

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 910 2956 1263) on Tuesday, August 18, 2020 at 7:30 p.m. The audio recording of this meeting is 200818\_001 and the YouTube link is <https://www.youtube.com/watch?v=tx1ks-3zgps&t=140s>

Present: Janet Andersen, Chair  
Jerome Kerner  
Richard Sklarin  
Greg La Sorsa  
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel  
Ciorsdan Conran, Planning Board Administrator  
John Wolff, Conservation Advisory Council

Absent: Maureen Maguire

Approximately 26 participants were logged into the Zoom meeting and 1 viewer on YouTube.

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

Janet Andersen: Okay, it's 7:30, so I think I'm going to get started. I'm Janet Andersen and I'm calling to order the Town of Lewisboro Planning Board meeting for Tuesday, August 18, 2020 at 7:30pm. Before I go any further, I want to confirm, well actually, I can see that Ciorsdan has started recording this meeting. This meeting is happening via Zoom with live streaming to YouTube and that YouTube is on the Lewisboro TV channel. The public can view the meeting there and we have confirmed that that 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 again confirmed with Ciorsdan, our Planning Board Administrator, that the meeting has been duly noticed; its 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 it has been posted on Facebook.

Joining me on this Zoom conference from the Town of Lewisboro are members of the Planning Board. I believe, Jerome is there. Yes. Jerome Kerner, Greg La Sorsa and Rich Sklarin. Maureen Maguire is unable to attend tonight, however, with four members we do have a quorum and we can vote on any matters that come before the Board. Also, with us is Counsel Jud Siebert, Planning Board Administrator Ciorsdan Conran, the CAC Chair John Wolfe and I should note that our Planning and Wetland Consultant Jan Johannessen is not able to attend tonight.

So, the Governor's Order Number 202.1, which has been renewed, enables the Planning Board to meet remotely and electronically to function on behalf of the Town. In accordance with the Executive Order, we will post both the recording and later a transcript of this meeting to the Town website. And it will remain on the YouTube channel and of course our actions are documented in meeting minutes. We do have a public meeting hearing scheduled for tonight. That's the only time we expect to take public comments and I'll describe that process in a few minutes. 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 helps everyone hear over the inevitable background noises. To those who lines are open, I remind you, we should do our best to avoid cross talk and, if possible, to mute ourselves until it's necessary to talk. And to ease the recording of our votes as we've done on past Zoom meetings, I will poll Board members individually.

So, I want to thank everyone for understanding as we continue to work on this process. So with that, the first item on the agenda is a public hearing for Cal #91-19WP, Cal #10-19SW it's for the MacArthur and Salazar residence, 40 Old Pond Road, South Salem. And this is an application for a [Wetland] Activity Permit approval and Stormwater Permit approval in connection with the reconstruction of a lakeside residence and cottage. So, when we hold the public hearing, just to remind you, the purpose of the public hearing is for members of the public to understand the proposal and for the Board to hear concerns and comments of the public. The comments should be addressed to the Planning Board. A public hearing is not meant to be a dialogue and in general, the Board will not respond directly to comments at the public hearing, but the Board will obviously take public input into consideration as we continue to review the application. Again, just to put on the record because of Executive Order 202.10 we are not meeting at a common location. We are holding the meeting via video and telephone in accordance with Executive Order 202.15. We did invite public comment before the meeting by email and the public can comment during the hearing by sending an email to [planning@lewisborogov.com](mailto:planning@lewisborogov.com). In addition, the public can speak at the meeting. That is for all the people that are on Zoom. If you are watching the the Lewisboro TV channel, you can't, you have to join the Zoom conference in order to make a comment or send an email. If you wish to speak at the hearing, please raise your Zoom hand. So to do that, if you are on Zoom if you put your cursor on the window you should see an image of people, labeled participants, click on that to get a panel which will have icons at the bottom, you can then click raise hand. Participants who have raised their hand will show up on the host screen that Ciorsdan and I can see and and it will be in the order that you raise your hand and the host can then unmute you and tell you that you have the floor. And I just want to remind people, if your microphone is not yet active, you may have to unmute yourself as well. If you dialed in on a phone, you can raise your hand to indicate you want to talk by pressing \*9. We will ask people to give their names and addresses and to keep their comments to three minutes. And while I do not expect this to happen, anyone 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.

## I. PUBLIC HEARING

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

(6:50 - 54:33)

**McArthur and Salazar Residence, 40 Old Pond Road, South Salem, NY 10590 Sheet 33C, Block 11155, Lots 16, 17 & 44 (William McArthur, owner of record) - Application for Activity Permit Approval and Stormwater Permit Approval in connection with the reconstruction of a lakeside residence and cottage.**

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

Janet Andersen: So, the format for a public hearing is we will ask a representative of the applicant to give a summary of the project. We will briefly review comments that are existing in the memos that you have from the Planning Board advisors and then there'll be a public comment period and a discussion by the Planning Board. So, with that, I... Yes, Jerome. You're muted you have to unmute yourself.

Jerome Kerner: Madam Chair and members of the Board, in light of the fact that there are a number of unresolved issues on this project, especially any kind of formal agreement with the Westchester Land Trust which is pivotal in terms of the solution that's being presented, I would like to ask that the applicant keep their presentation to the concept and not go into any details and it's obvious that this hearing will remain open because of the lack of information. So, but there may be changes that that come about because of some of the responses that are still open. So, I would suggest that, if you're in

favor of it, that we keep it to a conceptual description on this project for the, for the purpose of the public's information.

Janet Andersen: I think there are people on who are joining because of the public hearing. So, I think, I think I agree, we don't probably need extreme detail, but I think it would be good to get an overview of the project, as you indicated Jerome. So, with that, I'm not sure who is speaking on behalf of the applicant, Michael?

Michael Sirignano: Yes, I'll start. Can you hear me?

Janet Andersen: Yes.

Michael Sirignano: Okay, good evening. Michael Sirignano for Billy McArthur. I've provided the proof of the certified mailings and the posting of the sign to the Planning Board; I believe all of that as part of the record. We were before the Zoning Board on June 24 [, 2020] for some area variances. We had a very positive response from the Zoning Board, and they granted all the variances that we needed. Well, that we knew of at the time - we may have to go back for what's deemed a 280-a variance for road frontage. And we're waiting for a determination from the Building Inspector, a definitive determination from the Building Inspector as to whether we need that variance and if we do, we will go back to Zoning Board, but the zoners were very positively impressed by the project. They think that demolishing, our proposal to demolish the existing residence, which is just six feet eight inches from our shoreline property line along the shore and demolishing that building, which is in terrible state of disrepair, and building a modest two bedroom new two-bedroom lake cottage much further up the hill further away from the shoreline and then a separate small lake studio accessory building that will also be distant from the lakefront it'll be 40 feet, more than 40 feet from our setback line. So that's the concept is to demolish the existing residence completely, remove that that very steep macadam driveway, that's just a chute for storm water and and I'll ask Teo Sigüenza, if he is with us tonight to briefly describe the buildings, if, if the Board wishes us to do that. There, there are many improvements other improvements to the site, including upgrades to an outdated septic system, stormwater improvements. I mentioned removing that that long steep driveway. And so, we are we still have work to do.

As to Jerome is the initial comments about the the Westchester Land Trust, Billy had a meeting of the minds with the land trust and it and it is apparently the land trust's practice and intention to to accommodate our off-premises stormwater improvements by way of a license agreement. That license agreement is going to have to be generated by the land trust in the first instance, we don't have it as yet but we certainly have a meeting of the minds and Billy wouldn't be going this far down the process without that assurance so that that's going to happen in due time. But I guess at the last meeting with with your Board you, the board members, seem to have a consensus of opinion that it was time, even though there was still a lot of work yet to be done, it was time to to see if there's any what public comments there are and whether those comments, if the Board, was of like mind would necessitate substantial changes to the design. So that's why we're having a public hearing tonight and we don't expect it, you the Board, to close it here. Jeri Barrett is on vacation, like Jan, I guess. But I think we have I think Teo is here with us. And I think one of our engineers is also with us so I think we're prepared to answer any questions the Board or the public have and I don't know how much more you want me to describe about the project or or do you want Teo to put put things up on the screen and show them the architectural aspects of this, these two small buildings.

Janet Andersen: I do want to mention one thing that I believe that for Westchester Land Trust, and I do see Brendan Murphy on. That the other item that's proposed to be done on their property is some mitigation and that also should be included in any agreement and then if there's a usage rights. You know, we need that clarified as well so I think I think oh, Jerome, yes.

Jerome Kerner: In answer to Michael's question. I think the site plan and site improvements would be the highest priority. To begin with, anyway. Yeah.

Michael Sirignano: Okay. All right. Can some of my project team put that up on a split screen?

Billy McArthur: Yeah, I can do that. Michael, it's Billy here. I'm not sure who else is on, but I'm happy to do that, let me start with the site plan. Can I share my screen?

Janet Andersen: Yes, you should be able to. There you go.

Billy McArthur: Great. So, I guess, I guess, the, the, you know, in addition to to the comments that Michael made maybe just a little bit of background. So, you know, my name is Bill McArthur, I met, most of you, if not all of you. I live on the last house on Old Pond, right across the street from. Dr. Gureasko and I was Howard [Garrell]'s neighbor for many years. So, I've known this property since 2015 I guess since I've been here. As you guys probably know, and you can see in the pictures, this is a two-story three-bedroom single house about 25 [sic] square feet. It was built in the 1940s. It has a separate two-car garage that sits on top of the hill, along with that long driveway that Michael was alluding to, and the property itself consists of three separate lots. To the east or to the right, its neighbors with Dr. Gureasko who's also on tonight. And then to the left or the west, as already pointed out, it's neighboring to the Paltrow Garrell preserve which is owned and managed by the Westchester Land Trust and Brendan, thank you for, for joining tonight as well.

