

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 968 7632 4675) on Tuesday, July 21, 2020 at 7:30 p.m. The audio recording of this meeting is 200721\_001 and the YouTube link is [https://www.youtube.com/watch?v=MfYt2xrZn\\_0](https://www.youtube.com/watch?v=MfYt2xrZn_0)

Present: Janet Andersen, Chair  
Jerome Kerner  
Maureen Maguire  
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 19 participants were logged into the Zoom meeting and 2 viewers on YouTube.

Ms. Andersen called the meeting to order at 7:30 p.m.

Janet Andersen: I'm Janet Anderson and I call to order the Town of Lewisboro Planning Board meeting for Tuesday, July 21, 2020 at 7:30 p.m. Before I go any further, I am confirming that Ciorsdan has started recording this meeting and this 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. Now, in accordance with the Governor's Executive Orders, no one is at our usual meeting location at 79 Bouton. I have confirmed with Ciorsdan, our Planning Board Administrator, that the meeting has been duly noticed, legal notice requirements have been fulfilled. Notice was placed on the Town of Lewisboro website, including in the email distributions from the Town and the [Lewisboro] Library and it has been posted on Facebook.

So, with me on this Zoom conference from the Town of Lewisboro are the members of the Planning Board: Jerome Kerner, Greg La Sorsa, Maureen Maguire, Rich Sklarin and myself. We have a quorum and so we therefore can vote on any matters that come before the Board. Also, on the conference are our consultant Jan Johannessen and counsel Judson Siebert, planning board administrator Ciorsdan Conran and the CAC chair, John Wolff. So, despite the uncertainty caused by the novo coronavirus, we the Planning Board continue to function on behalf of the Town. Using the Governor's Executive Order 202.1, which has been renewed, which enables 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 the actions will be documented in meeting minutes. We do not have a public hearing scheduled for tonight. We do not expect to take public comments. The public can see and hear this meeting live on the Lewisboro TV YouTube channel and some I believe have joined this Zoom meeting. We ask that the any applicants that are not currently engaging in dialogue to mute their lines. This will help everyone to 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. As customary on these Zoom calls, we will ask applicants to refrain from addressing the Board until the Board and its consultants call upon them direct a specific question. And when we vote, I will again poll the board members individually. So, I want to thank everybody in advance for understanding as we continue to work and improve this process and with that, let's get started.

## **I. SKETCH PLAN REVIEW**

**Cal# 91-19WP, Cal# 10-19SW**

(3:14 - 1:26:34)

**McArthur and Salazar Residence, 40 Old Pond Road, South Salem, Sheet 33C, Block 11155, Lots 16, 17 & 44 (William McArthur, owner of record)** - Application for Wetland Activity and Stormwater Permits in connection with the reconstruction of a lakeside cottage.

William McArthur, owner; Michael Sirignano, Esq.; Jeri Barrett, RLA; Teo Sigüenza, AIA and Stephen Coleman; were present.]

Janet Andersen: The first item on the agenda is a Sketch Plan Review of Cal# 11-19PB, Cal# 91-19WP, Cal# 10-19SW, the MacArthur and Salazar Residence, 40 Old Pond Road, South Salem, which is an application for Site Plan, Wetland Activity and Stormwater Permits in connection with the reconstruction of a lakeside cottage. So, I am not sure who is the first to want to comment on this.

Michael Sirignano: I'll start.

Janet Andersen: Okay.

Michael Sirignano: Can you hear me?

Janet Andersen: Yes.

Michael Sirignano: Okay. So, good evening. The Board has reviewed this project on several occasions and and I think we got some positive feedback from the Board about the direction we were going in and we went off to the Zoning Board last month and we obtained all the variances that we require for this project and so tonight I'll be brief and I'll turn it over to Jeri Barrett in a minute. Tonight, we're back before you to have Jeri outline change any changes that to the plan, since you last saw it, and also to address the several comments from Kellard Sessions in their memo of July 16<sup>th</sup>. Just briefly the, the plan is to demolish the existing three-story house, which is terrible condition, state of disrepair, as well as the detached garage. Remove a long steep unprotected driveway that's just a chute for storm water down to the lake that's going to come out and and its place Billy MacArthur and his family wish to build a two-family residence at the lower in the lower building and then a one, I'm sorry, the upper building and then one one-bedroom cabana in the lower building. Note that the cabana, the one closest to the lake is still going to be considerably further from the lake than the existing residence. So, we think we're moving in the right direction. And I'm going to have Jeri put up on the screen share his plans on the screen and describe any changes. I know he has another meeting, so let's get him on board.

Janet Andersen: One one comment. I think you said build a two-family residence. Just for the record, I think you meant two story.

Michael Sirignano: A two-bedroom residence. Correct. Yes, this is a single-family residential zoning. Jeri, are you with us?

Janet Andersen: Yes. He is, do we have to unmute him?

Jeri Barrett: Does anyone see my screen?

Michael Sirignano: Yes.

Jeri Barrett: Michael, can you see my screen?

Michael Sirignano: Oh no, I see you.

Jeri Barrett: I'll try it again.

Michael Sirignano: In all your handsome glory.

Jeri Barrett: I practiced this all afternoon and then when the time comes and I invariably have a problem. Let me try this again.

Jerome Kerner: Oh, Jeri, you need permission to screen share, you got to be a cohost or host. I don't think you can share.

Janet Andersen: No, I don't think so. We've had people screen share before.

John Wolff: Usually you have to give it to him Jan.

Jeri Barrett: I have my PDFs ready to go.

Greg La Sorsa: Do you have a green... I'm sorry do you have a green screen share at the bottom of your screen?

Jeri Barrett: The share screen green button, right?

Janet Andersen: Yeah, and it does say one participant can share at a time. So, you're a participant, you should be able to share.

Jeri Barrett: The share.. why am I not seeing my drawings.

Janet Andersen: All participants can share. Billy did it.

Jerome Kerner: There it goes.

Billy McArthur: I just I just put it up.

Jeri Barrett: Go to sheet one please, Billy. Billy, do you have sheet one up, or is that my screen?

Janet Andersen: I believe that's Billy screen that we've seen.

Billy McArthur: Yeah, Jeri, I have the site plan. Do you go by, by name, but...

Jeri Barrett: The site information plan is up? It is showing us is just basically what's out there now. You will notice the existing residence is very close to the lake. There's a small retaining wall. Then there's a garage up on the top and you know, we just have photographs on there that that demonstrate that it is in severe condition. It's really just falling down and rotting away. It's a steep site you can see that. We believe we've identified this this steep steep slopes. And it's primarily, you know, a wooded lot and it's the development areas down by the lake. Let's see if we could get to, to, to sheet two. I'm going to try to just click and see if my pops up. And now I got Jan. Gosh, I practiced this all afternoon. This is.. my goodness. Billy, can you go to sheet two?

Billy McArthur: Yes, sir.

Jan Johannessen: I think you stopped sharing.

Billy McArthur: Yeah, I'm changing um files. Sorry about that.

Jeri Barrett: So, what we have here is we have what was, what, what we call the zoning conformance plan as Michael I think indicated, we have been to the to the ZBA. The project required four variances. Number one is the lake studio and that's because it was it was a bit oversized and that variance was granted. It's I think it's about 900 square feet of living space. And variance number two. And I'd like to point out that based on the Planning Board site walk this lake studio used to be closer to the lake. And Planning Board members requested that we try to make the lake studio be you know conform to the 40-foot side yard setback. So, we did that. We pushed that back. It required that Teo and I adjust the elevations to make all the vertical adjustments work, which we did, and we had to add a couple of walls, but we got it all to work. In the second variance was because this, which is going to be the primary residence, it's over this yellow setback line and and so that's number two on your screen and that variance was granted it's slightly over. Variance number three was there's a there's a deck on the second level of the of the home and you can see if you look at the cottage rear elevation, which is picture number two on the top. And that deck it also encroaches over that rear yard setback line and that variance was granted. And number three was the patio and the patio according to the Building Inspector if it's on a concrete surface it, it is a structure and therefore that also have to comply with the rear yard setback. Of course, there's nothing. This is all vacant land up in this area here, there is no neighbors to impact so that variance was also granted. So as far as the Zoning Board was concerned that, you know, we're good and you know we're happy about that and we'd like to move on with the Planning Board.

