

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 986 1735 5382) on Tuesday, November 17, 2020 at 7:30 p.m. The audio recording of this meeting is 201117_001 and the YouTube link is https://www.youtube.com/watch?v=DwS_wJY4rWQ&t=23s&ab_channel=LewisboroTV

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

Approximately 24 participants were logged into the Zoom meeting and 2 viewers on YouTube.

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

Janet Andersen: Hi all, I'm Janet Andersen and I am calling to order the Town of Lewisboro Planning Board meeting for Tuesday, November 17, 2020 at 7:30 pm. I have confirmed that Ciorsdan has started recording this meeting. This meeting is happening via Zoom with live streaming to YouTube on the Lewisboro TV channel. The public can view the meeting there or on this Zoom meeting and we have confirmed that the YouTube feed is active and working. Please note that in accordance with the Governor's Executive Orders, no one is at our usual meeting location at 79 Bouton. I have confirmed with Ciorsdan, our Planning Board administrator, that the meeting has been duly noticed and legal notice requirements have been fulfilled. Notice has also been placed on the Town of Lewisboro website.

Joining me on this Zoom conference from the Town of Lewisboro are members of the Planning Board: Jerome Kerner, Greg La Sorsa, Maureen Maguire, and Rich Sklarin. We have a quorum and thus we can vote on any matters that come before the Board. Also with us are the planning/wetland consultant Jan Johannessen, counsel Judson Siebert, the planning board administrator Ciorsdan Conran and the CAC chair John Wolff.

The Governor's Executive Order 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 intend to post both the recording and later a transcript of this meeting to the Town website. A recording will be available on the Town's YouTube channel and of course, actions will be documented in meeting minutes. We do not have a public hearing scheduled for tonight, so we do not expect to take any public comments. The public can see and hear this meeting via this Zoom forum or live on Lewisboro TV YouTube channel.

And again, as usual we ask any applicants that are not currently engaging in dialogue to mute their lines, this will help everyone hear over the inevitable background noises. And as we go through this to ease the recording of our votes, I will poll the Board members individually. And thank everyone in advance for understanding and let's get started.

I. DECISION

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

(3:04 - 22:25)

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 Wetland Activity and Stormwater Permits in connection with the construction of a lakeside residence and cabana.

William McArthur, owner; Michael Sirignano, Esq.; and Alan Pilch, PE; were present.]

Janet Andersen: So the first item on our agenda is Cal# 91-19WP and Cal# 10-19SW. This is the McArthur and Salazar Residence, on 40 Old Pond Road, South Salem. It's an application for wetland activity and stormwater permits in connection with the reconstruction of a lakeside residence and cottage and I believe we have a resolution and I'll ask Jan to walk through that resolution.

Jan Johannessen: Sure, this is a draft resolution for a wetland activity permit and a stormwater permit for William MacArthur. It's a property located at 40 Old Pond Road in the R-2A and R-4A zoning districts, [and] consists of three tax parcels totaling 1.17 acres of land owned by William MacArthur. The property currently contains a three-bedroom home, which is in a state of disrepair, along with a detached garage, asphalt driveway, septic, well and other improvements. The applicant is proposing to demolish the existing residence and garage and construct a new two-bedroom residence and a detached one-bedroom cabana on the property. The property does front on Lake Waccabuc and the majority of the improvements are within the Town's 150-foot wetland buffer, hence the need for the wetland permit.

Old Pond Road or the portion of Old Pond Road that the property fronts on is, has been deemed to be a private road which does not meet Town road standards. The applicant has put forward a wetland mitigation plan, which provides for mitigation, both on the subject property and on an adjacent parcel owned by the Westchester Land Trust and we have letters from the land trust dated both on June 12, 2020 and September 29, 2020 that provide their, their an indication that they are accepting of the mitigation and its perpetual maintenance. They're mentioned that they're, the properties both in the R-2A and R-4A zoning district, but there are no improvements proposed on lot 17 and all the improvements are proposed within the R-2A and R-4A zone, so that zoning district controls, and as a condition of the approval the three tax lots are going to be merged.

The resolution makes reference to a review being conducted by the Town Building Inspector on August 26, 2020 and references his review letter. There are a number of zoning variances required for the project, many of which have already been obtained. The project was referred to the South Salem Fire Department and we, the resolution makes reference to their review letter and recommendation for a fire sprinkler system. There's a whereas clause that will become important later on page two about middle of the page. Where it states consistent with the recommendations of both the South Salem Fire Department and the Planning Board, the applicant has committed to install the fire sprinkler system within the proposed residence and cabana. At the last meeting there was some discussion as to whether the fire sprinkler system would, if the applicant was proposing to install it within both the residence and the cabana, and there was some question as to whether it would service the cabana so that that was left open ended. We have to discuss that this evening and potentially modify this whereas clause, depending on the outcome. The resolution makes reference to review memos by the CAC. requirements for coverage under the New York State DEC SPDES general permit for stormwater discharges from construction activity, makes reference to the SWPPP storm water pollution prevention plan that was prepared

for the project, several surveys that were prepared for the project, indicates that the public hearing was opened on August 18th, adjourned to September 15th and adjourned again and closed on October 20, 2020. It's a Type 2 Action under SEQR. The resolution identifies the the you know the improvement plans prepared by both Jeri Barrett's office and Alan Pilch's office. The remainder of the whereas and resolve clauses are fairly boilerplate. This is a two-year approval expiring November 17, 2022.

There are a number of conditions that need to be satisfied prior to the signing of the plans; I'll go through those. They are responding to all the outstanding written comments by the Town's professional staff: obtaining all the required outside agency approvals, which would be the flood development permit as issued by the Building Inspector due to the fact that the property's within the flood zone Zoning Board of Appeals variances and area variances. I mentioned that a number of them have been issued. At our last meeting, I believe, two were open and still being processed by the ZBA. Health Department approval for the new septic tank. New York City DEP approval for an individual stormwater, individual residential Stormwater Permit and covered under the SPDES general permit for stormwater discharges. As I mentioned, there are there are some offsite mitigation being conducted on the land trust property. There's also an existing patio located on the land trust property that the land trust is allowing the applicant to utilize. So there's a license agreement for both those items that will be required. The Land Trust, as indicated here has provided a letter of intent but that needs to be formalized into a license agreement. So there's condition number four handles that and that document needs to be prepared to the satisfaction of planning board counsel and my office. Condition five is an engineering and inspection fee. Condition six is the bonding of the wetland mitigation plantings and a maintenance period of three years in which the applicant will be required to submit maintenance reports or monitoring reports each year for three years. Condition seven is a requirement to the DEC general SPDES permit it requires a stormwater maintenance easement, stormwater easement and maintenance agreement. That's a document that will be prepared by the applicant's attorney and submitted to our attorney for review. And I think the remainder are pretty much boilerplate conditions. Those were the kind of the highlights or the unique conditions of the resolution. If there are any questions, I'm happy to answer them but we do need to discuss the sprinkler condition.

Janet Andersen: Okay, does anyone have any, thank you. Jan, does anyone have any questions for Jan on this? And do we know what the what the decision on the sprinkler has been perhaps I see Billy's on.

Billy McArthur: Hi, Janet. Thanks, Jan. You know again, I think, you know, to be fair, I'm fine putting the sprinklers in both units that's clearly what you guys are asking for me to do. So I think I requested setting it up only on the main house just keeping that's where we're gonna have more space for a water tank, but since you guys have asked, you know, I don't see a way around. I mean, unless I'm missing something I my preference to just have it on the main house. There's not going to be any, nobody we're not we're not planning to live on the lake cabin so we're going to spend most of our time in the main house. So again, I, I don't think this is doesn't sound like this is open for discussion or unless I'm missing something.

Jan Johannessen: I think it was, I think it was left open for discussion, that was, that was the whole idea you were going to come back with what would be involved in sprinklering the cabana.

Billy McArthur: I talked to the Building Inspector, he, he doesn't think that it is needed. So I would just prefer to just keep it on the main house. That's where we're going to be spending the majority of our time, that's where we are going sleep so that that's my preference, unless you guys have an objection to that proposal.

Janet Andersen: I see Jerome has a comment.

Jerome Kerner: Yeah, I was going to comment before you mentioned that Billy that that really is the decision I feel that falls within the Building Department's purview. It's really not a planning board issue. It was a recommendation by the fire department, but you know, it's not it's not a residence. It's not a dwelling and even though there might be people sleeping there, and it's is access easy access to grade, a fire alarm system would be would be essential. I know a fire alarm, a smoke detector. But other than that, I would think it's up to the Building Inspector and not our decision.

Jan Johannessen: Just to touch on that the, I think if you ask the Building Inspector, he's going to say, well, it's not required for for either you know, a sprinkler system for this home is not required by by building code. This is a requirement being instituted by the planning board. So I think it it does lie in your lap. There was a recommendation by the South Salem Fire Department and that's something that you're you're picking up on and including in the resolution. So I do think that it needs to be a determination made by this board.

Jerome Kerner: Well, my opinion is that it is suitable, it's required by the residence because of the limited access by the fire department but it's a recommendation, perhaps, in the cabana but it's a cabana you know it's and it has access to grade all around and I feel it's not required there, that's my opinion.

Janet Andersen: Any, any comments from any other board member on this? I'm not hearing any, I would say, I, I, too, thought that as long as you can access the from the same level as the bedroom and the main area out to the outdoors. You know my primary concern is getting people out, not necessarily recognizing that then they might lose the cabana but it would be the most important part is getting people out safely and that seems to be, you know, met. Um, but, you know, if there are kids in there are so I don't, I can't really judge that. But if the if the applicant doesn't want it, I guess, I would like it in the main house and I guess I'm willing to let it go in this house as well. Richard or Greg any comments?

Maureen Maguire: Sorry, Janet. When you say you're willing to let it go in this house as well. does that mean no sprinklers or yes sprinklers.

Janet Andersen: I'm willing. I'm willing to say no sprinklers in the cabana, I guess.

Maureen Maguire: I think yeah I I would agree with you. I think that the risks have been laid out by both the fire department and our consultants and if the applicant wants to put them in great, if he doesn't want to put them in that's his prerogative and that's but that's how I feel. So yes, in the main house and no in the cabana.

