

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 994 2605 9447) on Tuesday, April 21, 2020 at 7:00 p.m. The audio recording of this meeting is 200519\_001.

Present: Janet Andersen, Chair  
Jerome Kerner  
Maureen Maguire \*arrived at 7:12 p.m.  
Richard Sklarin  
Greg La Sorsa  
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel  
Jan Johannessen, AICP, Kellard Sessions Consulting, Town  
Planner/Wetland Consultant  
Ciorsdan Conran, Planning Board Administrator  
John Wolff, Conservation Advisory Council

Approximately 21 participants were logged into the Zoom meeting and 2 viewers on YouTube.

Ms. Andersen called the meeting to order at 7:00 p.m.

Janet Andersen: I'll start. I'm Janet Andersen and I'm calling to order the Town of Lewisboro Planning Board meeting for Tuesday, May 19, 2020 at 7:00 p.m.

Before I go any further, I will confirm that Ciorsdan has started recording this meeting. And the meeting is happening via Zoom with live streaming to YouTube on the Lewisboro TV channel. The public can view the meeting there and we have confirmed that the feed is active and working. Note that, in accordance with the Governor's Executive Orders, no one is at our usual meeting location at 79 Bouton.

I have confirmed again with Ciorsdan, our Planning Board Administrator, that the meeting has been duly noticed, legal notice requirements have been fulfilled. Notice has been placed on the Town of Lewisboro website and included in email distributions from the Town and the library and it's been posted on Facebook.

With me on the Zoom conference from the Town of Lewisboro are Jerome Kerner, Greg La Sorsa, Rich Sklarin, and myself. I do not yet see Maureen Maguire, but we still have a quorum. And we can vote on any matters that come before the Board because we are at that quorum.

Also, on the on the meeting right now, are our consultant Jan Johannessen and council Judson Siebert. Obviously planning board administrator Ciorsdan Conran and and the CAC chair, John Wolff.

These continue to be uncertain and stressful days and we the Planning Board continue to function, on behalf of the Town to the best we can. The Governor's Executive Order 202.1 has enabled us to meet remotely and electronically, in accordance with the Executive Order we intend to post both the recording and later a transcript of this meeting to the Town website and of course actions will be documented in meeting minutes. We have public hearings scheduled for tonight. This is the only time we expect to take public comments as we start that portion of the meeting, I will describe the process. The public has joined muted and without video until that point.

We ask any applicants that are not currently engaging in dialogue to mute their lines. This will help everyone hear over the inevitable background noises. To those whose lines are open, I remind you that we should do our best to avoid cross talk. Tonight, applicants if you can refrain from addressing the Board, until the Board or the consultants direct a specific question to you, or stay muted until called upon.

And when we vote, I will again poll the Board members individually. I want to thank everybody in advance for understanding as we continue learning. So let's get started. And I'm going to allow Tracy into the meeting.

## **I. EXTENSION OF TIME REQUEST**

**[Cal #07-19PB**

**(3:15 – 6:08)**

**JJE33 Holdings to JJE33 Lot line change, Old Oscaleta Road, South Salem, NY 10590 Sheet 35, Block 11164, Lot 1 and Sheet 35, Block 11826, Lot 4 (JJE33 owner of record) and Sheet 35, Block 11164, Lot 2; Sheet 35, Block 11826, Lots 3 & 10 (JJE33 Holdings – owner of record) - Application for lot line change.**

Michael Sirignano, Esq. was present on behalf of the owners.]

Janet Andersen: Okay, so the first item on our agenda is an extension of time request, Calendar Number 07-19PB for JJE33 Holdings to JJE33 lot lane change on Old Oscaleta Road in South Salem, New York. So, and I believe that Michael is here to tell us about the need for the extension.

Michael Sirignano: Okay. Good evening, all. I represent Holdings and we have filed this plat with the County Clerk's office. And I have delivered a deed for the two small parcels that are getting shifted from Holdings back to no holdings JJE33. I delivered that deed to the title company. I have not seen proof of recording. I probably owe Ciorsdan some copies of the filed plat and I guess proof of the deed recording. So those are the only open items as far as I know.

Janet Andersen: And you would like an extension for I think last time we only gave 60 days because we thought this would be done.

Michael Sirignano: Right. And it may well be done, but so a 30 days is fine. I can't imagine it's gonna take more than that.

Janet Andersen: I'm questioning, should we do, I mean, I'm willing to do 90 days just to see.

Michael Sirignano: OK, I'll take 90.

Janet Andersen: I mean, just to get us through if, I mean, I'll ask the Board if they have any comments on this, and whether, I know it's just, I'm more concerned about the fact that with COVID, we don't know how long things are going to take to process.

Michael Sirignano: True.

Jerome Kerner: I'm comfortable with 90 days, that's fine.

Janet Andersen: Okay. I don't hear anybody else. You want a motion to that effect.

Gregory La Sorsa: I make a motion to extend this for 90 days.

Janet Andersen: Greg, and it was seconded by Jerome. Any further discussion. Okay, I'm going to poll for favor and I'm going to go, I look at my boxes here. So, Greg, you're first on the screen.

Gregory La Sorsa: Aye, yes.

Janet Andersen: Rich?

Richard Sklarin: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: And of course, I'm an aye as well. And right now, Maureen is absent.

[On a motion made by Mr. La Sorsa, seconded by Mr. Kerner, the Board granted a ninety (90) day extension of time to the Final Subdivision Plat Approval/Lot Line Change for JJE33 Holdings and JJE33, Old Oscaleta Road, South Salem, which was granted by a Resolution, dated August 20, 2019; the approvals will now expire on July 16, 2020.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa and Mr. Sklarin. Absent: Ms. Maguire.]

## II. SPECIAL USE PERMIT RENEWAL

### Cal #05-16PB

(6:10 - 22:40)

**Sapientia Association, 111 Smith Ridge Road, South Salem NY 10590, Sheet 43 Block 10551, Lot 4 (Sapientia Association, Inc., owner of record)** - Application for a Special Use Permit renewal for a house of worship.

Michael Liguori, Esq. was present on behalf of the owners.]

Janet Andersen: Okay, and the next item on our agenda is a Special Use Permit renewal for Sapientia Association, and I apologize if I didn't get that name right. Who is? Okay. Yes. All right, great. So, we need to unmute you. So.

Michael Liguori: Chairwoman Andersen and members of the Board. My name is Michael Liguori. I'm a partner at Hogan and Rossi, Brewster, New York. I've represented Sapientia on its application for its Special Use Permit approximately two and a half years ago. Sapientia purchased the property from the Jewish Congregational Church. Over the last two and a half years, we believe they have had a very seamless transition onto the property. We've accomplished all the requirements of the original Special Use Permit. There were some items that were required to be performed post-closing, I'm sorry, post approval,

[ringing noise]

Janet Andersen: Sorry, we're gonna get that. I think it's Michael's.

Michael Liguori: Yeah, it looks that way.

Janet Andersen: Okay. I apologize.

Michael Liguori: Nope. Totally fine. So, The Special Permit was granted for a period of three years, which we believe was identical to the first time that the Jewish Congregational Church received it Special Permit.

Richard Sklarin: Jewish Family Congregation. You mean.

Michael Liguori: I'm sorry, yes. Jewish Family Congregation. Thank you. And in connection with with our renewal request we're a little bit early. We were set to expire in September, [ringing noise] but we're very thankful for you to review this now in May, you know under the circumstances. We received Jan's review memo. We've submitted the the open, there was one item for water testing that was required to be submitted. We've submitted that I don't know if Jan has had a chance to review because we've only submitted that just recently, but we've accomplished all of the items that were required to be accomplished and you have our request for our renewal.

Janet Andersen: Um, so as we talk through oh Jerome would like to say something.

Jerome Kerner: Well, I'd like to make a motion and to say something before that.

Janet Andersen: And go ahead.

Jerome Kerner: Yeah, I'd like to move that we approve this. That we approve this extension of time for this Special Use Permit without further examination without further need for a renewal and I base it on the fact that there are enough protections within the existing conditions. And if there's any violation of it would become a Building Department concern. For example, if there were more cars parked in and if they were on the road or if there were a tent erected over, over time, that was not permitted. So I think that. And and the record they have had so far is clean. There are no reports of any problems from Police or Highway Department. So I would recommend my motion would be to grant approval, especially without further need for future appearances.

Gregory La Sorsa: I'd second, that.

Janet Andersen: Okay, so I probably should have stopped you ahead of time, we believe, because we are required to have a public hearing. Just based on the special use, the fact that is a Special Use Permit and I don't believe we can waive that, Jud? Oops, we muted him or...

Jerome Kerner: He can unmute himself.

Judson Siebert: Yeah. OK, now I'm unmuted. Great. [static] As as a result of both Code provision pertaining to special permits and our original approval, we do need to conduct a public hearing on this. So, my recommendation would be just to schedule it for June and to have Jan draft a resolution. You know, with regard to the extension.



Jerome Kerner: Well, yeah, my motion was not about this particular instance, but the the extension and future. In other words, do we need to continue to have hearings for renewal?

Judson Siebert: Well, the the the permit itself is going to expire in September. It needs to be renewed and that renewal process necessitates, again by both virtue of the original approving Resolution and the Code, a public hearing before you can renew so because you're basically reissuing the Special Permit. And I think as you proceed to issue that renewal, you can as a Board determine whether you want to continue to place a time requirement for them to come back. You can. You don't need to impose that you can make it longer than three years, but we have to go through the portal of a public hearing. Okay.

Richard Sklarin: Yeah, so, so we have Jerome's option once we go forth with the formality of the public hearing which we have to do.

Judson Siebert: Yeah, the end and then [static] It's a question of. It's a question of whether you want to continue to have a time constraint on the permit or ultimately like the JFC Special Permit was one with, you know, an indefinite timeframe. And was subject to, you know, continued monitoring by the Building Department. As...

Gregory La Sorsa: We can we can we get it. I'm sorry. Go ahead Jud. Can we get a consensus on whether or not the Board feels the need to approve this without without limitation or without need for further extension? So that if we do prepare a resolution that will be there or do we have to discuss that all after a public hearing

Richard Sklarin: Um,

Judson Siebert: Yeah, I think you are open for discussion now.

Richard Sklarin: Okay, yeah. My only issue is, I'm sure what Jerome was saying is correct, just that maybe we could just get verification that there haven't been any complaints or issues since this Special Permit was initially issued. That we have confirmation that there are no problems.

Jerome Kerner: We do it. We saw the documentation submitted to us.

Richard Sklarin: Well, that was okay. So, we've got that, so I'm good.

Janet Andersen: Yeah, I think I would like to make sure that there's not. I mean, see if there are any public comments that discuss any concerns. I also went and looked at the Jewish Jewish Family Resolutions and I think they had a short one, a three year and then a five year and then got the unlimited. So, I think if we hear any concerns from the community. I'm certainly willing to go with maybe a longer one like 10 years or something that that would...But still gives us the ability to have the public to come back and talk to us about what might be what might be happening or if they have any concerns. But I can, I can go with the group.

Gregory La Sorsa: Oh, all I was suggesting is that if there's a consensus among the Board. Then when the resolution is prepared that would be in there and if there is something that's mentioned at the hearing next month. I think we can you know we can certainly discuss that and discuss keeping that in or taking that out, if necessary, but at least, be prepared to to do that.

Maureen Maguire: So, I have a question. Sorry I'm late everyone, um, what is the burden if we only do not grant the, you know, kind of allowance into what sounds like perpetuity. But we still have them come back every three to five years. [static] Is the burden on them to hire an attorney, prepare this type

of documentation, to come before the Planning Board and the time involved? So, is it is it legal expenses is the burden?

Judson Siebert: Yes. My answer to that would be it's it's primarily legal expense, if not all legal expense and... You know, part of that is just making sure all documentation from any other sources that they need is in place. That is what what the prior approving Resolution did. And I think it was modeled on the Jewish Family Congregation Resolutions was that it provided for the renewal, subject to following Special Permit requirements, which include a public hearing but allowed the Board to waive all of the underlying site plan documentation so they don't have to engage, you know, a survey or, or, or, you know, you know, an engineer or planner to prepare plans so that that is spared. And then the, the cost is, you know, publication costs and noticing costs for the public notices for the public hearings. I think the whole the whole, the whole purpose was just, you know, of the periodic renewals was to provide the vehicle for the public hearing so that if there are some concerns that are not [static] being picked up, you know, in the usual course through the Building Department or through some other Town channels that you know, people would be given an opportunity to come in and say whatever they have to say.

Janet Andersen: I think the applicant wants to say something, Mr. Liguori?

Michael Liguori: Yeah, thanks. I wasn't sure. I just didn't want to jump in. But. So, from a practical perspective, it's primarily legal costs. And, and, you know, [static] there's always the concern that your lawfully operating, but you're having, you know, your subjective repeated public hearings where there may be concerns raised but now you have to potentially jump through other hoops that maybe you know other Special Permit holders or recipients wouldn't have to. You know, for example, if we're limited to three years. But it's customary for the Board to issue them for other uses for 10 years than, you know, we're getting held to a you know a little bit more of a higher standard than than customary. And that's really what it comes down to, it's you know it's legal time and effort. And then these potential exposures that other of the users may not have. You know that we would have to deal with as they as they come up on a more frequent basis. But I think the important thing here is. There's evidence that that we've been able to use the property. But, you know, without any greater impact than its prior use. I think that'll get borne out hopefully in the public hearing. And we look forward to you know what what what the Board decides. [static]

Jerome Kerner: Yeah, first of all, you know they're they're they're good neighbors and kept records of car parking. The Jewish Family Congregation hadn't in their history, their, their needs were for special events like High Holy Days where there were like 200 or 300 cars or maybe more. And so you know that that that's really what caused the need for a Special Permit and it was of course, it was not a residential use, but looking at the history there you know it was a restaurant here before the Jewish Family Congregation, which is a much more intense use, then we have here now. And so I you know I would think that the combination of their record and the fact that made every effort to be a good neighbor that that's part the record would indicate that we could extend that period, either indefinitely or [static] with a 10 year. But I think if we have consensus on that as s Greg said maybe the resolution can be prepared in accordance with that and we can schedule a public hearing.

Richard Sklarin: I agree with Jerome on this point, either 10 years or unlimited based upon the fact that their use is not what JFC'S was, it's fine by me.

Gregory La Sorsa: So, we're gonna have a hearing on this in June. [static] Right? Yes, that seems to be right and we'll be in a position at least I mean, we would be in a position to discuss that after the hearing, assuming that the hearing's going to be closed that night.

Janet Andersen: Yeah, I think we have asked Jan to draft a resolution. I think that we can probably, you know, amend it one way or the other. I don't know whether it's easier to start with 10 and amended to unlimited or start with unlimited amended to 10 but that's...

Jan Johannessen: Both ways. We can write it both ways and you can just remove whichever paragraph is appropriate after your conversation at the June meeting.

Richard Sklarin: Draft resolution A and draft resolution B.

Janet Andersen: A with clause. I mean,...

Gregory La Sorsa: ..with a clause. Yeah.

Jan Johannessen: There'll be two different Final Resolve clauses; one will be for a 10-year period, one will be indefinitely. You could just strike the one that's not an appropriate term.

Janet Andersen: Okay, so I think the only other thing that comes up with this because I, I do think it's a good idea to move forward is to say, should we have at the same night as our regular meeting which I would think we could do we have [static] And then do we want to start again at seven and aim for the public hearing at 7:30 or do we want to, you know, start at 7:30 like normal?

Gregory La Sorsa: How's the calendar shaping up the agenda?

Janet Andersen: It's all depends upon what people what applications come in and I don't think we've seen much that has arrived yet.

Richard Sklarin: 7:30 should be fine. I think.

Jerome Kerner: I think so, yeah.

Gregory La Sorsa: Well, we're going to have it. Are we going to have any continuation of these two hearings tonight?

Janet Andersen: We don't know.

Gregory La Sorsa: Okay, well, why don't we, why don't we. Look let's just see if we have to if we have [static] to move it to seven, can we make that decision later and get in touch with Mr. Liguori.

Janet Andersen: Well, what we can do is say that the the public hearings will be at 7:30 and if we decide we have enough that we want to have our meeting earlier, we could do that.

Jerome Kerner: Okay, yeah.

Gregory La Sorsa: Probably the best way to do it.

Jerome Kerner: Yeah okay to me having the public hearings at 7:30.

Janet Andersen: Okay.