So, Billy, can you go to the next one please. Okay, so what we have here is there's, there's, there's two pages here. And there. Well, there's, there's, there's two view view ports, the one on the left is the removals plan. So, everything you see in red striping that's what's coming out. And of course, it's that big driveway, though, Michael noted, noted earlier, that big driveway is like a chute that is just sending storm water straight into the lake. And then of course the big building the big main story rambling house and it has patios around it. So that's all coming out. We also show the tree removals on that plan. The trees that need to come out as a result of this. On the right, is our site plan and we've color coded you know we key, key coded the site plan. And you know down below. Number eight - that is the lakeside cottage. It has a small it has a patio area there and then you go up some steps and you get up to the main residence. It's a terrace. We're going to terrace the site with retaining walls and what will happen is you'll pull in underneath and you'll park underneath and then the residence will be above the garage. And there's a patio on the back of that. H are the existing septic areas. And what's new on this plan is where you see where you see area EE, Q and C up on the top of the page. When we were at the site walk, we were discussing that all of that storm water comes racing down that hill. It's a very steep hill. And it just washes right through that area and we were talking about, you know, how can we better control that. So, it just doesn't come blowing through, particularly during kind of construction when you know you have the earth open and all that water coming through. So, what we proposed on CC is a is a is a high-density coir log. It's a coconut fiber fiber log. They come in various dimensions. We're going to propose something like an 18-inch log, which is a very heavy log that gets staked in place. And what happens is the storm water hits that log and it runs along the face of the log and then there's an existing drainage channel that's labeled Q on your plan in the upper left. We're going to restore that channel and then as that channel comes down. And there's a couple of rock outcrops and when we were out there and we talked about, you know, we could put a gabion basket three gabion baskets across that and tie that in. So the gabion baskets, as you know, are the for the wire baskets, they are PVC coated so they don't rust and you fill them with like five inch rip rip rap stones and then your wiring them together and the weight of them, keep them in place and the beauty of it is as the storm water comes and hits those gabion baskets it, it breaks the velocity of that storm water which is going to be significant coming down this this hill as it breaks the velocity, it drops the sediment behind it. So, we have a sediment sump. So that sediment can be cleaned out a couple times a year and then what happens is the gabion

baskets are filled with rocks. It's like a void. So, the water will go right through it and it will continue down the slope into the lake. So, this is a way to slow down that water to take some of the storm water take some of the take some of the sediment out of it. So we think it is it's a good water quality improvement measure for the long term and it will not only protect the site during construction when we have, you know, the soil open but for the long term, it'll route the water around that. We do have permission from the Westchester Land Trust to to to work on their property and that that really was something that came out of the site walk with discussions with the Planning Board and I think that's really a great, a great win for this project and for the lake. Other things we have on V, that's a, that's a retaining wall that's going to be built. It's about a three or four foot re retaining wall to hold the slope back and you know, we have mitigation areas shown. But I think, you know, it's more of the site plan type thing. And so that's kind of, I think, what's new on the plan is that, you know, we we've, we've moved the cottage back with that the cottage away from the lake. So, it's zoning compliant and you know, we've also managed the storm water to get the storm water. So, it's not coming racing through in in the existing condition, you know, again, going back to what Michael said it's like a chute that water was just coming down and chuting right in there to lake. So, we think this is this is a good plus for the project. Billy, can we move on to the next page, please?

Janet Andersen: Just a clarification, if I can. The coir coir log that you're going to put there is that that will get replaced with a with a more permanent wall later? That's a construction?

Jeri Barrett: No, the, the, the beauty of the coir log is that why we start with like an 18-inch high density. There's all different kinds of density. So, we get the one that's the most dense like even stand on it and it won't even did deflect and it gets staked in in in place periodically. But the beauty of the coir log is it takes five to seven years to rot and during that five to seven years what happens is because the coir log it's porous, it's like a coconut fiber, the vegetation actually grows through the log and the roots of the vegetation actually stabilize it, and it becomes a permanent diversion. And, you know, after that below that we have the stone wall but you know if at one time that it does become problematic the simple solution is just replace the coir coir log but our experience is it creates a permanent a permanent home in the landscape that allows that channels the water. So, there is really a great product.

Janet Andersen: Thank you.

Jeri Barrett: Do you think we're going to go to page 4?

Billy McArthur: Jerry, you should be. I think I'm already sharing the mitigation page. Let me know if that's not what you need.

Jeri Barrett: I want I want you to go back one to number four. So, one of the things you know I think a lot of the comments that came up in in the in the memo had to do with stormwater management. Unfortunately, Alan Pilch, the project engineer, is is at another meeting in another town this evening. So, he hasn't been able to join us. But I talked to him at length today and he does feel that that we can certainly work through all these comments in conjunction with with with Kellard Sessions and we think we can resolve all these all these all all these issues. So, this is our erosion control plan and you know it's it's it's a series that you know that that can be dark line you see around there that is the that is the grading limit line. And then you know, down below if you look down on the lakeside on the front side of that we have a silt fence and then on the other side of that we have another coir log it won't be an 18-inch coir log because it's only temporary. It'll probably be more like an eight-inch put behind the silt fence, because that bolsters the self-managing it keeps it from blowing out. The blue areas you see those are temporary sediment basins that you know where water can pool up and settle out and then the sediments can be taken out. The red striping you see that's slope matting there'll be anytime we have a slope greater than greater than 1:3 it will be it'll be stabilized with slope matting and seeded. There's

several layers of silt fencing going up the hill. There's anti tracking pad on the top. We know there's a there's a few other items if the, the Town Planner's asked to put on the plan. We have, you'll see the septic area is we show it with some construction fencing on on the on the house side. I think they would like it to be totally enclosed. We can certainly do that. So again, all those comments we think that we can address all of those comments and, you know, and as far as the storm water, you know, storm water we're going to, you know, protect all the basins. Basically, I'll wait I'll talk about the storm water when we get to the next plans but Billy, we can go to the mitigation plan. By the way, before you go this this plan is a little clear. It kind of shows the two rock out crops over on the left where we're going to put the gabion baskets in between to act as that storm water baffle and then that water is going to connect. That ditch is there that's labeled, that ditch is there now and we're just going to restore it and stabilize it with more rock and we'll be adding more boulders to the end of it. Again, to as that water comes down will be breaking the velocity and slowing it down so we prevent erosion going on. So, I think that's going to be a big improvement to the overall site area.

We can go to the mitigation now Bill. So previously, you know, when we were last before the Board, we had a mitigation plan, and you know, we tried to get the 1:1 mitigation on the site. And there were some of the areas that I felt I think that the Town Planner and the Planning Board felt really didn't meet the criteria or the or the meet the bar for what was suitable mitigation mitigation and so we had to look for other areas and it just so happened is that area to the left that you'll see the you know the MacArthur property line where it borders the Westchester Land Trust and that's that vertical black line you see, just left to the house and there's a stone wall about 80 feet away, you'll see that you see the stone patio down by the lake. And then you look over there that old dock and then there's a stonewall. So that area and there's about 80 feet 60 feet and the area is just chock full of it's just chock full of the, you know, the typical in invasives it's primarily Japanese barberry in there. Other than that, there's not much in the understory. I think the deer ate every everything else and the only thing left is the is the barberry. So, we were talking, you know, why can't we use that we believe Michael worked with the Land Trust and we got permission to go in there and to take out that Japanese barberry. So our mitigation is on that portion of the Land Trust property is, you know, the aforementioned you know the stormwater management areas, you know what we're doing with that gravel channel and the gabion basket but also, we're going to take out we're going to take out that Japanese barberry then we'll go spot in some native shrubs, as we go and working with Steve Coleman on this who is the wetland scientist for the project. The technique that we're going to be using to get rid of this Japanese barberry is the because we don't really want to cut it out or rip out the roots, ripping out the roots we'll be exposing to the soil. We expose the soil we get a rainstorm it is all going to be in a washing down to the lake. We discussed this with the Land Trust and and Steve Coleman's got extensive experience with this and so does the Land Trust. So, the technique is going to be what happens is, you, you, you actually get a propane torch. They have a they have a thing like a, you know, the little bottle that you use for your grill well they have that type of thing that goes in a backpack and you have a little flame wand and what you do is you go to the root crown of these barberry bushes and your flame it and when you flame, it, it, it basically kills the plant, then you wait, I don't know, I can't remember exactly, it's about a week or so you go back and get flaming again and it actually kills the plant. Once the plant is dead you go in there you clip off the dead and you take it out. And the beauty of it is the root system stays in the ground, stabilize the soil, there's no soil disturbance and yet we have the barberry is gone and the plant is dead. So, it's not even going to resprout because we've killed the root system. And then, of course, we'll go in there and we'll, we'll spot that through. We do need to, we are looking for some direction to the Board if this mitigation is going to be acceptable. I think with that, we can easily get to 1:1 and and then you know if if we're on the right track here, you know, we'll go through and for our next submittal we will, we will actually, you know, create this plant the plant and label all the plants and, you know, and obviously will be using native plants, it will be showing the Board what the, what the overall planting plan will be. And Billy, let's go to the next one, it is going to be the is going to be the Alan Pilch's drainage plan. So, I can just kind of walk the Board through what Alan came up with. So, Alan went out there and he did his soil testing and it is it's a

