

Meeting of the Planning Board of the Town of Lewisboro held at the Town House, 11 Main Street, South Salem, New York on Tuesday January 8, 2008 at 7:30 P.M.

Present: P.J. Rossi, Chairman
John Gusmano
Richard Ellrodt
Maureen Maguire
William Agresta, Matthew D. Rudikoff Associates, Planning Consultant
Thomas Altermatt, Town Consulting Engineer
Bruce Barber, Interim Wetland Inspector
Margaret Clark, Esq.
Janet Anderson, CAC Chairwoman
Aimee Hodges, Planning Board Secretary

Absent: Joseph Decaminada

The Chairman called the meeting to order at 7:30 PM and introduced the members of the Board and its consultants. He congratulated Mr. Gusmano on his reappointment to the Board noting that he had been a diligent member adding a whole new dynamic.

I. REQUESTS FOR EXTENSION OF TIME

Oakridge Water & Sewer District – Cal. #11-06 P.B.

The Secretary advised that the approval would have expired on December 12, 2007; the request was received prior to that date. The mylars were in fact signed December 27, 2007.

On a motion made by Mr. Ellrodt, seconded by Mr. Gusmano the Planning Board granted a 15-day extension of time to complete the conditions of the Planning Board's resolution dated June 12, 2007.

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

Lucas & Sarah Tanner – Cal. #1-07 P.B.

On a motion made by Mr. Gusmano, seconded by Ms. Maguire the Planning Board granted the request of Lucas Tanner for a 90-day extension of time to complete the conditions of the Planning Board's resolution dated June 26, 2007.

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

Adam Rose – Cal. #2-07 W.V.

On a motion made by Mr. Ellrodt, seconded by Ms. Maguire the Planning Board granted a six month extension of time to comply with the Planning Board's resolution dated October 9, 2007.

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

II. SKETCH PLAN REVIEW

**Bacio Trattoria (K&K Real Estate, owner of record), corner of Routes 35 & 121,
Cross River – Kitchen expansion**

Michael Sirignano, Esq. and Ed Delaney, PE were present representing the applicants.

The plans were displayed. Mr. Sirignano advised that the applicant is proposing a 300 s.f. expansion to the restaurant; there are no proposed changes to the seating area. This application is on a dual track for a separate application for a significant expansion which will take a considerable amount of time. The applicant is currently working with the Westchester County Department of Health. In addition he advised that a new well went on line last year.

Mr. Delaney advised that the applicant is requesting that the brand new separate septic system installed for the proposed office building to now be assigned to the restaurant. This request has not yet been approved by the Westchester County Department of Health. The Health Department had originally approved this restaurant for 28 seats at almost 800 gallons per day. He advised that they are having some irrigation problems and are encountering a lot of objection to assigning the new septic system to the restaurant.

Mr. Rossi noted that the new septic system was built without the approval of the Planning Board.

Mr. Sirignano advised that Bibbo Associates is working on the Health Department issues; DeLalla & Associates is preparing the site plan for the major expansion but that in the meantime they have a small business owner who is pressed for kitchen space and would like the Board to approve this expansion. He advised that he has reviewed the consultant's memos and understood the issues.

Mr. Agresta reviewed his memo to the Board dated January 4, 2008 advising that he wished that this was just a modest expansion. This site has had a lot of issues that had been looked at during the review process for the previous application for a retail facility which remain unresolved. Many of the issues were changes that had occurred over time without approval noting that there is a standing approved site plan for this location. He advised that the parking layout is not consistent with the approved plan, the current floor plan submitted shows more seats than the approved 28. He advised that there are existing issues with the flow as pointed out by the Health Department which must be resolved. There are issues with landscaping that no longer exists probably due to the haphazard expansion of the parking area and the access. He agreed that the new access is a better location than the northerly driveway but was not a part of the approval.