So, I guess you know when my wife and I started looking about remodeling the house we really wanted to get a find a way to get a little more privacy. So, we came up with the idea of basically swapping the structures. So, so the proposal is really moving the living area up, you know, further up in the mountain where their garage is currently and replace the existing house with a much smaller lake cabana. So, in a way, much more natural setup for the type of steep terrain, similar to how most of the houses in the North Shore are setup. So, in addition to getting privacy I think this set up allows us to get rid of the driveway, as Michael pointed, move away from the water, providing more open space, which I think is will be appreciated with everyone. And I think most importantly, getting rid of the existing house which, at least for for our own viewpoint it's more of a pollution to our to our neighborhood. So, look, we've been working with with our team for over a year now. I think the overall impression is very positive as Michael pointed within you know for the Health Department, the Zoning Board, you know, a few outstanding issues, obviously work around stormwater and wetland mitigation. That's all happening as we speak. We've received comments from the Conservation Advisory Council, the Three Lakes Council, we've tried to address each one of them, to the extent possible. And I just want to mention. I mean, this is where me and my family swim. This is where we plan to raise our kids. So we are, trust me, we are the most concerned about the environment here. More than any of you guys. So, I think we have a great team of professionals. I think we're we're doing something good for the neighborhood. Hopefully you guys appreciate that and support the project. So, um, I guess that's, that's, you know, an overview and I'm happy to, you know, go over specifics. If there's any questions about what's on the screen right now.

Janet Andersen: So, could you, this is the existing site plan. And you might be able to zoom in to show people a little bit more of the current layout and then I think it would be helpful to see the proposed site plan. I don't think you can do it on here. I think you have to do it on your screen, but I'm not quite sure.

Billy McArthur: Yeah, also switch...

Janet Andersen: Over to the...

Billy McArthur: Let me do this. Let me do that. How about that?

Janet Andersen: Better. Yes.

Billy McArthur: So here you can see on the left side, this is what we currently have right now. Again, it's, it's the, the three-bedroom house towards the water it's as Michael point is very close to the water, about six feet from the water. I guess that's how people used to build in the 1940s, a lot of houses around the area are unfortunately very close to the water. So again, we're just basically proposing, as you can see on the right, we're basically moving the the living area up on the hill. Hopefully, you're not going to be able to see much from the water. It's going to be there's going to be a lot of trees and landscaping around it. So you know that that's not going to be at least we don't expect to be very visible to people on the lake and then we're we're keeping a small studio cabana I guess near the upper part of the footprint of the current house where we ultimately intend to enjoy summers and you know when when the weather allows. So that's the, that's the proposal. Again, it's you know it's one that allows us to get rid of the basically all the red, which is existing driveway. So we're going to get rid of all that and hopefully, build a much nicer landscaping that allows us to do you know mitigation and also, you know, control the water more naturally before it hits the lake, I guess.

Janet Andersen: Okay. So, I just I think perhaps. The next thing is well, maybe because there are some of the members of public are here. Perhaps if Teo just wanted to give a overview of what this will look like externally quickly a or you Billy, if you have those available right there to show and what it will look like.

Ciorsdan Conran: Jan, I don't see Teo on the list of participants.

Janet Andersen: I don't either.

Michael Sirignano: He may be still without internet service due to the storm.

Billy McArthur: No worries. I'll do it. You can still hear me, but...

Jerome Kerner: Here it is. I have it up now.

Billy McArthur: Oh, there you go, thank you Jerome. So, I mean, you can see the the profiles of the very preliminary designs that we've worked on with Teo. Again, I just I just say this, this preliminary because ultimately, this is the intention for this is really to ultimately you know get get the the the needed permits before we go into a more detailed architectural plan. Well, you can see how we're proposing basically a two-story house on the top of the mountain or that the lake cottage which will have a garage near the road so there's no need there's no need to go much further down to the water with cars. We're going to keep the driveway closer to Old Pond Road. Maybe just mentioned, this is the last house in the road for those that are not familiar with the area. And then the there's there's a be two two bedrooms. On that house and that, you know how some top of the road and there's going to be, you know, I guess one small bedroom in the cabana in the studio near the water so...

Jerome Kerner: Sorry about that.

Billy McArthur: That's okay.

Jerome Kerner: Can't get it, get it back. There we go.

Michael Sirignano: There it is.

Billy McArthur: So, you'll see the the sketches on top are for the for the house and then the sketches at the bottom are for the lake cabana. And I think as Michael mentioned only only three variances were required. I guess four, the first one was related to the square footage of the lake studio basically the the footprint is 600 square feet. There's gonna be a small mezzanine on top so creates a bigger than than I guess than established additional structure, so that was approved and then the other three are really just because the there's a deck or a really a terrace that it's near the property line with the Westchester Land Trust and so there's, you know that's that's a preserve so luckily, there is no people living on that side of the mountain and the, the Zoning Board also approve those three variances. So, this project has been approved from from a Zoning Board standpoint, and I guess we're here trying to to work with the Planning Board on the necessary adjustments, as I said, mostly on stormwater mitigation and yeah, and just mitigation.

Michael Sirignano: Wetlands mitigation.

Janet Andersen: Okay, so I think I will just so people know what has been asked by our consultants. They are looking at, as I believe Michael mentioned before, the ownership of Old Pond Road and we did get a memo from the [South Salem] Fire Department that asked about perhaps a dry hydrant, and a sprinkling, asking for formalization of agreements with the Westchester Land Trust, which we've already mentioned, stormwater management and I think the Department of Health approval and a few other plans that would be required. So those are the kind of things that we are continuing to look at. With that, I think that I will see if there's anyone who wishes, a member of the public that wishes, make a comment. So if you would like to do that again to raise your hand, you go, you sort of mouse over the window, look for the participants icon, click on it and there should be a capability to raise your hand over and in the window that comes up. And I don't see anyone doing that at the moment. And I don't know whether that's difficult or if no one has comments. If someone.... Okay, we've got a couple now.

Jen Hammerstein: Can I just speak or is it my turn?

Janet Andersen: Okay.

Jen Hammerstein: Um, hey, Billy. I'm Jennifer Hammerstein I live directly across from your property.

Janet Andersen: Can we get your official address for the minutes please.

Jen Hammerstein: 84 Cove Road, South Salem.

Janet Andersen: Perfect. Thank you.

Jen Hammerstein: It looks great to us, certainly far better than what is currently there. Curious about how long the process would be, I don't know if this is the right time to talk about that.

Michael Sirignano: I can, Michael Sirignano, I can tell you Billy's been yelling at me to move this along because he's anxious to tear down that house and start the project but and we've gotten through Zoning Board we may have to make a quick trip back to Zoning Board for road frontage variance but we're, we're, you know, working very diligently with the Planning Board. And this is part of this public hearing is part of that process. So, we're hopeful that before winter we will have all permits in hand and weather permitting Billy would like to start work as soon as possible.

Jen Hammerstein: And and I'm sure you don't know what the building process would be the length of the building process. I mean, a year.

Michael Sirignano: Billy do you have any thoughts on it? Do you have any...

Billy McArthur: Yeah, the, I guess the approval that we expect to get this for 18 months Jen, but hopefully we can knock this out within a year. I guess the good news for you guys is the what's going to be most disturbing for visually for the neighbors is getting just knocking down the existing house. So that's going to be about a week where we tear them down and I'm sure it's gonna be a nice spectacle for you all. And then we're actually talking about putting a an existing barn, like a small barn to replace it. So that barn can go up very quickly because it's it's all kind of premade. So, I think I would expect. I'm, by the way, I'm a civil engineer by background. So, I kind of know what I'm talking about. I would expect the foundation to be maybe like a two-month process and then very quickly that barn would go up and then the house on top, I'm hoping you guys are not going to get that much disruption because hopefully you're not going to be seeing it. There's gonna be, it's gonna be happening behind trees.

Jen Hammerstein: Visually isn't the problem it is really more about noise.

Billy McArthur: Yeah, the noise. Look, I mean obviously we'll try to work with, with you all on but I mean I mean we'll stick with regulation. And obviously, you know, we'll try to be prudent.

Janet Andersen: Okay. And I want to try to make sure we don't have, I mean, so I think too much of a dialogue here because that can get long winded. So, I think what I'm hearing is that you would like the noise to be managed or you are concerned about noise and and the time that the noise might last. And I think that's a comment that the Planning Board should take into account. Did you have something else Jen, before we move on. Okay, great. Um, I see that RCK has their hand up. I'm not quite sure who that is.

Bob Gureasko: Um, Bob Gureasko, I have my hand up too.

Janet Andersen: No, what, okay. We've got Bob's iPad. Okay, so you got you gotta unmute it. There's also an RCK but go ahead Bob.

Bob Gureasko: Okay. My name is Dr. Bob Gureasko I live at 36 Old Pond Road next to the property directly east of it. My only concern is the stormwater runoff how that will affect what comes east of the new construction. Also, I'm concerned about I don't think this would be a problem but any runoff that goes on to Old Pond Road it would tend to come down it. Uh, but I don't think they're doing construction on the other side of that road so I don't think that would be an issue. But, um, I would like to see better plans of what the stormwater runoff and the drainage will be towards the east of the house. I did go over the plans, but I didn't I didn't really understand them. And I would appreciate it if I could understand that better.

Janet Andersen: Okay, I think that's, um, I mean, I think some of the storm water plans are still in process, but we can certainly, take that into consideration and I I don't know if someone is on with any of the Alan, if you, Alan might want to comment on stormwater plans. Let's see if we can unmute you. Thank you, Ciorsdan.

Alan Pilch: I think I may have just done that. Can you hear me?

Janet Andersen: Yes.

Alan Pilch: very good. So, I'm Alan Pilch the civil engineer on the project and with regard to the runoff towards the east, I will just say that the plan, the way it's designed is that the new driveway. Maybe I could share the screen with that.



Janet Andersen: Yes.

Alan Pilch: If I can. Did that work?

Janet Andersen: It's coming.