Michael Liguori: But whatever you decide is is fine with us, we, we appreciate the fact that you guys are operating via Zoom and making these things happen. So, you know, even if you decide later this

evening at what time you're going to do it, [static] it's perfectly okay with us. I'm sure Ciorsdan will just let us know tomorrow, exactly when we go.

Janet Andersen: Great. Okay. Thank you very much.

Michael Liguori: Thank you.

Jerome Kerner: Thank you.

Maureen Maguire: Thanks.

Janet Andersen: And and Ciorsdan will get with you with the actual time and the language is a little different because we have a public hearing via Zoom, etc. And she will get you the public hearing notice, she'll get with that to you too.

Michael Liguori: Fantastic.

Janet Andersen: Perfect.

Michael Liguori: Have a great night.

Gregory La Sorsa: Good night.

### III. SITE DEVELOPMENT PLAN REVIEW

**[Cal #08-17PB**

**(22:40 – 31:06)**

**Oakridge Commons, 450 Oakridge Common, South Salem, NY 10590, Sheet 49D, Block 9829, Lot 10 (Smith Ridge Associates, owner of record) – Revised application for Site Plan Review for installation of a car wash bay at an existing gas station.**

Robert Eberts, AIA, Cross River Architects, was present on behalf of the owner.]

Janet Andersen: Okay, and the next item on our agenda is Site Development Plan Review Oakridge Commons, Calendar Number 8-17 PB. This is at 450 Oakridge Common, South Salem and this is a revision of an application that has been approved for site plan for the installation of a car wash bay at an existing gas station. So, the speaker on that is...

Bob Eberts: Bob Eberts.

Janet Andersen: Bob, there you are. You, you moved when the one, one person went off the the screen and everybody shifts. That's a little disconcerting. Okay.

Bob Eberts: We are back asking for changes to the approved site plan and if it is all right with you, I'll just share my screen. And just show you a floor plan.

Janet Andersen: Did we allow share Screen Sharing?

Bob Eberts: Are we not allowed to share?

Jerome Kerner: Yeah, you can do it.

Gregory La Sorsa: I think we did I. How else can we get their materials?

Ciorsdan Conran: Right.

Gregory La Sorsa: Well, well, well, is this something that hasn't been presented to us previously?

Bob Eberts: If it's changed since it was presented yesterday.

Jan Johannessen: ... of the submission package.

Jerome Kerner: You could share if you want.

Bob Eberts: Whatever you want me to do.

Gregory La Sorsa: Well, if we have it. Then I'm okay with the gentleman...

Jerome Kerner: Yeah.

Gregory La Sorsa: Okay.

Jan Johannessen: That's submitted ahead.

Bob Eberts: Share screen in here. Sorry about that. Okay, so what what was approved previously was the front of the addition of the carwash aligned with the front of the existing building and what what that cause was that the back of the building projected further back, and the loop road to access the carwash came very, very close to Oakridge Drive. And we realized that from Oakridge Drive the back of this building was very visible. I'll show it to you on site plan. This one. So now we've pulled this forward.

Maureen Maguire: Excuse me, sir. Yeah, we're not seeing anything on. Are you sharing your screen?

Bob Eberts: Yes, yeah. Let's try again. Sorry.

Maureen Maguire: That's okay.

Bob Eberts: Share screen.

Janet Andersen: There it goes.

Jerome Kerner: There you go.

Maureen Maguire: Thank you.

Bob Eberts: Okay, so the front of the building was originally approved flush with the front of the existing building and the back of the building back new addition projected back about six feet. We've proposed that the addition be slid forward so that the front of the building now projects four feet out and we've shrunk the building by two feet to allow us to have about six feet in the back of this loop road to plant some evergreen trees. That's the real crux of the change that's really the major thing that was done. So, we shrunk the building a little bit and slid it forward.

Bob Eberts: The only other change was to the pylon sign which is over in this corner, and we just made a two foot shorter than was previously approved the reason we did does conform with the ZBA that gave us the variance to a 12-foot height. When you approve the last time, it was at 14 feet. Now we've dropped it down to 12 feet to conform to ZBA approval. It's the same sign, effectively. The last change was that in the canopy over the, over the pumps we proposed a six square foot sign mounted in the canopy well well the tenant Shell came back and said they don't want that, they have changed their mind. So, we took that out and so that sign is gone now. And I think that's an improvement quite frankly. Should I unshare at this point?

Jerome Kerner: Sure.

Janet Andersen: Yes. So again, this is. Oh, maybe I'll ask Jan to to review his memo on this.

Maureen Maguire: Mute.

Jan Johannessen: We didn't have any significant comments. We asked that all the previously proposed and approved plan sheets be incorporated into the amended set, there were a couple of inconsistencies. The architectural site plans and those provided by the site engineer needed a bulk zoning table. Other than that, the minor changes we found we have no issue with. It didn't provide any impact to the negative impact of the overall function of the site improvements. The minor modifications would qualify for waiver of site development plan procedures so would still require amended site development plan approval from the Planning Board but it is a simpler process, reduces the application process down to one step and the Board has the ability to waive the public hearing so at your discretion. We didn't see any adverse impacts, the proposed changes seem fine.

Janet Andersen: Yeah, I mean I think that is the question that we really need to figure out, is whether we think that the changes are significant enough to have a public hearing or whether we want to waive that so I'll look for any comments from the Board on that.

Jerome Kerner: Oh, I mean, I would absolutely waive a public hearing. I think these are insignificant change, it actually enhances the view shed from, you know, from project behind to the building and yeah, it would be a waste of time and effort to have a public hearing.

Gregory La Sorsa: I agree.

Rich Sklarin: Agree.

Maureen Maguire: Agree.

Janet Andersen: Okay, so, um, I think what we would do in this case is just [static] ask for Jan to draft a resolution that contains the waiver of site plan approval and we would cover that next month. Is that what does everyone want? We do this by consensus as I remember. So, let me poll just to make sure, Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: And I say yes as well. So okay, so that's our plan and this will go on and then in June with a draft resolution from Jan. Okay.

The Board reached consensus to waive a public hearing for the revisions to Shell's proposed car wash bay.

Jan Johannessen: For our few minor comments in our memo they could be made conditions. So, Bob, you don't have to worry about resubmitting, items will become conditions and they could be satisfied as part of the signing of the site plan.

Bob Eberts: Thank you.

Janet Andersen: Okay.

Bob Eberts: Thanks again for hearing us.

Janet Andersen: So, we are just about on time. So, it's now just about 7:30 and we're going to start public hearings now. We will. The purpose of a public hearing, just to remind everyone is for the Board to hear concerns and comments of the public. [static] Comments should be addressed to the Planning Board. A public hearing is not meant to be a dialogue and generally the Board will not respond to comments at the public hearing. This is our standard practice and we must observe it when we meet remotely through this Zoom in order to allow for an orderly presentation of the comments and input and so that we can compile a somewhat coherent transcript of this meeting. The Board will take public input into consideration as we review the application. Again because of Executive Order 202.10 we are not meeting at a common location. We're holding the meeting via video and telephone and that's in accordance with Executive Order 202.5.

Before this meeting, we invited comment by email, and the public can comment during the hearing in a number of ways. I will remind anyone who might be watching on YouTube that we cannot get comments from YouTube. But you can either send an email to [planning@lewisborogov.com](mailto:planning@lewisborogov.com), which Ciorsdan will be monitoring them the email and so she can read these comments and present them to the Board.

In addition, the public can speak at this meeting. Now, if you want to speak at the meeting you have to be on the Zoom meeting, not on not on YouTube channel. And the way you do it is to raise your hand. So to do that, if you're on video on Zoom if you put your cursor towards the bottom of the window, you should see an image of people labeled participants, click on that to get a panel on the right hand side and their icons on that on that right hand side panel. At towards the bottom part of it. You can then click raise hand. Participants who have raised their hand will show up on the host screen in the order that you raised the hand. And the host will announce you and unmute you and tell you, you have the floor. You may also have to unmute yourself if you're currently active.

If you dialed in on a phone, which I do not see anyone out and on the phone, but if someone has, you can raise your hand to indicate you want to talk by pressing \*9. We will ask people to give their name

and address. Upon entering and to keep their comments to about three minutes, just so we can get through this meeting. And while I don't expect this to happen, someone who is disrespectful at this meeting will be asked to leave the virtual meeting, just as they would be asked to leave a physical meeting. So, the format here is the Chair gives a brief overview of the application, that's me. The applicant will give a summary of the project Planning Board advisors will review their memos, if any.

#### IV. PUBLIC HEARINGS

**Cal #3-09PB**

(34:44 – 46:18)

**InSite Wireless at Vista Fire Dept., 377 Smith Ridge Road, South Salem, NY 10590, Sheet 50A, Block 9834, Lots 84, 88 & 94 (Vista Fire District, owner of record) - Application for Special Use Permit renewal.**

Robert Gaudioso, Esq., was present on behalf of the owners.]

Janet Andersen: We then have a public comment period and a discussion by the Planning Board. So the first public hearing that we have tonight is for inset sorry InSite Wireless at Vista Fire Department, Calendar Number 3-09PB. This is at 377 Smith Ridge Road in South Salem, New York. And this is an application for renewal of a Special Use Permit. So, I'm looking to see who is the...who is representing the okay. Go ahead and.

Robert Gaudioso: Good evening, Honorable Chair and members of the Board. Robert Gaudioso with the law firm of Snyder and Snyder. On behalf of the applicant InSite Wireless. As you mentioned, this as a Special Permit renewal, it includes both the application for the tower and for AT&T and Sprint facilities that were originally installed on the tower. We did submit the cumulative radio frequency exposure report, the as-built drawings and also the updated structural report that I believe was reviewed by the Town Planner. We'd be happy to answer any questions that the Board may have this evening.

Janet Andersen: Okay, Jan, did you want to, um, I think we have a resolution, I guess, maybe we should first look and see so if anybody any member of the public would like to make a comment on this. Um, I described the way to raise your hand. And...

Ciorsdan Conran: To date, I have not received any written comments on InSite Wireless.

Janet Andersen: And I do not see anyone raising their hand. So. Well. I guess, Jan, you have a resolution or maybe let's see if anybody on the Planning Board has any comments first on this.

Jerome Kerner: I would make motion to close the public hearing.

Richard Sklarin: Second.

Janet Andersen: Okay, so that was motion by Jerome, and second, and by Rich and any discussion? Okay, I'll do poll, Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.



Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: And I also vote to close.

[On a motion made by Mr. Kerner, seconded by Mr. Sklarin, the public hearing for InSite Wireless 377 Smith Ridge Road, South Salem was closed at 7:38 p.m.]

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.]

Janet Andersen: Okay um. Yeah. Jan, did you want to mention it, go through the, the resolution?

Jan Johannessen: Sure, it is a simple resolution. It's a Special Use Permit renewal and Negative Dec[laration] for InSite Wireless, the tower owner, along with New Cingular Wireless and Sprint. All of which were on five-year renewals. The applicants submitted a variety of supporting documents and reports, which we reviewed. They're listed in the resolution. References to prior Resolutions are there. This resolution is for a another five-year renewal. Which is currently written for both the tower and the two wireless carriers. I believe, at the last meeting the Board wanted us to look into whether the five-year renewal was a requirement of any prior Resolution or in the Code. We did that. We also discussed this with Jud. I think the, the conclusion is it is a not a requirement, it's common practice of the Board. I think. It, you know, it is obviously up for Board discussion. If the Board was inclined, we could consider continuing to have the tower facility on five year or some sort of renewal process, but I'm not sure it's necessary to have individual carriers continue to go through the five-year renewal, especially because now the Town has changed the law. You could actually co-locate on a tower without going to the Planning Board. It's a simple Building Permit, the laws have kind of changed. I think it's becoming a bit of an administrative task to track all of these things. And the fact of the matter is, you know, I'm not sure how much we're gaining from it. Having the tower owner come so we can continue to see that maintenance is being done on the tower, the compound area, the fence and the access drive, that all seems to make sense to me. But I'm not sure that continuously tracking individual carriers. If the Board was looking to simplify the process going forward, that would be my recommendation.

Janet Andersen: Yes, I. This is something that Jan and I discussed earlier and I think both because in sort of keeping with the federal directions to simplify the provision of wireless carriers and you know towers and with the fact that the the co-locators on this really don't have much of an impact on on the tower. If the tower needs maintenance, it's really going to be talking to the tower owner. So, and, and, and keeping with the way we're kind of discussing maybe not having things come back quite so often I I would certainly be willing to say that we just give the five-year renewal to the InSite and for the for the co-locators to say they do not have to come back for renewal. But I'll, I'll also take see what other people think as well.

Gregory La Sorsa: I don't really have an opinion on this against it and you know the way Jan laid it out. Sounds reasonable to me.

Jerome Kerner: So I have a question regarding periodic inspections. And could there be some kind of an escrow that would cover inspections that say every three to five years and that would protect the site and so forth for any degradation and the only need to come back would be is if there was an issue. Is that, is

that feasible? I guess I'm asking Jud and Jan, Jan in particular, to have an escrow fee that would cover periodic inspections.

Jan Johannessen: The way it's been done as of late, is we've had them back every five years when they come back for the renewal, we conduct the site visit and we evaluate the site, make sure everything's being properly maintained. So, the site visit kind of comes along with that.

Jerome Kerner: I understand.

Judson Siebert: And I, yeah, I think, Jerome, the better course would be just to have a periodic renewal for the owner, you know, establishing an escrow fee for something that is, you know, ultimately, just a standard Building Department function of, you know, keeping an eye on things and making sure that the site is in compliance, that's an appropriate imposition as part of the Special Permit on the tower owner. I think the better course is to keep a handle on it as Jan said with you know, three to five years, five years or longer, whatever, you know, whatever, whatever the Board feels is appropriate.

Janet Andersen: Robert, it looked like you had a comment.

Robert Gaudio: No, I agree with both Jud and Jan, I think the suggestion from the Board was a great one. What we do as part of the renewals, we submit the structural report which confirms the tower is structurally sound. A an escrow probably wouldn't really satisfy the process because the Town, even if it had the escrow wouldn't be able to itself independently verify the structural report. So I think it does make sense to you know indefinitely extend the carriers and and only bring back the tower owner with this this type of review, rather than an escrow.

Janet Andersen: Okay, so do we have any other comments on that.

Richard Sklarin: There's also indemnifications running in favor of the owner. Anyway, so that makes sense, right?

Janet Andersen: So, I guess I'm looking for a motion to. Well, we would ask Jan to slightly amend the, the resolution to include that the I guess Cingular and Sprint would be would not have an expiration date on their renewal.

Judson Siebert: I think Janet, if you have the resolution that would just be taking the the first note the last paragraph on page two. Which is the effective you know issuance of the Special Permit and breaking that into two separate Resolved clauses; the first would be the Special Use Permit for the tower facility owned and operated by InSite wireless Group LLC is hereby renewed for a period of five years, right, and then a second that the Special Use Permit for the wireless telecommunications telecommunications equipment owned by New Cingular and Sprint is here by renewed you know indefinitely. It's a, it's a very simple change. I think the Board can authorize that to be made, and go ahead and approve the resolution.

Janet Andersen: Do I have a motion to that effect?

Maureen Maguire: So, moved.

Janet Andersen: That was Maureen.

Janet Andersen: Do we have a second?

Richard Sklarin: Second.

Janet Andersen: That was Rich. Okay, so any further discussion. So, I will call a poll of the Board again, Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: Yes, and I also vote in favor of the resolution. Thank you very much.

Robert Gaudio: Thank you very much for your time and thanks for working through these issues by Zoom. Thank you.

Janet Andersen: Okay.

[On a motion made by Ms. Maguire, seconded by Mr. Sklarin, the amended resolution, dated May 19, 2020 for InSite Wireless at 377 Smith Ridge Road, South Salem for indefinite renewal of the Special Use Permits for New Cingular and Sprint and a five-year renewal of the Special Use Permit for the tower facility owned and operated by InSite wireless Group LLC was adopted. A copy of the Resolution is attached and is part of these minutes.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.]

**[Cal #02-20PB**

(46:24 - 1:31:08)

**Mandia Residences, 65 Old Bedford Road, Goldens Bridge, NY 10526 Sheet 4A, Block 11112, Lot 2 (Town of Lewisboro, owner of record) - Application to convert former Goldens Bridge Community House into four 1-bedroom apartments.**

Bruce Mandia and Margaret (Meg) Carey, applicants; Ed Delaney, PE; Tracy Chalifoux, RLA; Michael Sirignano, Esq.; and Sam Gardner, AIA.]