tough site. He really couldn't find suitable areas to, you know to do traditional storm water infiltration with Cultec units. And so, what he ended up doing was capturing...I think it's labeled civil or something. There you go. That's it. So, what Alan's going to be doing is he's going to be capturing the surface water in a series of storm drains starting up at the top. He'll be picking up the roof drainage and putting it into that little basin depression area, that was formerly a rain garden. He's going to retrofit that so it's not going to be a rain garden anymore, but it's still going to function as a depression to collect storm water. And then that storm water we collect the storm water off of the driveway and in catch basins. We collect the storm water from behind the stonewall to the right of the driveway as you pull in and we have weep holes in that, in that, in that retaining wall by the driveway. So whatever water doesn't whatever surface water. Most of the most of the water will be diverted but there will be a little bit, and that will bleed out onto the driveway will be picked up in the basins. Then he routes it all down to the stormwater management area, which is down down on the lower left. And that's really what Alan calls a storm water detention facility and the detention facility meaning he's going to detain the water in it because you can't infiltrate it. The groundwater is too high. The bedrock is too high. It's just not suitable for infiltration. So what he'll be doing is he'll be detaining the water and then once that water is detained that the water from the cottage from the cabana that's also going to go into there and then as that fills up he has a, a small diameter pipe that serves as an overflow pipe. And that overflow pipe is it slowly lets the water back out and we bring that over to what what's called a level spreader which is, you know, an 8- to 10-foot long berm, the water will get behind it and once it pools up behind it, and once it over tops it is like a dam so so it's a sheet flow over the top. It's not a concentrated point flow. Our mitigation plan will be modified to play at that heavily on the downside of that so number one it will be screened, number two, it'll stabilize all the soils. But the idea is that detention facility is designed to capture you know the required amount of run off the property, based on the development and it will let it out at the pre-development rate so Alan's comfortable that he can address all of the all of the comments noted by the Town Engineer and you know we're looking forward to being able to just sit down and get those things worked out. As well as the site plan issues and then get back in front of the Board to move the project along.

Janet Andersen: Okay. Do you is that is that the last of what you want to show us?

Jeri Barrett: Yes, it is.

Janet Andersen: Okay, I think perhaps it makes sense next to go to unless anybody on the Board has questions, to ask Jan to go through his memo.

Maureen Maguire: I have a couple questions. But I'm wondering if Jan's memo will address will address them. So, and I'm happy to wait.

Janet Andersen: Okay.

Jan Johannessen: Sure. We'll go over the permits and approvals that are required for the project. It's before the Planning Board for a...You can hear me, right? Yes, for a Wetland Permit the Stormwater Permit. The applicant went before the Zoning Board of Appeals for a variety of variances. The project does require approval from the New York City DEP for what they call an Individual Residential Stormwater Permit so they'll be reviewing the SWPPP. The project requires coverage under the DEC SPDES permit because of the area of disturbance being over 5,000 square feet and the property is in a floodplain so requires a Flood Development Permit from the Town Building Inspector. We do have a number of comments, but I would like to say that I, I do think that you know it's a beneficial plan and a vast improvement upon the existing conditions. So, in light of, you know, comments that we do have, I just wanted to point that out. But at the end of the day, I think it's going to be a superior project from the existing condition. We did have some comments about the the existing road that services the project.

The ownership of the road, I know portion of it is owned by the Town, a portion is privately owned. Where does that, you know that ownership transition? What's the width of the road? We're really looking for distinct plan of the of the road and the access and the ownership and we do feel that the application should be referred to the [South Salem] Fire Department, just because it is a very narrow tight road and access is limited. So, I would like to see the application be referred to the fire department. And I'd also like to confirm with either the Building Inspector or Counsel that a 280-a variance of the New York State Town Law is not required. Generally, when issuing a Building Permit for single-family residence on a lot that does not have public access such a variance is required. That may not be the case because the property was previously developed with a residence, but I would like to be clarified. The mitigation plan, they are as Jeri mentioned utilizing a significant portion of an adjacent property for mitigation. That is allowed under the Code, but it's not the preferred method, therefore, I would recommend that all existing on site, you know, the ability to provide mitigation on site be, you know fully kind of exacerbated before they move off site. I don't think they'll be able to achieve 1:1 on site but I believe there's additional areas on site that should be considered for mitigation. That would be as beneficial if not more beneficial than using the adjacent property. As Jeri mentioned, he'll continue to advance the mitigation plan. We'll want to see a final planting plan. We'll want to see the form of the restricted area along the lake that they're proposing, whether that's going to be a declaration or true conservation easement. There is some indication from the Westchester Land Trust. They sent a letter that they're willing to work with the the applicant in developing or allowing them to mitigate on their property. But there's no certainly no formal approval for that to happen will need to see a formal agreement. I've also not walked the Westchester Land Trust property. So, I'd like to see that. The there's some forms of mitigation that you have can identify that are probably not allowed to be counted as mitigation under the Code think there are some references to, you know, erosion and sediment controls, that's typically not counted, that's just required. Same for stormwater management stormwater management practices are otherwise required by our Code, so they can't be counted as mitigation wetland mitigation. But, you know, those are things we will work out. I'm happy to meet with the applicant and the project team to work out some of those details. We'd like to see a mitigation installation protocol and a long-term maintenance protocol for both the on-site and the off-site mitigation. There are a series of retaining walls on the property, anything over four feet requires an engineer's design, we've noted that. There is a Westchester County Department of Health approval for the new septic tank and also their review of the floor plans to determine that there is no increase in bedroom count, so, we await that. There's a lot of construction details that that need to be provided, once the plan gets further developed. I think we're in general agreement with the Storm Water Pollution Prevention Plan and its concepts. We did have a couple comments but nothing that can't be further evaluated and massaged, a little bit. That was our general comment. It's the road. It's the mitigation. The construction details and kind of formalizing the SWPPP.

Janet Andersen: Okay. Maureen. Did you have any additional comments or questions?

Maureen Maguire: Yes, I am. I've never heard of the coir log. So, I just wondered, I wanted to reach out to anyone here to see if they've had experience with it, besides Jeri, you gave me your experience, but anyone on the Planning Board or any of our consultants.

Jan Johannessen: Yeah, we that is a practice that we see a lot, we spec it quite often. I don't disagree with anything Jeri said about the coir log it does, they do last a very long time. You can actually plant within them and they just kind of become part of the natural environment over a number of years. But we can take a look at the particular areas that the proposing to use the coir log to make sure they're appropriate, but it's definitely valuable tool.

Maureen Maguire: Okay. Great. And the technique you you described Jeri, the flaming the Japanese barberry I I have heard of that because I was trying to get rid of some of these roots that are growing in



my drive my gravel driveway. I ended up not doing it but a question for you, if you're just going to be kind of you're flaming and maybe cutting off the growth at the ground level it sounds like, don't you have to also remove the roots. Help me understand that a little better.

Jeri Barrett: Yet, the idea is, the idea is by flaming the ground you know right where it comes out and and it can go branches off by doing that I think what what what's happening is you know you're you're you're you're you're taking those, you know, what is it you know the you know the the the the vessels of the, you know, the xylem and the phloem, whatever it is, it sends the the the nutrients and the water up and it sends the stuff back down. You're, you're toasting that so that gets destroyed so there's nothing left, there's, there's no vascular system left of the plant and it just dries up, it just dries up and dies.

Maureen Maguire: And all that so that my question is more when it dries up and dies because there's no energy getting back in from the roots. The roots just disintegrate do you leave it alone, or..

Jeri Barrett: I guess they will ultimately, I guess they will rot in place but the idea is you're not pulling them out. You're leaving them there. So, they're they're staying intact in the ground and it will take years for them to rot away and you know by that point the ground surface is still growing other vegetation.

Maureen Maguire: So right but you wouldn't be able to obviously plant anything where that Japanese barberry was because there's still a root system intact, which will take years to...

Jeri Barrett: That's correct.

Maureen Maguire: ..to die away.

Jeri Barrett: We would we what we talked about with the Westchester Land Trust when we do go in there to put some plantings, and they were talking about they'd like to see ferns. They think ferns are are great solution there. And the nice thing about ferns is number one, they're not expensive. Number two, the deer don't eat them and we can get them small enough that you know, instead of like a one-gallon pot, where you have to dig a hole, we can get them in like two inch pots so you don't have to make a very big hole. So, you're doing very little ground disturbance, which is the key and on a slope of that gradient.