Alan Pilch: Okay, I was just going to say that the driveway that kind of provides access to the from Old Pond Road to the to the new garage or the house will actually collect all the runoff that's coming down from I'll say the paved area actually treats it in a hydrodynamic separator which removes a lot of the sediment from run off which, you know, driveways are probably the most I'll use the term contaminated of any other surfaces and then everything actually goes to a storm water detention facility. And then eventually is discharged toward the lake after it is attenuated in the detention facility and actually the runoff from the buildings as well goes there. As for a run off that comes down to Old Pond Road, it is proposed to create a swale along the, you know, adjacent I'll call it a ditch or a swale I think the best way to put it on up against the the driveway and this is the purpose of this is convey the runoff down towards the Westchester Land Trust property at the present time that's what we're showing. So, the runoff that comes down off the hill slope above the driveway would actually be diverted away from the neighbor's property, the only runoff that might occur on here is really from the green space. That is in this location here and that's primarily it is vegetated so it's not going to be an increase of what's there now it is actually a decrease because of the removal of the driveway. That's kind of like how it's designed so I think that there, but I understand, you know, Mr. Gureasko's concern and we'll, we'll make sure that we address it.

Janet Andersen: Great, thank you. Um, and I think I think Bob let me just say that stormwater is certainly an important part of the consideration and the review of this project. So that is one of the elements. Okay. I still see, okay, I see PAL, I bet that's Paul Lewis's iPhone. Let's unmute.

Paul Lewis: I'm unmuted.

Janet Andersen: Good.

Paul Lewis: Yeah, yeah. My name is Paul Lewis, 44 Twin Lakes Road and Ron Tetelman and I have been writing letters in for regarding stormwater primarily on this project and I just had a little bit to say on it, we, we would like to see the water, you know, put into the ground as as far up away from the lake as possible so that it has, has the most length of flow through the ground to clean it up. And I know it's a difficult site and and but we would encourage that as much as possible and all right now all the storm or not all the storm water but all the storm water that is captured and piped down goes down is proposed to go to a a chamber and then into the into the ground from there somehow. That's what I'd like to learn a little bit more about, but then the overflow goes over to a level spreader and then it will flow into the ground and into the lake, but it's it's it's very, very close to the lake. So, any, any water that can be put in the ground further up like the driveway part that's all to be piped down to that to that chamber and it would be would be better if that could be, you know, put into the ground further up. I mean I I don't doubt that this will be what you're proposing is better than than what is there but Waccabuc is having a hard time with with phosphorus and anything we can do with any project that's being done on the lake anything we can do to to improve it we want to take advantage of that. But then my other question is, I don't know how the water gets into the ground from that chamber. I assume it's gonna, it's going to be holes in the bottom of the chamber that that the waters to go into the ground with that's what I don't know. And then is there maintenance required to keep those holes open or how, how does that part of the system work I mean it's it's nice to put this in. But will it continue to work well, or what do we have to do to to make it continue working well.



Janet Andersen: Alan, perhaps you could describe a little bit. I guess I do have a question, too, about the retention and you know a lot of water going in and this one pipe coming out. What could you maybe describe this because it would help me as a member of the Board as well.

Alan Pilch: Sure. I'll just say that there is also in regard to Paul's comment, roof runoff from the lakeside cottage does go into a depressed planted area very similar to a rain garden. But it would be located up here. So, there is an attempt to bring water into the ground under the runoff into the ground. One of the constraints, actually, there's a couple of constraints that make this site challenging, as you know, one is the slope of the ground because infiltration has to be on slope less than 15% and there are precious few such slopes on here and one of the other constraints is the well located in the lower portion of the property. The New York State Department of Health has certain setback requirements for runoff that gets infiltrated into the ground and those setback requirements from a well sort of preclude this lawn area just saying from being used for infiltration, but on the fact the slope is high, but it's, that's one of the constraints that you know that, certainly we were facing. And plus, there's the setbacks from the septic system itself. So, I'm just want to let you know that they're there was a lot of thought put into it to maximize whatever we could do. But given the, you know the constraints of the site, the slopes, the septic and the well it's a challenge, that's what I'll say.

With regard to the detention system, we actually did deep hole deep hole testing out here and what we found was a shallow groundwater table, it was you know say 21 to 24 inches below grade. We were going to do percolation tests and the percolation test, the casing that we put in actually filled with water. So the purpose of this tank really is to provide it's a watertight tank and it does provide peak rate attenuation of flows in accordance with the Town requirements, but it does not have holes in the bottom because after all there, you know, the bottom it's probably sitting right at the groundwater table. So, I'm just letting you know that that's what the case is here and then so by gravity the outflow from the detention facility goes to the level spreader and at least it gives us the opportunity to disperse across. Maybe I should share this just so you could see it, that again. Let me do that, I apologize I didn't share it. I indicated before the well, the septic and these items I'm hopefully you can see that now. So, this detention system it actually doesn't have holes in it because as I said there were what we encounter with a high groundwater table here. You know, we tried to move as far as we could, from the lake to the highest grade we could find before we get into the real slopes but even over at this location, the groundwater table was high and it was high enough that we could not maintain the required separation between the bottom of the facility and the restrictive layer, in this case, groundwater, and so that's why it is a, you know it's a watertight system. So, the, the opportunities we have for putting water into the ground are the rain garden or depressed planted area up here, which takes roof right off. As I said, there's also a hydrodynamic separator which removes sediment from the driveway area, which probably contains the most contaminated stormwater of just about anything compared to a roof or compared to a patio, it's pretty minimal what's comes off of that, compared to a driveway. So, there is an attempt here a very, you know, very in accordance with what is permitted in Chapter Nine of the New York State Stormwater Management Design Manual for redevelopment projects to use a proprietary device like a hydrodynamic separator and then again to provide a level spreader which at least a lot of some infiltration of the ground above the runoff or whatever, right there is and also provide some sediment removal in the lawn area, the vegetated area that's between the level spread and the lake.

Janet Andersen: So, I think, my understanding of this is a little bit like the detention center is like a big bathtub with us.

[Extraneous conversation]

Janet Andersen: I'm hearing somebody else talk. So, it's like a big bathtub with a with a with a pipe out of it about halfway full so so water will go in and sort of fill it up and then be able to come out slowly if that's if that's my correct understanding.

Alan Pilch: It's, that's a very good analogy. I wouldn't say it's half filled. It's probably empty at the beginning and that you know between storm events. But that being said, yes, it's like a bathtub that fills and meters it out slowly so all the water from the runoff from the, you know, impervious surfaces that are the roofs, the driveway it doesn't go rushing out in the lake, but it's detained. It's held back. So, it's a good way of describing, you're correct.

Janet Andersen: But, but essentially it doesn't seep in then except where it seeps in that the level spreader.

Alan Pilch: Correct. And also, the other location, again, is the the rain garden or depressed planted area. But this location is too close to the well and other locations, here it's either too much of a slope are too close to the septic system. You know, we have certain requirements of the Health Department and the New York State Department of Health and how far you could be from something so that's why the site is challenging to turn out so we maximize what we could to provide you know the most treatment in accordance with, you know, the requirements of the Westchester County Department of Health and also New York State Department.

Janet Andersen: Thank you, Alan. Paul did that help explain what's going on?

Paul Lewis: Well, yeah, certainly is what I thought because I thought only, only the water over the 25 - 100-year storm type stuff was going to go into the into the level spreader. So, so this, this chamber never really fills up?

Alan Pilch: Well, I'll just say that it certainly during a 25-year storm by be quite filled but again the waters metered out of it at a slower rate.

Paul Lewis: Okay, so there is a there is an outlet that meters the flow out.

Alan Pilch: Yes, from here to the level spreader.

Paul Lewis: Okay, okay, you can't take any of it over the other, other side?

Alan Pilch: Mean over to the land trust property.

Paul Lewis: Yes, in that direction, in that direction, anyway. Spread it out more.

Alan Pilch: You mean, from the outflow.

Paul Lewis: Yeah. Yes.

Alan Pilch: We can see whether or not that is feasible.

Paul Lewis: Because I think it's level, you can, the tank is level right, the chamber? So, you could take it out of both ends.

Alan Pilch: Yeah, it can come out of both ends. It's just a matter of having a licensing agreement, I presume.

Paul Lewis: Okay.

Janet Andersen: Okay, ....

Paul Lewis: Okay, thank you.

Alan Pilch: You're welcome.

Janet Andersen: Um, yes, Alan, thank you very much. I think it really helps to have some explanation of exactly how I don't think we've encountered at least I haven't recently encountered a retention chamber like that. Um, I don't see anyone else's hand up. Um, I guess I'll say last call. Okay. Yes.

Ciorsdan Conran: Janet, I have not received, this is Ciorsdan, I have not received any written comments.

Janet Andersen: Okay, I do see RCK's iPad is back hands back up again. So, I don't know what the two of us are trying to unmute him. RCK it looks like...

Richard Cochran: unmute

Janet Andersen: There you go.

Richard Cochran: Is the well a problem? Could it be moved further up the hill? I know it's an additional expense.

Janet Andersen: I apologize. We need to know who you are and your address.

Richard Cochran: Richard Cochran, 29 Old Pond Road.

Janet Andersen: Great.

Richard Cochran: Is the well a problem if you could have more dispersion area if you move the well further up the hill. That's my question for the civil engineer. Did you hear me?

Janet Andersen: I think we have people do. I think that the my guess is, as is something that someone would have to look at and decide whether or not they wanted to incur the expense of looking at the well. But I guess we will ask the applicant to look at both whether or not it would be feasible to make a better better solution. I mean, whether moving it would actually give them any capacity to have a better solution and then you know, to weigh the impacts.

Richard Cochran: Okay, thank you.

Janet Andersen: No, thank you for the comment.

Richard Cochran: Billy's gonna hate me, but...

Billy McArthur: No, I think, I think the issue is really the grade. Right. But I like Rick Cochran.

Janet Andersen: I mean it's, it's something, it's a question that we asked, and then you know if if it's we certainly understand the constraints on redoing a project like this. Okay, um, does anyone from the

Planning Board have any comments that they want to make about this. And I know the CAC had some comments, but I think they have they've been addressed unless John you have anything? Where are you Nope, he's muted. Hang on.

John Wolff: No, I think that we've always felt that the plans are doing a good job, given what's there. I think the only thing we've asked for recently, it's just some more definition of the wetland mitigation plantings, but, um, we've always kind of looked on this pretty positively.

Janet Andersen: Thank you. Yes, Teo just got in. Um, okay, I think I think there is progress being made. I think we do have a long list of items from from Jan, I think. I'd be interested at some point, I know, getting a response to what what the Fire Department asked for. So, we have some items, I would suggest that we, I know people want to keep moving forward. So, I would suggest we adjourn this till September, unless the applicant feel like they need more time than that.