Janet Andersen: All right, so. The second public hearing that we have tonight is Calendar Number 02-20PB and it's a public hearing on Mandia residences at 65 Old Bedford Road in Goldens Bridge. It is an application to convert the former Goldens Bridge Community House into four one-bedroom apartments. And again, I will, in case there are people that have joined since there. If you want to. I still don't see anyone who is on a phone, but if you're on a phone, you can raise your hand by hitting \*9 if you are on the video and you want to talk you can raise your hand by moving your mouse towards the bottom of the the cursor towards the bottom of the window there will be participants, click on that and there should be

an icon that allows you to raise your hand and we will see who wants to talk. That will be visible to Ciorsdan and I who are both able to see this list.

Janet Andersen: And I. So I guess first I will ask the applicant to give a summary of the project. And I'm not sure who is going to start with this. Oh, Michael. You're muted, Michael. It looks like you are muted yourself.

Ed Delaney: Okay.

Michael Sirignano: All right. Good evening. Michael Sirignano, I represent Bruce Mandia and Margaret (Meg) Carey. Bruce and Meg have long and deep ties to our town in general and Goldens Bridge in particular. I went through their long cvs at the last meeting. I don't think I need to do that again tonight. But this, they are very excited about this proposal, it's to repurpose to convert the iconic Goldens Bridge Community House to four one bedroom rental apartments. This proposal was made possible by recent zoning amendments that were adopted in late 2019 by the Town Board that now allow up to a maximum of four residential units in an R-2F 7.5 Zoning District as a special use. Your Board will remember you asked to be the reviewing agency for this specific type of special use and in doing so you ignore the old adage of be careful what you ask for. Because the Town Board entrusted you, the Planning Board, not the Zoning Board to handle these applications. See. We, we have been working with your Board and Jan on the site development plan approval aspects of this project. And we've made considerable progress. The. Getting back to the special use aspect of this proposal new §220-43.8 sets for 10 specific conditions for this type of special use and we believe our proposal meets all of those conditions. So really the focus of our efforts and the Board's and your consultants have been on the site planning aspects. And I'm going to in a minute, turn it over to our project team members: Ed Delaney of Bibbo Associates; Tracy Chalifoux, our landscape architect and we also have our building architect Samuel Gardner available if there are any questions from the public or the Board before I do that, I just wanted to make mention a couple of things. The last permit we need from your Board, in addition to the Special Permit and the site plan development approval is a Town Stormwater Permit. Ed Delaney will address his latest stormwater design. I know he's been working with Jan and and Joe on on that aspect. Ed will also address his new septic design. Your Board referred us to ACARC, which is one of the 10 conditions of the Special Permit and last week, I believe, Samuel Gardner and Tracy Chalifoux made a presentation to ACARC. I'm told, I was not part of the Zoom meeting, that it was well received, and in fact, approved by ACARC. So. The. I don't believe we need any variances. Jan correctly identified that our plans, as submitted indicate that our driveway was 15 feet in width and 16 feet is the minimum, however, and Ed will address this in more detail and Ed Delaney recently went out and measured the existing macadam driveway and confirmed that it is at least 16 feet. So, I don't believe we're going to need variances and of course Jan can verify that and probably the Building Inspector as well. Lastly, the Building Inspector, as I believe noted that a loading area is not shown on our plans. And it's not shown on purpose. Because we don't believe our low intensity residential use really requires a loading zone. UPS and FedEx trucks can get to these four tenants, just as easily as I get to other homes in the hamlet. I believe we need a specific loading area, but we certainly don't want to do is either increase the macadam area to make a loading area or use up existing macadam that might be better used for parking or other landscaping purposes for a loading dock. My understanding of the Code is that the Planning Board can waive this requirement and we would ask the Board to do that so. That's really my introduction. I'm going to ask Ed Delaney to explain where he is with his stormwater design and his septic system and more to help the approvals and then we'll go to Tracy.

Ed Delaney: Well, I don't know if it's appropriate for the neighbors and the public that are here to express their concerns about stormwater or septic. With Mr. Rogers here, who's the next door neighbor, but I want to address that because what we did right up front is determine that the boys and girls school that used to occupy this building had their own separate bathrooms, their own separate sewer lines, no

septic tanks and went directly into big deep cesspools in the front of the building. That was a very interesting conversation with the County Health Department and a New York City DEP.

Who said they would not approve a one-bedroom apartments until we address that issue. We did address that issue by soil testing. We made a comprehensive design and submission to the County Health Department. Which is an oversized tanking system in a very modern septic system that is under review right now by the County Health Department and a New York City DEP replacing the old cesspools that are there. I talked to the engineers on both sides this week; approvals are forthcoming if it wasn't for downtime on their part, I'm sure I would have gotten them by now but I want to assuage everyone that cesspools or, you know, they're all over Croton Falls and Goldens Bridge, Katonah and Bedford Hills but we were lucky enough to here to be able to replace them by a low impact more modern septic treatment system. With that being said, let me switch over to storm water, and I believe Mr. Rogers is concerned about that. Over the last 60 years there has been no storm water treatment on site at all. It's dead flat, it's paved. The roof runoff right now just runs over the ground or into the ground with no treatment. All the water that falls on to the town pavement. That's this is a Town-owned building it just goes into the lawn and overflows to certain other areas. But the good thing about it is in this section of Goldens Bridge we have very deep sand and gravel. We confirmed that last week with a deep test hole in front of the Town Engineer. Kellard Sessions was witness to that which confirmed that we have as far. I'm not going to say, we can dig to China. We do have very core sand and gravel and cobbles, close to vertical. So, for all these years, 50, 60, 70 years the storm water is flowing off this building and the parking lots which enables it to be going into the ground vertically. However, what we do with what we've done here is our first design and pass through was the capture all the roof water on this existing school's building and remember, we're not doing any additions here. So we've taken all the existing gutter from the roof and we're putting them into a groundwater infiltration treatment system so that would lessen the runoff to the adjacent lawn areas and neighbors, if there was any. And we are now designing a collection to take some of the pavement off the rear, which now. We're also runs off and bring that into the same infiltration system. We believe we can be successful in that and we believe this discussions with Jan that we will be taking a portion of pavement and all the roof that used to run all over the place and bring it into the ground into a very deep infiltration practice. We found out that the driveway is 16 feet wide we'll confirm that on our drawings coming out. Remember we are removing well over 1,000 feet of pavement and replacing it with incredible amount of trees and bushes. And to kind of lessen this beast of a building and make it look more of a residential building, but I can have Tracy our landscape architect talk to that. But with that Chairman should understand that we will open this up to the public and I love to hear their comments on this.

Janet Andersen: Yeah, Tracy, did you want to make a comment directly or should we go to the public hearing. I didn't know whether...I'm sorry.

Tracy Chalifoux: There have been very few changes to the site plan. I can summarize those briefly, or we can go directly to the public, whatever your preference is.

Jerome Kerner: Would you like to screen share, share this Tracy, would you like to look at it?

Tracy Chalifoux: Yes, I'm actually going to share a color rendering of Sheet L-1. Okay. Can you all see that?

Janet Andersen: Yes.

Tracy Chalifoux: So, so this is Sheet L-1 colored and I would just like to point out the few changes that have been made since our last hearing. The primary changes were that any proposed asphalt is now indicated as gravel, so we now have a previous surface with a metal edge as per to hold the gravel in

place. So that's this sweep here. And then on the other side of the building where we had originally proposed steppingstone set in gravel. We've gone to a gravel walk with a metal edge. So, there are no longer stepping stones in that area. And again, this is to not increase impervious area at all on the site. As both Ed and Michael mentioned the driveway is 16 feet wide, as it currently exists. And we also had a comment from Kellard Sessions regarding the ADA spaces and they have been changed to two eight foot wide stalls, one is just the apron that serves the space and the apron, the unloading area is adjacent to the walkway that connects to the front door of the building and just a reminder inside the building is an existing lift for the accessible apartment here.

Additionally, since the last hearing. We added a plant list indicating the plant species, quantity and size. And there were no changes really to the planting concept. It's still indicating ample screen plantings at the rear property line and ornamental native grasses along the fence line here, just to soften the existing fence, the. In front of the building, we have robust foundation plantings, and also basically on all sides of the buildings we have mixed shrubs perennials, evergreen and deciduous, but they're low maintenance plants. No existing trees are going to be removed. The only vegetation, we're moving is just a little bit of bramble along the rear property line and we just wanted to neaten up and create a bed line back here. So, we're also proposing three new canopy trees 1, 2, 3 to add some shade. And again, as I mentioned, we're really trying to create a more residential feel here. We're trying to soften things and make it welcoming. Moving on to the landscape lighting. Not much has changed with that. It's meant to be all low-level low-voltage LED lights, fixtures that will blend into the landscape or complement the architecture of the building. We don't want anything that where the eye is drawn to the source of the light and we've been asked for photo metrics we will be providing that along with manufacturer cut sheets for any fixtures that we're specifying. So, I think that about covers the changes since the last hearing. Are there any questions?

Jerome Kerner: Housekeeping concerns. One is the large existing tree it seems to overshadow the south east corner. If you're proposing to put gutters up on the roof now, is that right Ed?

Ed Delaney: Catch gutters are right there. They're copper gutters. They totally surround the roof in one gutter system Jerome. With about eight down spouts.

Jerome Kerner: I'm just addressing. I that tree is actually overshadowing the roof you might want to be some gutter protection to prevent leaves from blocking it and then causing roof runoff and sheet flow. And the other thought I had on the gravel walkway. I know you're trying to minimize impervious surface, but that's going to be a devil to keep safe and shovel during the winter season it's, you know, you there will always be a residue of now, which will freeze. So, it's a it's a possible safety issue.

Ed Delaney: We agree, will we are trying to avoid DEP Jerome, to be honest with you.

Jerome Kerner: I'm understand.

Janet Andersen: To put in something like those the honeycomb that look like like a chessboard. You know that have gravel in between. Does that count as previous and would that be...

Ed Delaney: A percentage of impervious and Jan...Jan can chime in on that.

Jan Johannessen: The honeycomb grass crete paver was I know is acceptable to the DEP. They don't count it as impervious.

Ed Delaney: Okay.

Jan Johannessen: It's just up to you whether you want to use that in a walkway.

Ed Delaney: That would be more stable Jan than a gravel steel edged walkway. We can take a look at that. That it's not a problem.

Janet Andersen: Okay, um,...

Jan Johannessen: I just wanted to point out to Tracy that we don't, we're not, we don't need a photo metric plan after you presented last month, the low voltage lighting. If you could just get us cutsheets on those couple of light fixtures that will be satisfactory to us.

Tracy Chalifoux: Yes. Thank you, Jan we'll do that.

Janet Andersen: So I think now would be the time to open it up for public comment. I will let everyone know that we did receive one email. And that is from Steve Rogers and as you can hear it was already shared with the applicant as well as the Board. I think there were three major areas. One was basically stormwater coming off of the Mandia, or the proposed Mandia, property. The second was storm water that's already on the town right of way. Part of that. The septic system was the major second question. Second issue. And then the dead tree that I did not see on Tracy's landscape. I don't know if they're if that is perhaps, somebody could address whether it's actually on the property or off the property. Or whether they're they've noticed a dead tree out there.

Michael Sirignano: Steve's email identifies it at the southwest corner of the property.

Steve Rogers: Yeah. I can send you all pictures. It is on the property just beyond the property line.

Janet Andersen: I'm sorry, Steve. Could you identify yourself for the recording? So, we have it so.

Steve Rogers: Steve Rogers 69 Old Bedford Road. I live on the south side of the property under discussion. And the dead tree is that is dead this year is just on the other side of the property line. I've not measured it from the street, but it looks to be more than 10 feet from the street. And it is right now, if you were to come down, it could come down on my power lines, the Community House power lines or depending on the way it falls, it could take out the two houses power lines across the street because it's right next to a pole which services us all. So, it just needs to come down and you know I don't care who takes it down, the Town or if Bruce wants to. But let me preface before I get into the dead tree.

As Bruce knows. I've been supportive of this proposal in general. Right. I think it's going to be more suitable to the neighborhood to be a residential property than the previous uses to the neighborhood and so I applaud Bruce and his partner for turning this into residential building. I just want to make sure that while we change the use that we address the three things at least the three things I called out.

On the storm water, I don't know what dead flat, the definition of dead flat is. But when I look at the contour maps next to the building is three feet higher than at the road surface, right. So, if dead flat is a three-foot change. All right, that's dead flat but water knows only one way to run and that's with gravity. And my lived experience has been that water runs off of this property into the street. Down the street on to the reservoir dirt road and it's created quite a bit of erosion. I had to add soil to my front yard because my front yard was serving as a catchment basin for this property and I don't know how many people have seen the video. I can play it for you, but I have video of that water from two years ago and it continues. And in the packet, you'll find a picture best looked at in color, from this week. Where you can see the dried dirt from that runoff. From the last rain event, right? So, it happens. It's my lived experience, right and I invite anyone actually I invite the Board to come walk down to the reservoir road

and see the erosion pattern that has happened coming off of this property on the great and unfortunately deceased Lew Catone has written many a note, if you want to FOIL it to the Town about the runoff from that property. So, it's not new news to any of us living here. So, as we make changes to it. Right. That should definitely be addressed. I know the macadam parking out front is because it's within the 10 feet is the Town's to do with but you know as we make changes to it. My proposal would be that the Town tear it up because a lot it catches a lot of rain too. In terms of storm water and your, your filtration system. You know, I haven't studied it, but my property is at least according to your contour maps two to three feet lower than the side of the building. Again, I know water to only run in one direction and it's not a uphill. So, my concern there is whatever changes we make that it doesn't run onto the property. When it comes to the septic I appreciate that every efforts being made to put a modern septic in right. Nobody wants a cesspool and you know, I think the the moderate use of a building over time has made...

Janet Andersen: That is the timer that says you've had three minutes. Could you, um,...

Steve Rogers: So, what was not addressed and Mr. Delaney comment is the New York Department of Health that says that any area of containment must meet must be 200 feet away from an existing well. On the edge of that that source of contamination. So, I mean, from the, from the, the development plans themselves. I'm within 100 feet of the edge of the SDA. I'm with 150 feet from the center as is. I know my neighbors well across the street at 72 Old Bedford Road and I'm not certain about 74 Old Bedford Road but, you know, there are three wells that definitely need to be accounted for downhill. We've established water runs downhill from this property and I'm happy to play the video. If you haven't seen it, but you'll have.

Janet Andersen: Okay, thank you. So I think, Ed, did you want to comment? I know you don't yet have the Department of Health approval but they have looked at this, your proposal.

Ed Delaney: Yeah, well, Mister Rogers, believe me we surveyed and located your well. It's a the State Department of Health and County of Westchester in situations like this have a term called direct line of drainage. You are not in that direct line of drainage and we are replacing cesspools that are concentrated sewage points with a remember a tank that is oversized. It's going to put into the ground septic effluent which that's much better than what's going on right now. So we have your wells, we have the wells across the street. We know where everybody's wells are in fact there's a separation distances from our storm water treatment systems also. But, but to break it down to the the your concerns about we are taking the entire roof drainage a lot, a lot of it that comes out the front of the building that goes to your property and we're redirecting it to the rear of the property. Through using the same gutter system, blocking off the front downspouts and redirecting it to the rear. We were also going to take a lot of what is spilling off the rear parking lot. That may or may not be going towards your property and we're directing into a center of the rear, into the ground so you should see if we do our jobs correctly, a decrease in stormwater runoff. Now the Town. It owns the parking area in front, which is all asphalt. I haven't seen what they want to do yet, so I can't tell you what's going to happen out there. Your petition to the Town in that runoff from that parking area. And I remember seeing aerials from 2017, 2018 we had like 20 cars parked all over this building at one point.

Including in the front of the building. Where water will run down. I have the same problem here in my house or my curbs are shot in the Town drainage from South Salem is going onto my property. I'm dying for them to come back and give me more curbs that keep it going. And I think your, your concerns are certainly worthy of more initiation by the Town to respond to you, but I think in the long run we're making it a little better than it was. And maybe in some terms a lot better than I was. And if if you want to talk to me. I can meet you out there. I can certainly show you what our engineering is all about. We kept it to a minimum, except when it came to a sewage treatment system where we oversized our tankage to make sure that it gets you a better septic product in the ground than certainly what's going on



now. And I'd be willing. You can call me anytime I can meet you out there and I can definitely hopefully handle your concerns. Okay?