Janet Andersen: Okay. So if I understand that correctly, that would say what we would if no one else has a comment. What we would do and modify and page two just delete the words 'and cabana,' in that whereas clause that Jan had referenced previously.

Jud Siebert: That's, yeah, that's the ninth whereas clause on the second page and it references proposed residence and cabana those two words 'and cabana,' would be deleted.

Janet Andersen: Okay, it looks like Rich has his hand up.

Richard Sklarin: Just out of curiosity, what was approximate cost of what the sprinkler system would be for the cabana, any idea?

Billy McArthur: I, I don't have any idea Rich, I think we, I mean, all I heard from my architect, is that it's it's quite expensive. I don't have an actual number. So this is, I guess both in the benefit of keeping obviously some of the economic hurdle, but also as I said before, the plan for this cabana is going to be an open space. There's no ceiling so it's going to be hard to think about putting a water tank in the small cabana to serve sprinklers. I think for the main house because it's going to be, there's probably going to be more areas where we can find space. I think the main constraint, you know, is really on space for for serving the water because I think the way they work is the water needs to be stored, they cannot be sourced from the from the pump, it has to be stored for sprinklers.

Richard Sklarin: Okay. I'm okay, leaving as to the cabana as well.

Janet Andersen: You're okay, not having it in the cabana, just to make sure.

Richard Sklarin: Correct.

Janet Andersen: All right. Um, any other comments, any comments on the other resolution, the resolution. So if, if not I would look for a motion to approve the resolution, as amended.

Richard Sklarin: I just saw a typo page 6, paragraph 6 applicants just needs a parens, a possessive there.

Billy McArthur: Sorry, sorry, my, my ignorance can ask a question and and probably question to my counsel, but that I think Jan mentioned one of the conditions was that I merge all three lots. Is that something that was discussed at some point? I honestly don't remember we we talked about it.

Jan Johannessen: That was what you proposed. You proposed the merger of the lots because you have buildings that go through property lines. So they had to be merged to for zoning purposes. But I think that was your proposal, it wasn't a requirement.

Billy McArthur: And so, I assume Michael that's something that we can do easily. I mean, it's not going to be a six-month hold up?

Jan Johannessen: It's a letter to the Tax Assessor. It's, it's, you don't require any other boards or approvals.

Billy McArthur: Got it.

Jan Johannessen: It's done with the Tax Assessor.

Billy McArthur: Great.

Jerome Kerner: Janet?

Janet Andersen: Yes, Jerome.

Jerome Kerner: I'd like to make a motion for approval of the resolution as drafted with the correction that was just offered and yeah.

Janet Andersen: Okay thank you Jerome. Second?

Gregory La Sorsa: I'll second it.

Janet Andersen: Thank you Greg. Any further discussion?

Richard Sklarin: Just quickly, the construction-related activities, it's 7 am to 7 pm Monday to Saturday. I'm just thinking if there was construction going on summer holiday weekend on the lake from a good neighbor type of thing. I don't know if that....

Jerome Kerner: Typically that's the association. The Association has restrictions that might apply there.

Richard Sklarin: Okay. Fair enough.

Janet Andersen: I don't know, but perhaps I think what we have done in the past is had the resolution allow that but then perhaps ask on the, you know, ask the the applicant to manage it so maybe it doesn't happen on the Fourth of July or on you know 7 am on Saturday mornings on on beautiful lake days.

Billy McArthur: Absolutely.

Richard Sklarin: Okay, that's fine.

Janet Andersen: But I think, I think we've allowed it but asked for, you know, ask for a recognition that this is a active community in the summer.

Richard Sklarin: Fair enough. I'm good.

Janet Andersen: Okay, so, and Jerome, did you raise your hand again.

Jerome Kerner: I do. I just wanted to comment again on and state that I feel the quality of the design, the sensitivity to the site and to the environmental concerns is is notable on this project and I, as I said before, I think it sets a high bar for other people coming in lake projects. And again, I commend the applicant and the consultants on this work.

Janet Andersen: Okay. Any other comments? Okay, then I'm going to move to ask for everyone's vote and again, I'm going to do it, you know individually, so Rich?

Richard Sklarin: Yes.

Janet Andersen: Looking, Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: And I also vote yes so the motion carries. All right. Thank you very much.

Michael Sirignano: Thank you.

Billy McArthur: Thanks everyone.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the resolution for McArthur and and Salazar Residence, 40 Old Pond Road, South Salem for the construction of a lakeside residence and cabana was granted. A copy of the Resolution is attached to these minutes.

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

II. SCHEDULING OF SITE WALK

[Cal #57-20WP, Cal #09-20SW

(22:26 - 31:19)

Schwartz Residence, 0 Twin Lakes Road, South Salem, NY 10590, Sheet 34B, Block 11831 Lot 35 (Michael Schwartz, owner of record) - Application for the construction of a one-bedroom house/studio.

Michael Schwartz, owner; Alan Pilch. P.E.; and Darren Mercer, architect, were present.]

Janet Andersen: Okay, um. The second item on our agenda is, we do not have any new application material for the Schwartz Residence which is Cal #57-20WP, Cal #09-20SW. It's on Twin Lakes Road, on a vacant lot, it's an application for the construction of a one-bedroom house and there was some discussion about setting a site walk for this. This, I don't know if anyone is...ah, Darren, I think, is um from Alan is I'm from the, from the applicant. So, I know in the time of COVID maybe this is not a group site walk but I wanted to see if anybody else if anyone was interested in the site walk. I think there were some questions about the orientation, perhaps, of the house, the location of the driveway, whether it could be shared off the adjacent and then the location of the stormwater facility. So, um, I think those are the major issues that we discussed in our last review. Is anyone interested in attending a site walk on this?

Jerome Kerner: Janet.

Janet Andersen: Yes, Jerome.

Jerome Kerner: I think there was one of the concern which which was that although this is shown as a studio for photographers photographic work and the Health Department has created a one bedroom, the building department did make comments about use of darkroom space or other space that's included and we have to be aware that this house could be sold as a as a multi or more than one bedroom house and I think that we need to be prudent and look at it from that point of view, we can't just at least that's my feeling. We just can't close that over that this could become a come back to us as a separate property with more than one bedroom.

Janet Andersen: I think you're right. I think that's really the call of the Building Inspector and health department. But certainly there are even as designed it could be used as a two bedroom, I believe so but that, you know, the fact that it could be sold separately that also made me think about the other piece was access to the lake. So, I mean, I think there's questions that we have right now. Tonight we're only really on to discuss whether or not we want to have a site walk and when it would be and then to perhaps inform our future discussions on this. So I I know I I would like to see it in particularly in light of Maureen's comments last time that that perhaps there's a way to move it further away from the lake further out of the wetland buffer and to try to understand the, you know where the septic has to go, where the, where the house has to go so I am interested in going but... Yes, Alan.

Alan Pilch: I was just gonna say, I think it's very important that the board does see this property because um, you know, it's a beautiful treed lot and where the house has been placed has been done very carefully to minimize that impact and just so you know, we've also done since we've last been before the board. We have done deep hole tests for the septic system and I'll just tell you that we went down seven feet in the three deep hole tests and basically found medium to fine sands, sandy loam soils, no bedrock, no groundwater. We also did just so you know, a deep hole test, which was witnessed by Vinny from Kellard's office for the stormwater and you know between to rock outcrops it's interesting I think these are just boulders like giant boulders, kind of like you know, the, the large rock on 116 in North Salem something like this because we went down five feet before we hit bedrock and it was in, you know, sandy loam and fine sand soils and I'll just tell you that opens up the opportunity to do a subsurface system because of the depth that we had. But I just think it's very important that the board go to the property, just to see the thought that was put into the project to locate this house and I think it'd be done safely. I know that many other boards have been doing site walks I'll say doing social distancing and wearing masks and they can do it very carefully. I know that from the board that I sit on. We've been doing it since the beginning of the pandemic in that fashion. So I would urge the board to please go to the site and see it. I think it's important that the board understand the process that we all went through in order to locate the house, the septic and where stormwater is.

Maureen Maguire: Janet, I would like to attend the site walk.

Janet Andersen: Okay.

Jerome Kerner: I would.

Janet Andersen: And Jerome would. Okay, um, is there any, do you have any constraints on time and I know we usually do it the week before the you know, the following following board meeting, but I also have a slight bias to say, let's try to get it in before it gets any colder. So, but, you know, so I don't know. I mean, I could say, let's do it this coming Saturday the 21st.

Jerome Kerner: That's good.

Maureen Maguire: I agree.

Gregory La Sorsa: I will not be available for the Saturdays through through the middle of December.

Janet Andersen: Okay, and we could do it Sunday, the 22nd maybe.

Jan Johannessen: Greg, did you say through December?

Gregory La Sorsa: The middle of December, yes.

Jan Johannessen: Including November?

Gregory La Sorsa: Yes, for from from this you know the next few, so that's about four or five more Saturdays. Yeah. I mean, if you want to do on the 22nd, I guess I can do it.

Janet Andersen: I mean, it's not. Yeah, it's 22nd nine o'clock, so the sun will be up. Okay. Um, so, Alan, I think, you know, again, the important thing that we will want to see if it's possible is to have a sense of where the house will be. Okay you got it, you understand what we want.

Alan Pilch: Yes we'll make sure that it was staked before we'll make sure it's all in place. It is supposed to be a very lovely weekend too it's supposed to be about 60 during the days on Saturday and Sunday.

Jerome Kerner: What is the house number, it's not zero.

Alan Pilch: Adjacent to 66 it's the, you won't miss it. It is 68 but there's no house, obviously there but you'll see the mailbox or 66 and it's just....

Jerome Kerner: It just says zero on the agenda so.

Alan Pilch: I thought that was curious, too.

Janet Andersen: Well that's vacant lots get that and so I'm going to ask Ciorsdan to send out a reminder on this on Friday to the board. Okay. Great. Okay. Thank you very much. I think that will be I think that will be helpful and obviously John Wolff, I didn't ask if you could make it. But if you want to you're certainly welcome to attend them as well.