Michael Sirignano: No, September's fine.

Janet Andersen: Okay.

Billy McArthur: Can I just ask one question Janet?

Janet Andersen: Sure Billy, I apologize.

Billy McArthur: Can we just give Brendan Murphy some clarification as to what the expectation is from the Planning Board. What do you want to see in terms of the agreement? I know they they they were very kind to submit a Letter of Intent. But clearly, that was not sufficient, so can you please provide Brendan, with a little more clarity in what what you guys need to get comfortable with that point.

Janet Andersen: Okay. I think the first general thing is that the the even the Letter of Intent indicated work for stormwater but did not say anything about wetland mitigation or your use of the, you know, whether that be existing improvements I'll call them the patio can stay there. And whether it's their attempt to allow you to continue to use that property. So I think what we got just talked about stormwater so the the question about these other aspects is is, you know, I mean, I think it's great that you get to have storm water there but the what we're seeing is more activity than that. And I see Jerome has his hand up. So, I will...

Jerome Kerner: I think it would be appropriate ask our counsel Jud Siebert to determine what correct legal instrument would be that would satisfy our requirements and I'm sure you can connect with Michael Sirignano and and nail that down.

Jud Siebert: Jerome, if I can so that the applicant there's no misunderstanding that...

Janet Andersen: You're really having trouble hearing you. I think it's the earphones again. Now we can't hear you at all what happened?

Jud Siebert: Better.

Janet Andersen: Yeah.

Jud Siebert: All right. Technology. No. So, the applicant is aware that there is no requirement that the agreement and likely in the form of either a license or an easement that that needs to be fully fleshed out and signed before there's an approval. What what the Board will need to know is conceptually what is

going to happen on the property as as Jan[et] said in the form of stormwater control in the form of mitigation because there is an off-site mitigation plan and also in terms of anticipated activity on the property. And I think a lot of this is going to be informed by what our wetland consultant sees when he when he said what you know when when he conducts a site visit, which we mentioned last month, was going to be undertaken and obviously we had a very short window. So, I think let's get Jan out on the property, that will give us a clear picture of what the scope of activity is going to be and then Michael and I can work out those details but I want you to recognize that the permit itself is not dependent on getting, you know, you know, all four corners of an agreement, you know, completed and signed that that's that can do a condition of approval so long as the outline of that agreement is known.

Billy McArthur: Thank you.

Janet Andersen: That, that helps. I think. Okay. All right. I've seen nodding heads. So, with that, do we need just to consensus to adjourn or do we need a motion to adjourn?

Jud Siebert: Just a consensus, to select the date and what everyone who is participating know what the next date is going to be.

Janet Andersen: Okay, so I think we said we would do it to September, our next meeting will be September 15, 2020. That I'm looking around for nods from other Planning Board members.

Various voices: Aye.

[The Board reached consensus to keep the public hearing open and adjourn it to September 15, 2020.]

Janet Andersen: Okay. Um, so with that, thank you all.

Jud Siebert: Can I just add also for those for those members of the public. Our ability to continue to conduct these meetings by way of remote access and Zoom is dependent on Executive Orders issued by the Governor, and the current Executive Order expires in early September, before our next meeting date. I would anticipate, but can't guarantee, that our ability to continue to do this will be extended for another month but in the event, it is not, there could be could be some arrangements made for an onsite meeting at Bouton Road. So just keep keep the date down and stay abreast with the, the Town website should there be a change in arrangements has to have a meeting will be conducted in September.

Janet Andersen: Thank you, Jud, that that is one of the reasons that I sort of tried to outline all the Executive Orders that allow us to do what we're doing, because if they expire, we have to change our behavior. Okay.

## II. SITE DEVELOPMENT PLAN

[Cal #08-17PB

(54:35 - 1:04:21)

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

Bob Eberts, architect, was present on the behalf of the owner.]

Janet Andersen: The next item on the agenda is a site development plan. It's an update to Cal #08-17PB Oakridge Commons, 450 Oakridge Common in South Salem, New York. And this is a request by the applicant to amend the site development plan approval Resolution for which which is for the installation of the car wash bay at an existing gas station, but the request is to change some dates on the timing of the D.O.T. permit and the floor plan. So, I think, woah, as everybody's windows changes. I think I had seen Bob Eberts on this before.

Bob Eberts: Yes, I'm here. I'm here. So, Item # 4 on the Resolution for the D.O.T. approval for work in the right-of-way is causing us an issue. The D.O.T. is asking for signed site plans from the Planning Board prior to issuing that permit. So, we've gotta catch Catch-22 here. So, we're asking you to amend your Resolution to put that item, rather than where it is now to be done before the signing of the site plan to the section that says the condition to be satisfied during construction. So, it's just a swap of where where that happens. The work in the right-of-way is really consists of only one foot of curb. So, it's a very, very tiny amount of work that we're talking about.

Janet Andersen: Right, okay. And we also got new a new interior design from you. Did we not?

Bob Eberts: Yes, but the the tenants is proposing to change a portion of the interior of the space. Within the within the existing building. They're taking out one of the existing toilets and putting in its place an accessible toilet, which takes up a little more space. So, by taking out one one toilet and storage room they're making the the retail area of the of the space a little bit larger. So, the question was, what's going to go on there and I said it's going to be what it always has been. It's going to be sales of of gasoline, somebody will come in there and pay for their automobile service, they're going to maybe buy some oil or some washer fluid, some wiper blades and maybe some candy or some drinks. The question came up, well, are they allowed to sell candy and drinks there. Well, it's always been sold there, it's sold in every gas station. So, we believe that we're permitted to sell that, but question came up, so we thought we'd asked for clarification, if that's your understanding.

Jerome Kerner: Who raised that question, Bob?

Bob Eberts: The Building Inspector referred it to Jan.

Janet Andersen: I think we got a updated site plan that does show the two the two restrooms being consolidated and and replaced by one and a bigger storage area, but it's still, the site plan we saw still says office on it.

Bob Eberts: Well, that that's a that's sort of one of those nomenclatures, the original tenant that was in there called it an office. And it was an office where you did business where you went in paid for things and you bought some gas you would go in and pay for if you if you had your car service you go ahead and pay for it. You buy some other ancillary things that they were selling so they called it an office. The new tenant is calling it a store. Regardless, we still feel it's an M-2 use, which is a mercantile use because it's a gas station; you're selling gas there. So, I think the the use is not changing, the name between tenants is is changing, but I don't think that's the confusion. I think it's just and I don't think anyone's questioning whether you can sell gas, whether you can sell wiper blades and oil. It's just the question was can you sell candy and and snacks or or drinks as well. And I think they've always done that. So I don't see that the issue, but...

Janet Andersen: Um, so, first of all, are we have a memo from Jan that says he thinks the, the issue is relatively small that's on the D.O.T. In our verbal communication when we talked about the store and the changes to the interior, he also said he thought that was small and we actually do have a resolution that Jud has prepared and I believe it's been sent to everyone. My, my real question on it, is that the

resolution now says we're changing the name, or as it as it's written, it says we're changing the name of the office to store, but the plans still say office. So, we will. I think we can either strike that out of the resolution, but then you have a maybe a tension between whether it's really office or retail use, or where we could get a new plan that said office/retail or office/store or store. It's really what we're trying to be to be honest, you know, we, this is we're trying to do this really quickly and be responsive, but we need to know I want the resolution to match what the plans are. I see Jerome has his hand up.

Jerome Kerner: Can I screen share this plan to see if it's the latest one because it's in the packet and it does show a bubble. Let me just screen share this.

Janet Andersen: Sure.

Jerome Kerner: Is this the latest plan Bob that...

Bob Eberts: Yes, that's correct.

Jerome Kerner: So, so it still has this is the sales area here. And there's still a small office. So, I don't think there's any discrepancy there's still an office, Janet.

Janet Andersen: Okay, does this part over here, I have to, I should look at mine does it say store there?

Jerome Kerner: It says existing service bays right now.

Janet Andersen: Yeah, so I think that's it.

Bob Eberts: ...those remain service space.

Janet Andersen: Yeah, those are the service bays with the doors towards the bottom of that. Those are the big slide up doors.

Jerome Kerner: Oh, so this is then store and office right here.

Janet Andersen: Yes.

Bob Eberts: Well that's, it's one in the same. It's, you know, they say a rose by any other color, it's not by any other name.

Jerome Kerner: Okay so office is a misnomer. It's, it's...

Bob Eberts: It's really the same same function, different tenants called it a different thing, but it's the same use whatever you call it.

Jud Siebert: Yeah, I think, look, I think Jan's concern was that just from a, and not so much even so much in terms of a use issue. Whatever has been happening there is going to continue to happen. It looks like it's very small so the incidental sales, but the concern is if you're going to approve a plan, you know, it should be faithful to what's there so that somewhere down the road, someone doesn't look at it and say, this is an office, wait a second, why are they selling any items there. So, we had talked about just converting it to store. Perhaps the best way to do it is just to revise the resolution to say the area designated office shall be revised to say office/store. And Bob you can make that change 123 and then, you know, switch out that one that, you know, the drawing C-2 and and we take care of the issue.



Bob Eberts: We'd be happy to make that change.

Janet Andersen: That I'm, I'm, thank you for explaining that Jud, obviously I wasn't clear enough about what I was hoping we would get to, because I think that's it. We want the resolution and the plans to say the same thing. And we also wanted to express the spirit of what is there. So, the resolution currently says the office shall be changed to store. I think what I just heard is Jud suggested it be changed to office/store.

Jud Siebert: Correct.

Janet Andersen: And with that, I think the rest of the resolution is fine. So, if we are willing...

Jerome Kerner: I would move to accept the resolution as modified and the plan to stay compliant, the use is compatible with the resolution.

Janet Andersen: Okay. Do I have a second?

Various voices: I'll second.

Janet Andersen: It sounded like Greg beat the hit the buzzer first so so, I'll do the normal poll, Rich?

Rich Sklarin: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: And I also approve so that's four votes and the resolution is approved.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the resolution, dated August 18, 2020 for the Shell gas station at Oakridge Commons, 450 Oakridge Common, South Salem for a second revision of the Site Development Plan Approval and Town Stormwater Permit dated December 19, 2019 was adopted. A copy of the Resolution is attached and is part of these minutes.

