

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 985 4113 8858) on Tuesday, December 15, 2020 at 7:30 p.m. The audio recording of this meeting is 201219_001 and the YouTube link is https://www.youtube.com/watch?v=-P0cz_L_KJQ&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 21 participants were logged into the Zoom meeting and 4 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 call to order the Town of Lewisboro Planning Board meeting for Tuesday, December 15, 2020 at 7:30 pm. Before I go any further, I'm confirming that Ciorsdan has started recording this meeting and that's true. This meeting is happening via Zoom with live streaming to YouTube on the Lewisboro TV channel. The public can participate on Zoom or view the meeting on YouTube, and we have confirmed that the feed is active and working.

Note that, in accordance, in accordance with the Governor's Executive Orders, no one is at our usual meeting location at 79 Bouton. I have confirmed with Ciorsdan, that the meeting has been duly noticed and legal notice requirements have been fulfilled and notice was also 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 do have a quorum and thus we can vote on any matters that come before the Board. Also, on are planning and wetland consultant Jan Johannessen and our counsel Jud 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 also be available on the Town's YouTube channel. We do have three public hearings scheduled for tonight, that is the only time we expect to take any public comments, and I will describe the process before we begin the hearings in just a few minutes. The public has joined muted and without video until that point and we do ask anyone that's not currently engaging in dialogue to mute their lines to help everyone hear over the inevitable background noises. Again, a reminder that we should do our best to avoid cross talk and if possible, to mute ourselves until it's necessary to talk and to ease the recording of any votes taken by the planning board, I will poll the board members individually. Okay, so let's get started on this last meeting of 2020.

I. DECISION**Cal #05-20PB**

(2:46 – 6:080)

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 decision on Cal #05-20PB. The Venezia lot line change at 249 Kitchawan Road, 237 Kitchawan Road and No Number (or 0) Kitchawan Road. This is an application for a lot line change that has been before the board and we have a Neg. Dec. and a resolution that was previously sent to the board. I don't know if we need any conversations on this or whether we whether I can ask, just for motion to approve the Neg. Dec. first.

Jerome Kerner: So moved.

Janet Andersen: Thank you, Richard. Second?

Richard Sklarin: That was Jerome actually.

Janet Andersen: That was Jerome?

Richard Sklarin: I'll second.

Janet Andersen: Jerome moved, Richard seconded, any discussion on this application? Okay, so I'll do a roll call vote. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Looking for people, Maureen?

Maureen Maguire: Yes.

Janet Andersen: Richard?

Richard Sklarin: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: And I also vote in favor. So, the motion carries.

[On a motion made by Mr. Kerner, seconded by Mr. Sklarin, the Negative Declaration for the Venezia lot line change at 0, 237 & 249 Kitchawan Road, South Salem dated December 15, 2020 was granted. A copy of the Negative Declaration is attached to these minutes.

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

Janet Andersen: The second item is the resolution to approve the lot line change. So, I'd look for a motion to approve the resolution that has been distributed to us.

Jerome Kerner: So, moved.

Janet Andersen: That's Jerome.

Gregory La Sorsa: I'll second it.

Janet Andersen: Thank you Greg. Greg has seconded it. Any discussion on this? Seeing none, I'll poll again the board for a vote. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: Richard?

Richard Sklarin: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: And I also vote in favor. So, this the motion carries. And we have a Neg. Dec. and resolution on the Venezia matter.

Jud Siebert: Janet, if I may just very quickly, if anyone's watching just with regard to this approval very quickly. It is a it's cast as a subdivision approval. That's a little deceiving, it's actually it's under the subdivision regulations, but it's actually the reconfiguration of three existing lots into two. And it's an interior lot change, we confirmed before proceeding that the two lots will be legally conforming you know, in all respects, that was to the Building Department and under the circumstances presented we're permitted to proceed on this type of application without a public hearing. So, I just wanted that out there, if anyone is watching and curious.

Richard Sklarin: Jud, you're referring to the November 16, [2020] letter from the Building Inspector.

Jud Siebert: Yes.

Richard Sklarin: The lot line change depicted creates two zoning compliant lots.