John Wolff: Yeah, there's some of the CAC members showed interest when it showed up on your agenda. So we would probably be represented.

Janet Andersen: Okay, good. Thank you.

Alan Pilch: Thank you very much

[The Board reached consensus to schedule a site walk of Michael Schwartz's vacant parcel on Twin Lakes Road, South Salem for Sunday, November 22nd at 9 a.m.]

III. SPECIAL USE PERMIT RENEWAL REVIEW

[Cal #3-09PB

(31:20 – 37:34)

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

Michael Sheridan of Snyder & Snyder, LLP was present on behalf of the applicant.]

Janet Andersen: All right. I think that's no more on that right, we're done. Um, OK. So the next item on the agenda. Well, we have two special use permit renewals and these are for the carriers

on cell towers, not for the tower structure itself and I don't know if we have people on for this. But the first one.

Jerome Kerner: Michael Sheridan is here.

Michael Sheridan: I'm here, I'm here. Michael Sheridan from Snyder and Snyder. Good evening.

Janet Andersen: Great. Thank you, Michael. So the first one is Cal #3-09PB, this is Verizon Wireless at the Vista Fire Department on 377 Smith Ridge Road in South Salem and it's an application for a special use permit renewal. And I believe that Jan had a memo, and we have already gotten a response, I believe, for that as well. But Jan perhaps you want to go quickly over the memo.

Jan Johannessen: Sure, as you mentioned, this is the renewal of the special use permit for Verizon, it has nothing to do with the Tower itself, it's just the equipment that Verizon is operating. This is at 377 Smith Ridge Road at the Vista firehouse. The special use permit does require public hearing so that's something that would need to be scheduled. I believe these are typically referred to the AAB, so we made that recommendation. Other than that, we had very few comments. One item on the short EAF, Part 1 and requesting that the applicant submit Part 2 of the short EAF, both of those items have been, since the drafting of my memo, have been submitted and appear acceptable.

We had a comment about the structural reports and it was just, it was a little lacked a little bit of specificity. So, we requested more definitive statements of structural integrity and that has also been completed and they referenced the latest structural reports that have been prepared for the tower that was satisfactory. And then our comment number four, consistent with how the Board's been handling the renewals on the carriers is that the instead of having them in five-year increments I think at the last go around with a similar application the board indicated that, it indicated that it would prefer to have the tower special permit on five-year increments and then the individual carriers instead of five-year increments have have that special permit issued indefinitely. So we made that recommendation. We would just have to follow the or track the special permits on the tower itself, of course you know you get you get to look at everything at that point in time so it didn't seem like a great use of time to keep on having the carriers come back for their individual special permit renewals but other than that it was a, you know, complete application and I believe all of our comments have been since addressed. So, I would have no reluctance to the scheduling of the hearing.

Janet Andersen: Is the board in general agreement that we could go ahead and schedule the public hearing for December?

Gregory La Sorsa: We, could, yeah, I'm a little uncomfortable with an indefinite renewal of a permit. I, I don't I mean, with all due respect to Jan, who I am almost always agree with I'm a little uncomfortable with that.

Janet Andersen: Okay. Um, what...

Jerome Kerner: It's not for the tower Greg.

Gregory La Sorsa: Yeah, I know.

Jerome Kerner: It's for the individual provider.

Gregory La Sorsa: Yeah. I mean, so, so we get to see them once every five years.

Jan Johannessen: I just I just made the recommendation because we had handled, I think a couple of months ago, a carrier application that came along with the with the tower it was think it was Insite Wireless and then Sprint Spectrum and AT&T.

Gregory La Sorsa: Yeah. No, I understand that. I just think, you know, things change things change in the town, you know.

Jan Johannessen: Yeah, I gotch you, it's whatever you're comfortable with. It's definitely your purview.

Janet Andersen: You want to keep it at five?

Gregory La Sorsa: Yeah, I mean, I think we're okay with that.

Janet Andersen: Anyone else?

Jerome Kerner: That's fine.

Richard Sklarin: Yes.

Janet Andersen: All right. Um, and so we schedule the public hearing for December. Are, can I look for consensus to say that we refer this to the AAB?

Various voices: Yes.

Janet Andersen: Okay, I'm hearing no objection, I'm going to assume we can refer that to the AAB, and I guess I would also ask Jan and Jud to prepare a resolution, assuming that the public hearing will go well, and we will have like a resolution available for December, as well as if that again this view of the board.

Various voices: Yes.

Jud Siebert: That resolution can be prepared and we can put, you know, like a five-year increment on it and then if you know if there's further discussion that night, we can adjust it whatever we want to do, but this is the way we've been handling, you know, these carrier renewals is to have the public hearing and be poised to adopt a resolution on its close so if acceptable we will go ahead and do that.

Janet Andersen: I would I would like that. So, um, okay any other discussion on this application?

[The Board reached consensus to schedule a public hearing for Verizon Wireless at the Vista Fire Department, 377 Smith Ridge Road, South Salem for Tuesday, December 15, 2020.]

[Cal #6-12PB

(37:34 - 39:36)

Verizon Wireless at Leon Levy Preserve, 1411 Route 35 South Salem, NY 10590, Sheet 40, Block 10263, Lot 1 (Town of Lewisboro, owner of record) - Application for Special Use Permit Renewal.

Michael Sheridan of Snyder & Snyder, LLP was present on behalf of the applicant.

Janet Andersen: With that, I think we are going to have a very similar discussion on 6-12PB, the Verizon Wireless at Leon Levy Preserve which is 1411 Route 35, South Salem, New York and once again, I think that the I could see that the memo was very similar, Jan any....

Jan Johannessen: Ditto.

Janet Andersen: And I think, similarly, the applicant has provided responses ditto, right? Okay, so, um, again, I guess we would look for a agreement, we, we can just do a consensus for a public hearing right Jud? Like what we just did last time?

Jud Siebert: Correct. AAB and the public hearing.

Janet Andersen: Right, so, okay, so we're looking for refer to AAB, public hearing and directing Jan and Jud to draft a resolution that we would be prepared to discuss the night of the public hearing.

Richard Sklarin: With the five-year duration.

Gregory La Sorsa: Five years.

Janet Andersen: Okay, so we now have that done. I think that is there any, anything else we need to cover before we move on?

Michael Sheridan: Just one question. What is the date of December meeting?

Various voices: 15th.

Michael Sheridan: Great, thank you.

Janet Andersen: December so and you will get with Ciorsdan to discuss the or to know how to do the public hearing notice and all that.

Michael Sheridan: Yes, we'll do that and thank you very much. I'll see you in December. Thank you.

Janet Andersen: Great. Okay, um,..

[The Board reached consensus to schedule a public hearing for Verizon Wireless at Leon Levy Preserve, 1411 Route 35, South Salem for Tuesday, December 15, 2020.]

IV. SKETCH PLAN REVIEW

[Cal #05-20PB

(39:37 – 50:05)

Venezia lot line change, 249 Kitchawan Road, South Salem, NY 10590, Sheet 45A, Block 09827, Lot 113 (237 Kitchawan LLC, owner of record), 237 Kitchawan Road Sheet 45A, Block 09827, Lot 122 (William Venezia, owner of record) and 0 Kitchawan Road Sheet 45A, Block 09827, Lot 124 (William Venezia, owner of record) - Application for a lot line change.

Michael Venezia, owner and Tim Cronin, Cronin Engineering, were present.]

Janet Andersen: Ok. The next item on the agenda is a sketch plan review for Cal #05-20PB. The Venezia lot line change 249 Kitchawan Road, South Salem, NY; 237 Kitchawan Road in South Salem, NY and No Number Kitchawan Road, which also might be 0 Kitchawan Road. So this is an application for a lot line change. And I see Tim, I guess is on for this.

Tim Cronin: Good evening Madam Chair, members of the board. My name is Tim Cronin, and it was my office that put together the plan that we're discussing tonight. If possible, could I share the screen to out the plan up on the board.

Janet Andersen: Sure.

Tim Cronin: Can everybody see this?

Janet Andersen: Not yet, but it'll get here. There it is.

Tim Cronin: All right. My cursor is a 237 Kitchawan Road that's the existing Venezia house and the lot, which doesn't have a number is this one over here, which is to the would be the east or west, excuse me, of the existing residence. They recently purchased 249 Kitchawan Road, which is the one that's colored in right here which actually included what you see here in color, plus this line here was approximately 8.53 acres, this lot line adjustment will take a portion of the newly purchase lot along this line here and combine it with the existing Venezia properties. At the last meeting there was some conversation about a piece of or say a flagpole, if you will, that ran right along this line here out to Kitchawan Road. As you can see, in talking to my client, he was amenable to eliminating that flagpole so there is no second access on Kitchawan Road for the existing Venezia property. We received the original memo from Jan at Kellard Sessions. He had some comments, one of which was to provide the buildable area, which we did, which is outlined here in red. We also just recently received a memo from the Building Inspector, where he has acknowledged that both of these lots upon completion of the lot line adjustment, will be code compliant lots. And that's pretty much the application and the proposal. So we are we are not creating a new lot and you're actually combining three lots. The newly purchased lot, the existing Venezia house lot and the vacant piece that we had a tennis court to the other side of combining those three lots into two so in light of that and and based on a comment from Jan's first memo, we would respectfully request that a public hearing be waived in this matter, because we are not creating a new building lot, nor are we creating a non-code compliant lot through this through this proposal. That's it.

Janet Andersen: And so again if you stop sharing, we get to watch it see everyone and which helps a little, there, I do understand we can waive a public hearing if there are no variances required. Jan, I believe you have a memo, if you want to hit the highlights of it.

Jan Johannessen: The very few because it's a pretty short memo. The applicant responded to just about all of our prior comments. There was a couple of items, just that we wished to have both on the subdivision plat and they and the IPP just showing the buildable area on the plat, a couple

other notes just being transferred over to the plat. Other than that, it looks very good and Tim is correct that on a lot line change that does not result in the new building lot it does not require a variance. The three steps of division process can be modified and reduced to two steps: Step 1 being the sketch, which was submitted and Step 3, being the final and the board can waive public hearing which it's done on numerous occasions lot line changes like this.