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

Janet Andersen: Thank you very much Bob. We look forward to getting that one slightly changed plan and we can move forward. Thank you.

Bob Eberts: Thank you very much.

Janet Andersen: Sure. And thank you Jud for clarifying that.

### **III. SKETCH PLAN REVIEW**

**[Cal #03-20PB, Cal #37-20WP**

(1:04:22 – 1:18:06)

**Gossett Brothers Nursery, 1202 Route 35, South Salem, NY 10590 Sheet 31 Block 10805 Lot 46 (Thomas Gossett for T. Gossett Revocable Trust – owner of record) - Application for Site Development Plan Approval and Wetland Activity Permit Approval for an existing nursery.**

Thomas and William Gossett, owners, John Vuolo, South Salem Winery; Tim Cronin, Cronin Engineering; and Michael Sirignano, Esq.; were present]

Janet Andersen: Okay, and the next item on our agenda is a sketch plan review, Cal #03-20PB and I'm sorry, and Cal #37-20WP. This is for Gossett Brothers Nursery at 1202 Route 35, South Salem, it is an application for a site development plan approval and wetland activity permit approval for an existing nursery. So, um, I thought I saw Tim maybe. Who's...

Tim Cronin: Yes Jan, I'm right here. This is a site that's been in operation for 40 or 50 years and I think everybody in town is quite familiar with it. What the owner, Tom Gossett, is proposing to do currently is to formalize the application, take care of all the paperwork and not that it's illegal, but get a site plan approved for the operation that currently takes place there. In addition to that, they're also proposing as an accessory use the brewing of some wine and then having occasionally some wine events and the wine brewer is here as well, that's John Vuolo and we submitted the plans and we have a review memo from Jan. We actually had a phone conversation with Jan last Thursday, and in reviewing the memo it seems like so, you know, the comments were pretty straightforward. As I said, it's an existing site, we're really not proposing anything outside the building, except the storage tank for a septic system holding tank. And Jan mentioned that we are likely going to have to put in some handicapped parking, which means we're going to have to hard scape some of the parking area out in front of the building that will be roughly 14 by 18 feet and putting down something that is more wheelchair accessible. And in addition to this, in order to have a winery in New York State, we also need to get approved by Westchester County Department of Health, a water treatment system which is, which will be taking place inside the nursery, nothing outside, and we're in the process of putting that application together for the Health Department. So, we're, you know, this is the first submission and like I said, we did get some comments from Jan, but nothing seemed to outlandish. So, I think we'll be able to address those and advance the project.

Janet Andersen: And yes, I think so. I mean, I think when I first looked at this and it became clear that that this isn't just the winery and it's to try to actually put site plan approval in place. And and for the entire site and to really legalize, probably formalize, let me say formalize it instead of legalize, the plan and the existence. So, I think there are a couple of things that were pretty clear from from Jan's memo. One is that we should refer this to the Building Inspector and a second one is a referral to the County Planning Department, Westchester County Planning Department. So, I believe we can do both of those by consensus.

Jud Siebert: Correct.

Janet Andersen: So, I'm I guess I would look for the Planning Board members to agree that that's an appropriate thing to do.

Jerome Kerner: Agreed.

Greg La Sorsa: Agreed.

Rich Sklarin: Yes.

Janet Andersen: Perfect. Okay, Ciorsdan, you've got that. Okay, um, let's see.

[The Board reached consensus to refer the Gossett Brothers Nursery application to the Building Inspector and the Westchester County Planning Board.]

Janet Andersen: I think a second thing that we do need to do and probably need a motion is to say that we want to be the lead agency on this and make it a coordinated review and to start to get those notices out so.

Jud Siebert: That. That's correct, yeah.

Janet Andersen: So, I would look for a motion to, that we become the lead agency on this project.

Richard Sklarin: So, moved.

Janet Andersen: Thank you Richard, second?

Jerome Kerner: Second.

Janet Andersen: Jerome. Any discussion on this? Okay, so I will do the poll, Rich?

Richard Sklarin: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: And I also agree to this. So, the motion is approved, and we can start that paperwork going. Um, okay. I think the other thing that I would would offer because I I've been there a bunch, although I have to say, not at the same time probably to enjoy the winery. But the question about parking and I think I would be willing, if it comes up just and if other members of the Board would consider this, if there is a problem with getting the right number of spaces to think about a land bank approach. So, I'm just going to offer that to consideration of the applicant. Jerome?

Jerome Kerner: Well, I think there's another aspect to this as well, which should be submitted. I think Jan is mentioned in this memo and that is a business plan, which would indicate hours of operation and, you know, certainly if the winery's not open during the business hours of the nursery, and there's no, there's no and there's no significant overlap, perhaps that would weigh heavily on determining how many cars you need but yeah that and combination a land banking there should be no issues.

Tim Cronin: I might add, if you're familiar with the site, you know that the nursery products move continually as as products come in, things are sold, parking demands go up. We're actually showing 34 spaces and when you go through the Zoning tables, we only need 26. We would actually like because I think on a normal day-to-day, week-to-week basis, we probably need 10 to 12 to 15 spaces, including the one, the one handicapped space. So we'd like to more or less formalize the 12-15 spaces and land bank the rest realizing that seasonally Easter, Mother's Day, maybe sometime in the fall, he may need, Tom may need more spaces, at which point he knows his business having been there for decades. You

know, he can move the plant products and open up and give themselves, you know, 24, 20 you know whatever number of spaces. he needs, he will be able to move the temporary storage to accommodate that. So, you know, we're really, we don't want to provide more parking than what's necessary and the business plan will reflect that plus Tom's familiarity with the operation, we're thinking of a number, you know, somewhere in the 12 to 15 range is what's really needed on a week-to-week basis which. If you've, if you've ever been there, you know, I suspect you would probably agree with that.

Jerome Kerner: Well, except I mean Saturday in the spring when the farmers market is there there is probably a bigger demand, but there's also usually an attendant who's directing traffic and with without the asphalt and potential to mark traffic. You know, I think, in order to truly count spaces you've got to have some way to demarcate what what is a space, unless you have an attendant there who's going to make sure people park sensibly. So, either way, I think it can be handled.

Tim Cronin: I think for the maybe, the 15 spaces where they're going to which we're really going to try to hold on to. We can put curb stops in and we're not looking to pave anything but if we put curb stops out on more or less just find a space, you know, and whether people actually use those spaces. If you go there on a Thursday morning to maybe two cars in the parking lot, three cars. So, it really is like you say Jerome during those busy times and during the farmers market where you know parking is going to be considered.

Janet Andersen: Yeah, I'm I'm I guess I would have to see that. I'm I'm a little more hesitant to go much shorter than well I I have to consider it against where where I've seen it, because I've certainly seen the parking area busy. And and as Jerome said with with with a attendant helping people to maneuver in and out of spaces so I'm I'm willing to consider less than the requirement, but I'm not I'm certainly not as enthusiastic about it as I might be.

Tim Cronin: Well that's understood. We'll put the business plan together. We'll, you know, we'll lay out the parking and then that'll be topic for conversation at the next meeting.

Janet Andersen: Okay, and so is, is there anything else that we can do at this point. I mean, I think there's a list of items that are needed.

Tim Cronin: Well, we need to go to the Zoning Board for the Special Permit, is that, or is that a referral that you can for the Zoning Board.

Janet Andersen: I think you get to go on your own. Jud, I'll look for...

Jud Siebert: No, that's, that's an application for you to advance.

Tim Cronin: Okay, we can do that. Considering everybody's familiarity with the site is a site walk warranted. We need to do it officially or that something that the board members, you know, can visit it on their own. I mean, we'd be more than happy to be with you at any time to walk, walk you through the site. If you like to do it, you know, say, on Saturday or Sunday morning.

Janet Andersen: Um, what do people think? In a way, I'd almost like to have a plan of the buildings, the parking. I think it would help to see that.

Tim Cronin: Perfect.

Janet Andersen: Maybe before going, but I will defer to other people's, you know, desires and...

Jerome Kerner: Just a heads up. Also, on. I don't see a loading zone or trash. I mean, I think you got to look at the Code requirements for commercial space as you proceed and make sure that everything is on there. Otherwise, it's just going to be another discussion of loading zone and dumpster space location.

Tim Cronin: We'll look at that. Absolutely.

Jerome Kerner: And I mean I'm certainly familiar with property, I don't think I need a walk but if everybody wants it, I'd be glad to go.

Gregory La Sorsa: Well, is there any chance this is going to be administrative?

Jud Siebert: Sorry, Greg. I was muted, no Greg, you can't because it's a you're going to be approving a site plan.

Jerome Kerner: And a public hearing.

Gregory La Sorsa: Well, I mean, I don't necessarily think I would personally need a site walk, but you know, we'll leave that open. The reason I asked about the administrative is if it was, you know, then possible put the site plan in abeyance. But if we do have to do this, you should consider it, but I agree with Jerome that I'm okay with the site.

Janet Andersen: Yeah, I'm and because it is a retail establishment, I mean I think if I f I want to go see it. I will probably just go buy a petunia.

Tim Cronin: Not this time of year.

Janet Andersen: And anything else. Will we expect you back in September?

Tim Cronin: Well, does it make sense for us to come back, short of having this special permit from the Zoning Board.

Jud Siebert: The one step that be taken. I'm having trouble tonight. The one step that may be taken in September is just to confirm lead agency status, if we get that circulated. So why don't we plan to have it on the agenda, regardless, so we can at least take that.

Janet Andersen: And I think any of the, you know that if the business plan can be provided you know anything. There's a, there's a list of items. And I know some of them are fairly straightforward. But the more we get done you know better sense we have of what's going on in the in the plan.

Tim Cronin: That's fine.

Janet Andersen: So, we'll see you in September. I just wanted to say that.

Tim Cronin: All right. Very good. Thank you very much.

Various voices: Thanks.