Jud Siebert: Yes, correct.

Janet Andersen: Great, thank you for that clarification.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the resolution dated December 15, 2020 for the Venezia lot line change at 0, 237 & 249 Kitchawan Road, South Salem 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. WETLAND VIOLATIONS

[Cal #02-19WV, Cal #60-19WP, Cal #14-19SW

(6:09 - 10:25)

Kullman Residence, 12 Red Coat Lane, Waccabuc, NY 10597, Sheet 26, Block 11155, Lot 92 (Michael and Susan Kullman, owners of record)

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

Janet Andersen: The next item on the agenda is a wetland violation, Cal #02-19WV, Cal #60-19WP, Cal #14-19SW. This is the Kullman residence at 12 Red Coat Lane in Waccabuc, New York. And I am, did not see, is their representative for the Kullman on?

Michael Sirignano: Yes, good evening, Michael Sirignano.

Janet Andersen: Hi, thank you. Michael.

Michael Sirignano: The latest I heard is at about 5:30 this afternoon or this evening, the final as-built survey was being picked up. So, we haven't yet been able to get that to Jan, but it'll get there tomorrow.

Richard Sklarin: Early.

Janet Andersen: Before the storm. Jan, would you like to give us a report on where this stands.

Jan Johannessen: Yeah, I believe the applications on as a, you know, for control date, just to get an update on where everything stands and I could report that the majority or the work is completed, if not all the work. Our office as inspected that work and found it to be in compliance with the plan. We're waiting for, as Michael indicated the as-built survey and a certification letter from the design engineer, indicating that everything has been installed for the plan and is functioning properly, but we were pleased with the outcome and the work that was done was very good. So, I think we're in a better better spot than we were several months ago. So, good job. Janet, your you don't appear muted, but you are.

Janet Andersen: Okay, I was, do you, so Jan, do you expect to have a certificate of completion done by January?

Jan Johannessen: Completely reliant on receiving the as-built and the certification letter, if those two items are in my hands, then yes.

Janet Andersen: So, I think the next step would be for us to calendar this for discussion of sort of closing out the wetland violation, the potential for any fine. And to do that, I mean, that would only happen after you, after you basically get the certificate of completion. But to do that, what we would need from the applicant is an itemization of costs and to invite them to come before the board on if we do put it on January to express their you know their views about this and and what if any input they want to have on the fine. So, I'd look for the consensus of the board to agree that even though it, it appears to be very close to being done so that maybe put this on in January. Would that be okay with people? Hearing nothing, I sort of...

Gregory La Sorsa: Silence is acceptance.

Janet Andersen: Okay, so we will, and we will anticipate discussing this in January and hope that we will have a completed, a certificate of completion and all the work is done and we can clear this off the table. Thank you very much.

Michael Sirignano: All right, I don't expect Dr. Kullman is a very busy doctor to be participating in January, but I will I will represent his views and get the itemization costs.

Janet Andersen: That's, that's what I would expect. Thank you. He can certainly represent. Okay.

[Cal #01-20WV, Cal #12-20WP

(10:26 - 15:13)

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

Javier Valencia, owner, was present.]

Janet Andersen: The next item on the agenda is the Cal #01-20WV which is the Valencia residence at 1196 Route 35, South Salem, New York. This is again on as a control date and I think there were some items that Jan had discussed and that we were expecting to see. So, I'll ask Jan to perhaps to go on that.

Jan Johannessen: Sure, since the last meeting I met via Zoom with Javier, the owner and his kind of design professionals or landscape designer, and we went over what would need to be on the plan in terms of restoration and mitigation. I indicated that they should identify or illustrate, to the extent that they know any improvements that they're proposing on the property and they mentioned redoing the driveway, paving the driveway, installing a retaining wall on one side of the driveway. Whatever they were planning on proposing on the property, I encouraged them to show on the plan, along with the restoration of the site, following the disturbances within the buffer. So, we had a productive meeting. I await the plan. I know something was submitted late today Javier, but it's not really what, I looked at it very briefly, it didn't look like a complete plan to me. Really waiting on, you know a final landscape plan by your designer. But, uh, I think we kind of resolved a lot of issues during the meeting and, you know, just await a complete plan so we can move forward with this.