Mr. Altermatt referred to his memo to the Board dated January 7, 2008 advising that he had similar issues. Important to him is the safety of the entrance and traffic circulation at the intersection of Route 35. He did not know how they could approve this expansion without dealing with these issues at the same time. The new information with regard to the septic system is helpful but would like to ensure that there is a 100 percent expansion area in addition to the primary system. He advised that during one of the site walks a wet area of concern was noted. The applicant's consultants were directed to take a look at the area as it appeared that it was more than ground water seepage. He noted that the neighbors had indicated that there was a drainage pipe on the property that was tied into NYS DOT catch basin. He advised the south driveway was steep and noted that this should be leveled to meet Town standards. He advised that full site plans were needed.

Mr. Gusmano questioned whether the proposed kitchen expansion would make the overall site any worse than it already is.

Mr. Altermatt advised that it would be hard to tell; it would not increase the parking requirements but may impact the septic.

Mr. Gusmano questioned whether this Board could approve the kitchen expansion and require that the applicant address the deficiencies when they come in for the next phase.

Mr. Sirignano stated that his clients in good faith intend to move forward once they have Board of Health approval and asked that this Board make an accommodation for a small business.

Mr. Barber advised that he would look at the wet area on the site to ensure that the prior reports are accurate.

Mr. Altermatt advised that he would be uneasy signing off on a site plan with the safety issues related to the access and the parking.

Mr. Ellrodt noted that the issue is that this Board would in effect approve everything on the site if they signed the site plan.

Mr. Agresta advised that the current site layout and building layout are both inconsistent with the current approved site plan.

Ms. Anderson stated that an area of concern for the CAC was with stormwater noting that there is some additional impervious surface as well as some known issues on the lot. There is nothing on the plans to deal with any additional water coming off the roof.

Mr. Sirignano suggested walking the site with the Board in the near future and that if there is something on the site that they would like to see that is not cost prohibitive his client would make the necessary changes.

In response to Mr. Sirignano's request to amend the current plan leaving the enforcement issues to the Building Department Mr. Rossi advised that the two could not be divorced. This minor addition could easily be approved if the business was operating as approved.

Ms. Maguire advised that this Board wanted to work with all businesses in Town but in doing so they must be fair and consistent. It would be foolish to haphazardly look at what appeared to be an insignificant and minor addition to a kitchen noting that she would be uncomfortable doing so particularly because of the safety issues involved. She stated that she did not feel comfortable approving a plan that this Board still had safety issues with. In addition there are potential environmental issues.

Mr. Rossi suggested that they look at the current plan and determine what is not in compliance; once they are marginally in compliance this Board would be in a better position because the applicant had done everything they could to get the site as close to compliance as they can.

The Board agreed to schedule a site visit. To ensure that the Town's engineer is comfortable Mr. Rossi suggested that the applicant's engineer meet with the Town's consultants to come up with a solution.

On a motion made by Ms. Maguire, seconded by Mr. Ellrodt the escrow establishing a full escrow deposit in the amount of \$4000 was adopted.

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

III. CORRESPONDENCE & GENERAL BUSINESS

Michael Sirignano advised that the application for Ring's End of Lewisboro required a site coverage variance and requested a referral to the Zoning Board of Appeals.

Mr. Rossi expressed concern with the fact that this plan may require additional variances and was assured by Mr. Sirignano that he understood that the applicant would be required to return to the ZBA if necessary. Mr. Rossi asked that it be clear that he had did not problem with giving a referral as long as it was understood that if in the further review of this application that if there were any changes requiring a variance that the applicant would then return to the ZBA.

The Board directed the Secretary to refer this application to the ZBA for a site coverage variance.

Mr. Rossi advised that he would like to review and discuss the Planning Board's procedures. He reminded the consultants that he would like the review memos on Friday prior to the Planning Board meeting. There was a brief discussion as to how the process could be improved in terms of communication, paperwork and reviewing of the claims. The Board discussed the length of the meetings and possible solutions to reducing the time noting that in an effort to be more accommodating the agendas had become longer. It was noted that the policy of the Board was to place applications on the first available agenda 30 days after the receipt of the application materials. It was agreed that the meetings between the applicant's and Town's consultants had been productive.