Janet Andersen: So, let's I have not seen any other hands raised. I don't know if anyone else has a comment at this point up. I see. Kevin Catone so I believe we have unmuted. Unmuted you.

Kevin Catone: I am unmuted now. No?

Janet Andersen: Yes, you are. Could you give us your I might not have said your name right, your name and address please?

Kevin Catone: You're close enough. Kevin Catone, 58 Old Bedford Road, Goldens Bridge. Yeah, my, my concern was is confined to the runoff from the property. Just the stormwater runoff and I. The bulk of it that I see is from that piece in the front that the Town still owns that's paved and I know it's the last meeting you guys had said, nobody's indicated, whether they want that left there or it should be turned to grass. And I would say, by all means, as evidenced by like Steve's video, it should be returned to grass. It cap captures a lot of water a lot more. Well, Mr. Delaney would understand how much water and get captured by by pavement, and I'm sure a lot of you can um. It is destroying that that lake road and what it's done what the runoff has done. And the salt and the that cove down there is very visible. Take a walk down there now, it is it looks horrible down there. What a what a mucky mire that's turned into. And all that water comes from that property and Bruce's reducing I know he's taken out almost 1,100 square feet of pavement, which is great and the prop. Right now, the gutters from that roof. There's a lot of runoff from the gutters from that roof that disappears underground, and I see Mr. Delaney has that going into his new infiltration system and what he just indicated was that that would be in the back. Well the runoff from the roof is going to be changed to a new system that runs off into the back, which is my understanding, anyway, from what he just said. And right now, it goes underground and like he had mentioned that the last meeting nobody knows where it goes. And I don't know where it goes, I don't see where it's coming out anyway doesn't come out on anybody's property. It just goes underground. I guess into the soil, the soil is that good that it can absorb it all. But, uh, that piece there definitely in the front should go to grass and if you were to go out there and look at that in a rainstorm. It needs significant rain. It is a river that runs down that road. It took out that whole corner of that road down there. Cars can barely make it around. The lake, what I call the lake road, which is really a town road, but I call it the Lake Road. It's not a. It's not a formal town road, but it's really getting getting eroded really really bad. So, if you can do something with that the Town can do something with that they're reaping some financial reward from the sale of this. I think they should do something about that. About that road that town road and that they're just so many people walking down there now driving crazy, but there is a ton of people walk and that should really be be addressed and. Other than that, the, the dirt that Steve sees that washes down the road that's coming from the side of the driveway, where they had turned the that single driveway into a two lane road when they were turning cars around for the the Art Center drop offs in the morning. And that that gutter that they put that that from next to that because when they were driving off the pavement that captures a lot of water. I think that used to just go into the grass and if that was eliminated and the water was allowed to go into the line next to the building, then I think that would be a big help, because that gutter serves to put a lot of water into...

Janet Andersen: That's the alarm again, sorry, let me dismiss it.

Kevin Catone: And that's it. That's all I have to say. Anyway, that's but that's something that has to be addressed. You've got to look at that road and seriously look at that and it's it's unacceptable and it's unsafe, people get stuck down there. It's a bad situation. It's all coming from that property, but it's nothing that would prevent Bruce from moving forward and I don't believe it's anything that Bruce can do much about. And I think any of the problems that I see on his end of it are going to be rectified by

what he proposed anyway. So I wish, Bruce good luck. And I hope I hope you can get through the and I'm sure you'll get through the storm water stuff in the Board of Health stuff and everything else because everybody else gets through it, you're a competent group. So that's all I have to say.

Various voices: Thank you.

Kevin Catone: Thank you.

Janet Andersen: I'm okay, if anyone else wants to speak, they can raise their hand. Okay, I don't see any, any other any other raised hands, Ciorsdan, have you gotten any emails from a Planning. To the Planning Board email on this.

Ciorsdan Conran: No, just that Greg's muted. Sorry, Greg.

Gregory La Sorsa: Okay, I'm back.

Janet Andersen: Yay, okay and so I think I do see that Steve has said something on the group chat that says "what guarantee is there are my neighbors' wells in the line of drainage. They are not on the plans, question mark," I think what we've we rely pretty much on the Department of Health to to assess both septic and wells, they are the experts far more than this Board. And I think we. You know, we have to wait if they certainly if they do not approve this then more changes will have to be made to the plan.

Jerome Kerner: Yeah. Well, I think the points well taken, and perhaps those wells need to be mapped and noted shown on plans.

Ed Delaney: The wells are shown on the septic plans that are presently in front of the Watershed and Health Department. I certainly can show them on our plans.

Jerome Kerner: What about across the street?

Ed Delaney: Yeah, I got them got them across the street, got him around the back to Mr. Rogers got got the ones on the left and the right in. So, there's about four or five wells that come into play here Jerome. And we show them our plans.

Jerome Kerner: Okay, so this, but there are no well no radius is shown coming across the street. So that means there are no wells.

Ed Delaney: No, there are wells, but they will outside the radii.

Jerome Kerner: Maybe that should be noted just for the record.

Ed Delaney: What we can we can show that it's on the wells. The well locations are currently under review by the Health Department they survived the first round of reviews. We're in the second round right now. I would really have expected to get approvals by now, except for the downtime and everybody involved with the County Health Department. That, by the way, Jerome was my first concern about and you know me. As far as where are all the wells around here and we're all the setbacks and where's all the storm water. And so that's the first Eddie Delaney thing I get.

Janet Andersen: Okay, um, I guess I should ask. I don't believe we've heard from the CAC about this. I don't know if there are any comments, you could. Shaking no. Okay, so I'm seeing John Wolff, who's

the chair of the CAC has shook his head no. So do we have any other comments by the Board and or do we have a motion to close the public hearing

Ciorsdan Conran: Email around Steve Rogers just sent a photo that dead tree. So I sent it to the Board.

Janet Andersen: Thank you.

Richard Sklarin: Just, I guess, have one question is kind of came up last time based upon the plans as they currently exist is what opportunities there to utilize the property for the tenants just from a recreational standpoint in the backyard.

Michael Sirignano: Bruce or Meg, do you want to chime in on this?

Bruce Mandia: Sure.

Janet Andersen: He just muted himself.

Margaret Carey: Okay, so, you know, our, our plans are ultimately to have a community garden, you know, they'll be tables and chairs in the back, you know. Quite a lot nicer than it is right now with all the plantings that we're going to propose. That's basically it. I mean if tenants, you know, I mean, we're very open to it and we're certainly extremely environmentally conscious. So, if tenants have ideas we would entertain them as well. But that's basically it Richard.

Michael Sirignano: So, Janet. I've given Ciorsdan all the proofs of the mailings, the certified mailings or the public notice sign posting. And on behalf of Bruce and Meg would ask the Board to close the public hearing, we, we cannot close on the real estate transaction purchasing from the Town until we have all the approvals from your Board. We'd like to move forward.

Janet Andersen: Okay, so I think the the two things that I see that might still be here that we're would have possibly kept it open would be one. If they if it wasn't 16 feet wide and you wanted a variance, you have to go to the ZBA and now been assured that it's it is 16 feet wide and I guess we could ask if at any point that driveway isn't 16 feet that you will put gravel down or something to expand or that you know that grass crete or whatever it is down to make sure it is 16 feet and then I think the other question is the loading requirement, which, again, the Board can decide to waive. So that really wasn't a potential ZBA question is it is our question, but we could close the meeting and then decide what to do with that.

Michael Sirignano: We have Jan's May 14 memo and we're confident that all of his comments can become conditions of approval and we can meet them.

Jerome Kerner: Yeah. I would make emotion that we close the public hearing. I think comments we've heard are valid. Like drainage and the septic and well situation and certainly will be looked at very seriously by the Department of Health, Westchester County Health Dept. And it would still be subject to review. So, I know the comments and my recommendation is to propose closing public hearing.

Janet Andersen: And we could say, because of this unusual Zoom situation that we close the public portion the Zoom portion but remain open perhaps for any written comments until end of May.

Jerome Kerner: 30 days.

Judson Siebert: Well, I would think, Janet, I think just given the the, you know, the fact that we are operating this way I think it might be a good idea to close it, but for written comments. I would think,

you know, maybe to June One, which is you know the end of this week and the end of next. That way, you know, we're been poised to to address this at the June meeting. You know and have it have a discussion based on whatever else may come in at that point in time.

Jerome Kerner: I accept that as an amendment.

Janet Andersen: Is there a second?

Richard Sklarin: I second your motion as amended.

Janet Andersen: So that's Rich. Okay. Any further discussion? I'm going to poll the Board, Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: And this is Jan[et]. I also say aye yes to this that we have closed the public hearing. We have a draft resolution. Oh, we close the public hearing the verbal public hearing, we have left the availability for the public to provide comments through June 1.

Judson Siebert: By submission to Ciorsdan.

Janet Andersen: By submission to Ciorsdan that just to make sure everybody knows that if you don't is [planning@lewisborogov.com](mailto:planning@lewisborogov.com) Okay, or by mail, I guess, um,

[On a motion made by Mr. Kerner, seconded by Mr. Sklarin, the public hearing for the proposed Mandia residences at 65 Old Bedford Road in Goldens Bridge was closed at 8:29 p.m.; written comments may be received through June 1, 2020.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.]

Janet Andersen: So we do have a resolution a draft resolution. Thank you, Jan, for preparing this. I don't know whether anyone has any comments or concerns about the structure of this.

Gregory La Sorsa: What would be the point of keeping the hearing open if we're gonna. Are we got to vote on the resolution now?

Janet Andersen: No, not tonight. This is a draft to see if there any changes before next time.

Jan Johannessen: And if you have comments you can send them to me. I just wanted to start to get the ball rolling and start kind of framing it out. So, if you have any thoughts, feel free to email me and I'll incorporate

Gregory La Sorsa: Okay.

Janet Andersen: I think the one thing I would perhaps ask Jan you to follow up is the status of the this dead tree and whether or not you know let's let's find out if there is any plans action confirm that it's actually on the property and what may or may not happen with that for next time. I think that would be helpful to know.

Jan Johannessen: Okay.

Janet Andersen: Any other comments, concerns? Okay, so we will look at the resolution in more detail next month.

Various voices: Thank you.

Janet Andersen: Yes, thank you.

Michael Sirignano: Thank you.

Janet Andersen: And thanks to all the public who has worked with us to help help us through this process to give us comments on this.

## **V. MINUTES OF April 21, 2020.**

(1:31:09 - 1:32:04)

Janet Andersen: The next item on our agenda is the minutes of April 21. The rather lengthy minutes, do we have any comments on that or do we have a motion to approve them?

Jerome Kerner: So moved.

Janet Andersen: That was Jerome.

Janet Andersen: Second?

Richard Sklarin: All 48 pages. Yeah. Second,

Janet Andersen: All right, Rich.

Janet Andersen: So, I guess we'll go through again. Greg?

Gregory La Sorsa: Well, assuming that there's no discussion which you'd say there isn't, then I would approve the minutes for April.

Janet Andersen: Okay, Rich?

Richard Sklarin: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: And yes, I, I also approve them. So with that,

[On a motion made by Mr. Kerner, seconded by Mr. Sklarin, the Board approved the meeting minutes from April 21, 2020.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.]

## **VI. ADJOURNMENT**

(1:32:06 – 1:33:37)

Janet Andersen: I'll say our next meeting date is going to be June 16, 2020. And will so I guess now we just look for a motion for adjournment.

Jerome Kerner: Move to adjourn.

Janet Andersen: Thank you, Jerome.

Gregory La Sorsa: I'll second.

Janet Andersen: Greg beat you to it.

Gregory La Sorsa: Got my finger on the button.

Janet Andersen: Greg. I guess I guess we don't need discussion on this. So, do you prove the motion to adjourn? Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: Thumbs up. Okay. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: Yes. And me too. So I think with that the meeting is ended at 8:34 p.m.

Gregory La Sorsa: Great.

Janet Andersen: I guess.

Jerome Kerner: Have a great Memorial Day weekend.

Gregory La Sorsa: Absolutely. Yes.

Janet Andersen: So our next meeting. I just want to confirm. I think we have set it for 7:30 and we're okay with that we'll go forward and see.

Gregory La Sorsa: I think we'll be all right with that.

Janet Andersen: Okay.

Jerome Kerner: Excellent.

Gregory La Sorsa: Okay, all.

Jud Siebert: Take care.

Maureen Maguire: Thank you.

Various voices: Goodnight.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the meeting was adjourned at 8:34 p.m.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.]

Respectfully Submitted,

A handwritten signature in black ink that reads "Ciorsdan Conran". The signature is written in a cursive, flowing style.

Ciorsdan Conran  
Planning Board Administrator

**TOWN OF LEWISBORO**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Planning Board of the Town of Lewisboro, Westchester County, New York will convene a Public Hearing on Tuesday, June 16, 2020 at 7:30 p.m., or soon thereafter, using the videoconferencing app Zoom, regarding the following:

**Cal #05-16PB**

Application for Special Use Permit renewal to the former Sapientia Association, 111 Smith Ridge Road, South Salem, NY 10526, Sheet 43, Block 10551, Lot 4 (Sapientia Association, Inc., owner of record) for an existing house of worship. The subject property consists of approx. 10 acres and is located in a Residential Two-Acre (R-2A) Zoning District.

Public health and safety concerns related to the COVID-19 virus mean that the Planning Board will not be meeting in person. Per Governor Cuomo's Executive Order No. 202.1, this meeting will be held via Zoom and a transcript will be provided at a later date. The public will have the opportunity to review digital copies of materials and proposed site documents at <https://www.lewisborogov.com/planningboard>

Interested members of the public are encouraged to provide written comments prior to or during the virtual meeting by emailing Ciorsdan Conran, Planning Board Administrator, at [planning@lewisborogov.com](mailto:planning@lewisborogov.com) Please check the meeting agenda posted on the Board's web page for additional instructions and updates.

The public may view or participate through the Zoom app at <https://zoom.us/j/99941667735> by clicking "Join a Meeting," and entering Meeting ID: 999 4166 7735. You may call in to the Zoom meeting at 1-929-205-6099 when prompted, enter 999 4166 7735.

Persons wishing to object to the application should file a notice of objection with the Planning Board together with a statement of the grounds of objection prior to the closing of the Public Hearing. All interested parties are encouraged to view the Public Hearing and all will be provided an opportunity to be heard.

**PLANNING BOARD  
TOWN OF LEWISBORO  
By: Janet Andersen  
Chair**

**Dated: May 26, 2020**

The Town of Lewisboro is committed to equal access for all citizens. Anyone needing accommodations to view or participate in this meeting is encouraged to notify the Administrator to the Planning Board in advance.



# TOWN OF LEWISBORO PLANNING BOARD

79 Bouton Road, South Salem, NY 10590 Tel: (914) 763-5592 Email: [planning@lewisborogov.com](mailto:planning@lewisborogov.com)

## Site Development Plan/Subdivision Plat Application - Check all that apply:

Waiver of Site Development Plan Procedures ☒

Site Development Plan Approval

Special Use Permit Approval

Subdivision Plat Approval



Step I

☐

Step II

☐

Step I

☐

Step II

☐

Step I

☐

Step II

☐

Step III

☐

## Project Information

Project Name: Sapientia Association, Inc.

Project Address: 111 Smith Ridge Road, Lewisboro, NY

Gross Parcel Area: 10 acres Zoning District: R-2A Sheet(s): 43 Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_

Project Description: Renewal of Special Use Permit for indefinite time period; permit expires 09/19/2020.

Is the site located within 500 feet of any Town boundary?

YES

☐

NO

☒

Is the site located within the New York City Watershed?

YES

☐

NO

☒

Is the site located on a State or County Highway?

YES

☒

NO

☐

Does the proposed action require any other permits/approvals from other agencies/departments?

Town Board

☐

ZBA

☐

Building Dept.

☐

Town Highway

☐

ACARC

☐

NYSDEC

☐

NYCDEP

☐

WCDH

☐

NYSDOT

☐

Town Wetland

☐

Town Stormwater

☐

Other \_\_\_\_\_

## Owner's Information

Name: Sapientia Association, Inc. - Frank Corso

Email: SEAParish@outlook.com

Address: 111 Smith Ridge Road, Lewisboro, NY

Phone: 203-451-1861

## Applicant's Information (if different)

Name: Hogan & Rossi

Email: bfeinzig@hoganandrossi.com

Address: 3 Starr Ridge Road, Suite 200, Brewster, NY 10509

Phone: 845-279-2986

## Authorized Agent's Information

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

THE APPLICANT understands that any application is considered complete only when all information and documents required have been submitted and received by the Planning Board. The applicant further understands that the applicant is responsible for the payment of all application and review fees incurred by the Planning Board.