Javier Valencia: Okay. Um, he did come to my house like four o'clock today. He seemed to be in a hurry for some reason, but I did mention about the driveway and the retaining wall, and he for some reason he didn't put it on there, he just drew the two areas on the survey of where he wants to... I don't know if you saw that.

Jan Johannessen: Oh yeah, he circled a couple areas and the plants he'd like to install there, but

we're looking for a real planting plan, you know a site plan that you know you can give to a contractor or yourself to effectuate, you know, identifying the quantity and size and location of the different plant material locations of the retaining wall a little detail the wall.

Javier Valencia: Okay.

Jan Johannessen: Cross section on you know your driveway and how you're going to treat that so it's, I believe he's familiar with that type of thing. So, we're just, we're looking for more complete plan. I'm happy to meet with you again or him. As soon as we're we have that I think that will be able to run with this, you know, it's something that would get done in the spring.

Javier Valencia: Yeah, definitely in the spring.

Janet Andersen: So, I would, I recognize that the submission date that we have is December 31 if we want to make the January meeting. That seems a little tight because of the holidays. So how about do you think you'd be able to submit and perhaps to have another meeting with the Jan if necessary to get everything through will put you on the February meeting and then at that point everything has to be submitted by February 4th.

Javier Valencia: That's fine. Okay, yeah, so I have to have another meeting with him. If needs to be I'll have one of my architects draw up the driveway and the and the other part and then he can take care of the landscaping section on the survey that he did. That way I don't know if he wants to do the driveway. I don't know if that's his line of work, but I'll make sure somebody else does it and Jan'll have something in a drawing or whatever.

Jan Johannessen: Yeah, Javier let's try to meet again, the three of us, before you submit. So what is submitted, we know is going to be with the board's looking for.

Javier Valencia: Sure. That sounds good. Okay, thank you.

Janet Andersen: All right, thank you. Have a good holiday.

Javier Valencia: You too. Take care.

III. PUBLIC HEARINGS

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

(15:14 - 36:41)

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

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

Janet Andersen: Okay, so the next item on our agenda is a public hearing and so let me talk a little bit about public hearings. The purposes of public hearings are for the board to hear the concerns and comments of the public. The comments should be addressed to the planning board not to the applicant. A public hearing is not meant to be a dialogue and in general the board will not respond to comments at a public hearing. The board will take input from the public into

consideration as we continue to review the application. Just to put on the record because of Executive Order 202.10, we are not meeting at a common location, we are holding the meeting via video and telephone in accordance with Governor's Executive Order 202.15.

And I believe these have been renewed so they might have updated numbers. We invited public comments by email before the meeting. The public can comment during the hearing by sending an email to planning@lewisborogov.com or by asking to speak at the meeting. If you want to speak at the meeting, please raise your hand in Zoom, to do that if you're on video, if you put your cursor at the bottom of the window you should see an image of people labeled participants, click on that to get a panel with icons and that you can then click raise hand. Participants who have raised their hand will show up on the host screen in the order that you raise your hand. The host, which is either Ciorsdan or I, will then unmute you and tell you have the floor, and you may also have to unmute yourself if your microphone is inactive.

If you dialed in on a phone, you can raise your hand to indicate you want to talk by pressing *9. We will ask people to give their name and address upon entering and to keep their comments to a short time and while I don't expect this to happen, someone who is disrespectful at this meeting will be asked to leave the virtual meeting, just as they would be asked to leave a physical meeting. I might be able to shorten those instructions as everyone gets a little more used to Zoom. Okay.

The format. The Chair will give a brief overview of the application, we will have the applicant give a summary of the project. We'll ask Jan and ask Jan to review his comments, there'll be a public comment period and then we have a discussion by the planning board. So again, this first public hearing is for Gossett Brothers Nursery; it's Cal #03-20PB and Cal #37-20WP. This is an application for site development plan approval and wetland activity permit approval for an existing nursery. It is really in conjunction with a special permit request that will be going to the ZBA. So, um, with that, if someone wants to give a quick summary for the....