Janet Andersen: So I'm looking for the sense of the board about whether you're willing to waive the lot line, the public hearing.

Jerome Kerner: Is that a motion required?

Jud Siebert: What we typically do Jerome is if the board is in agreement that we can waive the public hearing is that we ask Jan to prepare a resolution proceeding directly to final and that resolution will include the fact that we've we've you've waived the public hearing under the subdivision regulations and are proceeding directly to final.

Gregory La Sorsa: Have we heard. I'm sorry.

Jerome Kerner: No go ahead.

Gregory La Sorsa: Have we heard from anyone? Have we gotten any communication from anyone on this proposal, I don't remember. I don't think we did, but I thought, some people were here at the last at the last meeting.

Ciorsdan Conran: We have one neighbor is on the Zoom tonight. Mr. Goodman had contacted me during the week and I sent him the revised plat. John, do you want to comment at all?

Jan Johannessen: Myself? So, I'm looking through my notes from the last meeting to see if I remember there being any public.

Gregory La Sorsa: I'm just, yeah. I'm just wondering if there. Have there been any stated, you know, objections or concerns, before we waive the public hearing.

Ciorsdan Conran: Jan heard me say Jan, but I had said John is in John Goodman.

Jan Johannessen: Okay. Thank you.

Gregory La Sorsa: I actually got that, but that's okay.

Jan Johannessen: I had no comment.

Janet Andersen: So, go ahead John.

John Goodman: Yeah, I don't. I have no objections to the waiver of the hearing. The concern that we had if we had one was really with that flagpole and the assumption therefore would be obviously that if this proceeds that will somehow rear its head again. And if it did, we would have an opportunity to comment on it. The concern is, of course, with a curb cut, which at that location would seem totally inappropriate and we want to be very comfortable that that that wouldn't unfold as this proceeds.

Janet Andersen: Okay, so you you did see the plan and that you realize there is no longer a flagpole. Correct?

John Goodman: Yes. Yes, ma'am.

Jan Johannessen: Just to clarify if the if the applicant wanted to bring that back that would require another planning board application and another lot line change between those two to lots to bring a flag pole down to the road.

Janet Andersen: Okay. And I just going to instead of logically, there is a Martha Goodman on would you John know if that Martha is somehow related to you?

John Goodman: I'm not sure but I believe so, yes. My wife, yes.

Janet Andersen: Okay, so any comments? I guess I mean I I'm does she want to speak individually? We don't see the mute going off so....

John Goodman: She says no.

Janet Andersen: Okay, I see. Steve, you've unmuted yourself or you have a neighbor or a

Steve Walkley: Yes, I would just make the comment that I'm a neighbor of John's on Kitchawan Road across from where this change would have occurred. And I agree completely with John and Martha that eliminating that is preferred.

Janet Andersen: Okay, thank you. And so we have heard from a couple of neighbors, Greg I don't, I don't know if that was your....

Gregory La Sorsa: Well, I mean, I certainly hear things that would make me feel comfortable in waiving the public hearing but I, you know, I'm just generally uncomfortable, unless we know that there's not really an outcry against it. So it sounds it sounds like this is something we can probably go ahead with on that.

Jerome Kerner: Yeah, I there was only one controversial element that was that flagpole which actually lead to subdivision for the subdivision. I think they did a good job in removing it.

Janet Andersen: Right. And, you know, there still may be an easement across, but I think that is outside really of our purview once once that happens, so so I guess again is there a sense that we can waive the public hearing and move directly for the preparing a resolution.

Maureen Maguire: I'm in favor of waiving the public hearing.

Janet Andersen: Thank you. Maureen. I see.

Gregory La Sorsa: Yeah, I'm with that.

Janet Andersen: Jerome has thumbs up. You okay Rich?

Richard Sklarin: Yes, based upon what we've heard tonight. Yes.

Janet Andersen: Okay, great. So, um, so we will ask that Jan prepare a resolution for our consideration at the next meeting and indicating that the board had agreed to waive the public hearing. Anything else on this? Okay.

Tim Cronin: Thank you very much.

Janet Andersen: Thank you.

Michael Venezia: Thank you.

V. WETLAND PERMIT REVIEW

[Cal #35-20WP

(50:06 – 54:01)

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 was present.]

Janet Andersen: Okay, so the next item on our agenda is the Cal #35-20WP. We need to mute John Goodman. Where is he, oh, thank you Ciorsdan, faster with the fingers than I am. Okay, so Askildsen residence at 82 Mill River Road, South Salem, New York. This is an application for the demolition and construction of a single-family house and I thought, oh, well, he signed on, but I see a ceiling.

Jerome Kerner: Kind of crooked.

Janet Andersen: There you are. Hi Ken. Okay, so, um, I don't believe we've received any updated any updated materials from you. I think we have an old review memo from Jan, which perhaps we you might want to review or you could tell us where you stand on this on on preparing information for us on this.

Ken Askildsen: Okay, I'm Jan did you want to go ahead, first on that? Do you have anything to add?

Jan Johannessen: No, just that, you know, we have a memo out there and we're looking for some progress and response to the comments.

Ken Askildsen: Oh, I know that I spoke with Hans, the architect and he expressed that he his drawings he has he's revised the drawings to bring the front of the structure back from the road by 10 feet and reduced the length of the structure by six feet from the wetlands at the rear of the property, um, he reduced the heights by a few feet and then the footprint by a couple of percent. So let's see. Also the completed plans they should be done within the next day or two. He's very close to completion of those. So we, I could you know hand deliver you know copies of those to you guys as you need them.

Jerome Kerner: And with all due respect, I think we need to adjourn this and hold it over till next month until we get that's plans.

Ken Askildsen: That's right. That's what I was going to just say, because I don't want to waste everyone's time on this.

Jan Johannessen: It's just on as a control date Jerome. So we're just, just checking in.

Jerome Kerner: Okay. Okay. I get you.

Ken Askildsen: You guys want to set a date and I'll just adjourn and then come back.

Jan Johannessen: Ciorsdan, what's the submission deadline for December for reoccurring applicants?

Janet Andersen: It's December, it's November 24 so if you think you can have information to us by November 24 we would put you on for December.

Jerome Kerner: Next Tuesday.

Ken Askildsen: Okay. I don't think that should be a problem. I think we're good.

Jan Johannessen: And can feel free to have Hans give me a call, we can go over the items, the open items before he submits to make sure he is captured everything.

Ken Askildsen: Yeah, I think that's the best way just directly like that makes the most sense. So I'll just have him give you a call and then you guys can work that out and we'll, we'll come back to you.

Jan Johannessen: Sounds good.

Ken Askildsen: Thanks, everyone. Thank you.

[Cal #60-20WP

(54:01 – 1:00:29)

McGuinness Residence, 17 Schoolhouse Road, Waccabuc, NY 10597, Sheet 22, Block 10802, Lot 35 (Annette and Peter McGuinness, owners of record) - Application for the construction of a greenhouse, covered dining area, spa and extension of an existing patio.]

Janet Andersen: Okay, and the next item on the agenda was the McGuinness residence, 17 Schoolhouse Road, Waccabuc, New York, which was an application for a wetland permit and they have asked us to adjourn until another submittal. They don't think it will be December so it might be January so we will wait for that that submittal.

Jerome Kerner: Could I make a statement on that because I might not be around for the next pass but I think we need to look at this from the perspective of whether or not we would how we would review it if we're all submitted as one application, that is to say, previously approved work and this work. I just, I've had feelings about the applicant and previous submission as having been, you know, attempts at avoiding the approval process all together, getting his hand slapped and then coming back and then we negotiated as best we could. Which turned out to be a reasonable solution, but I'm just wondering if this isn't the same kind of workaround suggesting that if all of this work was submitted, along with the previous plan. If we would have said whoa, this is just too much. This is all in the wetland buffer and I just would ask that as we proceed on

this plan that we just keep that in the back of our minds, that sits on my mind and I don't know you all have any further comments on that but that's my concern.

Janet Andersen: Yeah, I think one of the problems that we have to think about is if there's comments in the prior resolution that get changed if we do this resolution, how we, you know, make sure that anyone following in the future isn't looking for, you know, a sign on a shed that no longer exists or something. So we, we will have some tracks on that, but I'm not sure that the prior applications application and this application, I mean, we might have looked to swivel things or smooth things but I'm I don't know that would have been much different. I'm sorry, Maureen, I think you were starting to talk and I spoke over you.

Maureen Maguire: No, that's that's okay um I casually know the applicant and I believe that it is just a case of they're a new young family that moved into the neighborhood from the city. It was perhaps not feasible for them to conduct all of the work at the same time. I know with my house I split things up as I saved more nickels and and I think it's dangerous for us to presume ahead of time on something like the worst and some kind of you know nefarious plan that people have hatched. I just think that's not a good precedent to to set.

Jerome Kerner: It's just that Maureen, it comes so close on the heels of an approval that took so long and and we were told about how much money was spent on mitigation, which was more than we had actually required. And it seems to me, things don't hang together, then you know if this scrapping nickels together in order to do more improvements, how come they spent so much more than they had to on the mitigation. So, you know, things like that like that, I guess, get stuck in my craw and I don't like being taken advantage of as a planning board if....

Jud Siebert: If, if I can get and Jerome, I guess my, my point would be one. You know it. Your observation is is one that you've shared with the board. There was a pre you know prior wetland violation that that led to the prior application, that's been resolved, disposed of. And I think if those concerns are harbored by you or any other board members, I think it's appropriate to raise them once the applicants in front of us. You know, advancing this application and I think that's the time to have this discussion, so the applicant can actually be, you know, in a position to respond, you know, as those concerns are raised. So, I you know okay, I understand. I understand the concern. I'm not discounting it, but I think the the appropriate time to really air that is when we have the applicant or their representatives in front of us and we can talk this out.

Jerome Kerner: Okay, so I withdraw my comments and I request they be struck from the minutes.

Jud Siebert: Well, I'm not saying you need to strike them I'm just saying.

Jerome Kerner: I just do not have been there, I they are not relevant this time.