Maureen Maguire: Okay thanks and Janet, where you going to go over the Three Lakes Council memo? Oh. Oh, sorry.

Janet Andersen: I can. I see Jerome has his hand up.

Jerome Kerner: Jan, number 15 of your comments for to visual testing of test holes for to test the infiltration rate and I heard the comment from the engineer saying that there would be no infiltration because of the...

Jan Johannessen: There's one. There's one. There's one stormwater practice. There's a rain garden that's proposed for the upslope from the main house that is an infiltration practice. Down by the lake, there's, there's no ability because of the high ground water table, but there is one infiltration practice, it's a rain garden.

Jerome Kerner: Yeah, ...

Jan Johannessen: The gutters of the garage are directed there.

Jerome Kerner: Okay.

Janet Andersen: Anyone else have comments? All right, I do have a couple of I guess questions. Well, and maybe I'll start by bringing up some of the Three Lakes Council comments and also I believe there's a comment from the CAC that looks for more planting down close to the lake and I just put my...

Jeri Barrett: By the way, we have no problem with that. I talked to Joe about it. We will be doing showing more planting down by the lake. And I think that will dovetail with what Jan was saying about taking advantage of more opportunities on the site.

Jan Johannessen: That's exactly where I was talking about Jeri.

Janet Andersen: So, the Three Lakes Council, which are you know because I am involved with the Three Lakes Council, I was recuse myself from the Three Lakes Council in order to stay on the Planning Board here. Um, I think what they have asked for is is more information about the the curtain drain that will make sure that it avoids the the septic system area. And I think that has been done in this new new plan and they're trying to ask for the rainwater to be kept up at the higher levels. I don't know, again, it's pretty rocking and steep. So I don't know if that's possible. They do recommend a PhosRID unit or it's similar to a White Knight unit or something like that. I, I doubt that that would be something that is required by Westchester County Department of Health, but if it's not required it might, if, if the applicant does look at it, it might be something that could be considered as a form of mitigation. They are looking at, are they asked to look at pervious surfaces for the driveway and the patios. They're concerned about the removal of the number of trees. I think we talked somewhat about that in the last meeting and there was concern about the condition of many of these trees. And I think that's really the summary of the two I summarized both of the memos that they had that they had sent, other than asking for, they also asked for a public hearing just to let I think the lake community know what was going on. So those are the Three Lakes Council memos. I do have a couple of questions again even about the coir log and the vegetation that would be planted, although the fact that it's ferns is a little bit better. I think of that area is quite shady and so with the coir I wanted to know whether the log would actually grow vegetation in a fairly shady area or will it require some planting of things like you know very shade friendly plants that would that would take off there.

Jeri Barrett: I think that's a, that's a good point. I think it's a good point with the coir log, now that you say that, it probably wouldn't be a bad idea to plant some, you know, small shrubs and ferns around that coir log to help to help anchor that area in there. You know, we would have to come up with, with a plant that will tolerate the deer. I'm thinking maybe spicebush, you know, we'd have to think of the ones that they that they don't eat, but the ferns and you know as Jan was saying the ferns will actually grow right through it will actually grow in it because the water just wicks right through these things so we can certainly add that to the, you can certainly add that to our planting plan around that coir log to help to help knit those soils together and stabilize that area. As far as the trees, though, we're only taking down trees that have to come down because we're grading and we're not taking down anything other than that, I think we had about seven trees that were coming down. I know, as far as the storm water goes Alan Pilch, our project engineer, he was really against that same between a hard place in rock. That he had basically that one sliver down, down at the lower area where he can put that detention facility in there, you know, the, the, the, the rub with the rain garden up above as Jan pointed out that technically it's supposed to be an area of virgin soils and of course we're grading in that area. So we're not going to be able to call it a rain garden but we might be able to redesign that and recategorize that as an infiltration basis because it will perc great, because that whole area is going to be backfill the gravelly soils, because remember we that's the area that we have to put that wall in and we have to fill with gravel to hold that driveway. So it really is going to be a great area. It'll. It'll. It'll really work well. So you know that so a

lot of the roof run off for instance will come out, you know, we'll have to have weep holes in those walls, obviously, to let the water back out. But it'll really slow down that water and that'll be a treatment facility there but as far as trying to get anything else, Alan, you know, he beat the bushes out there and that was really the only place that he could get suitable soil depth to get that detention facility in of the size it needed to be to control you know what's going on.

Steve Coleman: A couple of quick comments on the coir log. We've had good success with using like switch grass and Pennsylvania sedge and a few other grass ground covers. They take very well and create a nice dense filter on top of the coir log, so that's another option that can be used in a shady area like that.

Janet Andersen: Okay. Because I think of grasses often as a not that good in shade, but if I defer to your expertise and experience.

Jeri Barrett: That's a good idea, Steve. I see that in the woods all the time.

Janet Andersen: Okay. Um, the other thing I would, I personally would like more clarity on what exactly is going to happen with the Westchester Land Trust land. I think the dock, that is that is used is off of the Westchester Land Trust land there was some discussion about it either being a as a change of ownership or, you know, perhaps a license agreement, I just, I feel like we need some clarity on that.

Billy McArthur: I can take that Jan, I can take that. And before we do, can I just say I did talk to Pio Lombardo, who's the, I guess who makes the PhosRID systems. Those are super expensive Janet, I mean, we're talking a lot, a lot of money, right, like so, I mean, I, I would be very happy to continue to explore and work with you guys, but I think that would be a huge stretch in addition to everything that we're already doing to this project. So, I do want to point that out.

Janet Andersen: Okay, thank you for thank you for investigating that.

Billy McArthur: No worries. Look, I think we've done a lot of progress with the Westchester Land Trust, they're actually quite excited about this project, as you know, a lot of them come from a background of, you know, land management and I know especially, you know, Brendan [Murphy], who has been sort of leading this from their side he's actually been proposing techniques and he's very excited about the whole whole the whole project. The, the reality is that we've we've agreed to to get for purposes of this application just that intent on them to allow us to work on the site because of the urgency. So they recognize this is ultimately required in order for us to make progress. So that's why they issued that letter of intent that is not an actual approval. It's just an intent letter, where they inform you of what they're ultimately looking to do. So that's going to be officialized and formalized once you guys tells us that this is suitable right. We're not going to spend a lot of time putting documents together for something that ultimately may not be suitable. So, once you guys tell us that this is suitable. Then we'll go in and formalize that that specific purpose for the mitigation. They also gave us access to 60 feet into their property, Jan, as part of this intent so that that that sort of covers that patio, an area where the dock ultimately launches that dock is a floating dock and can be moved anywhere in the property and luckily, I do, you know, we do have over 150 feet of lakefront so I'm not too concerned about where that dock goes to be honest, you know, I'm pretty relaxed about that. We do, we do discussed a way to ultimately formalize our use of that piece of the land and they they proposed it a couple things, potentially a, a land swap I do own another lot at the top of the mountain that we may just swap for an area on their site. They also potentially, you know, would be open to to just moving the property line, but I think we, we are just waiting for guy you know guidance from you in that this is all going to work out before we ultimately, spend time and money because it's going to require a lot of work obviously

with Michael and, you know, we need to then come back to you for that proposal, but that's in my mind, that's kind of, you know, going to happen once we know this is actually something be able to work off.

Janet Andersen: And I'm sorry. So that was Brendan Murphy that you're working with at Westchester Land Trust.

Billy McArthur: Yeah, you know, I probably talked to him, you know, 50 times in the last couple months. So look, they are very glad that they're going to have a neighbor that's ultimately not only gonna care and maintain the property but you know also grant an access right because they don't have any access to that piece of land so they also want to work with us in that regard.

Janet Andersen: Okay, Jerome, it looks. I see you waving.

Jerome Kerner: Just a quick comment just to perhaps save some time and maybe it's redundant to say it, but I think there should be a consultation with our Counsel on the wording of that access agreement, because if I think it's going to have to be in perpetuity in order to maintain, as you say, the sediment in the way that that gabions will be working so it shouldn't just be, it should be ongoing access.

Billy McArthur: And just to be clear it it may not be an easement. We may just purchase that piece of property so we just if it isn't.

Jerome Kerner: It should be in perpetuity.

Jud Siebert: Jerome, I think the point is the applicant is looking for just a consensus direction from the Board that before..

Jerome Kerner: It is hard to hear you Jud.

Jud Siebert: How's that, can you hear me better? Yeah, okay you know the applicant is looking before we dive into, you know, formulating just the basics of the mitigation plan off site and legal documentation has to accompany that the applicant needs to know that it's not going to be an empty exercise, that the Board is comfortable with, you know, you know an application that is going to be dependent on an off-site mitigation.