#### **IV. WETLAND PERMIT REVIEW**

**[Cal #35-20WP****(1:18:07 - 1:36:50)**

**Askildsen Residence, 82 Mill River Road, South Salem, NY 10590, Sheet 42 Block 10299 Lot 83 (Kenneth Askildsen, owner of record) – Application for demolition and construction of a single-family house.**

Ken Askildsen, owner, and Hans Hansen, architect, were present.]

Janet Andersen: Okay, and unless anyone has any other comments, we're I think we're set. Ok. The next item on our agenda is a wetland permit review for Cal #35-20WP for the Askildsen Residence at 82 Mill River Road, South Salem, which is an application for demolition and construction of a single-family home.

Hans Hansen: How are you doing? I'm Hans Hansen, the architect on the project and I believe Ken Askildsen is also with us.

Janet Andersen: And I'm looking, yes. Hi Ken.

Ken Askildsen: Here we are.

Janet Andersen: Okay, would you like to tell us a little bit about the the plan here.

Hans Hansen: Yeah, absolutely. I will bring up the site plan, just to get us started with that. So here. Here we have a site plan. It's this particular property 82 Mill River Road is in a four-acre zone. Has a non-compliant lot that I believe is only about half an acre and due to that it's a non-conforming lot that technically has no buildable area. It requires 50-foot front yard and side yard setbacks and the property is only 100 feet wide. So what we're, what we're proposing here is the house that is currently existing on the property was badly damaged from a fire many years ago, and we're looking to replace that with the new house in essentially the same location with a footprint that is 109 square feet larger than the than the existing construction that is there. So, so what we're intending to do is actually reduce the the appearance from the frontage from the roadside by removing the the front porch that's on there, reducing the elevation of the structure that's closer to the road. And in all other things are essentially going to stay the same. We aren't looking to remove any of the any of the trees right and it's on the property. We aren't looking to make many changes to the site, except to actually remove the existing little bit of asphalt that's left in the driveway. The intent is to keep pervious surfaces so that will be removed and replaced with gravel, and the building itself is going beyond natural materials, it's a wood structure, it will have the wood cedar roof shingles and it'll be wood siding as well. So, it'll be suitable for the for the area surrounding it, and the house is actually relatively small in comparison to most of the houses in the area surrounding it. So, we're not really looking to make it a lot larger. I believe the usable square footage will be larger, because our second-floor footprint is a little bit larger than the existing house, but the overall change to the property as far as any of the wetlands concerns would be very negligible. I believe we're we're increasing the existing building coverage from 14.23% to 14.78%. What's included in those coverages are the existing barn that's in back and the existing house. And like I said, we're increasing that by about 109 square feet, I think my calculation comes out to or 107 whatever whatever the math works out to 109. So that's, that's pretty simply what we're doing. So, we aren't intending to make the wetlands conditions, any worse. We aren't adding any any runoff that is going to be any more contaminated than what's been there in the past. Like I said, we're trying to get rid of the asphalt and asphalt's most often known to cause a lot of those contaminants. So, we're eliminating that and keeping the structures themselves all natural materials. If you have any comments Ken, otherwise we can send it back to you, Janet.

Ken Askildsen: The only thing I probably should add is that as you may already know we the property sits in, you know, at the edge of the Bell Preserve so we, I think my closest neighbor is on my right side is probably about about an acre away whatever probably somewhere around 200 feet in a northerly direction, but on the on the south and west sides it's just the edge of the Bell Preserve like so we're not really kind of I guess you'd call it infringing on anyone's anyone's property, you know areas and it's all, it's all just so we have that mixed um buffer zone and then it turns farther back into wetlands, but we have a full, we have our surveys have been submitted, done by Steve, a fellow in Mt. Kisco. So, you guys have have all the survey, the updated survey.

Janet Andersen: Okay, I do have a couple of questions I guess one is is the apartment that's in the barn and the house served by the same well and septic system?

Ken Askildsen: Yes, it's one well and septic and right now, we had obviously we had a fire I guess about seven years ago it's been um since then you know that we were with the way the well works is it goes to the front house and then and then that feeds the barn in the back there's like a shut off at the front house so that's how things are now. And well, as you can see on the plan is on the north side of the driveway can see if you can make it out there.

Hans Hansen: I don't know if you can see my cursor.

Janet Andersen: Yes, right there. Thank you. And then so is there in the existing house plus barn, going to the new house plus barn, is it the same number of bedrooms before and after?

Hans Hansen: Actually, technically I didn't I think we may be reducing the bedrooms because our, our proposal is for a three bedroom. And I'm thinking that if there was a, you know, a fourth bedroom that was mentioned on our, on our application that would probably be the one in the barn, because the house that we're proposing is only three and I believe the house that is existing is actually set up as a four bedroom that we're removing.

Janet Andersen: Okay and then, and then barn has one bedroom then?

Hans Hansen: The barn has a sleeping space. Yes.

Janet Andersen: Okay.

Jerome Kerner: Janet?

Janet Andersen: Yes.

Jerome Kerner: It seems to me that this could be an administrative plan in that it it's a small addition within the, within the wetland buffer but it also seems to me that it's an expansion of a of a nonconformity and that this has to go to Zoning. Jud, am I right there?

Jud Siebert: Yeah. Well, the first step is to refer to the Building Inspector, which is in Jan's memo, and I think we need to do that tonight to have the Building Inspector examine it and make a determination in that regard.

Jerome Kerner: Yeah. And then, but it looks to me like Zoning would want to take a look at this as well in terms of expansion, but also the question that you're raising a Janet on the bedroom count, especially since it is one system should be submitted to the Westchester County Health Department unless the



Building Inspector can make that determination. But I mean, I'm looking at the plan here and it seems inconsistent with what Mr. Hansen is talking because it shows two bedrooms and an office.

Janet Andersen: Then there's a bedroom down on the first floor, I think.

Jerome Kerner: Oh, yeah. So yeah, that office, of course that that may because it has only a doorway to it, even though there's no closet show could easily be construed as as a bedroom, maybe not by this owner, but by definition. So that I think this has, you know, I would imagine the Building Inspector would want to get a determination from the Westchester County Health Department.

Janet Andersen: Yeah, I think that would be our first thing is to say, and again, I think it's by consensus that we should refer this to the Building Inspector, and I think typically it's the Building Inspector who decides what is a bedroom and what isn't. Although, you know, he may he may defer to or may consult with others. So, um, let's see if you could stop screen sharing. I could see the Board a little bit if you wouldn't mind so that we can see whether or not people are willing to say we can agree to refer this to... There we go. Thank you. Refer this to the Building Inspectors, do we have consensus? I got to two, three, four thumbs up. Okay, so, um, so again, Ciorsdan, if you could do that. Um, I think one of the questions I would bring up is do we have an interest in doing a site walk here and seeing what the what the situation is. You know, I think there are wetlands, probably, you know, all over. And it's definitely in the buffer, but it is a replacement on the same footprint.

Jerome Kerner: It's a minor increase in width, you know, which again is affecting the setback, which is already nonconforming. So, I think it is a Zoning Board issue, but I think the only impact is during construction and then make sure that there's, you know, no debris or silt, you know, affecting the wetlands.

Janet Andersen: John I know we have a CAC memo on this.

John Wolff: Yeah, I mean, there's wetlands all around it. It's clearly all in the buffer. You are expanding the footprint in the buffer, so I think it needs to at least be looked at or addressed.

Janet Andersen: Yeah, I mean, we're going to have to do storm water mitigation and probably some wetland mitigation as part of this. I would say because that's because it is a slight expansion.

Jerome Kerner: Are there gutters there now?

Hans Hansen: Yes, it's all gutters.

Janet Andersen: So, what I would say there there are quite a few things that are required on and in Jan's memo that includes things like a tree tree survey, the limits of disturbance, erosion control measures. You know, if there are footing drain locations now, where they are, if they have an outlet what are the protections? Utilities, any new utilities should be underground. So, there's there's a question from Jan about whether or not the tank, if there's an oil tank and if it is underground or not. So, I think there's some work to be done and I think it would be helpful to just, I don't know whether you feel that you get a lot of this done by unfortunately September's pretty close upon us, or whether I mean, we could we could have you on in September or we could look for more complete submission in October, perhaps.

Jerome Kerner: Your resubmission date would be August 25<sup>th</sup>.

Janet Andersen: Yeah, it doesn't give a lot of time.

Jerome Kerner: Us we shorten that time period because it's a resubmission. That would be a week from Wednesday.

Hans Hansen: We would, I think we would have to some of these items that I noticed on Jan's site plan may require some more consultation or may require even the presence of the site engineer. You know, I can answer, things like the oil tank isn't buried. I believe it's in the existing basement of the house. You know simple stuff like that. But as far as the trees, I have not documented the trees, only because we weren't intending to change anything. Any of the any of that life on the site now would be unaffected by the construction and then of course the the site plan would also include the mitigation of any debris during construction. Yeah, it would have to be put in place.

Janet Andersen: I think the trees only have to be done, you know, once you know what the limits of disturbance are within that, and then just beyond that limits of disturbance. So, you know, we know what has to get protected.

Hans Hansen: Right, okay.

Janet Andersen: So, would October be a better date to aim for?

Hans Hansen: What do you think, Ken I think that that might be more realistic? I haven't spoken with the site engineer about his schedule and trying to trying to coordinate these things within a week's time might be a real challenge.

Ken Askildsen: Yeah, maybe we can get it can ahold of Steve and see if he can can meet with us and you know, give a better picture of what's going on with that and then I guess we should all be there and just kind of, I don't know if it would be necessary to get Joe Joe Angiello on that meeting too would that that you good idea?

Jerome Kerner: Well you have to submit a plan to him. I don't know if he wants to be at a site meeting, but he needs the plan submitted, so he can evaluate the the bedroom count and zoning issues.

Janet Andersen: Yeah, those. I think a lot of that you have already. So, if you if you can get stuff in in a week, we'll see you in September, otherwise, we'll see you and October, and we'll leave it up to you to it. We'll see what comes in.

Ken Askildsen: We'll shoot for September. Thank you.

Hans Hansen: Yeah, if we can, we'll work on it.

Janet Andersen: Everybody loves a challenge, right.

Jerome Kerner: Thank you.

Janet Andersen: Thank you.

Ken Askildsen: Good night. Thank you.