The Board scheduled site walks for February 9, March 8 and April 12. The Bacio site walk was scheduled for Saturday February 9th at 8 AM.

Mr. Rossi advised that he would be meeting with Ms. Anderson the following day to discuss how the CAC and Planning Board could work effectively together. He advised that he along with Mr. Barber and Mr. Gusmano would be attending the Lake Council meeting on January 16th to determine how the Planning Board could work better with the Lake Council in the future.

Mr. Agresta encouraged greater communication with the Town Board.

Mr. Altermatt noted that he had been concerned with some of the wetland applications with regard to septic systems and questioned whether the Town wanted him to become involved. Mr. Rossi suggested that Mr. Altermatt put his concerns in a memo to the Town Board.

The Board agreed to schedule the Dover decision for January 22, 2008.

IV. MINUTES OF December 11, 2008

On a motion made by Mr. Ellrodt, seconded by Mr. Gusmano the minutes of December 11, 2008 were adopted.

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

On a motion made by Ms. Maguire, seconded by Mr. Gusmano the Board entered into an Executive Session to evaluate wetland violation Cal. #12-07 W.V. at 8:50 P.M.


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

On a motion made by Ms. Maguire, seconded by Mr. Gusmano the Board exited the Executive Session at 9:26 P.M.

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

On a motion made by Ms. Maguire, seconded by Mr. Ellrodt the meeting was adjourned at 9:29 P.M.

Respectfully submitted,



Aimee M. Hodges
Planning Board Secretary

**RESOLUTION
TOWN OF LEWISBORO PLANNING BOARD
ESTABLISHMENT OF INITIAL ESCROW DEPOSIT
BACIO TRATTORIA SITE DEVELOPMENT PLAN
SHEET 17, BLOCK 10799, LOT 3**

JANUARY 8, 2008

WHEREAS, § 220-77B of the Town of Lewisboro Zoning Ordinance authorizes the Planning Board to refer any application to professionals as deemed reasonably necessary to assist in the review of such application; and

WHEREAS, § 220-77C of the Zoning Ordinance establishes escrow account procedures and according to those procedures, the Planning Board may require the establishment of an escrow account, from which withdrawals shall be made to reimburse the town for the cost of professional review services related to the proposed action; and

WHEREAS, when the balance in any such escrow account is reduced to one-half (1/2) of the full escrow deposit amount, the applicant shall deposit additional funds into such account to bring its balance up to one hundred percent (100%) of the amount of the full escrow deposit, or to some lesser amount as deemed acceptable by the Planning Board to complete the proposed action; and

WHEREAS, the Planning Board may suspend its review of the proposed action if such account is not replenished accordingly; and

WHEREAS, a Building Permit or Certificate of Occupancy shall not be issued unless all professional review fees charged in connection to the proposed action have been reimbursed to the town; and

WHEREAS, after all pertinent charges have been paid, the town shall refund to the applicant any funds remaining on deposit;

NOW THEREFORE BE IT RESOLVED, that based on estimates of anticipated review costs from the Planning Board's consultants, excluding applicable SEQR related review costs, the Planning Board hereby determines that an initial escrow deposit in the amount **\$4,000.00** shall be established relating to the application for **Site Development Plan Approval from Antonio Coppola, DBA**; and

BE IT FURTHER RESOLVED, that the Planning Board Secretary is directed to inform the applicant(s) of the initial escrow account required and to notify the applicant(s) of the escrow procedure in § 220-77 of the Town of Lewisboro Zoning Ordinance.

The motion was moved by Maurcen Maguire.

The motion was seconded by Richard Ellvdt.

The vote was as follows:

Ayes 4 Nays 0 Absent 1 Abstentions 0

Date: **January 8, 2008**

By:


P.J. Rossi, Planning Board Chair