Jerome Kerner: Jan, do you want to poll the Board.

Janet Andersen: Sure. I mean, I will say that I think, I think that we should still encourage the as as Jan put a sort of full exploration of the onsite before we go to off-site but recognizing the difficulty of getting full mitigation, you know, adequate mitigation per Code on site. We would then, you know, encourage or support the use of the adjacent property so I think that's the, that's the thing I would look for us to poll the Board on so if if you're okay with the statement that way, Jerome?

Jerome Kerner: Yeah, except that the use of the Land Trust property is not just for the mitigation, it's for storm drainage.

Janet Andersen: Yeah, it's. That's true. It's also for stormwater drainage and it's also I don't quite know you know the access question too. So yeah, I guess. Um, but, yes, I think that's it for storm for stormwater and for mitigation. So, I'll, I'll ask, I guess, Maureen.

Greg La Sorsa: Well, before you do that, could you just rephrase what it is that we're..

Maureen Maguire: Thank you.

Janet Andersen: Asking about. Okay, so I think what and Jud, help me if I say this incorrectly. We are being asked whether or not we would condone or agree with or actually, I guess it's approve in the end the use of Westchester Land Trust land off-site land for both stormwater and mitigation recognizing the difficulty of getting full mitigation and or storm water treatment on the, the actual parcel that's under consideration. Is that correct Jud?

Jud Siebert: Right. You're not approving it but the applicant wants to know is that, is this a worthwhile exercise for the applicant to pursue. Is it something that the lawyer is going to give genuine consideration to so that they we don't all spin our wheels in terms of exploring use of the Land Trust property only at the end of the day for the Board to say that there's just some underlying you know overarching objection to, you know, to the use of that property.

Janet Andersen: Could you help us identify what what objection might. I mean what what might be a future objection, the fact that it is it was given as open space, and this is somehow not natural, natural use of it.

Jud Siebert: Right, right. I can't formulate what the Board might object to. I'm just saying, you know, is there is there, is there an underlying concerned if it's really a question for you and your Board members. Is there an underlying concern in that regard?

Greg La Sorsa: Is there going to be a public hearing on this?

Janet Andersen: That's up to us.

Greg La Sorsa: Well, why, why don't why don't we wait to see what the people in the neighborhood, say, I mean, it sounds like it might be something we consider but you know if we're struggling to find out what objections would be maybe we should hear from the people in the area. Or people.

Jerome Kerner: Yeah, that's a good point. Jan? Yeah, I think what the applicant is also looking for is an overall conceptual approval of the overall success successfulness of this solution including the off-site treatment of the drainage and I for one feel that this site treatment is vast improvement for the the reasons mentioned before, both setback, the both the dealing with the drainage, the velocity, the dissipation and quantity that gets into the lake before this treatment so but it is dependent, in this case on the success of that the use of the Westchester Land Trust, but I for one would would applaud the solution and suggest that we go forward with the completion of these plans and the hearing but also encourage the applicant to get the written approval.

Billy McArthur: And if I can, can I, Jerome, and thank you for that. That that is actually true and in speaking with Michael we were going to request this Board to to to let us or to move forward with a public hearing. At the end of the day, a lot of the open items on the memos are really tied to work that I don't want to invest in until I know this is actually going to end up in a project that's going to be approved. A lot of it has to do with engineering, with construction plans, with legal you know documents. So I think you put it perfectly Jerome, what I need from you guys, is to please work with me assuming no objection from the public to just give me that sort of comfort so that then I can invest, what is already been a lot of money really in in building what I think is a fantastic plan.

Janet Andersen: Okay. So, let me first ask perhaps one of the things that Jan Jan and his memo suggested is that we refer this to the fire department for a view of of emergency access. Is that something that we can do by consensus?

Jud Siebert: Yes. And I would also I would also ask if you're going to refer to the fire department if we could also just refer back again to the Building Inspector too just because it's a question of Code compliance, if there is some question about the status of Old Pond Road and I think we'd want the Building Inspector to look at that as well.

Janet Andersen: Okay, so we're for that plan, specifically with with...

Jud Siebert: With regard to access to the fire department and to the Building Inspector.

Janet Andersen: Okay, so...

Michael Sirignano: If I may, Jan. With respect to the referral to the fire department, we have no objection to the referral, but the Board should keep in mind that Billy doesn't have the legal ability to really improve that private road. And and we're, we're basically it's a 1:1 swap or we're removing an existing single-family residence and and putting a new replacement single-family residence. So in terms of fire department or access, it's it's a historic condition and much and most of that that lane is either public or the private part is not under Billy's control so that I wouldn't be surprised the fire department says it's tight, everybody knows it's tight. There's not going to be a lot we can do about it, but I...

Jan Johannessen: Doesn't he own two out of the three parcels that have frontage on the private road.

Michael Sirignano: He is his existing residence does have some frontage that's the next house out.

Jan Johannessen: If there's if there's if there's three parcels that front on the private road, the applicant owns two of them.

Michael Sirignano: Correct.

Jan Johannessen: So, there may be some potential to widen the driveway if the fire department asked for it.

Michael Sirignano: One of them is shared with Dr. Gureasko, so who is also on the lake, so he and to do make changes there might require his I'm not here to argue the point. I just want the Board to keep in mind that is just so much Billy can do. He'll do what you legally can do and that's reasonable.

Janet Andersen: It looks to me now and I'm looking at parcel lines and surveys that are might not be, you know, to survey standards, but things that are available on on online and parcel maps and Westchester maps, but it looks like that the driveway does go on what is currently MacArthur owned property. So that's the reason for the question. And verification on that.

Jan Johannessen: Just understanding the ownership of the private road and who owns it, and who's got rights to it, that all has to be further explored.

Billy McArthur: Yeah, you definitely will definitely work on that. That can I just also note, I did exchange some communication with the Highway Superintendent, he actually him and I go way back, because I grant them access to my current road so they can turn their trucks when they're doing work. So he came by, we discussed and there may be an opportunity to do a little bit of cleaning in that road and potentially, you know, trying to level it in a way that it's suitable but there's there's obviously not going to be an opportunity for a fire truck to turn right. I mean, there is not even if my current house today has an accident, there's no way any truck that's large like that is going to have to come in and pull back.

That's just the nature of this road, and I think that was that's what Michael was trying to basically convey. There's just not much we're going to be able to do other than mainly, you know, maintenance, and maybe cleaning up and maybe widening up a little bit, but it's it's all going to be relative.

Jan Johannessen: This letter does say if you're able to increase the width of the road, that would be great. So, it looks like he's looking for something.

Billy McArthur: Yeah, that's, that's exactly I think what I intend to do. Again, it's, um, it's just something that I you know I see as beneficial for the project, but I wouldn't like this to be, you know, part of a necessity, because again, there's been a couple generations of people living in that house with the road so it is.

Janet Andersen: So, I'm looking for consensus that we refer this to the Building Inspector and to the fire department, recognizing that that there are limits to what can be done on this dirt road/private road. So, Maureen?

Maureen Maguire: I agree. So yes, but I do want to state, just for the record, that even though I completely agree that this will be a vast improvement of current conditions, I would, the bar is pretty low. Right, so we shouldn't we shouldn't allow that to be...It's the necessary yet not sufficient condition right. We want to make we want to have everything fit. So, I just want to go on record as saying I I'm excited about this for you. We want to work with you, but we want to get to a place that everybody is comfortable.

Janet Andersen: Okay, Jerome?

Jerome Kerner: Not you have my consensus, I'm in agreement.

Janet Andersen: Rich?

Richard Sklarin: I agree.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: And I also feel we should send it to the fire department and to the Building Inspector. So, we will do that. So we have we have heard what I think might be a request for scheduling a public hearing I'm I personally would sort of like a little bit more answers to some of these perhaps before we go, but I understand also, the, the desire to get some community feedback. Jan?

Jan Johannessen: I want to point that that if there is a conveyance of land from the Land Trust to the applicant and vice versa, that's a lot line change, a subdivision application before the Planning Board that would also require a public hearing. So, before we might want to figure out all the applications that are in play here before we notice.

Janet Andersen: Right. Okay, and I think I think also, at least some members of the community would be interested in knowing what's going to happen with the road, if anything, so that might also be something that would be good to have before we had the public hearing so so perhaps there's a little bit more work to be done before we schedule a public hearing. Is there any, anything else. I think that, so it's basically giving a little better understanding of the road and perhaps what's going to happen with Westchester Land Trust.

Billy McArthur: Can I, can I, just ask for better guidance, guys, what do we need. What's a, what's a recommendation from the advisors to the Board in terms of what we're supposed to be what's supposed to be done in that road. The firefighter is not gonna, I mean, I need to. I need to ask them for something. What do you guys need?