Janet Andersen: Okay. Since we've been using the transcript as minutes we'll have to think about this. Okay. The the, I mean, I, I think there are some I did have some questions on on sort of the conflict, you know, the plans weren't necessarily holding together but I suspect that a lot of things will come much will become clearer when they resubmit and follow the indications that we're in Jan's memo so so that's adjourned, and it may not be in December, it sounded like a quick turnaround. So it looks like we might not get it until January. Any other discussion on this before I move on?

VI. DISCUSSION

[Town Board to amend Town Code §220-40 – elimination of accessory apartment inspections. (1:00:30 - 1:22:14)]

Janet Andersen: Okay, the next item on the agenda is a referral from the Town Board to amend Town Code §220-40. This is the elimination of accessory apartment inspections and the associated fees. This came after the accessory apartments became an as-of-right addition to the zoning code. So eliminating the so the Town Board is now recommending that they eliminate the these inspections and fees. Do we have, I mean, it seems to make sense to me, can, can we write a letter back to the Town Board that basically says this seems appropriate? Do we have any other comments, I don't know.

Jerome Kerner: I would agree to that.

Janet Andersen: Greg, it looked like you might have a comment.

Jerome Kerner: You're on mute, Greg, you're on mute.

Gregory La Sorsa: Okay, so what it, what is this actually proposing because I was reading some of the notes. Is the Town suggesting to strike §220-40 from from its rules and regulations?

Jud Siebert: No, not, not the entirety Greg, only those provisions that require inspections of accessory apartments and a payment of a fee as those accessory apartments are now permitted as-of-right as opposed to special permit.

Gregory La Sorsa: So there'll be no restrictions whatsoever on anyone who has any desire to put an accessory apartment in this town.

Jud Siebert: No, the there'll still be restrictions on occupancy, location, number of units, size, exterior appearance, off-street parking, utility approval.

Jan Johannessen: Basically, it took it out of the hands of the ZBA and put it in the lap of the Building Inspector.

Jud Siebert: The Building Inspector. Yeah.

Jan Johannessen: And that was a local law that was was the last year?

Jud Siebert: A couple years ago.

Janet Andersen: A couple years ago. It's already been done. So that's been done. The only thing that this really does is say, well, since it's now, as-of-right we're going to eliminate, you know, it's, it seems contradictory to say you need an inspection and fees, which used to be part of a special permit.

Jan Johannessen: Building Inspector used to have to go out on a yearly basis or every two years, right?

Gregory La Sorsa: Jud, are we the only town in Westchester that that doesn't require a special permit?

Jud Siebert: I Greg, I can't answer that. I'd have to do a survey of codes. I think it's I think it's a mix, depending on the municipality, some do continue to do special permits some continue or some allow them as-of-right, it really it depends.

Jerome Kerner: Well, there are still restrictions, though, I mean, you have to have certain amount of land and certain size lot Greg, it's not..

Gregory La Sorsa: Yeah, I get that. So, so once it's built that's it will never have to look at it again.

Jud Siebert: The Building Inspector would continue to to to have to monitor it from enforcement standpoint.

Gregory La Sorsa: Mm hmm, but not inspect it every few years.

Jud Siebert: Not inspect. The inspection piece was part of the special permit because you needed a particularized authorization from the ZBA to have that permit so as is typical with with a lot of special permits, there's a there's a time period and and additional requirements, including inspections.

Janet Andersen: But that all went through that, you know, two or three years ago, I think.

Gregory La Sorsa: I mean, you know, I mean, there's then what are we talking about today.

Janet Andersen: The only thing we're talking about today is, since it's no longer special permit it doesn't seem....

Jud Siebert: Eliminating the inspection and the fee piece.

Gregory La Sorsa: Right, okay. But then, then what I'm saying still stands so once once you get the permission to to to put up a an accessory apartment, that is the end of the, the, that's the end of it. There's no requirement in our town, there would be no to to inspect it to make sure that everything's being complied with, the only way that that would be done would be if there's a whistleblower or something that says, I think, I think something is not correct here, would you go out and look at.

Jud Siebert: That would be the likely. I mean, likely resolved. I mean, it would be the Building Inspector's purview to determine when an inspection is warranted, you know, whether by complaint or you know its own protocol in terms of inspection and but it would not be a mandatory, you know, periodic requirement as it was when the special permit provisions were in place.

Janet Andersen: As I understand it this was a recommendation by the Building Inspector because he felt like there was no real mandate for him to, there was no reason for him to go out anymore because there's no special permit for him to be inspecting.

Jud Siebert: To check that certain conditions or, you know, being satisfied or not. Yeah.

Janet Andersen: And inspecting the compliance for the special permit if there's not a special permit, you know, how can he, how can he see whether or not they're complying to it?

Gregory La Sorsa: Completely whether or not they complain to the rules that we have on on on the on the books, that was set forth in §220-40.

Jerome Kerner: Well, he does that initially as part of the application for.....

Gregory La Sorsa: And what happens if somebody tries to you know make a change?

Janet Andersen: Well, I think, no different than anything any you know if you build a house and something changes.

Jerome Kerner: Yeah. I mean, they could add a bedroom, you mean or it's the same as a private residence.

Jud Siebert: Right.

Jerome Kerner: It's a violation.

Janet Andersen: If it gets caught or if it gets in....but, so, um, Well, I guess I'm trying to figure out whether you feel that we should be saying you know, okay, even though there's not a special permit anymore, there's still should be some kind of, of review.

[Maureen Maguire and Richard Sklarin left the Zoom but Mr. Sklarin returned later via phone then video.]

Gregory La Sorsa: I don't see this going hand in hand. I don't see that the the absence of a special permit requirement going hand in hand with inspections. In other words, if you lose one you have to get rid of the other,

Jerome Kerner: Have you got the code handy there Jud, to look at what inspection we're actually speaking of, it's certainly not the initial approval, right? It's what you get.....

Gregory La Sorsa: I have the Code right in front of me right.

Jud Siebert: So what what's been. What would, what would be eliminated would be the inspection requirement that occurs on a biennial basis, two years out, not, not not the initial inspection a periodic inspection of every two years.

Jerome Kerner: Yeah, so why would why would that be handled differently than a residence single-family residence once approved?

Gregory La Sorsa: Because it because it is different because it's an apartment and it has different requirements. So, for example, in an occupancy and just reading the owner of the one family lot shall maintain his legal legal residence at least one of the dwelling units on a lot. The maximum occupancy of the accessory apartments is four persons that's open to concerned, there's no there's no such requirement on a single-family residence. Location number of units and accessory apartment may be located in the principal dwelling building and maybe include existing new expanded structure construction. There shall be no more than one accessory apartment per building permitted per one family building a lot that's potential for a problem there. Accessory apartment is not permitted on any single lot where more than one dwelling unit already exists regardless of whether additional dwelling is prior non-conforming dwelling unit or not. I mean, there were rules that I think have to be looked at.

Jerome Kerner: Well, you bring up a good point. It's certainly one that that goes beyond construction modification and that's bedrooms. Let's say sleeping. If there's only four four persons permitted and you get a family that starts to crowd in and sleep six or eight that that's a problem. So you're right there, though, you know, their occupancy issues that perhaps need to be monitored.

Gregory La Sorsa: I mean, I, I understand the rationale behind this and I understand that the least on the surface, the argument of saying it's no different than a home, which I disagree with, but I understand why that argument would be made. But I mean, I think there is a difference between an apartment and a home.

Jerome Kerner: No, I agree with you.

Janet Andersen: And I, I do see your point there. I am and I guess I'm I'm leaving that to Jud I I don't know what. So the, the, the question of what you would compare or inspect against if you don't have a special permit. What you're saying is the remaining, remaining items in §220-40 that you've just sort of reviewed with us would be to be checked.

Jud Siebert: Right. So perhaps, perhaps the inspection component remains without the requirement for a registration form and a fee.

Gregory La Sorsa: I I think that I could see a benefit in in doing away with the with the registration form and the fee. I mean, I understand that.

Janet Andersen: Yeah. Although, you know, I understand the Town needs money to but yes I I think that makes more sense for....

Gregory La Sorsa: The Town needs money, but they're the one proposing to do away with the fee.

Janet Andersen: Yeah, you know, but but if but the point is that if you're if you don't have a special permit, you know, but you're saying we want this inspected and we want to support accessory housing.

Gregory La Sorsa: I don't want, I don't I don't want and I don't think the Building Inspector wants to go around and check this, check on all these things and I get that but if we're going to be allowing great leeway in setting up accessory apartments I think that we run the risk that some of these apartments and some of the regulations that we have for these apartments could be taken advantage of. So who's going to monitor that? I mean, should we not monitor it? If we don't monitor it, I mean, if that's what the Town wants then that's what the Town wants. My suggestion in this consulting aspect that we're doing right now is that I think that's potentially problematic.

Janet Andersen: Okay, so I and I see your point. And so what would you think, and I guess I'd look up Jan and has a comment.

Jan Johannessen: I was just wondering if, if you maybe you keep an inspection in there but you don't make it mandatory that the Building Inspector has to inspect every two years, maybe it's like...

Gregory La Sorsa: A pop quiz or something?

Jan Johannessen: No, but you could say it could the Building Inspector may inspect with reasonable notice. So, it's not requiring him to do and manage all of this, you know, they're short staffed to go out and have to do inspections every two years, on a number of these properties. Maybe it's it's too much but if you got a complaint and there was overcrowding, or some sort of issue, there's a mechanism in the code that would allow for an inspection.

Jerome Kerner: Can I make a comment here, you know, if we're concerned about being a nanny state, so to speak, it's an apartment within an existing residence or your adjacent to is a landowner or someone who's, who should be responsible, maybe there should be something in there that requires an affidavit from the landlord that there's compliance and they're only few you know whatever the checklist of compliance issues are so that the Building Inspector doesn't have to go out there, he gets a piece of paper that says, everything's fine, there are four people living here and leave us alone. But if if they have six people or eight people and they submit that sheet well in the Building Inspector has of course to inspect.

Janet Andersen: The only thing I would say is, as I think we have had some experience in trying to track people that have say agreed to pump their septic every so often so this becomes another tracking thing, you know, and did everybody send back their piece of paper. That might be easier to track then if you if you don't send back your piece of paper we're going to do an inspection maybe is the, is the stick, but it gets a little you know, I, I want to make sure we're not building a bureaucracy, by, by doing that, but I think if you say compliance with this can be. We recommend that compliance with these code be required either through an inspection by the by the Building Inspector or the an affidavit from the owner of the property, who says that this complies with all parts of §220-40.