Michael Sirignano: Okay, Michael Sirignano for the applicants. We have with us tonight. Tom Gossett and his son Billy Gossett. I see we have John Vuolo our vintner with us as well and Tim Cronin, the professional engineer who prepared the site plan and and the other engineering drawings. The I'm going to turn it over to Tim in a moment to briefly describe the project to the public. I did see on Monday, an email came in from our most immediate neighbor, our abutting neighbor to the to the east, Peter and Priscilla McCue at 1203 Route 35 which is very, very favorable strongly in favor of the project and heaped generous praise on it and and on the Gossett family. So, Tim, why don't you briefly describe the project. All of us are available to answer any questions from the public or the board members after Tim makes his brief presentation. Thank you.

Janet Andersen: Yeah, you're muted.

Tim Cronin: Sorry about that. My name is Tim Cronin and our office put together the plans that you're looking at for this application and essentially what this project is is a more or less a formalization or documentation of operations that have been occurring on this property for probably the past 40 or 50 years or so. We've noted areas where we've defined parking spaces which will become permanent parking spaces, as well as the active nursery areas where you have your more, your seasonal products in the back, there's a mulch storage area, larger ball plants, storage area, shaded areas and so on. So, it's all been presented on the site plan and as I said, anybody who's been there before and or after this plan you really won't see much of a difference. And like I said, it's just more or less the formalization of what's been taking place there for the

past many decades and that's pretty much the sum and substance of what we're doing.

Michael Sirignano: And and we are including a winery operation inside the existing space.

Janet Andersen: So, I do know you, Michael, you did note that the one email that we've received as far as I know, I'm gonna confirm with Ciorsdan that we have not received any other email. Is that correct?

Ciorsdan Conran: That is correct. I'm checking, but nothing since the McCues' letter.

Janet Andersen: I did have myself a question in that on the parking that was shown, I, I see that I thought we had talked about Belgium blocks or some kind of, kind of in ground parking delineation or delineator and now what I see this fence that seems to be movable, is that in addition to the the stones or, you know, to kind of finish off the the cars from the other areas or is that instead of the more permanent, less-movable blocks?

Tim Cronin: When I when I visited the site after the last meeting, Tom had showed us that barrier, that fence and thought that that may, if possible, and it's approvable by the planning board that that could suffice as the demarcation for the parking spaces, at least in front of the nursery operations in the area where we have the parking along Route 35, we can still click down the low reveal Belgian black marker, if you will, but that was the thought at that time, I don't know if if Tom and Billy are would prefer to have that fence there or putting the Belgian block with reveal in front of the nursery is something that....

Tom Gossett: We have, just so you know, we've tried a lot of different things. That seems to be the most effective, especially since we're going to pitch it to a slight angle. So, when cars go to leave they back out into a more free and easy space which more aligns them with the exit. So that's been very effective and so we're hoping that that's the method that we're going to be able to use.

Janet Andersen: I guess my concern would be a little bit that they are they are movable, but they appear to be at least and and my, my concern with that is you know if you have snow that has to get plowed like we're apt to have or you know, someone is is moving things around for some reason, that they could get disturbed and not get back in their place. I'll ask other people, if that's a concern of theirs but it seems like that would, I think, it would be very visible for the drivers. I would agree that that's a benefit. I think the downside is that they, they could easily get sort of moved out of the way if somebody, you know, pulling a wagon across or something, they might move it in order to get to their car and then it's it's out of alignment. Does anyone else on the board have a comment about this? No comments. Okay, so, um, the other thing, I guess, I believe there's a need in addition to having to go to the ZBA for the special permit, I believe there may be a need for a variance at the ZBA.

Jan Johannessen: I can just interject on that Janet.

Janet Andersen: Thank you Jan.

Jan Johannessen: My understanding is that, in addition to the special use permit for the winery. There is a, an area variance, I believe, for the office trailer that's on the site, which may be in the side-yard setback that requires an area of variance. So, I believe before or that will be required of the ZBA on being an area variance, the other is special use permit, and since we are conducting a coordinated review under SEQRA, the ZBA, while they can entertain an application cannot act on

the application until the planning board issues its [Negative] [D]eclaration.