Jan Johannessen: I think the fire department's going to opine about access and what is suitable. There's also a legal question whether you need a variance to get a building permit on a lot that has no public frontage, that's, that's why we're referring to the Building Inspector.

Janet Andersen: Yeah, I think it's the ownership of the road is the question. I don't know that the fire department will worry about the ownership, but is this a is this a shared driveway? Is this an easement across current MacArthur land to get to the future or the new MacArthur land? Is this, what what is this that we have here?

Jan Johannessen: In the fire department might not have a concern about the width of the driveway, but they might have input about how they are going to turn their apparatus around on the property. That's certainly changing now there's a lot more driveway to play with before, so that I think it's it's not just referring it to them for you know the current condition of the private road, but also the site plan and the layout of the lot. And, you know, water and everything else.

Jerome Kerner: You know, in terms of what the applicant at a moment ago about is having lived in this house. If this were not an application in the Planning Board but just a renovation of the existing dilapidated house this fire department question, I don't think that would come up. It would be Building Department would give an approval for renovation, I think, if it were just a repair.

Jan Johannessen: But Jerome, that's not what's being proposed, there's a complete redevelopment of a lot.

Jerome Kerner: I know that, I know that. But, so an extension of my thought is that are we putting certain onus on the here we have a an excellent plan that improves a lot, improves the drainage, improves the lake and this should come up as an impediment because there's no other alternative should that be should that be the ultimate straw, so to speak, and I would say this too that I look at areas around town, especially over in Wild Oaks, you know, where there are roads so narrow there that would never be approved this today if you were brought up before us for modification, and you have to require departments still services those areas, as inconvenient as it may be. So, I just wanted to put that in, in fairness that we're not throwing throwing something up here that could become ultimately either a project killer which I don't think would be favorable overall to the applicant or for the lake. That's my own thought.

Janet Andersen: I'd like to see what they say. I mean, it might be that they find that this is it gives them the kind of access they need, or they might have a minor a minor change that could be done, we, we don't really know. We're kind of guessing based on the fact that at least in my view, you know, fire trucks are big, unwieldy things, but I don't really know how how we don't know what they're going to say we anticipate a concern. So, I think we have to have the knowledge and then have to deal with it, rather than not, not refer it. I mean, I think we already agreed to refer it so all right. I think the other thing in general. Um. I do think we should get a better sense of what's really happening with Westchester Land Trust. I think my sense, just as an individual is that that it makes sense to reach out and and use land that currently is undeveloped, has no intention of being developed because it is Westchester Land Trust and to explore a way to make the whole the whole project a better project through the use of adjacent land. So that's, that's my sense of this.



Jud Siebert: In terms of immediate step that can be taken in that regard and I will speak for Jan, but one of the comments Jan made is that he is not even had the opportunity to walk the Land Trust property yet so perhaps arranging for a site inspection of that of that parcel by Jan, you know, with what we have in hand at this point in terms of stormwater and wetland mitigation would make sense in terms of moving the process along.

Janet Andersen: Okay, I assume that would be something that's agreeable to the applicant and whoever would be accompanying him on that.

Michael Sirignano: Yes, we're happy to do that.

Janet Andersen: Okay. Is there anything else we should bring up at this point? Okay, I think. Unfortunately, our next meeting the is the 18th and anything to get on that agenda would have to be submitted in about a week. So that's tight but if there's anything that can be done. Just letting you know the date. Thanks.

Billy McArthur: Very unfortunate Janet.

Jan Johannessen: I can do my site walk certainly in advance of that meeting. If we wanted to at least be on the agenda to further that discussion. May not I think you know there's a lot of probably time that's going to need to go into responding to the comments, but we could move things along by having the site walk report.

Janet Andersen: That would be great because that would inform a lot of these the movement on the mitigation and and stormwater.

Jan Johannessen: Maybe we'll have heard that from the fire department. I mean certain things get the Building Inspector's comments. We could still make some progress here.

Michael Sirignano: We asked to be added to the August 18<sup>th</sup> agenda and perhaps the Board will be more comfortable at that point in time to schedule a public hearing September.

Janet Andersen: Okay.

Maureen Maguire: I have a question for Mr. MacArthur, have you spoken to the neighbors down next to your new your new house, new proposed house.

Billy McArthur: Yeah, yeah, we're very close. We talk all the time.

Maureen Maguire: Okay. And, and, as far as you can tell, no, no issues.

Billy McArthur: Now they're, they're actually happy because they're going to get rid of that old monster that's next to them.

Maureen Maguire: Okay.

Billy McArthur: Well, maybe right I don't know. I mean it depends on ultimately if my project gets approved or I just need to come in and redo that house.

Maureen Maguire: So, I'm just wondering if should we schedule a public hearing. Do we have do we will we have more information at the next meeting, only because if there's if we're waiting to hear what the neighbors are going to say, one of the reasons why we're having the public hearing, yet we have some reason to think that the comments will be positive. Should it will it move things forward quicker? I mean, you know if we're looking at September for a public hearing versus August.

Billy McArthur: The other thing is Bob Gureasko was at the Zoning Board meeting, so that's, that's the neighbor that in my immediate neighbor. He was present at the Zoning Board, not that that was this no we didn't discuss the entire project, but he's been involved and we've talked about my plans and he's seen the plans, many, many times I know Janet said people may be curious to know what happens to the road. I don't know who because it's only the two of us. I don't know who else cares about the road, to be honest. But I guess we'll, we'll see.

Janet Andersen: Yeah, I don't know if it used to be Mrs. Dee. Lou and that the first house there that's on the lake. Right at the end right sort of their driveway is before yours.

Billy McArthur: The yeah, I know who you...I forget the last name. It's Davy and the sister is actually moving there now.

Janet Andersen: I know in the past they've been concerned about their driveway getting run off from the road. So, I don't know. And then I think, you know that even the people on the opposite side of the cove will probably be curious about the plans. I think they'll probably be positive about it but you know the lake community is relatively small, and they have people. I think one of one of my concerns right now is that it's not like people can go down to the Planning Board office and say I want to see the plans and see what's going to happen when they start seeing equipment on the site and so forth and so having a Planning Board. Sorry. A public hearing does even if we're not hearing from them. It gives them a chance to gives everyone a chance to see all the plans at once and then can can be a little more comfortable about activities happening around the lake, because people do get, as you know, Billy. People get protective about it.

Billy McArthur: No, I totally I totally understand we that's what we were hoping to do the the hearing as soon as possible.

Michael Sirignano: Yeah, and getting getting back to Maureen's point, which I think is a good one. Yes, we have a lot of work to do the project team, the engineers to landscape folks have a lot of work, a lot of detail in us to be finalized. So, we even though there is work to be done. I think the position of the buildings; the sizing of the buildings and the general plan I think seems to be in a direction the Board is comfortable with. So, we'd rather get the public input sooner so that our project team can respond to it react to and incorporate it and move and then Billy can start writing checks again to his team to finalize the plan.

Janet Andersen: Ciorsdan, do you have any sense of what all is on our agenda yet for August. I know we've had a few things coming in.

Ciorsdan Conran: Right. A few new things. So, Gossett Brothers Nursery will come for site plan. Possibly we'll see Handler again, Stein residence, Askildsen residence and then revisiting Valencia, the wetland violation on Route 35.

Michael Sirignano: And of course, the Board need not be reminded that if you want to hold the public hearing open in August, you can hold it over.

Janet Andersen: Right.

Michael Sirignano: And we'd be no worse off than if we just started September.

Janet Andersen: I see Jerome had his hand up. I think I you do we have to unmute you.

Maureen Maguire: You're on mute.

Jerome Kerner: Yeah. I'm in agreement with the sentiment that Maureen expressed and seconded by confirmed by Michael - sooner the better. But I think we want to be prudent and make sure that we have documents in hand, that would not that if not achievable would materially affect the design. We want to go back to a second public hearing with changes. So, I think that should be the threshold with that can be achieved next few days and I'd be in favor of a public hearing in August.

Janet Andersen: I think we have to decide tonight. So, you know, I'm looking for the sense of everyone on that I'm I personally am a little hesitant, but I can go with the sense of the Board.

Maureen Maguire: So, Jan if you could help me understand and you may have done this already. I apologize if you could tell me why you'd be hesitant about having a public hearing in August vs. September.

Janet Andersen: I think there's I think the major open things are what's happening with the road which shouldn't change the plans too much, but it is that and what is happening with whether the area that is currently Westchester Land Trust land is going to be used as stormwater mitigation and...

Maureen Maguire: The intent of the piece of property.

Janet Andersen: Right.