Janet Andersen: Okay. Then, and that's oh we didn't decide on the site walk. Did anybody want to do one on this. I'm sorry. We started on it and then. Would it be all right if I drove by and took a look from the road and...

Gregory La Sorsa: The original house is still up, right?

Ken Askildsen: Yeah, it's, it's, yeah, it's burnt out, but it's up.

Gregory La Sorsa: So, what would be the point of the site walk now?

Janet Andersen: I think it would be to try to understand, I mean, I know they're going to go out a little bit, then just to sort of look at what the, what the grounds are, I mean..

Gregory La Sorsa: It's not too far from the road, right?

Ken Askildsen: No.

Gregory La Sorsa: Yeah. All right. Sure.

Hans Hansen: Very close.

Ken Askildsen: Oh yeah, you could pull in the driveway come and help yourself. Go ahead and and yeah, nobody there.

Janet Andersen: So maybe not a scheduled site walk. We'll all just try to get out there and take a look.

Gregory La Sorsa: That's not a bad idea.

Ken Askildsen: Yeah, whenever you can just go ahead. Yeah.

Janet Andersen: Thank you so much for that permission.

Ken Askildsen: No problem.

Janet Andersen: Okay, thanks.

Ken Askildsen: Thank you.

## **V. WETLAND VIOLATION**

**[Cal #01-20WV**

**(1:36:51 - 1:44:45)**

**Valencia Residence, 1196 Route 35, South Salem, NY 10590, Sheet 31, Block 10805, Lot 45 (Maria and Javier Valencia, owners of record)**

Javier Valencia, owner, was present]

Janet Andersen: Okay, the next item on the agenda is a wetland violation. It's Cal #01-20WV for the Valencia residence at 1196 Route 35, South Salem, New York. And I believe that we last, we had a plea in February and I think the major next step in Jan's absence, that we can ask for is a report, maybe, and perhaps encourage you to submit the wetland permit application. So, would you like to tell us what how where you stand on this. Mr. Valencia. I don't I think now...

Javier Valencia: Yes, service is not that great. I don't know what's going on with my wifi.

Janet Andersen: So, um, can you tell us, have you been able to get the wetlands delineated?

Javier Valencia: Yeah, so I got the.... Her name is Mary Jaehnig. She has the she did the markings of the flags for the wetlands on...in July, middle of July.

Janet Andersen: Okay.

Javier Valencia: And the surveyor I gave them a deposit two weeks ago and they're going to do. They come out to do the survey yet. The survey already, but I have not gotten [static] and the flagging from Mary but have not gotten the survey yet, they'll get back to me. Can you hear me?

Janet Andersen: Yes. I think you might be cutting in and out a little bit.

Javier Valencia: I'm sorry?

Janet Andersen: I think you might be cutting in and out a little bit.

Jud Siebert: Just to clarify, so Mary's been on the site. She's done a delineation. She did some flagging and you've had that surveyed and now you're just waiting for the for the paper survey to be returned?

Javier Valencia: Correct by Pfizer Jaehnig in Brewster.

Jerome Kerner: Could you refresh my memory of what the nature of the violation is.

Jud Siebert: Yeah, this was the...

Jerome Kerner: We lost you Jud.

Janet Andersen: Jud, you're muted.

Jerome Kerner: There you go.

Jud Siebert: Now, can you hear me?

Jerome Kerner: Yep.

Jud Siebert: Okay. This was a home that Mr. Valencia acquired. There was some tree removal and some deposit of natural material in a wetland. There was a citation or a violation that was then issued by Jan. It was first heard on February 25, [2020]. Mr. Valencia entered a guilty plea. At that time, the expectation was that, you know, he would proceed to get a to meet with Jan and to start developing a plan for remediation and obviously February 25<sup>th</sup> was right on the eve of, you know, all of our COVID disruption. So, the thought was just to get Mr. Valencia on tonight's agenda so we could hear what's going on. I think we're now at a point where we need to move forward. And if a survey is imminent my suggestion would be, why don't we put this on for control in October. And that will give Mr. Valencia. time to get the survey back speak with Mary Jaehnig and then hopefully, Mary. I think Mary and Jan should speak, and we should get a wet application in.

Jerome Kerner: Yeah. So, my question is, will the survey plan that's being prepared, will that show the area of disturbance.

Javier Valencia: Yeah.

Jerome Kerner: Okay. Yeah.

Javier Valencia: Yep, she she the surveyor said that he would look for all the flags and all the, you know the wetland barriers or boundaries on the survey. They charged me extra for that it.

Jerome Kerner: That doesn't is my question because they apparently there's some natural material that were deposited chips or something deposited. Would that be shown as well, or could you make sure that that is shown?

Janet Andersen: Well, I'm I don't know if showing it is nearly as important as saying what the plan is to remediate.

Jerome Kerner: Well, both are, of course, but I think having an existing plan of the what the violation is and then...

Jud Siebert: Yeah, but my, my, my suggestion Jerome is, why don't we get why, why doesn't that plan get prepared and why don't why don't Mary and Jan discuss this. I mean Jan is most familiar with the site conditions and then to the extent the Board needs some elaboration in that regard. You know Jan can be part of that as well.

Jerome Kerner: Sure.

Janet Andersen: Okay, so we talked about October, does that is that a reasonable time?

Javier Valencia: And I'm sorry.

Janet Andersen: Would October be I think our meeting in October is oops I just had the date.

Jerome Kerner: The 20<sup>th</sup>.

Janet Andersen: Okay. Yeah. Would do you think you'd be able to get that material in for our October 20<sup>th</sup> meeting?

Javier Valencia: Yes, that gives me plenty of time. He said, he said he needed another week or so for now and then I can move on to the to the remediation part

Janet Andersen: So, we'll, we'll plan on seeing you in October with some recommendations with the survey and some recommendations on...

Jud Siebert: What I would, I'd like to see by October is a wetland application or the remediation plan. So, between now and October, there needs to be dialogue between Mr. Valencia, Mary and our wetland consultant and a formulation and submission of a wetland application so this Board can approve a remediation plan.

Javier Valencia: Okay.

Jerome Kerner: So, the cutoff date is September 29<sup>th</sup> for submission so, a meeting before that a couple of weeks before that probably would make sense, just so you can incorporate comments into that permit application.

Janet Andersen: A meeting between between Mary and Jan. Yeah, okay, good. So, are we clear with the where we're going now everybody on this one?

Gregory La Sorsa: Yes.

Janet Andersen: Yes. Okay, thank you very much, Mr. Valencia. I'm sorry we I know you joined right at the beginning and this lasted, you were at the end of our agenda. So, thank you for hanging in with us.

Javier Valencia: Yeah. That's okay, thank you.

Janet Andersen: Okay.

Javier Valencia: Have a good night.

Janet Andersen: Good night.

**VI. MINUTES OF July 21, 2020.**

(1:44:46 – 1:47:07)

Janet Andersen: So, we have the Minutes of July 21, 2020 and I'd look for a move to approve them.

Gregory La Sorsa: I, I, I'm sure you set them out. I never saw them though.

Jerome Kerner: Let's see.

Janet Andersen: I think they were sent out at the same time as an agenda as an earlier.

Ciorsdan Conran: Do you want to hold it until September?

Gregory La Sorsa: Well, I'll abstain. You guys can pass on them, I'll abstain. I mean, if you obviously saw them, I mean I don't I don't remember seeing them or seen it seen a copy of them.

Jerome Kerner: I will I don't I don't. I'm with Greg. I didn't see them either.

Gregory La Sorsa: Yeah.

Jerome Kerner: They're not listed as as being completed.

Janet Andersen: Okay, then we will move that off until until September and...

Richard Sklarin: There were Town Board minutes and other minutes, but I don't remember.

Janet Andersen: Yeah, I mean I I know I see him because I help go over them, but I...

Ciorsdan Conran: My apologies if I didn't send them and I'll send them tomorrow morning.

Janet Andersen: Yeah, I thought they went out at the same time as a draft agenda so it might not have said minutes on that. I don't know. But we, I think if people aren't comfortable, we will put it off. It's not that critical.

Gregory La Sorsa: I mean, is it a direct trans.... Did you do you, I don't remember, do you make a minutes in addition to a direct transcription of the of the Zoom conference?

Janet Andersen: What we do is it's the transcription and we add in the description of the, you know, the descriptions that are on the agenda page. And then we add in the specific motion, you know, as a it sort of looks like a little motion block. Where it says, you know approved, yea/no.

Gregory La Sorsa: It's only about 40 or 50 pages.

Janet Andersen: Unfortunately, it is.

Ciorsdan Conran: That was 28.

Gregory La Sorsa: Okay.

Jerome Kerner: I did a search here. I don't see them; Town Board minutes came.

Janet Andersen: Yeah, okay. We'll send them out again and yeah, I I'm sorry I do know I see them. So, I might not have been paying attention on that one.

## **VII. DISCUSSIONS**

(1:47:07 – 1:52:18)

Janet Andersen: Before we go to the next meeting date and adjournment, I'm I wanted to to bring up something and Jerome and I did mention it. So, which is, you know, I'm a little disappointed that not only is Jan not here, but that nobody from Kellard Sessions was here. And I think in many businesses we expect someone to coordinate coordinate schedules so there's coverage. But I also know that this is a really difficult time. So I was thinking about, you know whether it whether we should maybe express, not so much any concern about what happened tonight, but ask that they work towards coordinated scheduling so that we have as when we had this wetland violation. You know, it's really incumbent upon Jan to kind of be the the spokesman on that. So, wondering if that's an appropriate message to to send to Jan asking that he he work for that in the future. And one of the reasons I'm bringing this up is because people might know whether you know he might have tried and we didn't he wasn't able to get it or but I do feel a little uncovered by not not having any member of the team here.

Richard Sklarin: Were you apprised that they've somebody was not going to be here from Kellard Sessions.

Janet Andersen: And, you know, last Wednesday or Thursday.

Gregory La Sorsa: Well, in I'm sorry Jerome.

Jerome Kerner: No. No, go ahead Greg.

Gregory La Sorsa: In eight years, this is the first time I can remember no one from Kellard Sessions being here. So, I don't really think it's and I mean Jan is Jan, you know, so I don't really think he needs to be, you know, have special comments made. You might want to just make sure he's here next time or someone else's here next time, but I mean I you know I assume they getting paid, they get paid for coming here. If they don't come here, they don't get paid.