THE UNDERSIGNED WARRANTS the truth of all statements contained herein and in all supporting documents according to the best of his/her knowledge and belief, and authorizes visitation and inspection of the subject property by the Town of Lewisboro and its agents.

APPLICANT'S SIGNATURE

Bonnie A. Feinzig

DATE 4-20-2020

OWNER'S SIGNATURE

Frank Corso

DATE 7/20/2020

# HOGAN & ROSSI

Attorneys At Law  
3 Starr Ridge Road - Suite 200  
Brewster, New York 10509

John J. Hogan  
Donald M. Rossi  
Michael T. Liguori\*

Jamie Spillane\*\*  
Courtney J. Day\*\*

\* Also Admitted in CT  
\*\* Also Admitted in NJ

Telephone: (845) 279-2986  
Facsimile: (845) 279-6425  
(845) 278-6135

Of Counsel

Nancy Tagliafierro\*  
Mary Jane MacCrae  
Scott J. Steiner  
Bonnie N. Feinzig

April 20, 2020

Ciorsdan Conran, Secretary  
Town of Lewisboro Planning Board  
79 Bouton Road  
South Salem, New York 10590

Re: Application for Renewal of Special Permit  
Sapientia Association, Inc.  
111 Smith Ridge Road, Lewisboro, NY  
Block 10551, Lot 4, Sheet 43

Dear Secretary Conran:

We represent Sapientia Association, Inc. ("Sapientia"), which is a New York corporation incorporated under Section 180 of the Religious Corporations Law for the purpose of founding and operating a Free Church. Sapientia, which is also IRC 501(c)3 entity, has organized its church to promulgate the Christian faith through spiritual guidance, mass, conferences, counseling, education, training and the hosting of ceremonies and events.

Sapientia purchased 111 Smith Ridge Road, the site of the former Jewish Family Congregation of South Salem's ("JFC") synagogue, to operate its church and consistent with the requirements of Zoning Code Section 220-35 applied for and received a Special Use Permit to operate a place of worship on September 19, 2017. The existing permit expires on September 19, 2020. We are requesting the Special Use Permit be renewed without an expiration date and without any requirement to apply for further renewals.

It is our understanding that pursuant to Section 220-44(D)(3) of the Town of Lewisboro Code, an application in connection with an already approved special permit use is excluded from the requirements of Article VI for site plan development approval. We are requesting that the board waive, pursuant to Condition #26 of the Special Use Permit, the application submission requirements.

It is also our understanding that the Town granted the predecessor in use Jewish Family Congregation renewal of its Special Use Permit without an expiration date and without any requirement to apply for further renewals.

Requirements of Special Use Permit Approval dated September 19, 2017.

1. Use. The approved use for the premises has not changed; it continues to be used as a house of worship, furthering the promulgation of the Christian faith through spiritual guidance, mass, conferences, counseling, education, training and the hosting of ceremonies and events. The schedule of operations as set forth on the Revised Statement of Use dated August 30, 2017 in support of the original application for a Special Use Permit, provided a detailed Statement of Use for the property. The use has not expanded and remains the same or less as Sunday Mass is no longer performed at the premises. (Copies of the Special Use Permit and Revised Statement of Use are attached).
2. The work required to be initiated within one year was completed, use of the premises has continued and not ceased for more than one year, all required improvements were completed within two years and are maintained, and all conditions and standards have been complied with throughout the duration of the use.
3. Conditions #1 through #10 were fulfilled within the required time as set by the Planning Board. Conditions #11 through 12 have been completed.
4. The applicant is in full compliance with Special Use Permit conditions #13 through #28, including submission of monthly records of attendance and cars (copies of reports are attached).

Application for Renewal.

On September 19, 2017 the Planning Board granted Sapientia Association Inc. a Special Use Permit containing specified terms and conditions. Sapientia Association Inc. has fully complied with those terms and conditions.

The Special Use Permit provided the submission requirements of the Planning Board may be waived on application for renewal of the permit. Town Code Section 220-44(d)(3) excludes this application from the requirements for site plan development approval.

SEQR does not require further consideration upon the renewal of an existing permit.

The use of the premises has not changed or expanded since the approval of the Special Use Permit, there are no open building, fire or health code violations at the premises.

Accordingly, Sapientia respectfully requests the board waive the submission requirements and grant a renewal of the special use permit without expiration and without any requirement to apply for further renewals.

Also enclosed is the Affidavit of Ownership. We will provide the Tax Payment Affidavit as soon as practicable given the Covid-19 restrictions.

Kindly review this application, advise if any additional submissions and/or fees are required and if this matter will be placed on the Planning Board Agenda for their next meeting

We thank you in advance for your consideration of our requests and look forward to meeting with the Planning Board.

Very truly yours,

HOGAN & ROSSI

By: Bonnie N. Feinzig  
Bonnie N. Feinzig

/BNF  
Enc.

# TOWN OF LEWISBORO PLANNING BOARD

79 Bouton Road, South Salem, NY 10590

Email: [planning@lewisborogov.com](mailto:planning@lewisborogov.com)

Tel: (914) 763-5592

Fax: (914) 875-9148

## Affidavit of Ownership

State of: New York

County of: Westchester

Frank Corso, being duly sworn, deposes and says that he/she  
resides at 271 FLAX HILL RD, NORWALK CT.  
in the County of Fairfield, State of Connecticut  
and that he/she is (check one) ☐ the owner, or ☒ the President (Trustee)  
of Sapientia Association Inc Title  
Name of corporation, partnership, or other legal entity

which is the owner, in fee of all that certain log, piece or parcel of land situated, lying and being in the  
Town of Lewisboro, New York, aforesaid and know and designated on the Tax Map in the Town of  
Lewisboro as:

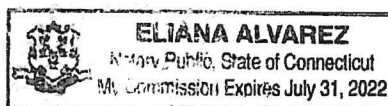
Block 10551, Lot 4, on Sheet 43

Frank Corso  
Owner's Signature

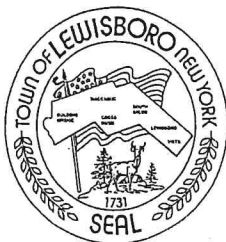
Sworn to before me this

13<sup>th</sup> day of March, 2020

[Signature]  
Notary Public - affix stamp



**TOWN OF LEWISBORO**  
**Westchester County, New York**



**Planning Board**  
**79 Bouton Road**  
**South Salem, New York 10590**

**Tel: (914) 763-5592**  
**Fax: (914) 763-3637**  
**Email: [planning@lewisborogov.com](mailto:planning@lewisborogov.com)**

Michael Liguori, Esq.  
Hogan & Rossi  
3 Starr Ridge Road, Suite 200  
Brewster, NY 10590

September 21, 2017

Re: Sapientia Association  
111 Smith Ridge Road, South Salem, NY 10590  
Cal # 5-16PB  
Sheet 43, Block 10551, Lot 4

Dear Mr. Liguori,

Please find enclosed a certified copy of the Resolution for the above-referenced matter adopted by the Planning Board at the September 19, 2017 Planning Board meeting.

Sincerely,

Ciorsdan Conran  
Planning Board Secretary

cc (via email): Planning Board Members  
Jud Siebert, Esq., Planning Board Counsel  
Jan Johannessen, AICP, Town Planning/Wetland Consultant  
Peter Barrett, Building Inspector  
Janet Donohue, Town Clerk

**RESOLUTION  
LEWISBORO PLANNING BOARD**

**NEGATIVE DECLARATION OF SIGNIFICANCE  
SPECIAL USE PERMIT APPROVAL**

**SAPIENTIA ASSOCIATION, INC.  
111 SMITH RIDGE ROAD  
Sheet 43, Block 10551, Lot 4  
Cal. #5-16 P.B**

**September 19, 2017**

**WHEREAS**, Sapientia Association, Inc. (hereafter referred to as "the applicant"), is a New York religious corporation organized and existing under Section 180 of the Religious Corporations Law for the purpose of founding and operating a Free Church; and

**WHEREAS**, the applicant owns property located at 111 Smith Ridge Road, at the corner of Smith Ridge Road (NYS Route 123) and West Lane (hereafter referred to as "the subject property"); and

**WHEREAS**, the applicant has applied to the Planning Board for Special Use Permit to operate a church on the subject property, including furthering the promulgation of Christian faith through spiritual guidance, mass, conferences, counseling, education, training and the hosting of ceremonies and events (hereafter referred to as "the proposed action"); and

**WHEREAS**, the subject property consists of  $\pm 10$  acres of land, is located within the R-2A Zoning District, and has access to Smith Ridge Road and West Lane; and

**WHEREAS**, the subject property is developed with an existing house of worship, interior driveways, parking, a playground, a septic system, potable water well, and other ancillary improvements; and

**WHEREAS**, the undeveloped portions of the subject property include lawn, meadow, and woodlands; and

**WHEREAS**, reference is made to an existing conditions survey entitled "Survey of Property prepared for Sapientia Associates, Inc.", prepared by Terry Bergendorff Collins, dated December 22, 2016; and

**WHEREAS**, the subject property was previously owned and operated by the Jewish Family Congregation of South Salem (hereafter referred to as "JFC"), which previously operated a temple on the subject property; and

**WHEREAS**, JFC was granted a Special Use Permit by the Planning Board via Resolution dated November 4, 1992, amended February 1, 1994, and renewed indefinitely on November 21, 1995 (see Cal. #7-92 P.B.); and

**WHEREAS**, the applicant is proposing to re-occupy the subject property and is proposing no exterior building or site modifications; and

**WHEREAS**, the parish house use located on the subject property will be occupied as a traditional rectory and its occupancy will be limited to priests, church leaders and visitors on a traditional basis; the parish house will not be used for family occupancy; and

**WHEREAS**, places of worship or religious instruction, including parish houses, is a permitted use within the underlying R-2A Zoning District, subject to the issuance of a Special Use Permit by the Planning Board; and

**WHEREAS**, the proposed action is not considered a change of use, but rather a re-occupancy of use, subject to the issuance of a Special Use Permit; and

**WHEREAS**, the applicant has submitted a "Revised Statement of Use for Sapientia Association, Inc.", dated August 30, 2017, and has submitted a chart which analyzes various historical and proposed components of the use and compares same to the JFC Special Use Permit, the actual operation and historical use of JFC, and as currently proposed by the applicant; and

**WHEREAS**, the applicant has demonstrated that the intensity of the proposed use will equal or be less than the former JFC use; and

**WHEREAS**, the applicant has demonstrated that the existing parking accommodations are compliant with the Town's minimum off-street parking requirements for the proposed use; and

**WHEREAS**, the Planning Board has compared the proposed action to the Special Use Permit conditions specified under Section 220-35 of the Zoning Code, specifically:

- A. Location. The proposed action involves the re-occupancy of the subject property with a different organization but the same use (house of worship). The subject property is located in a residential zoning district (R-2A) and abuts and has direct access to a major road (Smith Ridge Road-NYS Route 123). All access will be from NYS Route 123, with emergency access only provided via West Lane; and
- B. Coverage. While no site improvements are proposed, the applicant has demonstrated that the existing building and site coverage is zoning complaint, as follows:



	Required	Existing/Proposed
Building Coverage	20%	1.6%
Site Development Coverage	50%	11.8%

\*As calculated by Bibbo Associates, LLP - See Sapientia Special Use Permit Plans

- C. Setbacks. While no site improvements or changes are proposed, the applicant has demonstrated that the existing building complies with setback requirements as they apply to the underlying R-2A Zoning District; and
- D. Buffer. While no site improvements or changes are proposed, the applicant has demonstrated compliance with the applicable landscape buffer requirements; and
- E. Other Requirements. As further set forth in this Resolution, the Planning Board is imposing additional conditions and requirements, as deemed appropriate to ensure that the proposed use will conform to all applicable standards and requirements of the Zoning Code and will not negatively impact the environment or neighborhood; and

**WHEREAS**, the subject property contains wetlands that are jurisdictional to the Town of Lewisboro; however, as no land disturbance or development is proposed, no disturbance within the wetland or wetland buffer will occur; and

**WHEREAS**, the application has been referred to and reviewed by the Conservation Advisory Council (CAC); and

**WHEREAS**, the application was referred to the Westchester County Planning Board under Section 239-m of the General Municipal Law ("notification-only referral"); and

**WHEREAS**, the proposed action is an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.4; and

**WHEREAS**, the applicant has prepared the Short Environmental Assessment Form (EAF) pursuant to SEQRA; and

**WHEREAS**, the Planning Board conducted a duly noticed public hearing which was opened and closed on September 19, 2017, at which time all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, the Planning Board has considered the submitted Special Use Permit Application; other materials submitted by the applicant in support of its proposal; the written and verbal comments from the Board's professional consultants; the verbal commentary and written submissions made during Planning Board meetings and the public hearing; and recommendations of the CAC.

**NOW THEREFORE BE RESOLVED THAT,** the Planning Board hereby makes the following findings in connection with the Special Use Permit:

1. The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that the proposed action complies with all special requirements for such use established in Section 220-32, Zoning. Specifically:

The subject property consists of ±10 acres of land, has access to a major road (Smith Ridge Road-NYS Route 123), has emergency access to West Lane, and is developed with a house of worship that has operated as a temple since 1992. The Planning Board is unaware of any negative impacts generated by the prior JFC use and the applicant has demonstrated, via submission of its Statement of Use and the Sapientia Comparison Chart, that the proposed use will be equal or less intense than the prior JFC use. For instance, Sapientia Association, Inc. will consist of a smaller congregation and will result in fewer persons attending special events and services (150 persons compared to upwards of 600 persons). The intensity of the use will be periodic with peak demand being during mass hours, holy days, conferences and special events. There will be a few times per year where attendance at the subject property will be significant; however, adequate parking is provided on-site, with provisions made for overflow lawn parking, if needed on occasion.

2. The location, nature and height of buildings, walls and fences and the nature and extent of existing or proposed planting on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings. Specifically:

The subject property is developed with a house of worship, interior driveways, parking, a playground, a septic system, potable water well, and other ancillary improvements. As mentioned above, no land disturbance, site modifications, or changes to the exterior of the buildings is proposed. The subject property contains mature landscaping, which will remain and be maintained by the applicant. As no new development is proposed, the proposed action will not hinder or discourage the appropriate development and use of adjacent land and buildings.

3. Operations in connection with the Special Use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operation of any permitted use not requiring a Special Permit. Specifically:

As stated above, the proposed action is a re-occupancy of the existing house of worship, essentially changing from the Jewish faith to the Christian faith, except that the new congregation is presently much smaller and the intensity of the proposed use will be less than the former JFC use. The subject property is located within the R-2A Zoning District where public schools and Town of Lewisboro municipal uses are identified as principally permitted uses. The Planning Board finds that the operation of a public school on the subject property would be a more intense use when compared to the proposed house of worship. Operation of a public school would include significant numbers of children and staff coming to the site on a daily regular basis; school buses would also frequent the subject property and the outdoor recreation area would likely be expanded and be used more frequently by children. Schools also tend to be used during the evenings and on weekends for special events. Likewise, Town of Lewisboro municipal uses could include a municipal office building, utilities, transfer stations, machine and maintenance yards, and like uses.

4. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum and adequate safety. Specifically:

The primary access driveway is off Smith Ridge Road (NYS Route 123), a major road, with emergency access provided via West Lane. The existing access driveways are adequate for the proposed use and are not proposed to be altered. The number and size of the existing parking spaces are compliant with the Town of Lewisboro off-street parking regulations for the subject use and the existing parking layout and internal driveways are not proposed to change. The subject property contains approximately 53 improved parking spaces and overflow lawn parking has been evaluated and illustrated on the Sapientia Special Use Permit Plans. The existing parking provisions were adequate for the former JFC use and it is anticipated, given the less intense proposed use with smaller congregation, that existing parking will remain suitable for the proposed use. In the event that additional permanent parking is required, it has been demonstrated that additional code compliant parking could be developed on the ±10 acre site. The existing improved parking spaces are not located proximate to any street and are suitably screened via landscaping and the existing building. While the original JFC approved site plan illustrated a total of 94 improved parking spaces, only 53 paces were constructed. As stated in the Planning Board's November 21, 1995 Resolution for JFC, "...the Planning Board has reviewed the current parking conditions and determined that the existing 53 improved parking spaces adequately serve the site and the Special Permit Use"; and

**BE IT FURTHER RESOLVED THAT,** the proposed action is an Unlisted Action under the SEQRA and the Planning Board hereby issues the attached Negative Declaration of Significance; and

**BE IT FURTHER RESOLVED THAT,** the Planning Board hereby approves a Special Use Permit, subject to the below conditions and compliance with the Special Use Permit Conditions specified below; and

**BE IT FURTHER RESOLVED THAT,** given the fact that no land disturbance or development is proposed and as the site conditions will remain the same, the Site Development Plans of Record shall remain in full force and effect, unless specifically amended herein; and

**BE IT FURTHER RESOLVED THAT,** the Planning Board hereby approves the following plans, which shall be referred to as "The Sapientia Association Special Use Permit Plans", prepared by Bibbo Associates, LLP, dated July 6, 2017, subject to the conditions enumerated below:

- Existing Conditions Plan (EX-1)
- Site Plan Parking (SP-1)

**BE IT FURTHER RESOLVED THAT,** the Planning Board hereby approves the existing as-built location of the playground as shown on the Sapientia Association Special Use Permit Plans approved herein; and

**BE IT FURTHER RESOLVED THAT,** this Special Use Permit shall be deemed to authorize only the particular Special Permit Use described herein and illustrated on the Sapientia Special Use Permit Plans and shall expire if work is not initiated pursuant thereto within one (1) year of this Resolution, or if said use or uses shall cease for more than one (1) year for any reason, or if all required improvements are not completed within two (2) years from the date of this Resolution, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use, except that the Planning Board may, upon request, extend the above time periods as determined appropriate; and

**BE IT FURTHER RESOLVED THAT,** Conditions #1 through #10 must be fulfilled within six (6) months of the date of this Resolution (by March 19, 2018). Should the below-listed conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six (6) month period and granted by the Planning Board.

**Conditions to be Satisfied Prior to the Signing of the Sapientia Special Use Permit Plans by the Secretary and Chairman:**

1. Each and every sheet of the Sapientia Special Use Permit Plans shall contain a common revision date with notation stating "Planning Board Approval", shall contain an original seal and signature of the design professional and shall contain an original signature of the owner(s).
2. The Sapientia Special Use Permit Plans, the Revised Statement of Use for Sapientia Associates, Inc. and the Sapientia Comparison Chart shall be submitted to the Building Inspector and the Vista Fire Department for review and comment; any comments shall be provided within 30 days of submission and shall be reviewed and addressed, as deemed applicable, by the Town's consultants. Done
3. The applicant shall obtain all necessary approvals from the Westchester County Department of Health, as required. Done
- ✓ 4. The applicant shall satisfy any outstanding written comments provided by the Town's consultants. ✓
5. The Sapientia Special Use Permit Plans shall be revised to illustrate the temporary tent location as shown on the Site Development Plans of Record. Further, the overflow parking layout shall be revised to be consistent with existing site conditions and existing internal driveway locations, to the satisfaction of the Town's consultants. ✓ Des
6. The number of existing parking spaces referenced on the Sapientia Special Use Permit Plans shall be revised to 53 spaces. ✓ Des
7. The applicant shall submit a "check set" of the Final Sapientia Special Use Permit Plans (two (2) sets), prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants. Des
8. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the final Sapientia Special Use Permit Plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chairman and Secretary.
9. The applicant shall provide a written statement to the Planning Board Secretary acknowledging that they have read and will abide by all conditions of this Resolution.

10. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

**Conditions to be Satisfied Subsequent to the Signing of the Sapientia Special Use Permit Plans:**

11. Following the endorsement of the Sapientia Special Use Permit Plans by the Town Engineer, Planning Board Chairman and Secretary, one (1) mylar set will be returned to the applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
12. Within 10 days after endorsement of the Sapientia Special Use Permit Plans by the Town Engineer, Planning Board Chairman and Planning Board Secretary, the applicant shall deliver to the Planning Board Secretary nine (9) printed sets of the signed plans, collated and folded.

**Special Use Permit Conditions:**

13. The house of worship shall be restricted to use by Sapientia Association, Inc. for use as a church and may not be used by or leased to any other organization.
14. The intensity of the use shall comply with the submitted "Revised Statement of Use for Sapientia Association, Inc.", dated August 30, 2017.
15. The parish house use shall be occupied as a traditional rectory and its occupancy shall be limited to priests, church leaders and visitors on a transitional basis; the parish house shall not be used for full-time family occupancy.
16. Receptions, social events, conferences, and religious services shall be held indoors. When required for religious service, when attendance is expected to exceed indoor building/seating capacity. A tent may be erected on the subject property in the location designated on the Sapientia Special Use Permit Plans, but not more than five (5) times per year. The tent shall be installed no more than 48 hours before the event and must be removed no more than 48 hours after the event.
17. The applicant shall notify the State and Town police whenever an event or service is scheduled with an expected attendance over 150 persons. The applicant shall provide appropriate parking and internal site traffic controls, at its own expense, for each such event.
18. The applicant shall accurately monitor its water use, congregation size, and attendance at mass, holy days, and special events; records shall be submitted to

the Planning Board on an annual basis, by February 1<sup>st</sup> of each year (for the prior year's records).

19. The applicant shall monitor the number of vehicles parked on the subject property during weekly mass, holy days and special events; records shall be submitted to the Planning Board on an annual basis, by February 1<sup>st</sup> of each year (for the prior year's records).
20. Any failure of the septic system shall be reported to the Town Building Inspector and Westchester County Department of Health.
21. The driveway accessing West Lane shall be used for emergency access only. The use to the emergency entrance and exit shall be restricted by a gate and appropriate signage and will thereby be prohibited from use by the public. The gate shall remain closed but unlocked.
22. There shall be no additional curb cuts on any road other than those shown on the Site Development Plans of Record.
23. There shall be no off-site parking on West Lane or Smith Ridge Road (NYS Route 123).
24. The applicant shall be responsible for maintaining the appearance of the subject property in good order, including all existing structures, driveway and parking surfaces, landscaping, lighting, and other ancillary improvements.
25. With the exception of security lights, all exterior lights shall be turned off during non-operating hours.
26. This Special Use Permit shall be valid for a period not to exceed three (3) years from the date of the filing of this Resolution with the Town Clerk, except as may be extended by the Planning Board pursuant to the review and approval of an application for renewal. Any subsequent renewal application shall be subject to the same procedure, rules and regulations applicable to an original application; however, the Planning Board may waive, upon the request of the applicant and subject to appropriate circumstances, the application submission requirements.
27. The continued validity of a Certificate of Occupancy shall be subject to continued conformance with the Site Development Plans of Record, the Sapientia Special Use Permit Plans, and the conditions of this Resolution.
28. This Special Use Permit shall be void with any intensification of use beyond that permitted, any change of use, or with any change in ownership.

**ADOPTION OF RESOLUTION**

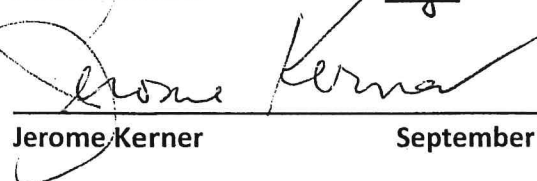
**WHEREUPON**, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Ron Tetelman

The motion was seconded by: Greg La Sorsa

The vote was as follows:

JEROME KERNER	<u>aye</u>
JOHN O'DONNELL	<u>aye</u>
RON TETELMAN	<u>aye</u>
GREG LASORSA	<u>aye</u>
ED BOROUGHS	<u>aye</u>

  
\_\_\_\_\_  
Jerome Kerner                      September 19, 2017

**STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
TOWN OF LEWISBORO**

I, Ciorsdan Conran, Secretary to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 19<sup>th</sup> day of September, 2017 and that the same is a true and correct copy of said original and of the whole thereof.



**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**Date:** September 19, 2017

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lewisboro Planning Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Special Use Permit for Sapientia Association, Inc.

**SEQRA Status:**        ☐     Type 1  
                              ☒     Unlisted

**Conditioned Negative Declaration:** ☐     Yes  
   ☒     No

**Coordinated Review:**                    ☐     Yes  
   ☒     No

**Description of Action:** Sapientia Association, Inc. (hereafter referred to as "the applicant"), is a New York religious corporation organized and existing under Section 180 of the Religious Corporations Law for the purpose of founding and operating a Free Church. The applicant has applied to the Planning Board for Special Use Permit to operate a church on property located at 111 Smith Ridge Road, at the corner of Smith Ridge Road (NYS Route 123) and West Lane (hereafter referred to as "the subject property"). The applicant intends to utilize the subject property to further the promulgation of Christian faith through spiritual guidance, mass, conferences, counseling, education, training and the hosting of ceremonies and events (hereafter referred to as "the proposed action"). The subject property consists of ±10 acres of land, is located within the R-2A Zoning District, and has access to Smith Ridge Road and West Lane. The subject property is developed with an existing house of worship, interior driveways, parking, a playground, a septic system, potable water well, and other ancillary improvements. The subject property was previously owned and operated by the Jewish Family Congregation of South Salem (hereafter referred to as "JFC"), which previously operated a temple on the subject property. JFC was granted a Special Use

Permit by the Planning Board via resolution dated November 4, 1992, amended February 1, 1994, and renewed indefinitely on November 21, 1995 (see Cal. #7-92 P.B.).

**Location:** 111 Smith Ridge Road (NYS Route 123), Town of Lewisboro, Westchester County, New York.

**Reasons Supporting This Determination:** The Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c). Specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.

*No land disturbance or development is proposed and the proposed action involves the re-occupancy of the subject property with a different organization but the same use (house of worship). The subject property is located in a residential zoning district (R-2A) and abuts and has direct access to a major road (Smith Ridge Road-NYS Route 123). All access will be from NYS Route 123, with emergency access only provided via West Lane. As Sapientia Association, Inc. presently has a substantially smaller congregation when compared to the former JFC use, the proposed use will be equal to or less intense than JFC. Therefore, the existing condition will essentially remain the same or impacts will be reduced.*

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

*The proposed action involves no land disturbance, development, or removal of vegetation; the existing condition will remain the same; therefore, no impacts will result.*

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).

*The subject property is not located within or adjacent to a Critical Environmental Area.*

4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.

*The proposed action is a re-occupancy of use and the subject use is a permitted use within the underlying R-2A Zoning District, subject to the issuance of a Special Use Permit. The applicant has demonstrated that the proposed action is compliant with the Special Use Permit conditions specified under Section 220-35 of the Zoning Code.*

5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources or the existing character of the community or neighborhood.

*No land disturbance, development or exterior building modification are proposed; therefore, no impacts will result.*

6. The proposed action will not result in a major change in the use of either the quantity or type of energy.

*Given the reduction in intensity of use, electricity usage is expected to be reduced or remain the same.*

7. The proposed action will not create a hazard to human health.
8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
11. The proposed action will not result in changes in two (2) or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
12. When analyzed with two (2) or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

**For further information contact:**

Ciorsdan Conran, Planning Board Secretary  
79 Bouton Road  
South Salem, NY 10590  
Phone: 763-5592

**This notice is being filed with:**

Ciorsdan Conran, Planning Board Secretary  
79 Bouton Road  
South Salem, NY 10590

**REVISED STATEMENT OF USE  
FOR  
SAPIENTIA ASSOCIATION, INC.<sup>1</sup>**

**August 30, 2017**

Sapientia Association, Inc. ("Sapientia"), is a New York corporation incorporated under Section 180 of the Religious Corporations Law for the purpose of founding and operating a Free Church. Recently, it purchased 111 Smith Ridge Road, Lewisboro, New York (the "Property") from The Jewish Family Congregation of South Salem ("JFC"), which operated a temple on the Property since 1992. The Property consists of 10 acres and is fully developed with a house of worship, parking and interior roads, mature landscaping and related improvements. JFC's occupancy of the Property was based on an approved Site Development Plan and a Special Permit for its use.

Sapientia has applied to the Planning Board for a (i) Special Permit to operate its church on the Property which includes the following activities: furthering the promulgation of the Christian faith through spiritual guidance, mass, conferences, counseling, education, training and the hosting of ceremonies and events.

The following schedule of operation is anticipated for the next thirty-six (36) months, with the hopes of a more robust schedule in the future if the congregation grows. Importantly, we note that the "Present" schedule is a good faith estimate of the immediate use, but is not intended as a limitation on the use.

Sapientia's schedule of operations consists of the following:

<u>Activity:</u>	<u>Present:</u>	<u>Future:</u>
Office hours:	2-3 days per wk at business hrs	Full time
Mass hours:	Sundays 7am to 12pm	Weekly Am and Sun
Confession:	As needed	As needed
Conferences:	2xs per month	4xs per month
Counseling:	As needed	As needed
*Education:	Between Sunday Masses	Undetermined
Training:	As needed	Undetermined
Ceremonies:	As needed	Undetermined
Outdoor Events:	**5x's Per Year	Same
Parish House Occupancy	24/7	24/7
High Holy Days	4x (Christmas, Easter, Palm Sunday, Good Friday)	Same

\*Education Activity at present is intended as instruction for parents who homeschool their children with a faith based emphasis. Children are anticipated accompany parents to congregate with each other while the parents receive instruction.

\*\* Tent over rear parking lot identical to prior JFC use.

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<sup>1</sup> Revised to remove reference to Waiver of Site Plan Approval

**PURSUANT TO THE REQUEST OF THE PLANNING BOARD, A SAPIENTIA / JFC COMPARISON CHART IS ANNEXED HERETO.**

According to Section 220-32 of the Zoning Code, the Planning Board shall review, consider and make reference to all previous records that may exist on the proposed special permit use prior to taking action and shall find that all of the following conditions and standards have been met prior to issuance of the special permit. The support for why a Special Permit and a Waiver of Site Plan Approval should be granted are set forth below each item in italics.

- (1) The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in this chapter.

*First, it must be recognized that this is a re-occupancy as opposed to a new construction, therefore, the prior occupancy, its site plan approval and special permit and the development of the property therewith since 1992 has contributed to the historical development of the community. Based thereon, the review for whether the new use is harmonious should consist of a review against the prior use given the similarities in use. Essentially, we are going from the Jewish faith to the Christian faith, except the new congregation is presently much smaller.*

*Second, the site is 10 acres and has **APPROXIMATELY 53** existing parking spaces. Presently, the parking is completely adequate for the use given that not every parking space will be necessary for the bulk of the activities that will take place on the site. In the event of growth, additional parking can be located on site. If additional regular parking is necessary (other than for high holy days), the Site Plan could be reexamined during a review a future Special Permit review. Access is from NYS Route 123, which is a major thoroughfare, as opposed to a local or side road. No impacts to surrounding properties are predicted related to access.*

- (2) The location, nature and height of buildings, walls and fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

*Given the mature landscaping that exists along all of the Property's frontage, the use of the site will not hinder or discourage the appropriate development and use of adjacent land and buildings.*

- (3) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted use not requiring a special permit.

*Comparatively and similar to the findings in the JFC Special Permit, a public school would have much greater impacts than a house of worship due to noise, intensity of use on a regular basis, fumes and other characteristics.*

(4) Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum and adequate safety.

***NOT ALL OF THE PARKING SHOWN ON THE EXISTING SITE PLAN WAS CONSTRUCTED, HOWEVER, 55 PARKING SPACES EXIST, WHICH ARE SUFFICIENT FOR THE SIZE OF THE EXISTING CONGREGATION.***

We ask the Board to note that it made the following findings when it approved the JFC Special Permit in 1992:

“The Planning Board hereby finds that the location, nature and height of buildings, walls and fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings. As indicated above, there are existing improvements on the site including buildings, stone walls and fences. These existing improvements are not proposed to be changed. Existing plantings on the site are of both significant size and number and additional plantings, as further set forth in this decision will be required. Based upon the location of existing improvements and proposed improvements (including overflow parking areas which will only be necessary a few times a year) the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

The Planning Board hereby finds that operations in connection with the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics than would be the operations of any permitted use not requiring a special permit. The proposed use is located in an R-2A zoning district. Principal permitted uses in this district, as set forth in section 220-23 of the Zoning Ordinance, include public schools and Town of Lewisboro municipal uses.

The Board finds that operation of a public school on the site would be a much more intensive use than the proposed use. Operation of a public school would include significant numbers of children and adults coming up on to the site on a daily basis including regular bus traffic. A public school site would also generally include outdoor playground and recreation area improvements, with attendant increase in noise and disruption. Additionally, schools are not infrequently used for night and weekend events. Likewise, Town of Lewisboro municipal uses could include such things as a municipal building, recreation center, and municipal utility structures (including water and sewage treatment plants).