Gregory La Sorsa: I think we're going around. We're taking away the best solution to this problem, which is systematic inspections and we're trying to figure out other ways to do it, which are not as good. And I mean, I think, and I don't mean to be cynical, but I think I understand why the Building Inspector doesn't want to now have to take on an added burden of inspecting these rather open accessory apartment situations because, you know, there's the possibility of this being maybe taken advantage of, or maybe that's the wrong word to use. But I can see the Building Inspector not wanting to get involved in this, because it might be a higher level of involvement than for something, then do what he already has. So I get I get that. And I get why we're looking to do away with, you know, away with this. I mean, I understand this, this, you know, sociological issues and so on. And, you know, we're looking to bring in affordable housing affordable people who can live here. The people who can live in affordable housing that's that's all fine. That's great. But I do think there are issues that you know that that this systematic inspection is intended to address. And I think if we take it away, I think, like I said before, I think it's problematic and I would not be in favor of that. And and I think you raise a good point Janet, if we're going to start, you know, trying to figure out ways to to replace the the the rules that we have on the book right now then I think that that's not helping you know that that bad, why we have to just change for changes sake and maybe, maybe it's it's not as good. So anyway, that that's that's where I stand with with full cognizance of of why we're trying to do this, but I think there's an issue here that we might be made taking full, full account of and I think we have to.

Janet Andersen: Well Greg very good. Thank you for your, you know, bringing this up because I think I think it you know, while it looked, it seemed to make a lot of sense on first blush, I think you've you've given me some things to think about. So in any case, it is going to be in front of the board, I believe in early December. Do the people remaining on this, it looks like both Rich and Maureen may have dropped off because I don't know, internet problems, perhaps, um, well,...

Gregory La Sorsa: Well in light of his impending uh you know election he he may have dropped off out of a potential conflict or maybe he wanted to recuse himself on this issue. I don't know.

Janet Andersen: Yeah, I don't know. So, so should we, it sounds like what we're coming to is we disagree with the removal of the inspection, but we would be all right with the removal of the fee and the document, whatever that was registration.

Gregory La Sorsa: But we're certainly not I'm certainly not looking to make it harder to establish an accessory apartment and if the registration and fee is an impediment that can be removed and I'm I'd be okay with that.

Janet Andersen: Okay. So Jud, do you think you have well and Jerome what's your thinking?

Jerome Kerner: I'm echoing what you just said Janet. Listening to Greg, I'm more inclined to agree with him that we need to have a, we're not creating a simpler solution, it gets convoluted. And the fee, I think offsets the expense of sending inspector out there. He's got it. It's 50 bucks, whatever it is, it's just time to go out there and inspect, it's the reality of life. It's not going to break anybody's bank. It's not that much.

Janet Andersen: Okay. So, and, and I think that makes sense too so perhaps Jud what we're saying is we'd like a memo to the Town Board that would say we are not, you know, we believe there's value in continuing to have an inspection by the building inspection by the Building Inspector.

Jud Siebert: With a, with a with a fee.

Janet Andersen: And and yeah believe that this should not be this clause should not be stricken from the section of the code.

Jud Siebert: Yeah. So, all, all we're in favor of is eliminating the registration piece. The inspection and the fee will stay in we want this inspection and fee to stay in place, is that correct?

Janet Andersen: Yes, sure. I'm not quite sure.....

Jud Siebert: Well, we're going to need a motion and we're going to need three votes in favor of that for you to send a letter.

Janet Andersen: So, can I have a motion from someone to that effect.

Gregory La Sorsa: I'll make a motion to recommend upon review of the proposed amendment to the Town Code that we suggest that we eliminate the registration portion relating to accessory apartments, but we recommend keeping both the inspection and the fee provisions.

Jerome Kerner: I'll second that.

Janet Andersen: Okay. And so, um, any further discussion? Let me call a vote, Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Gregory La Sorsa: Aye.

Janet Andersen: And I also am in favor of that. So, Jud If you could draft that memo and.....

Jerome Kerner: There is a phone symbol on there that might be Maureen. I'm not sure. But we're not hearing it.

[Richard Sklarin returned to the Zoom videoconference.]

Janet Andersen: It just went away. Oh, I'm seeing Rich. Where is he, oh you're back. Okay, and the next item on the agenda is similarly something that would be it is course is that we got from Stamford, Connecticut zoning board. And they want to amend....

Richard Sklarin: I just want to let you know that I was listening to most of it. My. I don't know why I got disconnected. I was listening to most of it on my phone. I had phoned in so I've heard most of the comments so it wasn't you know....

Janet Andersen: Would you like to, um, well, we don't know, can, can he can we ask him to vote, since we already sort of did or what happens now? You're on the board. I don't know.

Richard Sklarin: Yeah, I mean, it may, it may carry over. I mean, I heard part of what Greg said, I guess you have the three votes. I guess I'll just this big carry over into I guess January potentially, so I guess I'll just abstain on it. I guess it's easier. You already have the three votes.

Jud Siebert: Okay, you have the three votes.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board authorized the Chair to sign a letter to the Town Board with the recommendation to retain inspections of accessory apartments.

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

VII. CORRESPONDENCE

[Stamford, CT Zoning Board to amend its Town Code §5-E – changes to Family Estate regulations.

(1: 22:14 – 1:28:44)]

Janet Andersen: Okay, okay. So sorry. The next item on the agenda is we got a memo through the Town Board from Stamford, Connecticut. They want to amend their Town Code to change their family estate regulations. Saying that you can have a family estate that is on 10 acres you can have two and a half permitted use residences. And I looked at that and it looks like if you have 1,000 square foot residence with a kitchen, it's only a quarter of a use so you can have no more than four separate thousand foot square residences that makes one and then you get to have another one and a half permitted use residences on their family estate. This, again, we would respond to the Town Board. Oh, sorry. So this is for Stamford, Connecticut. The one that they are talking about is not is not adjacent to Lewisboro but obviously this would apply to within their entire, you know, municipal area and what what struck me it's interesting that it comes right after our discussion with that Greg had is that they say, well, you know, when you build it, it has to be a family member or in that lives there and I'm thinking, who the heck is going to inspect that you know. I don't really quite know what goes on so I think our, our question is, do we want to take

any do we want to recommend any response to the Town Board to respond to the City of Stamford for this. I mean, I think, again, my question is just how the heck are they ever going to inspect this for compliance because it's it sounds like you could have quite a large family compound in what they mean. I'm sorry family estate and what they call family estates.

Jerome Kerner: Do we share a boundary with Stamford. I think we do with New Canaan. We do with Wilton.

Gregory La Sorsa: Ridgefield.

Janet Andersen: I think we do. But you're asking....

Gregory La Sorsa: I don't think so.

Jerome Kerner: I don't think so.

Gregory La Sorsa: Yeah.

Jerome Kerner: I think this is totally out of the blue, you know, I could look it up, look at a map and tell you right away.

Gregory La Sorsa: Great. And also, what are they asking from us?

Jerome Kerner: Let us know. I usually it's an adjacent town.

Gregory La Sorsa: I don't think we're adjacent to Stamford. I think you have to go through....

Jerome Kerner: New Canaan.

Gregory La Sorsa: Yeah. Also, yeah I and you gotta go down. You gotta go down through Bedford, and then, you know, to hit Stamford.

Jerome Kerner: Exactly.

Janet Andersen: Well I you know I that's one of the things that I didn't even think of, looking at a map.

Jerome Kerner: Yeah, I'll look it up right now. Come on.

Jan Johannessen: It's pretty far away.

Jerome Kerner: Yeah.

Richard Sklarin: Siri?

Janet Andersen: Show me a map.

Richard Sklarin: The. I don't think it's...

Gregory La Sorsa: Lewisboro is big, but,...

Richard Sklarin: Yeah, I don't think it's adjacent.

Gregory La Sorsa: But I think it's New Canaan and Ridgefield. Maybe Wilton.

Jerome Kerner: Wilton for sure. Yeah.

Janet Andersen: There is Stamford it does come up it might just hit the line because it looks like it's mostly south of Pound Ridge, but....

Gregory La Sorsa: Yeah, but is that our Pound Ridge or Bedford's Pound Ridge.

Janet Andersen: Well, that's what I don't know is exactly where that line goes up. I didn't try doing....

Jerome Kerner: I've got a map right here. All right. We gotta rely on paper sometimes.

Gregory La Sorsa: The old fashion Hagstroms.

Richard Sklarin: Is this gonna be on the test?

Jerome Kerner: We got Pound Ridge to the east. Town in New Canaan to the south and the town of Wilton on the west.

Janet Andersen: What?

Richard Sklarin: And Ridgefield too.

Jerome Kerner: No Ridgefield. Well Ridgefield, yes, Ridgefield.

Gregory La Sorsa: No, we're contiguous with Ridgefield over in the South Salem. Yeah.

Jerome Kerner: In the Northwest, but.....

Janet Andersen: Yeah, no, but look to the south and it would be south of.....

Jerome Kerner: I'm looking at it Janet and the entire southern boundary is the Town of New Canaan.

Gregory La Sorsa: Okay. Well, listen, I'm looking at a map too and that's North Stamford, which I think is different, and also, I think that's the part of Pound Ridge that goes to Bedford.

Jerome Kerner: There's no North Stamford there Greg not anywhere near.

Gregory La Sorsa: Okay, well all right so that's that's even better then.

Jerome Kerner: It's not even near our line. It's a I don't know if you can see the map from here, but this whole southern boundary is the Town of New Canaan. This whole eastern boundary western boundary is the Pound Ridge.

Gregory La Sorsa: Okay, so you actually okay I'm just looking at a general now you've got the you've got the boundary line. Yeah. Yeah, I know. I see it. Yeah.

Jerome Kerner: And then Pound Ridge.

Gregory La Sorsa: I see what you're saying. Yeah.