Maureen Maguire: Will it be sold to Mr. MacArthur not well wouldn't, couldn't we, I mean, that's really on the, the burden of the applicant to find out the state of the road - is it private? Who owns it? Etc. And also to have Jan walk the property and then have get some information on this what the intent is for the possible transaction.

Janet Andersen: Sure. I mean, I'm like I said I'm, I'm, I'm okay and I do recognize Michael's comment that we could always hold it open longer.

Jan Johannessen: Maybe if you notice the public hearing and I have no issue with having a public hearing or starting to receive public comment. Closing the hearing might be another story. But, um, if you if you notice a public hearing for a wetland permit and then sometime in the future, you realize that there's going to be a conveyance of land that requires a public hearing for the lot line changes or subdivision, you'd have to renote, so that's the only hesitation on my part.

Maureen Maguire: So, would we be able to find out that information through the intent of the exchange of the land.

Jan Johannessen: Yeah, but you make it, you'd be you'd be noticing something that you don't have an application on and you don't have a plan for and we don't know where that lot line may end up. So to have a public...

Maureen Maguire: If so, if we if we don't think that there's going to be a transaction of land and therefore there's not a lot line change and therefore, then there's no subdivision. Then it's a moot point.

Jan Johannessen: Correct.

Maureen Maguire: Yeah, okay so Michael, can you guys find that...

Billy McArthur: Well, let me let me clarify that for you Maureen because what I've heard is what I've discussed and my intent is to ultimately achieve an agreement with the Westchester Land Trust. But that's not my priority today that may happen in three years, in five years, sometime in the future. I'm not gonna, I'm not going to seek a formal process with them today. Today, my focus is to build my house, I guess. Okay, they've they've told us that they're going to grant us access to their land and I'm sure they're going to be willing to put that in perpetuity. And some point after we are, you know, my intent is to ultimately do a more formal swap. But that swap may be in the form of a swap, of a changing in property line or just a perpetual easement. I don't know what that's going to look like. I don't expect to have a public hearing for that process anytime soon. Right. So, I think for now, all we know is they're willing and happy to let us use their, their land. We're going to document that once you guys tell us that's suitable and in some point in the future I intend to to enter into a transaction with them.

Jan Johannessen: Is that agreement going to allow you use of the patio and the dock?

Billy McArthur: Yes, it allows 60 feet into their property for all sorts of work, maintenance, including putting a chair and sitting on the chair.

Jan Johannessen: But there's a formal dock and a patio there that they're going to allow you to continue to use that.

Billy McArthur: I haven't focused on that because, as I was telling Janet that dock can be moved that that patio has been there forever. I didn't put the patio there, it's been sitting there forever. So, I, I could care less Jan, if I just move my stuff 6 feet to the left and put some bushes to separate the property. I don't care. Right. I mean, the focus now is to get the mitigation because that's what's needed for this approval. I don't care if you know I mean I don't need to use a patio. That's not part of my intent.

Janet Andersen: Okay, thank you, that I think that does help to clarify that that we're not going to end up with a lot lane change as part of this application or it's not your intent to have that happen and that is that is helpful. I'm, Rich or Greg do either one of you have any...?

Maureen Maguire: Jerome has his hand up.

Janet Andersen: Oh, Jerome, I'm sorry.

Jerome Kerner: Yeah, I just want to address the comment of the applicant. I think the Board did give did give consensus a moment ago that the mitigate that the storm drains and mitigation solution as presented is acceptable and so I think it is imperative that you get something in writing, just the verbal okay or some sentiment that they mentioned verbally is not going to cut it, as far as I'm concerned. I'd like to see a letter of intent with something in writing to that effect. Then it can be firmed up legally at a later date.

Michael Sirignano: We understand Jerome.

Jerome Kerner: Okay. It was a little ambiguously stated.

Billy McArthur: Just to note that there is a letter of intent that has been fine with this, with this Planning Board.

Jerome Kerner: There is? Okay. Jan have you seen it?

Jan Johannessen: It it speaks to the mitigation. It doesn't speak anything other than their intent to allow the applicant to access the property to install mitigation.

Jerome Kerner: So, it should be more comprehensive.

Janet Andersen: Okay. So, I think the question before us right now is do we want to have a public hearing in August, or do we feel like we need more information and want to start it in September or later. I think I've heard Maureen is saying let's go for August. Jerome, I'm not quite...

Jerome Kerner: August is fine.

Janet Andersen: August, Rich?

Richard Sklarin: August is fine.

Janet Andersen: Greg?

Greg La Sorsa: I'll go with the consensus.

Janet Andersen: Okay, so we've got three for August that are firm. So, let's, I guess we will say start at least open the public hearing in August. So, we will see you at the next meeting. There, please make sure you get with Ciorsdan because we've got a slightly different format now for public hearings and for the notice for public hearings so because of the Zoom meeting. So, we'll make sure it's it's a gives how to how to get on by Zoom and how to get information about the plans.

Michael Sirignano: Will do.

Janet Andersen: Great, thank you.

Michael Sirignano: Thank you.

Billy McArthur: Thank you.

Janet Andersen: I don't think that I think that's the end of any I'm assuming there's no more comments on this application at this point. Right. Okay.

## II. WETLAND PERMIT REVIEW

### [Cal #41-18WP

(1:26:34 – 1:36:20)

**Handler Residence, 25 Woodway Road, South Salem, NY 10590, Sheet 38, Block 10549, Lots 12 & 20 (Martha and Richard Handler, owners of record) – To schedule the public hearing.**

Jay Fain, Jay Fain & Associates, and Geraldine Tortorella, Esq., Hocherman Tortorella & Wekstein, LLP were present on behalf of the owners.]

Janet Andersen: So, the next item on the agenda is a wetland permit review for Cal #41-18WP, the Handler Residence, 25 Woodway Road, South Salem, New York. This was an application that had come before the Board. And the Board actually requested that DEC become lead agent. So, we have not seen it for a while, and I think probably Gerri [Tortorella] or Jay [Fain] want to tell us where we stand now where they stand now.

Jay Fain: Good evening. It's for the record, Jay Fain, Jay Fain and Associates. Pleasure to see you all. I'd prefer doing person, but we'll deal with what we have. Yes, it's been a long undertaking with the DEC. I think we started the process about a year and a half ago and there was no discussion really about the substance of the application yet. DEC was fine with everything we wanted to do. If you recall, it was a Type One action because we're treating more than 10 acres of land. So, we had to go for an environmental review with the DEC and while you think the DEC would be on board with processing SEQRA, they don't do it very much. It isn't something they do so it took us a while to get through them to get everything circulated, published and done, but we are done. Now we did get our both our aquatic pesticide permit and our DEC freshwater permit and we're ready to go on that. Um, with that being said would very much like to move forward with this Board and schedule a public hearing for your August 18 meeting if at all possible.

Janet Andersen: Okay, um, and let me just, I know we don't have a memo from you Jan, on this, but this is something that we could delegate to you. If I understand correctly, there's nothing in the Code that says it has to be a Planning Board meeting, a Planning Board approval, right? A wetland permit.

Jan Johannessen: You can delegate any wetland permit application to administrative.

Janet Andersen: Okay, we did have some public comments and when it came through. I think it was a year and a half ago, there were some concerns in the community about this. My question is a little bit now that the now that DEC has handle the SEQRA process and done a Neg. Dec. on presumably finding minimal, if any environmental impact, I'm, I'm not sure what what conditions or anything, we might put in a Wetland Permit. What we could put in a Wetland Permit. Having seen the Neg. Dec. or having not seen, but having having known that the DEC has given an Neg. Dec. on this. I'm just not totally clear what our role is.

Jerome Kerner: I would agree. I would move to this to administrative approval in that the lead agency has provided a Neg. Dec. and it doesn't seem to be any significant environmental impact. This is maintenance and I'm satisfied if they go administrative. That's my motion.

Janet Andersen: Do we have a second?

Greg La Sorsa: I'll second that.

Janet Andersen: Greg has seconded it. Any discussion, comments, I guess the first thing should be Jan, would you be comfortable with this as an administrative permit, given what you know at the time.

Jan Johannessen: Yeah, sure. We have a we have a memo about five or six comments, dating back from October 2018. I talked to Jay this afternoon, and he's in the process of responding to those comments if he hasn't done so already. So yeah, absolutely I have no reservations.

Janet Andersen: Any other comments?

Maureen Maguire: I have a question. Um, so given that Roundup has such a wonderful reputation these days. I'm just curious to ask Jay. Hi, Jay um, if, if you could give us your perspective on is it the way the memo reads it's 20 acres using Roundup. It sounds like it's using Roundup on 20 acres. So if you could just help us, help me understand that a little better. I'd appreciate it.

