are now trying to determine whether they can make this work.

Ms. Maguire asked that Mr. Barber's question as to why the paddocks could not be moved be addressed.

Ms. Sheffler answered Mr. Decaminada's questions regarding her resumé in establishing her role as an expert.

Ms. Sheffler advised that she had the opportunity to review the land and reviewed her conclusions as to why the proposed pastures would not be suitable for year round usage as discussed in her written narrative submitted to the Board on April 24, 2009.

Mrs. Paulhac advised that Ms. Sheffler had pastures 2 and 3 reversed. She advised that their intention was to keep three or four horses on the property. The paddock adjacent to the septic system would only be used part time.

Ms. Sheffler advised that the best area to have paddocks is where they currently exist; horses need space to move and graze. In response to a question of Mr. Gusmano, she advised that one acre is sufficient to allow three to four horses to graze.

Mrs. Paulhac advised that their intention is to provide area for the horses to exercise as well as a grazing area for supplemental grass feeding. In addition, they need the ability to separate horses if they do not get along, as well as providing a sacrifice pasture to prevent overgrazing. She advised that when they purchased the property she had numerous conversations but didn't understand all the aspects of the property. She advised that she had a conversation today with the NYSDEC who advised that they are allowed to graze horses within the wetland buffer and that a permit is not required for the structures such as fencing to support this activity.

Ms. Clark advised that there is also the code for Lewisboro.

Noting the suggestion to preserve land not cleared within the wetland buffer in Ms. Sheffler's narrative, Mr. Decaminada questioned whether the Paulhacs would consider a deed restriction prohibiting further development as a form of mitigation.

In response to a question of Mr. Decaminada regarding the wetland function, Mr. Barber advised that the NYSDEC classified their wetlands and allowed for the protections of those wetlands accordingly. This particular wetland is a Class One NYSDEC Wetland meaning that it is highly functional; this wetland provides a very important purification component to the groundwater and ultimately the drinking water supply. This wetland is also surrounded by a large protected area and provides a habitat for species that would not occur in fragmented or developed locations.

Ms. Clark noted that the resolution remained in tact, it has not been modified and there is no application to do so. Whatever application is before the Board this evening, they are considering. This needs to be referred to Planning Board counsel, Lawrence Praga, Esq. for a legal opinion as to whether it can go forward.

Mr. Paulhac advised that he was present without legal counsel at the time the resolution was read. It read as though it was required of him to remove the fencing of the animal pen. When he read the resolution he saw that it stated remove animal pen, fencing instead of remove animal pen fencing. They did ask for clarification as to whether the intent was to remove the fencing around the animal pen or the larger enclosure. They have done some analysis of the Town code as well as the DEC code

and discovered that the non-permitted activity is to have an animal pen in the wetland buffer, but it is allowable to have grazing animals. In addition, it is allowable to have infrastructure to allow those activities, meaning fencing, in those areas.

Ms. Clark advised that the resolution as passed by the Board required that the fencing is removed.

Ms. Maguire advised that this Board understood the complexity of this application and was not able to do anything until their counsel reviewed the application and provided direction.

Ms. Paulhac noted that when she last came in for an extension of time, the Board acknowledged they would need more time than she had asked for and granted it. The application materials were submitted before the expiration and advised that it was her understanding from the Secretary, (who verified that this did occur), that as long as the materials were submitted prior to the expiration that the extension would not expire.

Ms. Maguire advised that all of these facts would be given to Planning Board counsel. When this Board receives his opinion, the matter will be placed on the agenda.

Ms. Clark suggested that the Paulhac's put their request in writing as well as an explanation as to their understanding of what occurred relative to the request for an extension.

V. DISCUSSION

Joseph Gramando, Todd Road, Cross River

Joseph Gramando was present with his architect Martin Kravitt.

The Chairman noted that there had been a request to meet with the Town Engineer; the Board had some questions prior to authorizing this meeting.

Mr. Gramando gave a brief history of the site noting that he purchased the property in 2004 with a five bedroom BOH Approval. After purchasing the lot the wetland buffer was increased to 150 feet. He prepared plans and submitted plans to build. The Planning Board walked the site and made some suggestions. The proposed house has now been turned and he advised that he is considering reducing the footprint of the house.

Mr. Barber noted that a vernal pool is located just above the hill on the adjacent property with an overflow that comes down at the corner of the property. It was never determined how the flow went under Todd Road.

Mr. Rossi advised that the concern was with the driveway and fire access.