The proposed use will not be more objectionable by reason of the characteristics listed in Section 220-32(D) (3) than would principal permitted uses. As set forth above, and otherwise herein, concerns with respect to traffic have been addressed by the imposition of relevant conditions. Concerns with respect to noise have been addressed by limiting the applicant's usage of outdoor areas, including the requirement that no outdoor receptions are permitted.

The Planning Board finds that parking areas will be of adequate size for the proposed use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drive is laid out so as to achieve maximum and adequate safety. Pursuant to Section 220-56 of the Zoning Ordinance, a total of 40 parking spaces are required for the proposed regular services, 67 spaces are required for occasional special events or services and 200 spaces are required for holy day special

observances. The applicant has provided 94 permanent parking spaces, as further set forth on its plan. Additionally, the applicant has designated areas for 106 parking spaces in lawn areas. The parking spaces are suitably screened from adjoining residential uses by the 30' buffer, existing vegetation, and additional evergreen plantings within the southern buffer area.

The entrance and exit drive is located on NYS Route 123, Smith Ridge Road. The impact of this access drive has been studied and reviewed by professional traffic engineers, by the Town Engineer and by DOT. The access will be improved as noted on Site Plan, Sheet L-2 Grading Plan, and sight line improvements, including brush removal, will occur along the east side of NYS Route 123, as required, to result in slight line visibility of 500; on NYS Route 123.

The applicant has provided an emergency entrance and exit located on West Lane. The use of the emergency entrance and exit will be restricted by a gate and appropriate signage and will thereby be prohibited from use as an ordinary entrance or exit. Pursuant to Section 220-32(E) of the Zoning Ordinance, the planning Board has included conditions and safeguards, as further set forth in this decision, as are necessary to insure initial and continual conformance to all applicable standards and requirements. “

-End of Statement of Use-



SAPIENTIA ASSOCIATION INC.  
111 Smith Ridge Rd      South Salem, NY  
Attendance      2017

Day	Month	Date	Cars					
			7:15	8:15	Total	7:15	8:15	Total
Sunday	October	29	35	92	127	20	31	51
Sunday	November	5	65	60	125	30	27	57
Sunday	November	12	62	45	107	27	24	51
Sunday	November	19	47	57	104	23	32	55
Sunday	November	26	45	42	87	23	21	44
Sunday	December	3	50	36	86	27	10	37
Sunday	December	10	57	45	102	28	22	50
Sunday	December	17	Off site			Off site		
Sunday	December	24	42	65	107	22	31	53
Christmas	December	25	95	40	135	45	15	60
Sunday	December	31		62	62		29	29
Grand Total					1042			487

At the Sept. 19, 2017 Planning Board Public Hearing, it was requested that periodically an attendance and car count be submitted to the town. There was no direction were to filed the request.

SAPIENTIA ASSOCIATION INC.  
111 Smitn Ridge Rd South Salem, NY  
Attendance 2018

[illegible]

## 2018

Day	Month	Date	7:00	8:30	Total	7:00	8:30	Total
Sunday	April	8	42	95	137	10	47	57
Sunday	April	15	47	79	126	16	29	45
Sunday	April	22	50	41	91	17	13	30
Sunday	May	29	50	60	110	17	20	37
Sunday	May	6	41	66	107	12	16	28
Sunday	May	13	47	71	118	16	22	38
Sunday	May	20	25	No Mass	25	7		7
Sunday	May	27	45	62	107	17	29	46
Sunday	June	3	40	77	117	12	22	34
Sunday	June	10	59	48	107	19	16	35
Sunday	June	17	54	85	139	18	27	45
Sunday	June	24	48	69	117	14	18	32
Sunday	July	1	59	78	78	15	21	36
Sunday	July	8	OFF	SITE				
		Grand Total			1379			470

SAPIENTIA ASSOCIATION INC.  
 111 Smith Ridge Rd      South Salem, NY  
 Attendance                  2018

Day	Month	Date	Cars					
			7:00	8:30	Total	7:00	8:30	Total
Sunday	July	15	60	58	118	18	17	35
Sunday	July	22	58	60	118	22	17	39
Sunday	July	29	58	60	118	20	18	38
Sunday	August	5	59	67	126	23	22	45
Sunday	August	12	49	58	107	20	21	41
Sunday	August	19	43	75	118	19	23	42
Sunday	August	26	45	78	123	18	25	43
Sunday	September	4	69	68	137	24	22	46
Sunday	September	9	51	61	112	16	20	36
Sunday	September	16	43	79	122	16	22	38
Sunday	September	23	55	71	126	22	25	47
Sunday	September	30	57	69	126	23	27	50
Sunday	October	7	55	57	112	22	24	46
Sunday	October	14	60	56	116	17	22	39
Grand Total					1486			585

SAPIENTIA ASSOCIATION INC.  
111 Smith Ridge Rd      South Salem, NY  
Attendance                      2018

Day	Month	Date	7:00	8:30	Total	Cars		Total
						7:00	8:30	
Sunday	October	21	48	72	120	192	15	26
Sunday	October	28	37	75	112	187	14	24
Sunday	November	4	53	67	120	187	18	22
Sunday	November	11	34	81	115	196	12	29
Sunday	November	18	45	76	121	197	14	28
Sunday	November	25	55	58	113	171	18	20
Sunday	December	2	43	68	43	111	14	24
Sunday	December	9	35	130	165	295	15	45
Sunday	December	16	32	72	104	176	11	26
Sunday	December	23	21		21	10		10
Christmas	December		No More Sunday Masses as of Dec. 23. 8:30am					
Will be Daily Masses. No more than 10-20 persons and 10-12 cars.								
			Grand Total		1034			254

Attendance 2019

January		February		March		April		May		June		July		August		Sept.		Oct.		Nov.		Dec.		
# Pers	Cars	# Pers	Cars	# Pers	Cars	# Pers	Cars	# Pers	Cars	# Pers	Cars	# Pers	Cars	# Pers	Cars	# Pers	Cars	# Pers	Cars	# Pers	Cars	# Pers	Cars	
1	10	6	22	11	22	11	0	0	0	0	10	5	32	14	18	9	25	10	22	10	38	27	9	7
2	15	8	27	13	26	12	0	0	0	0	0	0	20	9	20	11	21	9	23	12	40	31	21	13
3	11	5	0	0	0	0	0	0	0	0	0	0	23	11	32	16	33	19	25	13	9	6	30	22
4	12	7	0	0	0	0	0	21	16	0	0	0	20	12	37	15	15	8	21	8	22	10	33	21
5	22	11	0	0	0	0	0	0	0	0	0	0	21	9	15	5	10	7	34	29	18	7	29	17
6	27	13	0	0	0	0	14	8	0	0	11	6	35	15	21	8	24	9	10	7	19	8	31	20
7	0	0	0	0	0	0	0	0	0	15	7	7	37	16	23	11	22	13	22	10	31	16	40	34
8	0	0	0	0	0	0	0	0	0	10	6	6	21	9	25	11	29	19	21	9	25	11	10	7
9	0	0	20	10	21	10	0	0	0	0	0	0	24	10	21	12	25	10	25	13	15	10	18	11
10	0	0	0	0	0	0	0	0	0	0	0	0	22	10	21	10	35	21	22	10	11	9	21	15
11	0	0	0	0	0	0	0	0	16	11	12	7	21	9	18	9	27	17	26	13	22	10	20	12
12	22	11	0	0	0	0	0	0	0	5	9	5	22	10	19	9	21	9	28	15	24	12	30	18
13	0	0	0	0	0	0	25	19	0	0	15	9	25	11	15	6	22	12	29	17	19	11	25	14
14	0	0	0	0	0	0	0	0	0	0	10	5	12	8	18	9	22	13	11	8	20	10	22	15
15	0	0	0	0	0	0	0	30	15	0	0	0	21	10	85	32	25	11	18	9	31	15	9	7
16	0	0	22	11	15	10	0	0	0	0	0	0	25	11	12	7	12	7	22	9	18	7	18	11
17	0	0	0	0	0	0	0	0	0	0	0	0	22	10	14	6	31	18	20	10	9	6	26	15
18	0	0	0	0	0	0	94	32	13	8	0	0	23	10	15	7	24	11	26	12	22	11	30	23
19	21	10	0	0	0	0	101	37	0	0	0	0	21	9	16	9	27	15	23	11	21	10	37	28
20	0	0	0	0	0	0	40	27	0	0	15	9	35	13	12	7	21	13	27	15	27	14	40	36
21	0	0	0	0	0	0	0	0	7	5	0	0	95	37	11	9	22	12	9	6	20	16	42	35
22	0	0	0	0	0	0	0	12	8	9	9	5	21	9	15	12	34	27	20	9	30	22	11	9
23	0	0	20	9	17	11	0	15	9	0	0	0	25	10	31	15	10	6	19	8	25	14	39	35
24	0	0	0	0	0	0	0	14	10	0	0	0	24	10	33	14	22	11	22	10	9	7	24	22
25	0	0	0	0	0	0	0	27	20	0	0	0	21	9	18	8	21	9	22	10	8	6	5	5
26	25	12	0	0	0	0	0	0	0	0	0	0	22	9	21	9	19	8	23	11	25	17	22	18
27	0	0	0	0	0	0	13	9	9	8	0	0	21	9	29	17	25	13	55	39	19	15	29	25
28	0	0	0	0	0	0	0	0	14	7	0	0	18	7	37	19	29	18	26	12	10	7	21	14
29	0	0			0	0	0	0	10	8	11	7	27	12	24	8	11	9	30	18	31	25	11	9
30	0	0			25	15	0	0	78	31	0	0	25	11	48	18	29	17	25	12	35	26	21	13
31	0	0			0	0		0	0	0			22	10	11	7			27	14			25	17



Total	165	83	111	54	126	69	287	132	266	156	127	71	803	349	735	345	693	381	733	389	653	396	749	548
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Total Pers. 5448      Total Cars 2973

## MEMORANDUM

TO: Chairperson Janet Andersen and  
Members of Lewisboro Planning Board

CC: Ciorsdan Conran  
Judson Siebert, Esq.  
Joseph Angiello

FROM: Jan K. Johannessen, AICP   
Joseph M. Cermele, P.E., CFM   
Town Consulting Professionals

DATE: May 14, 2020

RE: Special Use Permit  
Sapientia Association, Inc.  
111 Smith Ridge Road  
Sheet 43, Block 10551, Lot 4 and 7

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### PROJECT DESCRIPTION

The subject property consists of ±10 acres of land and is located at the corner of Smith Ridge Road (NYS Route 123) and West Lane within the R-2A Zoning District; the subject property was formerly occupied by the Jewish Family Congregation (JFC). The applicant, Sapientia Association, Inc., purchased the property in 2017 and was granted a Special Use Permit by the Planning Board on September 14, 2017, in order to occupy the space as a place of worship, specifically to promulgate the Christian Faith through spiritual guidance, mass, conferences, counseling, education, training, and hosting ceremonies and events. The applicant is requesting waiver of the submission requirements and renewal of the Special Use Permit without expiration and without any requirement to apply for further renewals. No physical changes to the site are proposed.

### SEQRA

The proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and a coordinated review is not required. The Planning Board issued a Negative Declaration of Significance along with the September 14, 2017 Resolution.

**REQUIRED APPROVALS**

1. Renewal of the Special Use Permit is required by the Planning Board; a public hearing is required.

**COMMENTS**

1. The applicant has provided attendance and parking data, as required by the approving Resolution; however, the applicant must also submit proof of monitoring its water usage on an annual basis.
2. The applicant has requested renewal of its Special Use Permit without expiration. There is no statutory requirement to renew the Special Use Permit and the Planning Board has the ability to impose or forgo a renewal at its discretion.

In order to expedite the review of subsequent submissions, the applicant should provide annotated responses to each of the comments outlined herein.

**DOCUMENT REVIEWED:**

- Town of Lewisboro Planning Board Site Development Plan Application
- Letter prepared by Hogan & Rossi, dated April 20, 2020
- Deed
- Letter prepared by Hogan & Rossi, dated September 21, 2017
- Resolution Cal. #5-16 P.B., dated September 19, 2017
- Notice of Determination of Non-Significance, dated September 19, 2017
- Revised Statement of Use for Sapiaientia Association, Inc., dated August 30, 2017
- Sapiaientia Association Inc. Attendance/Car Data 2017
- Sapiaientia Association Inc. Attendance/Car Data 2018
- Sapiaientia Association Inc. Attendance/Car Data 2019

JKJ/JMC/dc





Environmental Laboratories, Inc.  
587 East Middle Turnpike, P.O.Box 370, Manchester, CT 06045



## Analysis Report

January 06, 2020

FOR: Attn: Mr. Bob Woodstead  
Better Water Well Systems  
348 Smith Ridge Rd  
South Salem, NY 10590

### Sample Information

Matrix: DRINKING WATER  
Location Code: BWWS  
Rush Request: Standard  
P.O.#:

### Custody Information

Collected by:  
Received by: LB  
Analyzed by: see "By" below

### Date

01/02/20  
01/02/20

### Time

10:00  
17:06

## Laboratory Data

SDG ID: GCE96539  
Phoenix ID: CE96539

Project ID: SAPIENTIA ASSOC.  
Client ID: 1ST FLOOR BATHROOM

Parameter	Result	RL/ PQL	DIL	Units	AL	MCL	MCLG	Date/Time	By	Reference
Escherichia Coli	Absent	0	1	/100 mls		0		01/02/20 19:30	LJ/LJ	SM9223B-97
Total Coliforms	Absent	0	1	/100 mls		0		01/02/20 19:30	LJ/LJ	SM9223B-04

RL/PQL=Minimum Reportable Level DW MCL=Maximum Potability Limit Sec Goal=Recommended Potability Limit NA=Not Applicable

Phyllis Shiller, Lab Director  
January 06, 2020

*For further interpretation or recommendations on treatment, please contact your local or state health department. Please see last page for additional information.*



Environmental Laboratories, Inc.  
587 East Middle Turnpike, P.O.Box 370, Manchester, CT 06045



## Analysis Report

January 06, 2020

FOR: Attn: Mr. Bob Woodstead  
Better Water Well Systems  
348 Smith Ridge Rd  
South Salem, NY 10590

### Sample Information

Matrix: DRINKING WATER  
Location Code: BWWS  
Rush Request: Standard  
P.O.#:

### Custody Information

Collected by:  
Received by: LB  
Analyzed by: see "By" below

### Date

01/02/20  
01/02/20

### Time

10:00  
17:06

## Laboratory Data

SDG ID: GCE96539  
Phoenix ID: CE96540

Project ID: SAPIENTIA ASSOC.  
Client ID: ENTRY POINT

Parameter	Result	RL/ PQL	DIL	Units	AL	MCL	MCLG	Date/Time	By	Reference
Nitrite as Nitrogen	0.019	0.004	1	mg/L		1		01/03/20 12:54	B/E/G	E300.0
Nitrate as Nitrogen	0.66	0.01	1	mg/L		10		01/03/20 12:54	B/E/G	E300.0

RL/PQL=Minimum Reportable Level DW MCL=Maximum Potability Limit Sec Goal=Recommended Potability Limit NA=Not Applicable

Phyllis Shiller, Lab Director  
January 06, 2020

*For further interpretation or recommendations on treatment, please contact your local or state health department. Please see last page for additional information.*



Environmental Laboratories, Inc.  
587 East Middle Turnpike, P.O.Box 370, Manchester, CT 06045



## Analysis Report

April 03, 2020

FOR: Attn: Mr. Bob Woodstead  
Better Water Well Systems  
348 Smith Ridge Rd  
South Salem, NY 10590

### Sample Information

Matrix: DRINKING WATER  
Location Code: BWWS  
Rush Request: Standard  
P.O.#:

### Custody Information

Collected by:  
Received by: CP  
Analyzed by: see "By" below

### Date

04/01/20  
04/02/20

### Time

14:34  
15:55

## Laboratory Data

SDG ID: GCF60693  
Phoenix ID: CF60693

Project ID: SAPIENTIA ASSOC  
Client ID: 2ND FL BATH NORTH END

Parameter	Result	RL/ PQL	DIL	Units	AL	MCL	MCLG	Date/Time	By	Reference
Escherichia Coli	Absent	0	1	/100 mls		0		04/02/20 19:05	LJ/LJ	SM9223B-04
Total Coliforms	Absent	0	1	/100 mls		0		04/02/20 19:05	LJ/LJ	SM9223B-04

RL/PQL=Minimum Reportable Level DW MCL=Maximum Potability Limit Sec Goal=Recommended Potability Limit NA=Not Applicable

Phyllis Shiller, Lab Director  
April 03, 2020

*For further interpretation or recommendations on treatment, please contact your local or state health department. Please see last page for additional information.*

## Ciorsdan Conran

---

**From:** Joseph Angiello  
**Sent:** Wednesday, April 22, 2020 12:22 PM  
**To:** Ciorsdan Conran; Peter Ripperger; Joseph Angiello (jangiello@lewisborogov.com); Dave Alfano  
**Subject:** RE: Application for Renewal of Special Use Permit for Sapientia Association Inc. 111 Smith Ridge Road

Hi Ciorsdan,

There are no complaints on this property. They are overdue for a fire/safety inspection. Jeff was scheduled to perform the inspection, then covid hit and he had to cancel.