Jay Fain: Yeah, a couple things Roundup is a, it's like Kleenex, it's a generic term for glyphosate. I guess glyphosate is the chemical that we would be using to treat these these weeds not just invasive weeds with. We look at every chemical under the sun and while glyphosate may have a negative connotation in terms of the press, there was no question in terms of toxicity in comparison to other chemicals out there. It has a low toxicity. I could comment on it some more but best to leave it like that. We don't want to have to use chemicals, but we need to. There's no other way to accomplish a restoration, an environmental restoration on this scale with phragmites. There's no other way. You can't do it by hand. You can't put salt on, can't do black plastic. We know all the different alternative methods that can be used on a limited scale but if we're going to achieve a successful restoration here we have to use the tools that are available to us and that's why we have from the DEC's aquatic pesticides people are very extensive laundry list of precautions and things that we have to follow, including drawing down the water before we apply so it doesn't drain off site, um, you know, weather conditions have to be right. This has to be done by a licensed individual knowledge of the material that to be used. With all those precautions in place, we feel it's just going to be a very safe project. Keep in mind that you or I or any of the neighbors of the Handlers could go to Home Depot tomorrow buy as much glyphosate as they want to spray it anywhere on their property, with no restrictions whatsoever, but we're going through, you know, a very regulated process. So, I think we feel very comfortable with this and we feel the end result of this is going to be not only good for the Handlers, but good for the overall environment. This is a significant habitat in town and we're going to be improving it.

Gerri Tortorella: If I can add too. The the application of herbicides is only one of the tools that we are looking to utilize in order to restore this meadow. We're also going to be removal of of plant material, mowing, supplemental plantings, and it's going to be done over the course of time. So, this is, you know, it's a it's an as needed, if needed situation. It's not that we're looking to be able to use that as our first choice or first tool that we would go to and I think there's been a lot of care given to devising a plan that would you'd be cautious and careful about the amount and the time and the circumstances under which the herbicide is applied.

Maureen Maguire: Okay, thank you.

Janet Andersen: Any other comments. Okay, so we have a motion and a second to make this project administrative, so I will now poll. Maureen?

Maureen Maguire: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: And I also say yes so, the motion passes that this will be handled administratively.

Gerri Tortorella: Thank you very much. I know our client will be very happy to be able to move ahead with it. It has been a long process and trying to get here. So, thanks so much for your cooperation.

Janet Andersen: Right. And I'm sure that you all will will I mean I will abide by all the restraints and constraints that are given by the DEC so thank you.

Jay Fain: Also, we'll keep the Board informed of the progress of the project, something that you feel that the Board is a stakeholder in the project, stakeholders are very important. So, we'll keep you apprised with the progress of the project.

Janet Andersen: That would be great. Thank you.

Gerri Tortorella: Thanks so much. Stay well.

Jerome Kerner: That's why we have Jan on board to do that by the way. He'll he'll keep his eyes on it.

Janet Andersen: Thank you, you too.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board determined the Handlers' Wetland Permit at 25 Woodway Road, South Salem for the restoration of a meadow and the application of herbicides will be handled administratively under a permit issued by the Wetlands Inspector.

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

### **III. CORRESPONDENCE**

#### **Town of New Canaan, Milne Dam test holes Public Hearing notice.**

(1:36:21 – 1:41:25)

Janet Andersen: The next item on the agenda is correspondence from the Town of New Canaan about test holes for the Milne Dam and there's a Public Hearing notice even though this has been done in the Town of New Canaan, it's being done within 500 feet of the town line. I think the question that we have is really from the Town Board, whether we as a Planning Board have any objection. There's really not we don't have a heck of a lot of information on it, but certainly maintenance of a of a dam is an important thing. I don't know Jan; do you have any more insights into this?

Jan Johannessen: I don't like you said, we don't have a significant amount of information on the project. It's being referred to the supposed to be referred to the Town Board and the Town Board has I guess referred it to you, under kind of like the General Municipal Law Provisions, just a notification. There's nothing you need to do with it. I believe it really has to do with some initial investigative work and borings in the dam. I don't see how it would have any impact on Lewisboro. I'm not sure there's anything for you to do here.

Janet Andersen: Yeah, I mean, so I think about all that I feel that we could do is ask for, you know, draft a memo or send a memo, I should say to the Town Board saying that the Planning Board has no objection to the proposed activity.



Jerome Kerner: Just out of curiosity, Jan is there any heavy equipment or anything that could go over town roads that might damage the roads? Where we might want to have before and after photos, just in case?

Jan Johannessen: I'm not... To be honest Jerome, I'm not even exactly sure where the dam is. Certainly, it is not Brown's Dam, which we have dealt with. But would they come from; I'm guessing access is off Silver Spring. I'm not sure that they would come up East street.

Jerome Kerner: I might be in the other direction, no? On the other side to the west or Silvermine, Silvermine is Norwalk not New Canaan.

Janet Andersen: Yes, it's further...

Jan Johannessen: No, it's Silver Spring.

Jerome Kerner: Silver Spring. I'm not sure. I would think it is west of 123, I guess.

Jan Johannessen: But I mean, I'm guessing it's going to be one drill rig that goes in once and does some initial borings. It's going to come in on a tractor. It's going to come in on a trailer. I wouldn't think there'd be in this initial investigation phase any impact to the road.

Jerome Kerner: I have no idea, but I just wonder if it's CYA Notification. We recommend that the Town Board send them a letter saying protect our road or whatever, you know if there's any damage to the road it's on you. Just a thought. Just the thin air yes. I'll leave it to Jud as to whether or not that's a possibility.

Jud Siebert: I mean, I think, in this instance, Jerome I mean, it indicates it's a limited project for limited borings just to check stability as a as an initial phase. I I would I think we can just at this stage really offer no comment. And I, you know, if you want to, even if you want to just if you want to memorialize it as Jan's suggesting with a quick memo to the Town Board that you, you look at it and you know the Planning Board has no objection. I think that's probably the the prudent course here.

Jerome Kerner: Okay.

Janet Andersen: Okay. So, do we, can we just get consensus?

Jud Siebert: Get a quick motion just. A quick motion.

Jerome Kerner: I move that we contact the [Town] Board indicating that we have no further interest in pursuing the project.

Janet Andersen: Okay. No interest or no comment?

Jud Siebert: No comment. You're offering no comment.

Maureen Maguire: I'll second it.

Janet Andersen: Okay, one second. Okay, um. Any other discussion? All right, polling the Board, Maureen?

Maureen Maguire: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: And I say yes as well. So the motion carries and we will get that letter to the Town Board.

[On a motion made by Mr. Kerner, seconded by Ms. Maguire, the Board approved sending a letter of 'no comment,' to the Town Board regarding the test borings at the Milne Dam in New Canaan, CT; the letter was dated June 19, 2020.

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

#### **IV. MINUTES OF June 16, 2020.**

(1:41:26 – 1:42:33)

Janet Andersen: Now we have minutes of June 16, 2020. This is again pretty much the transcript with the comments and summarizing the motions that were added. I think one of the things that Ciorsdan recently sent out which you might not have seen is a comparison of the transcript as it comes well, a copy of the transcript as it comes from Zoom and then what it eventually looks like. So you can see that, but it does take a little bit of work to get the...

Richard Sklarin: Move to approve.

Janet Andersen: All right, you move to approve. That was Rich and it looks like I see hands.

Maureen Maguire: I'll second it.

Janet Andersen: Good. Maureen seconds. Okay, any further discussion? All in favor?

Various voices: Aye.

Janet Andersen: Maureen, obviously, I'm sorry, I should Jerome?

Jerome Kerner: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: And I also approve. Okay, our next meeting date is August 18, 2020.

[On a motion made by Mr. Sklarin, seconded by Ms. Maguire, the Board approved the meeting minutes from June 16, 2020.

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

## **V. ADJOURNMENT**

(1:42:35 – 1:43:17)

Janet Andersen: I guess I'm looking for a motion to adjourn.

Jerome Kerner: So moved.

Janet Andersen: All right Jerome.

Maureen Maguire: I'll second it.

Janet Andersen: And Maureen seconds. Okay. Maureen? Sorry, any discussion? See, no no need for discussion Maureen your vote.

Maureen Maguire: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: Thumbs up, that's a yes. Greg?

Greg La Sorsa: Yes.

Janet Andersen: Okay, so thank you all. We are adjourned for the night. Thank you, Ciorsdan.

Jerome Kerner: Thank you.

Various voices: Good night.

Greg La Sorsa: Good night all.

Janet Andersen: Everybody be safe.

Maureen Maguire: You too.

[On a motion made by Mr. Kerner, seconded by Ms. Maguire, the meeting was adjourned at 9:13 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