Mr. Kravitt advised that they had hired Bibbo Associates who believed that the serpentine driveway allowed them to work with the slope. Mr. Kravitt advised that both he and Mr. Gramando believed that by reducing the size of the house and the bedroom count they would also reduce the septic reducing the overall site disturbance.

The Board members believed that it was the Fire Department who expressed concern with vehicles slipping off the driveway. The Board agreed that it would be wise to schedule a meeting between the applicant's consultants and the Town's consultants given the constraints of the site. The revised plans will be forwarded to the South Salem Fire Department for their review and comment.

VI. SITE WALK REPORTS

Mr. Rossi advised that on Saturday April 18, 2009 the Board conducted four site walks. The five board members walked the sites with Mr. Johannessen, Mr. Barber, Mr. Coyne, and Janet Andersen and Joe Tansey of the CAC.

Boera

Mr. Ellrodt advised that the Board first visited the Boera site where the applicant is proposing a 935 SF addition and a separate septic system. There was a question relative to cars backing out of the driveway.

Mr. Rossi advised that Mrs. Boera was present. They saw the stakes where the addition was to be built and noted the trees that would be affected. It appeared to be a straightforward application with little issues.

Mr. Barber advised that this Monday they performed soil testing which he witnessed. As there is elevated ground water in the area of the proposed infiltrator, it was suggested that the applicant consider a rain garden instead in the lawn area.

Christian

Mr. Rossi advised that the Board then walked the Christian property which gave the Board a better perspective as to why the applicant was proposing to build the new entry. There was a question with the gardens and white pines as the area seemed overgrown. There did not seem to be any issues; this appeared to be a straightforward application.

Amadeo

Mr. Decaminada was not present at this walk, but advised that he walked the property on Saturday April 25th. Mr. Rossi advised that seeing the site helped the Board to understand what the applicant was seeking to accomplish.

Mr. Gusmano advised that it appeared that an underground water system would cross the lot line.

Verizon Wireless/ Cross River Cell on Wheels

Mr. Tansey and Ms. Andersen were not present. The Board met with Margaret Clark, Esq. and attorney for the applicant Leslie Snyder, Esq.

The Board walked up to location of the proposed COW. The engineer attested to the height of the balloon and placards. Mr. Rossi noted that it was a steep hike up the hill. There are clearly some houses in site of the proposed structure. Mr. Rossi, Ms. Maguire and Mr. Decaminada spoke with the neighbor, James Borelli. The Board looked at the possible access to the site; the negative with the straight access is the wetland at the bottom. Mr. Rossi advised that the site walk also anticipated the permanent facility as well as the COW.

Mr. Decaminada advised that the Board also took into consideration accessing the site from the cul de sac but determined that a right of way did not exist.

Mr. Ellrodt advised that the balloon was visible from the Mobil Gas Station and Hunts Farm.

Mr. Decaminada advised that he could not see the balloon from Lewisboro Elementary School, Post Office Road, and the Waccabuc Post Office. The balloon was not visible from the parking lot at the Town Park.

Mr. Rossi advised that he as well as Ms. Maguire, Mr. Gusmano and Mr. Ellrodt visited every residence where the property owner had contacted Snyder & Snyder for a photograph. He advised that there was a minimal visual impact from all six parcels.

Ms. Maguire advised that she could not see the balloon from up and down Mead Street. She drove into Hunts Farm and could not see the balloon until she was halfway down the road; it was visible from the first cul de sac. After receiving permission from a property owner, she contacted Leslie Snyder and requested that a photograph be taken. The balloon at 160 feet was clearly visible but the 120 foot placard was barely seen as it just brushed the treetops.

Mr. Rossi advised that when the balloon was visible, it was at the 160 foot height; anything lower than that could not be seen. He advised that in the late afternoon he was driving from Vista to Goldens Bridge and noted that the largest visual impact was as he drove past JT Farms.

Mr. Rossi advised that in speaking with Ms. Snyder, the Board expressed that they would take a much different look at the application if the contract with the Town is amended to include an ending clause making the COW truly a temporary structure which may put the issuance of waivers in a more favorable light.

VII. CORRESPONDENCE & GENERAL BUSINESS

Sprint Spectrum/Levy Preserve

Mr. Johannessen advised that he visited the site on Wednesday and verified that all of the outstanding issues had been rectified; all barbed wire fencing had been removed and the site now complied with the approved site plan.