Joe

---

**From:** Ciorsdan Conran <Planning@lewisborogov.onmicrosoft.com>  
**Sent:** Wednesday, April 22, 2020 10:30 AM  
**To:** Peter Ripperger <highway@lewisborogov.onmicrosoft.com>; Joseph Angiello (jangiello@lewisborogov.com) <jangiello@lewisborogov.com>; Dave Alfano <dalfano@lewisboropd.com>  
**Subject:** Fw: Application for Renewal of Special Use Permit for Sapientia Association Inc. 111 Smith Ridge Road

Good morning gentlemen-

As part of Sapientia's (111 Smith Ridge Road) Special Use permit renewal, the Planning Board would like to know if there have been any complaints to your respective departments.

Thank you,

Ciorsdan

---

**From:** Bonnie Feinzig <[bfeinzig@hoganandrossi.com](mailto:bfeinzig@hoganandrossi.com)>  
**Sent:** Tuesday, April 21, 2020 2:50 PM  
**To:** [planning@lewisborogov.com](mailto:planning@lewisborogov.com) <[planning@lewisborogov.com](mailto:planning@lewisborogov.com)>  
**Cc:** Michael Liguori <[mtliguori@hoganandrossi.com](mailto:mtliguori@hoganandrossi.com)>; SEA Parish office <[SEAParish@outlook.com](mailto:SEAParish@outlook.com)>  
**Subject:** Application for Renewal of Special Use Permit for Sapientia Association Inc. 111 Smith Ridge Road

Ms. Conran:

Attached please find the following:

1. Application for waiver of site development plan procedures
2. Copy of check for fees (\$505) (original being delivered by the owner to the town)
3. Letter from applicant
4. Affidavit of Ownership
5. Resolution of Planning Board dated September 19, 2017 granting special use permit
6. Statement of Use
7. Records of attendance and cars

## Ciorsdan Conran

---

**From:** David Alfano <dalfano@lewisboropd.com>  
**Sent:** Wednesday, April 22, 2020 10:54 AM  
**To:** Ciorsdan Conran  
**Cc:** Joseph Angiello (jangiello@lewisborogov.com); Peter Ripperger  
**Subject:** Re: Fw: Application for Renewal of Special Use Permit for Sapientia Association Inc. 111 Smith Ridge Road

No complaints here.

On Wed, Apr 22, 2020 at 10:30 Ciorsdan Conran <[Planning@lewisborogov.onmicrosoft.com](mailto:Planning@lewisborogov.onmicrosoft.com)> wrote:

Good morning gentlemen-

As part of Sapientia's ([111 Smith Ridge Road](#)) Special Use permit renewal, the Planning Board would like to know if there have been any complaints to your respective departments.

Thank you,

Ciorsdan

---

**From:** Bonnie Feinzig <[bfeinzig@hoganandrossi.com](mailto:bfeinzig@hoganandrossi.com)>  
**Sent:** Tuesday, April 21, 2020 2:50 PM  
**To:** [planning@lewisborogov.com](mailto:planning@lewisborogov.com) <[planning@lewisborogov.com](mailto:planning@lewisborogov.com)>  
**Cc:** Michael Liguori <[mtliguori@hoganandrossi.com](mailto:mtliguori@hoganandrossi.com)>; SEA Parish office <[SEAParish@outlook.com](mailto:SEAParish@outlook.com)>  
**Subject:** Application for Renewal of Special Use Permit for Sapientia Association Inc. [111 Smith Ridge Road](#)

Ms. Conran:

Attached please find the following:

1. Application for waiver of site development plan procedures
2. Copy of check for fees (\$505) (original being delivered by the owner to the town)
3. Letter from applicant
4. Affidavit of Ownership
5. Resolution of Planning Board dated September 19, 2017 granting special use permit
6. Statement of Use
7. Records of attendance and cars

We understand that due to the Covid-19 restrictions, you will obtain the required affidavit from the tax receiver and verify with the police and health departments that no complaints were filed.

Thank you for your courtesies and assistance with this application. Please let us know if you require any further or supplemental information and kindly advise when this matter is scheduled on the planning board agenda.

*Bonnie N. Feinzig*  
Hogan & Rossi  
[3 Starr Ridge Road – Suite 200](#)  
[Brewster, New York 10509](#)

## Ciorsdan Conran

---

**From:** Peter Ripperger  
**Sent:** Wednesday, April 29, 2020 7:44 AM  
**To:** Cheryl Blamires; Ciorsdan Conran  
**Cc:** Peter Ripperger  
**Subject:** RE: Application for Renewal of Special Use Permit for Sapienia Association Inc. 111 Smith Ridge Road

Morning ciorsdan,

I have no complaints on 111 Smith Ridge Rd,  
Thank You,  
Pete

---

**From:** Cheryl Blamires <[finance3@lewisborogov.onmicrosoft.com](mailto:finance3@lewisborogov.onmicrosoft.com)>  
**Sent:** Tuesday, April 28, 2020 4:48 PM  
**To:** Ciorsdan Conran <[Planning@lewisborogov.onmicrosoft.com](mailto:Planning@lewisborogov.onmicrosoft.com)>  
**Cc:** Peter Ripperger <[highway@lewisborogov.com](mailto:highway@lewisborogov.com)>  
**Subject:** RE: Application for Renewal of Special Use Permit for Sapienia Association Inc. 111 Smith Ridge Road

Hi Ciorsdan,

Not that I am aware of, but I have cc's Pete on this to see if he knows of any. Pete see below/attached

Take care,  
*Cheryl*

---

**From:** Ciorsdan Conran <[Planning@lewisborogov.onmicrosoft.com](mailto:Planning@lewisborogov.onmicrosoft.com)>  
**Sent:** Tuesday, April 28, 2020 4:03 PM  
**To:** Cheryl Blamires <[finance3@lewisborogov.onmicrosoft.com](mailto:finance3@lewisborogov.onmicrosoft.com)>  
**Subject:** FW: Application for Renewal of Special Use Permit for Sapienia Association Inc. 111 Smith Ridge Road

Hi Cheryl-

Has Hwy rec'd any complaints re: Sapienia Association Inc. 111 Smith Ridge Road?

Thanks,

Ciorsdan

---

**From:** Ciorsdan Conran <[Planning@lewisborogov.onmicrosoft.com](mailto:Planning@lewisborogov.onmicrosoft.com)>  
**Sent:** Wednesday, April 22, 2020 10:30 AM  
**To:** Peter Ripperger <[highway@lewisborogov.onmicrosoft.com](mailto:highway@lewisborogov.onmicrosoft.com)>; Joseph Angiello ([jangiello@lewisborogov.com](mailto:jangiello@lewisborogov.com)) <[jangiello@lewisborogov.com](mailto:jangiello@lewisborogov.com)>; Dave Alfano <[dalfano@lewisboropd.com](mailto:dalfano@lewisboropd.com)>  
**Subject:** Fw: Application for Renewal of Special Use Permit for Sapienia Association Inc. 111 Smith Ridge Road

Good morning gentlemen-

MAY 27 2020

Town Clerk  
Town of Lewisboro

**RESOLUTION  
LEWISBORO PLANNING BOARD**

**NEGATIVE DECLARATION OF SIGNIFICANCE  
SPECIAL USE PERMIT RENEWAL**

**TOWER FACILITY AT VISTA FIRE DEPARTMENT  
INSITE WIRELESS GROUP, LLC  
NEW CINGULAR WIRELESS PCS, LLC (AT&T)  
SPRINT CORPORATION (SPRINT)**

**377 SMITH RIDGE ROAD**

**Sheet 50A, Block 9834, Lots 84, 88, 94  
Cal. #3-09PB**

**May 19, 2020**

**WHEREAS**, the subject property is owned by the Vista Fire Department, consists of ±5.95 acres of land within the R-1A Zoning District, and is identified on the Town of Lewisboro Tax Maps as Sheet 50A, Block 9834, Lots 84, 88 and 94 ("the subject property"); and

**WHEREAS**, on December 15, 2009, Homeland Towers, LLC, together with Sprint/Nextel and AT&T Wireless, received Special Use Permit Approval and a Wetland Activity Permit in connection with a proposed 154-foot monopole tower and the installation of wireless telecommunication equipment; and

**WHEREAS**, the tower has since been constructed and both wireless carriers, in addition to Verizon Wireless and T-Mobile, are currently in operation; and

**WHEREAS**, the Planning Board re-approved the Special Permit via Resolution, dated May 19, 2015, which expired on December 15, 2019; and

**WHEREAS**, Insite Wireless Group, LLC, the tower owner, together with New Cingular Wireless PCS, LLC (AT&T) and Sprint Corporation (Sprint), collectively referred to hereafter as "the applicants", have made application to renew the Special Use Permit ("the proposed action"); and

**WHEREAS**, as part of the renewal of the Special Use Permit, the applicants have submitted the following materials in support of its application:

1. RF Assessment of FCC Compliance for Site Renewal, prepared by RF Safety Compliance, dated March 12, 2020; and

2. As-Built Survey, prepared by Jonathan Murphy Professional Land Surveying, dated March 2, 2020 (4 Sheets); and
3. Certification Letter, prepared by Engineered Tower Solutions, PLLC, dated March 12, 2020; and
4. Structural Analysis Report, prepared by Bennett & Pless, dated March 11, 2020; and
5. Tower Mapping Report, prepared by Engineered Tower Solutions, PLLC, dated March 24, 2020; and

**WHEREAS**, reference is made to memorandums, prepared by the Town Planning and Engineering Consultant, dated January 16, 2020 and April 16, 2020; and

**WHEREAS**, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.4; and

**WHEREAS**, the Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment; and

**WHEREAS**, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

**WHEREAS**, the Planning Board conducted a duly noticed public hearing, which was opened and closed on May 19, 2020, at which time all interested parties were offered an opportunity to be heard; and

**WHEREAS**, in addition to the above, the Planning Board has considered the written and verbal comments from the Board's professional consultants, written documentation and plans submitted by the applicants in support of its application, the verbal commentary made during Planning Board meetings, and testimony of the applicant.

**NOW THEREFORE BE RESOLVED THAT**, the Planning Board hereby reconfirms its Negative Declaration of Significance, issued for the original tower construction and collocation, dated July 28, 2009; and

**BE IT FURTHER RESOLVED THAT**, the Special Use Permit for the tower facility, owned and operated by Insite Wireless Group, LLC is hereby renewed for a period of five (5) years and shall expire on December 16, 2024, subject to the following conditions; and



**BE IT FURTHER RESOLVED THAT**, the Special Use Permit for the wireless telecommunication equipment owned and operated by New Cingular Wireless PCS, LLC (AT&T) and Sprint Corporation (Sprint), is hereby renewed and approved indefinitely; and

**BE IT FURTHER RESOLVED THAT**, to the extent applicable, the conditions outlined within the Planning Board's December 15, 2009 and the Planning Board's May 13, 2015 Resolutions of approval shall remain in full force and effect.

**ADOPTION OF RESOLUTION**

**WHEREUPON**, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: MAUREEN MAGUIRE

The motion was seconded by: RICHARD SLARKIN

The vote was as follows:

<b>JANET ANDERSEN</b>	<b><u>AYE</u></b>
<b>JEROME KERNER</b>	<b><u>AYE</u></b>
<b>GREG LASORSA</b>	<b><u>AYE</u></b>
<b>RICHARD SLARKIN</b>	<b><u>AYE</u></b>
<b>MAUREEN MAGUIRE</b>	<b><u>AYE</u></b>

  
\_\_\_\_\_  
Janet Andersen, Chair

May 19, 2020



Environmental Laboratories, Inc.  
587 East Middle Turnpike, P.O.Box 370, Manchester, CT 06045



## Analysis Report

January 07, 2019

FOR: Attn: Mr. Bob Woodstead  
Better Water Well Systems  
348 Smith Ridge Rd  
South Salem, NY 10590

### Sample Information

Matrix: DRINKING WATER  
Location Code: BWWS  
Rush Request: Standard  
P.O.#:

### Custody Information

Collected by:  
Received by: SW  
Analyzed by: see "By" below

### Date

01/03/19  
01/03/19

### Time

8:32  
16:50

## Laboratory Data

SDG ID: GCC23376  
Phoenix ID: CC23546

Project ID: SAPENTIA  
Client ID: ENTRY POINT

Parameter	Result	RL/ PQL	DIL	Units	AL	MCL	MCLG	Date/Time	By	Reference
Nitrite as Nitrogen	< 0.004	0.004	1	mg/L		1		01/04/19 06:05	BS/GD	E300.0
Nitrate as Nitrogen	0.93	0.01	1	mg/L		10		01/04/19 06:05	BS/GD	E300.0

RL/PQL=Minimum Reportable Level DW MCL=Maximum Potability Limit Sec Goal=Recommended Potability Limit NA=Not Applicable

Phyllis Shiller, Lab Director  
January 07, 2019

*For further interpretation or recommendations on treatment, please contact your local or state health department. Please see last page for additional information.*



Environmental Laboratories, Inc.  
587 East Middle Turnpike, P.O.Box 370, Manchester, CT 06045



## Analysis Report

January 07, 2019

FOR: Attn: Mr. Bob Woodstead  
Better Water Well Systems  
348 Smith Ridge Rd  
South Salem, NY 10590

### Sample Information

Matrix: DRINKING WATER  
Location Code: BWWS  
Rush Request: Standard  
P.O.#:

### Custody Information

Collected by:  
Received by: B  
Analyzed by: see "By" below

### Date

01/03/19

### Time

16:50

## Laboratory Data

SDG ID: GCC23376  
Phoenix ID: CC23376

Project ID: SAPLENTIA  
Client ID: 1ST FL BATHROOM

Parameter	Result	RL/ PQL	DIL	Units	AL	MCL	MCLG	Date/Time	By	Reference
Escherichia Coli	Absent	0	1	/100 mls		0		01/03/19 19:05	MLT/MLT	SM9223B-97
Total Coliforms	Absent	0	1	/100 mls		0		01/03/19 19:05	MLT/MLT	SM9223B-04

RL/PQL=Minimum Reportable Level DW MCL=Maximum Potability Limit Sec Goal=Recommended Potability Limit NA=Not Applicable

Phyllis Shiller, Lab Director  
January 07, 2019

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Environmental Laboratories, Inc.  
587 East Middle Turnpike, P.O.Box 370, Manchester, CT 06045



## Analysis Report

April 08, 2019

FOR: Attn: Mr. Bob Woodstead  
Better Water Well Systems  
348 Smith Ridge Rd  
South Salem, NY 10590

### Sample Information

Matrix: DRINKING WATER  
Location Code: BWWS  
Rush Request: Standard  
P.O.#:

### Custody Information

Collected by:  
Received by: B  
Analyzed by: see "By" below

### Date

04/04/19

### Time

17:02

## Laboratory Data

SDG ID: GCC82035  
Phoenix ID: CC82035

Project ID: SAPIENTIA ASSOC  
Client ID: 2ND FL BATH N END

Parameter	Result	RL/ PQL	DIL	Units	AL	MCL	MCLG	Date/Time	By	Reference
Escherichia Coli	Absent	0	1	/100 mls		0		04/04/19 18:30	MLT/MLT	SM9223B-97
Total Coliforms	Absent	0	1	/100 mls		0		04/04/19 18:30	MLT/MLT	SM9223B-04

RL/PQL=Minimum Reportable Level DW MCL=Maximum Potability Limit Sec Goal=Recommended Potability Limit NA=Not Applicable

Phyllis Shiller, Lab Director  
April 08, 2019

*For further interpretation or recommendations on treatment, please contact your local or state health department. Please see last page for additional information.*