Jerome Kerner: Then Pound Ridge turns along Ward Pound Ridge and goes all the way to the Town of Bedford, which is over here. So, I don't know why we're concerned about Stamford's code.

Janet Andersen: Okay, so we can move that right along and say we have no comment to respond to the Town Board on this.

Jerome Kerner: No comment.

Jud Siebert: No, I think you can just let it lie.

Janet Andersen: Yeah okay we're gonna let that lie.

[The Board reached consensus to authorize the Chair to sign a letter to the Town Board stating the Board has no comment regarding the City of Stamford amending its Family Estates section of its Code.]

VIII. MINUTES OF October 20, 2020.

(1:28:46 – 1:30:40)

Janet Andersen: The next item on the agenda are the minutes but they only came out when was that yesterday? Today? It's all a blur. So I know I haven't read them and...

Jerome Kerner: They're beautiful. I mean, it's a transcription.

Gregory La Sorsa: If it's if it's minutes or if it's if the transcript. If it's a transcript, then I mean you know just looking for you know, she just be looking for typos or something which I didn't, I didn't see will find the less the less than diligent way that I looked at them.

Jerome Kerner: Well, why don't you hold it over there until.....

Janet Andersen: Well, if we have three that can approve.

Jerome Kerner: I move we approve it.

Gregory La Sorsa: Yeah, I'll second.

Janet Andersen: Okay, any discussion?

Richard Sklarin: Yeah, I saw on page 40 of the transcript, the comment I made is trying to do add another it was that should have been corrected that word, so probably just didn't pick it up. Other than that, I'm good with it.

Ciorsdan Conran: Again, Rich, which paragraph?

Richard Sklarin: The comment I made at page 40 middle of the page. So is there a better way to legislatively address what the board is trying to do *add* another municipality, it should have been *that*. It just didn't pick it up.

Janet Andersen: Okay. Okay, so you're gonna say as amended Jerome?

Jerome Kerner: As amended by Rich.

Janet Andersen: And Greg your second would also say as amended?

Gregory La Sorsa: Yes, yes.

Janet Andersen: Okay. Any further discussion? Okay. All in favor? Let me first say Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Gregory La Sorsa: Aye.

Janet Andersen: Rich?

Richard Sklarin: Aye.

Janet Andersen: And I'm okay too.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board approved the amended meeting minutes from October 20, 2020.

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

IX. NEXT MEETING DATE: December 15, 2020 and ADJOURMENT.
(1:30:40 – 1:31:26)

Janet Andersen: And then we will say that our next meeting date, as previously discussed is December 15, 2020 and we have set up a site walk for this coming Sunday. And with that, I'd look for motion to adjourn.

Richard Sklarin: Move to adjourn.

Janet Andersen: Okay. That's Greg and he is....

Gregory La Sorsa: Rich said it and I'll second it.

Janet Andersen: Rich made the motion Greg seconded, any discussion?

Richard Sklarin: Happy Thanksgiving, everybody.

Gregory La Sorsa: Happy Thanksgiving, happy, happy quarantine Thanksgiving or whatever socially distanced Thanksgiving.

Janet Andersen: 2020 Thanksgiving.

[On a motion made by Mr. Sklarin, seconded by Mr. La Sorsa, the meeting was adjourned at 9:01 p.m. In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa and Mr. Sklarin. Absent: Ms. Maguire.]

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ciorsdan Conran". The signature is written in a cursive, flowing style.

Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD**

**WETLAND PERMIT APPROVAL
STORMWATER PERMIT APPROVAL**

**William McArthur
40 Old Pond Road**

**Sheet 33C, Block 11155, Lots 16, 17, & 44
Cal #91-19 W.P. and Cal. #10-19 S.W.**

November 17, 2020

WHEREAS, the subject property consists of three (3) tax lots totaling ± 1.17 acres of land and is located at 40 Old Pond Road within the R-2A and R-4A Zoning Districts ("the subject property"); and

WHEREAS, the subject property is identified on the Town Tax Maps as Sheet 33C, Block 11155, Lots 16, 17 and 44; and

WHEREAS, the subject property is currently owned by William McArthur ("the applicant"); and

WHEREAS, the subject property contains a 3-bedroom residence, which is in a state of disrepair, along with a detached garage, asphalt driveway, septic system, potable water well and other ancillary residential improvements; and

WHEREAS, the applicant is proposing the demolition of the existing residence and garage and construction of a new, 2-bedroom residence and a detached 1-bedroom cabana ("the proposed action"); and

WHEREAS, the portion of Old Pond Road upon which the subject property has frontage has been determined to be a private road, which does not meet Town road standards; and

WHEREAS, the subject property is located immediately adjacent to Lake Waccabuc and the majority of the proposed improvements are located within the Town's 150-foot wetland buffer; and

WHEREAS, reference is made to a wetland delineation, project impact and mitigation reports, prepared by Stephen W. Coleman Environmental Consulting, LLC, dated June 26, 2020, July 27, 2020 and September 28, 2020; and

WHEREAS, wetland mitigation will occur both on the subject property and on an adjacent parcel owned by the Westchester Land Trust; and

WHEREAS, reference is made to letters submitted to the Planning Board and prepared by the Westchester Land Trust, dated June 12, 2020 and September 29, 2020; and

WHEREAS, there are no proposed improvements to Tax Lot 17 and all of the proposed improvements will occur within the R-2A Zoning District; and

WHEREAS, a condition of approval is the merging of the three (3) tax lots that comprise the subject property; and

WHEREAS, reference is made to an engineers report regarding the existing septic system, prepared by Campbell Engineering, P.C., dated December 13, 2019; and

WHEREAS, the project plans have been referred to and reviewed by the Town Building Inspector and reference is made to the Building Inspector's review letter, dated August 26, 2020; and

WHEREAS, the proposed action requires several area variances from the Zoning Board of Appeals; and

WHEREAS, project plans were forward to the South Salem Fire Department for review and comment and reference is made to a response letter prepared by the South Salem Volunteer Fire Department, dated July 29, 2020; and

WHEREAS, consistent with the recommendation of both the South Salem Fire Department and Planning Board, the applicant has committed to install a fire sprinkler system within the proposed residence ~~and cabana~~; and

WHEREAS, reference is made to comment letters prepared by the Lewisboro Conservation Advisory Council (CAC) of various dates; and

WHEREAS, the subject property is located within the NYC East of Hudson Watershed and proposed land disturbance exceeds 5,000 s.f.; therefore, a Town Stormwater Permit and coverage under New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) is required; and

WHEREAS, reference is made to the Stormwater Pollution Prevention Plan (SWPPP), prepared by ALP Engineering, dated (last revised) September 23, 2020; and

WHEREAS, reference is made to a topographic survey prepared by the Link Land Surveyors, P.C., dated (last revised) September 17, 2020; and

WHEREAS, the Planning Board conducted a duly noticed public hearing, which was opened on August 18, 2020, adjourned to September 15, 2020, and closed on October 20, 2020, at which times all interested parties were provided an opportunity to be heard; and

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

NOW THEREFORE BE IT RESOLVED THAT, the proposed action has been determined to be a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.5; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants a Wetland Activity Permit and a Town Stormwater Permit, all subject to the below conditions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following drawings ("the approved plans"), subject to the below conditions:

Prepared by J.D. Barrett & Associates, LLC, dated (last revised) September 28, 2020:

- Site Information Plan (Sheet 1 of 6)
- Adjacent Property Plan (Sheet 2 of 6)
- Zoning Conformance Plan (Sheet 3 of 6)
- Removals Plan and Site Plan (Sheet 4 of 6)
- Erosion and Sediment Control Plan (Sheet 5 of 6)
- Wetland Buffer Mitigation Plan (Sheet 6 of 6)

Prepared by ALP Engineering, dated (last revised) September 16, 2020:

- Stormwater Management Plan (Sheet C-101)
- Stormwater Management Plan (Sheet C-111)

BE IT FURTHER RESOLVED THAT, the Planning Board finds that the applicant has complied with Chapter 189, Stormwater Management and Erosion and Sediment Control, of the Lewisboro Town Code and a Town Stormwater Permit is hereby issued, subject to the conditions set forth below; and

BE IT FURTHER RESOLVED THAT, this Town Stormwater Permit shall expire upon completion of work and shall be valid for a period of two (2) years from the date of this Resolution (November 17, 2022); and

BE IT FURTHER RESOLVED THAT, in comparing the magnitude of the proposed action and impacts to the wetland and wetland buffer to the extent and quality of the proposed design mitigation offered by the applicant, the Planning Board has determined that the proposed action will not result in an adverse impact to on or off-site wetlands, waterbodies and/or watercourses; and

BE IT FURTHER RESOLVED THAT, in the granting of this Wetland Activity Permit, the Planning Board has considered and evaluated both wetland and wetland buffer functions and the role of the wetland and wetland buffer areas in the hydrologic and ecological system and has determined that the impact of the proposed action upon the public health and safety; special concern, rare, threatened and endangered species; water quality and wetland and wetland buffer functions has been avoided or minimized to the maximum extent practicable. In this determination, the Planning Board has taken into account the factors listed under Section 217-8A of the Wetland and Watercourse Law; and

BE IT FURTHER RESOLVED THAT, the Planning Board has reviewed the criteria listed under Section 217-8B of the Wetland and Watercourse Law and has determined that any impacts to the affected wetland buffer are necessary and unavoidable and have been minimized to the maximum extent practicable; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby finds that the Wetland Activity Permit Application pertaining to the proposed action is consistent with the provisions and policies of Chapter 217 of the Code of the Town of Lewisboro and said permit is hereby approved, subject to the conditions set forth below; and

BE IT FURTHER RESOLVED THAT, all work associated with this Wetland Activity Permit shall be conducted in strict compliance with the plans approved herein; and

BE IT FURTHER RESOLVED THAT, no work shall commence until a Wetland Activity Implementation Permit is issued by the Town Wetland Inspector; and

BE IT FURTHER RESOLVED THAT, this Wetland Activity Permit shall expire without further written notice if the requirements of this Resolution are not completed, as set forth herein. As provided pursuant to the Town Wetlands and Watercourses Law, this Wetland Activity Permit is subject to revocation should the applicant not comply with the terms and conditions of this Resolution; and

BE IT FURTHER RESOLVED THAT, this Wetland Activity Permit shall expire two (2) years from the date of this Resolution (November 17, 2022); and

BE IT FURTHER RESOLVED THAT, the applicant is responsible for obtaining all relevant and necessary permits, approvals and variances from other Boards and agencies and applying for and obtaining any necessary amendments, extensions or reapprovals that may be required.