The Board discussed the length of time they would be comfortable renewing the special use permit and agreed that a three year renewal is acceptable. The matter will be placed on the May 12, 2009 agenda.

Hawley Woods Subdivision/North Salem referral

Mr. Barber advised that Lewisboro was not included as an involved or interested agency on the EAF. In reviewing the maps and after looking at the site he advised that the wetlands on the site ran across municipal borders. It appears that a septic system is proposed within 150 feet of the Lewisboro boundary. He questioned whether the Town of Lewisboro's regulation extend beyond the municipal border and whether Lewisboro would be considered an involved agency.

Ms. Clark advised that the Town's jurisdiction ended at the municipal border; but the interest in the project remains. The Town of Lewisboro should have some request for input.

Mr. Barber advised that the Town of Lewisboro may choose to write to North Salem and request status as an Interested Agency through the SEQR process.

Mr. Rossi advised that it would make sense if there are Lewisboro homeowners along the border.

Mr. Johannessen advised that the Town of North Salem would notify the Town Clerk in the event of a public hearing, but the Planning Board could request to be notified.

At the completion of her services for the evening, Ms. Clark exited the meeting at 10:50 P.M.

Bedford Audubon Society

Mr. Barber advised that he had received an application for Wetland Activity Permit approval for a Trees for Tribs project to prevent erosion along the banks by planting native species. As it is not considered a residential improvement, he does not have approval authority. He advised that James Nordgren, the Executive Director had indicated that there is an educational component with the volunteers who will do the planting.

Mr. Johannessen advised that he needed to understand the extent of the educational component.

Mr. Barber advised that it was his understanding that the planting would be done in part by school children giving them an education as to why this activity is desirable.

Ms. Andersen explained that the two planting dates were scheduled to utilize students from the AP Biology class with the two fold purpose of providing an educational activity as well as keeping them occupied after their exams. One of the requirements is that they revisit the site in one year to see how the trees are growing.

It was suggested that it is requested that Mr. Nordgren submit a letter clarifying whether this is a one time event or a routine event which would require a Special Use Permit.

Patricia Doherty

Mr. Barber advised that this lakefront property owner has applied to construct a 6' by 8' prefabricated greenhouse without a floor to warm the plants prior to planting in the spring within 50 feet of the lake.

As it is a structure within 50 feet of the lake, the code requires that this is reviewed by the Planning Board. There are no utilities. The Board authorized Mr. Barber to issue the wetland permit with the condition that no chemicals will be stored within the greenhouse.

Lake Kitchawan Weed Eradication Project

Mr. Barber advised that he had sent the aquatic herbicide label to the Board for their review. In addition, he advised that he had met with Paul Gallagher and discussed the desirable schedule if a public hearing was scheduled for the end of May, if this Board in fact required a public hearing.

Mr. Gusmano questioned whether there was a lake association who would be notifying the surrounding properties.

The Secretary advised that there is a lake association for a portion of the properties in Lewisboro. There are homes within Lewisboro located within Bishop Park and off of Cross Pond Road who are not included within the lake association.

Mr. Gusmano advised that he did not have an issue with the use of this chemical as long as everyone is aware of its use.

Mr. Barber reviewed some of the questions that he would like answered by the applicant. He also advised that Pound Ridge is taking the lead of NYSDEC.

The Board agreed that the scheduling of a public hearing to ensure that all residents utilizing this lake are informed about the use of the chemical and directed the Secretary to ask Planning Board counsel if he would be available for the May 26th agenda.

Kuehl

Mr. Barber reviewed this application for a wetland activity permit noting that the property owner is being required to install a new septic system and well to accommodate an existing fourth bedroom. After some discussion, the Board agreed that given that a new septic would have an environmental benefit that an administrative permit could be issued with the caveat that if there were any changes to the application that the matter be referred back to the Planning Board.

Falcon Ridge Subdivision

Mr. Johannessen requested authorization for the Town's consultants to meet with the developer and his consultants to review the anticipated submission of materials for final subdivision plat approval.

The Board agreed to the request.

VIII. MINUTES OF April 14, 2009

On a motion made by Mr. Ellrodt, seconded by Mr. Gusmano the minutes of April 14, 2009 were adopted.

Vote: Yes: Decaminada, Gusmano, Rossi, Ellrodt, Maguire

On a motion made by Mr. Decaminada, seconded by Mr. Ellrodt the meeting was adjourned at 11:26 P.M.

Respectfully submitted,

Aimee M. Hodges
Planning Board Secretary