Janet Andersen: I think this. I'm not 100% sure but I think that there's a overall contract that says they will do a certain number of things for us. And that includes the meetings and then they get paid for, you know, special things that we asked them to do. I don't... Ciorsdan, is that correct?



Ciorsdan Conran: I know, in the case of Jud he'll occasionally bill a specific applicant for their escrow for his time at a meeting. I'm not sure Jan works the same way.

Gregory La Sorsa: I can't ever remember a meeting when Jan or Dave wasn't here. How about you, Jerome?

Jerome Kerner: No, I can't specifically either, but I do think it would be appropriate. You know, just to say that we're concerned, and we'd like it not to be a pattern. I mean, you know, we want to be treated like New Castle, or any other...

Janet Andersen: Like those down county towns.

Jerome Kerner: Yeah, I mean, I know I wouldn't make a big fuss. I originally, I thought maybe Janet and I talked about it maybe that the Town Supervisor should be copied. But maybe that's not necessarily just that date, you know, you know they are aware of the agenda and wetland violations and public hearings. And that should be sufficient to make sure that they have somebody cover it, someone that's familiar with it.

Gregory La Sorsa: I would say, talk to them, informally. And if it happens again, then maybe we can do something different.

Janet Andersen: Yeah. I mean, part of the thing is that I recognize it's a vacation. But we also are not asking anybody to show up at, you know, Lewisboro Elementary they could, you know, get on a phone for two hours, but but it is vacation, and I and I get that, but maybe you know somebody, it sort of seems like there should be somebody on call, or, you know, willing to cover. So, okay, I'll talk informally to Jan and just say, you know, we missed him and and we feel like we're not as efficient or perhaps you know we don't cover the grounds quite as well without help from he or a member of the team. That sound all right?

Jerome Kerner: Yeah, tell him Ciorsdan brought in homemade cake and coffee.

Gregory La Sorsa: It was delicious to eat by Zoom too.

Jerome Kerner: That's right.

Gregory La Sorsa: Although, I had a cup of coffee during the meeting.

Jerome Kerner: I saw that.

Jerome Kerner: I finished mine.

Janet Andersen: Well with that. The next meeting date is September 15, 2020 and I would look for a motion to adjourn.

**[Cal #10-15 PB, Cal #20-17WP, Cal #5-17SW**

**(1:52:28 – 1:53:35)**

**Wilder Balter Partners, NY State Route 22, Goldens Bridge, NY 10526, Sheet 5, Block 10776, Lots 19, 20 & 21 (Property Group Partners, LLC, owner of record) – Application for a 42-unit MF development on a ±35.4-acre parcel.**

No one was present on behalf of the owner.]

Richard Sklarin: I just I just had a quick question for Jud. Were still waiting from Westchester right on that matter?

Jud Siebert: Yes.

Richard Sklarin: Okay, thank you.

Gregory La Sorsa: You are you are you talking about Wilder Balter?

Jud Siebert: Yes.

Gregory La Sorsa: As you probably know, they're not coming out fast the decisions.

Richard Sklarin: They were supposed to be clearing up the backlog.

Jerome Kerner: I'm amazed. I mean there's not much left for them to take into consideration.

Gregory La Sorsa: Yeah, well, I mean it's and they're just they're not moving. It's not moving, they're not moving on the on the motions quickly, they're supposed to do with it. I don't know they're supposed to do an Article 78 within a certain period of time.

Jud Siebert: Yeah, it's the same. I think standards are the same as motions.

Richard Sklarin: 60 days expectation, yeah.

Janet Andersen: Know it's been longer than that. I mean, I think that issue might be that there's so much backup over this is a bigger have a bigger record to review. Okay. Well, well, we're all waiting for that. Okay, so...

**VIII. ADJOURNMENT**

(1:53:36 – 1:54:07)

Jerome Kerner: Motion to adjourn.

Janet Andersen: Thank you. Jerome

Gregory La Sorsa: Second.

Janet Andersen: Thank you, Greg. Any discussion? Okay, let's do a poll, Rich?

Richard Sklarin: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Yes. And I also so, thank you all. The meeting is adjourned at 9:24 pm

Richard Sklarin: Be safe everyone.

Janet Andersen: Yes, stay safe. Good night.

Various Voices: Good night.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the meeting was adjourned at 9:24 p.m.

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

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ciorsdan Conran".

Ciorsdan Conran  
Planning Board Administrator

RECEIVED BY  
AUG 21 2020

Town Clerk  
Town of Lewisboro

**RESOLUTION  
LEWISBORO PLANNING BOARD**

**AMENDMENT #1 TO JUNE 16, 2020 RESOLUTION**

**OAKRIDGE COMMONS SHOPPING CENTER  
AMENDED SITE DEVELOPMENT PLAN APPROVAL – CAR WASH (PHASE 3)  
TOWN STORMWATER PERMIT**

**Sheet 49D, Block 9829, Lot 10  
Cal. #08-17 P.B. and #16-17 S.W.**

**August 18, 2020**

**WHEREAS**, the subject property contains a shopping center, known as Oakridge Commons Shopping Center, consists of  $\pm 10.3$  acres of land, is located on Smith Ridge Road (NYS Route 123) in the hamlet of Vista, and is within the Retail Business (RB) Zoning District (“the subject property”); and

**WHEREAS**, Smith Ridge Associates, LLC (“the applicant”) proposed a number of improvements to the subject property, which have been submitted to and reviewed by the Planning Board in a total of four (4) phases; and

**WHEREAS**, by Resolution dated December 19, 2017, the Planning Board approved the following improvements on the subject property, both of which were deemed independent of future phases and Type II Actions under the State Environmental Quality Review Act (SEQRA):

1. Conversion of approximately 1,600 s.f. of former office space to a personal training/fitness center, known as Lakeside Fitness, LLC within an existing building referred to as Building #6 on the Site Development Plan (Phase 1); and
2. Installation and replacement of existing freestanding signs at the entrances and within the shopping center and installation of a freestanding sign at the entrance to the existing gas station (Phase 2); and

**WHEREAS**, following approval of Phases 1 and 2, the applicant advanced the design drawings and supplemental reports prepared in connection with Phases 3 and 4, described below:

1. Phase 3 - The construction of a single-vehicle car wash to adjoin the existing gas station building, along with an expansion and reconfiguration of the parking lot and related signage, lighting and landscaping; and
2. Phase 4 - The construction of a 6,600 s.f., one-story building to house a child day care center, along with related improvements to that portion of the shopping center; and

**WHEREAS**, pursuant to SEQRA, the Planning Board reviewed Phases 3 and 4 collectively and issued a SEQRA Negative Declaration on February 27, 2018 with regard to Phases 3 and 4; and

**WHEREAS**, by Resolution adopted on February 27, 2018, amended on December 18, 2018, the Planning Board granted Site Development Plan Approval and a Town Stormwater Permit for Phase 4; and

**WHEREAS**, by Resolution adopted on March 19, 2020, the Planning Board granted Site Development Plan Approval and a Town Stormwater Permit for Phase 3; and

**WHEREAS**, the applicant did not complete the applicable conditions of the March 19, 2019 Resolution within the allotted time frame and no time extension was requested by the applicant or granted by the Planning Board; and

**WHEREAS**, the applicant therefore reapplied to the Planning Board for Site Development Plan Approval and a Town Stormwater Permit with no substantive changes proposed to the previously approved Phase 3 plan, which the Planning Board granted by Resolution dated January 21, 2020; and

**WHEREAS**, the applicant thereafter applied to the Planning Board for Amended Site Development Approval in connection with Phase 3 to shift the car wash building addition to the east, screen the rear of the building with ten (10) evergreen trees, as well as changes to the building's exterior façade and signage; and

**WHEREAS**, by Resolution adopted on June 16, 2020, the Planning Board granted Amended Site Development Plan Approval and a Town Stormwater Permit for Phase 3 authorizing these changes; and

**WHEREAS**, the applicant has again applied to the Planning Board to revise this Amended Site Development Approval for Phase 3, as embodied in the June 16, 2020 Resolution, with regard to the following:

- a) Revising Condition 5 of the June 16, 2020 Resolution, which requires an approval from the New York State Department of Transportation (NYSDOT) for any disturbance or work proposed within the New York State right-of-way (NYS Route 123) prior to the signing of the approved site development plans by the Planning Board Chairman and Secretary and, instead, to require such NYSDOT approval prior to the issuance of a building permit;
- b) Revising the approved plans with regard to the interior of the existing gas station building, as shown on "Carwash Proposed Floor Plan (Drawing C/2)," to allow for the elimination of two (2) restrooms (male/female), the replacement of these restrooms with a single unisex restroom, a new separate storage room and the relabeling of the area designated "office" to "office/store;" and

**WHEREAS**, the proposed modifications are not significant, will allow for the orderly administration of NYSDOT permitting and will not impact the overall design and functionality of the site; and

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section §220-46D of the Zoning Code, the public hearing with regard to the requested revisions is waived; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board reaffirms the previously issued Negative Declaration of Significance prepared pursuant to SEQRA; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby amends Condition 5 of the June 16, 2020 Resolution, so that the applicant shall be required to obtain NYSDOT approval for any disturbance or work proposed within the New York State right-of-way (NYS Route 123) prior to the issuance of a building permit; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby approves revisions to the drawing entitled "Carwash Proposed Floor Plan (Drawing C/2)," which shall be revised by the applicant as summarized above and incorporated into the plans approved pursuant to the June 16, 2020 Resolution; and

**BE IT FURTHER RESOLVED THAT**, except as revised herein, all other plans, terms and conditions referenced, approved and contained in the June 16, 2020 Resolution 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: Jerome Kerner

The motion was seconded by: Greg La Sorsa

The vote was as follows:

JANET ANDERSEN	<u>aye</u>
JEROME KERNER	<u>aye</u>
GREG LASORSA	<u>aye</u>
RICHARD SKLARIN	<u>aye</u>
MAUREEN MAGUIRE	<u>absent</u>

Janet Andersen CC  
Janet Andersen August 18, 2020