Conditions to be Satisfied Prior to the Signing of the Approved Plans by the Planning Board Administrator and Chair:

1. The applicant shall satisfy all outstanding written comments provided by the Town's professional consultants.
2. Each and every sheet of the approved plans shall contain a common revision date with notation stating "Planning Board Approval", shall contain the Town's standard signature blocks, shall be signed and sealed by the Design Professional and shall contain the original signature of the applicant(s) and owner(s).
3. All applicable Town, County, City, State and Federal permits/approvals shall be obtained by the owner/applicant and copies of same submitted to the Planning Board and Building Department. Should the plans approved herein differ from those previously approved by an agency having jurisdiction, the applicant shall be responsible for obtaining amended permits/approvals, as determined necessary. The applicant has identified the following outstanding outside agency approvals, which shall be obtained prior to the signing of the approved plans, unless otherwise noted:
 - a. Town Building Inspector – Floodplain Development Permit
 - b. Zoning Board of Appeals – Variances
 - c. Westchester County Department of Health (WCDH)
 - d. New York City Department of Environmental Protection (NYCDEP)
 - e. New York State Department of Environmental Conservation (NYSDEC)-SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001)
4. A license agreement, or other written form of agreement acceptable to the Planning Board Attorney, shall be prepared between the applicant and the Westchester Land Trust regarding the access, installation and maintenance of various wetland mitigation activities to be conducted and maintained on the lands of the Westchester Land Trust. The agreement shall also provide for the perpetual access, maintenance, repair and replacement of said mitigation and shall address the use of the existing lakeside patio by the applicant (located on lands of the Westchester Land Trust). The agreement shall be prepared to the satisfaction of the Planning Board Attorney and Town Planning Consultant, and an executed copy filed with the Planning Board Administrator.
5. The applicant shall submit an engineering/inspection fee equal to 5% of the estimated cost of construction (site work only as determined by the Town Engineer). Said estimate shall be prepared by a Licensed Professional Engineer and shall include unit costs, total costs and quantities for proposed site improvements; said estimate shall be provided by the applicant, in writing, and approved by the Town Engineer.

6. Proposed wetland mitigation plantings shall be bonded in the amount approved by the Town Wetland Inspector, based upon a written cost estimate to be provided by the applicant's Landscape Architect (materials and installation cost). Said bond, or other security acceptable to the Planning Board, shall be supplied to the Planning Board and shall be released after a period of three (3) years, as measured from the issuance date of the Wetland Certificate of Compliance, provided that the Town Wetland Inspector verifies that a minimum of 85% of the planted species have survived.
7. The applicant shall prepare and submit a stormwater maintenance easement and agreement, prepared in accordance with Section 189-13A and B of the Town Code, for review and approval by the Town Engineer and Planning Board Attorney. Said easement and maintenance agreement shall be filed in the office of the Westchester County Clerk. The applicant shall pay all recording charges and shall provide proof of filing to the Planning Board Administrator.
8. The applicant shall submit the New York State Department of Environmental Conservation (NYSDEC) Notice of Intent (NOI) and the NYSDEC MS4 SWPPP Acceptance Form for review and approval by the Town Engineer and Town Stormwater Management Officer. Following review and approval of these documents, the applicant shall submit the completed MS4 Acceptance Form and NOI to the NYSDEC, Division of Water.
9. The applicant shall provide a written statement identifying the professional engineer or engineering firm responsible for oversight and inspection during construction, including required bi-weekly stormwater and erosion and sediment control inspections.
10. The applicant shall obtain a Town Stormwater Permit from the Town Engineer and Town Stormwater Management Officer.
11. The applicant shall submit a "check set" (2 copies) of the approved plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
12. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with four (4) complete original sets for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chair and Administrator.
13. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
14. The applicant shall provide a written statement to the Planning Board Administrator acknowledging that they have read and will abide by all conditions of this Resolution.

Conditions to be Satisfied Prior to the Commencement of Work or Issuance of any Building Permit:

15. Conditions #1 – 14 specified herein shall have been satisfied.
16. The applicant shall demonstrate that coverage has been obtained under the NYSDEC SPDES General Permit (GP-0-20-001).
17. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).
18. No tree removal, demolition, or site related work shall commence prior to the issuance of a Building Permit.
19. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant, contractor, Building Inspector, and Town Wetland Consultant/Engineer. Prior to the site visit, all erosion and sedimentation controls shall be properly installed by the applicant and the limits of disturbance shall be staked by a NYS Licensed Land Surveyor and a construction fence installed along said limits.

Conditions to be Satisfied During Construction:

20. The sequence of construction shall be consistent with that specified on the approved plans.
21. All development activities shall be completed in accordance with the approved plans. For any reason, should modification to these plans be deemed necessary, the applicant shall immediately contact the Town's Professional Consultants and Building Inspector to review same and to determine if amended approvals are required. Any change to the construction details approved as part of the approved plans shall be reviewed and approved by the Town's Professional Consultants and/or the Building Inspector, as applicable.
22. The applicant shall employ the services of a qualified inspector, as defined by the SPDES General Permit for Stormwater Discharges (GP-0-20-001), to inspect all erosion and sediment control practices to ensure integrity and effectiveness, all post-construction stormwater management practices to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved final stabilization and all points of discharge from the subject property. Reports, which shall be prepared in conformance with GP-0-15-002, shall be submitted on a weekly basis to the Planning Board Administrator and Town Engineer.
23. Construction-related activities shall be conducted between the hours of 7 a.m. and 7 p.m., Monday through Saturday.

24. During construction, the Town's Professional Consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Site Development Plans.
25. The Town Engineer shall be notified prior to the commencement of work, prior to the backfilling of any underground stormwater management practices, and prior to the installation of pavement.
26. Construction activities shall be supervised by a NYS Licensed Professional Engineer.
27. A copy of this Resolution, the approved plans, the Wetland Permit, the Stormwater Permit, and the approved SWPPP, shall be kept on site at all times.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Compliance/Occupancy:

28. The three (3) tax lots that comprise the subject property shall be merged by the Tax Assessor; written confirmation from the Tax Assessor shall be submitted to the Building Inspector and Planning Board.
29. No Certificate of Occupancy shall issue until all proposed improvements, both site and building related, are complete to the satisfaction of the Building Inspector and the Town's consultants.
30. The applicant shall obtain and submit all applicable certificates of compliance from the WCHD and NYCDEP or any other regulatory agency having jurisdiction (to the extent said agencies require issuance of same).
31. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an as-built survey, signed and sealed by a NYS Licensed Land Surveyor and Professional Engineer, demonstrating compliance with the approved plans. This survey shall be prepared to the satisfaction of the Town Engineer and Building Inspector.
32. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit written certification by a NYS Professional Engineer that all stormwater management practices and associated improvements have been installed in conformance with the approved plans and are functioning properly.
33. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans and this Resolution.
34. Following completion and stabilization of all land construction activities, the owner/operator shall submit a completed Notice of Termination (NOT) to the NYSDEC, Division of Water and the Planning Board Administrator.

35. The applicants shall obtain a Wetland Certificate of Compliance from the Town of Lewisboro Wetland Inspector.
36. The applicants shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Conditions of the Wetland Activity Permit:

37. All plants shall be installed between April 1st and June 1st or between September 15th and November 1st; plant substitutions, if any, must be previously approved by the Town Wetland Inspector prior to installation.
38. The applicants shall employ the services of a qualified wetland scientist or landscape architect to oversee and inspect the implementation of the wetland mitigation plan. Said wetland scientist shall be on-site to inspect all phases of work associated with the invasive species removal and wetland buffer replanting program. Prior to the issuance of a Wetland Certificate of Compliance, the qualified wetland scientist shall submit a report to the Planning Board Secretary describing the phases of work completed and certifying that the wetland mitigation plan was implemented in accordance with the approved plan and the conditions of this Resolution.
39. Wetland mitigation areas shall be monitored for the first three (3) growing seasons following construction and planting. Monitoring reports shall detail the success of the plantings (survival rate), success of the invasive species removal program, and shall provide recommendations/action items for the next year (if any). Monitoring reports shall be submitted to the Town Wetland Inspector and Planning Board no later than December 1st of each year and shall be based upon site reconnaissance conducted by the qualified wetland scientist prior to October 15th. The first year of monitoring will be the first year that the mitigation areas have completed a full growing season. For monitoring purposes, a growing season starts no later than May 31st.
40. Except for newly established lawn areas during the first growing season, the applicants, owner or future owner(s) shall not apply any lawn fertilizer on the subject property that is labeled as containing phosphorus or other compound containing phosphorus, such as phosphate. No lawn fertilizers shall be used between December 1st and April 1st or within the Town's 150-foot wetland buffer.
41. The applicants, owners or future owners shall cause an inspection of the on-site wastewater treatment system to be performed by a septage collector licensed by the Westchester County Department of Health and at a minimum frequency of once every year. During this inspection, the septic tank shall be pumped, unless determined unnecessary by the septage collector; in no case shall the pumping frequency exceed five (5) years. On or before October 1st of each year, the Westchester County Department of

Health Septic Data Form and septage collector's inspection report (if any) shall be submitted to the secretary of the Planning Board as proof of compliance. Failure to adhere to the required action will result in a Wetland Violation being issued and the matter being transferred to the Justice Court for prosecution, if necessary.

Other Conditions:

42. The applicant is responsible for the implementation of all plans, commitments and documents referenced herein.
43. All proposed stormwater infrastructure shall be maintained by the applicant in accordance with the maintenance procedures specified on the approved plans and within the SWPPP.
44. All commitments, conditions and requirements set forth in this Resolution shall be binding upon the applicant, its agents, affiliates, transferees, successors and assigns.

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>aye</u>

Janet Andersen cc
Janet Andersen, Chair November 17, 2020