Jud Siebert: And, and, I would add that the application before the planning board is for site plan approval. Obviously, we also have to tend to SEQRA as lead agency and the site plan will show the trailer and until the variance is granted, we can't approve a site plan with a zoning nonconformity, it's not the type of thing that we can just condition. The site special permit, we can condition, but to approve a plan with a with a you know, non-conforming, that hasn't been cured by variance is impermissible. So perhaps the way to proceed is for, if the board has prepared is to first adopt the Negative Declaration, that gets the ZBA in a position where they can do what they need to do and then return to us for the site plan approval, which again, the variance application has to proceed that, but the special permit does not necessarily have to.

Janet Andersen: Okay, so does um, but we would have to ask for a Neg. Dec. to be written for January?

Jan Johannessen: Right. I think procedurally, you can continue the public hearing since there's some information that's owed to the board. We could prepare a Neg. Dec. for the next meeting in January. That would allow the the applicant to obtain approvals or decisions from the ZBA, both special permit and variance and then come back, potentially in in February for decision. The only item on the on the parking I'll throw out there is just given the nature of the business and the you know need sometimes to store plant material or or different things that are for sale. The the little partition fences in front of each of the spaces are movable and it would be nice to have something definitive in the ground that demarcates the few physical required parking spaces. I'm not saying that the fencing shouldn't also be used but I I would recommend that if you have something in the ground that denotes or demarcates the physical parking spaces in addition to the fence.

Jerome Kerner: Yeah. Yeah, why not a concrete curb stop or something that would indicate each parking stall. I also wondering about the 60-degree parking on the north side. You know, being a customer over there, you know, people usually pull in perpendicular to and there's such a wide space, there's no trouble, no problem in maneuverability, you know, in pulling out of a particular space and I think you'd actually pick up a space. So, I'm not sure what the thinking was behind the the angle parking versus perpendicular on the other side.

Tim Cronin: I think while Tom was there watching you know the maneuverability activities and he seemed to think that if cars came in and had that slight angle to the way they were parking it just facilitated them backing out so much easier. But I mean, you know, I think, I think it helps it does make it a little bit easier, especially, especially for the spaces that are closer to the west side where it does go down a little bit, you know having, you know, a slight angle like that. But I mean, so that's pretty much what with Tom and Billy had thought seemed to work the best in in their observations.

Jerome Kerner: Okay, but how would you be demarcating those angles spaces? I don't see any indication of any ground marking or will there be curbing there as well?

Tim Cronin: Well, the thought is now just to go with the fence that there's a picture, I think, on page two.

Jerome Kerner: Oh, angled fences.

Tim Cronin: Yes, as Jan mentioned they are movable. So, you know, they will be placed at that approximate angle and you know, it seems like that seemed like that was working when I was in

when Tom had those up.

Janet Andersen: Yeah, I agree. I, I would have to be retrained as a as a customer to park at an angle as well, but I think and, and I understand why you would want the fencing to help make that really clear to the customers that that's how they should park, but I do agree that either it seems like something permanent would be helpful either a curb, a concrete curb stop, blocks that are flushed with the ground, something I think would be very helpful, if nothing else, that when you're coming out, you know, again, after a snowstorm or something and putting those fences back you get to know exactly where they should be.

Tom Gossett: And that's that can easily be solved. We can actually make foundations for these fence stops. So, they'll go back exactly where they came from. So, when they place like a fence, we go within a fence post inside a hollow post inside. So, there'll be permanent and they wouldn't change, they would stay where they were.

Janet Andersen: I think that would be better. I would like that better. I don't know if it fulfills, Jan, your concerns.

Jan Johannessen: Whatever the board's happy with, it's not a significant issue for me. I just, I just thought that there should be something there that's not removable to demarcate the space. There was the point at one point in time, there was a detail that showed Belgian block. I thought everybody was in favor of it and then it got modified. So, whatever the board is in favor of I don't have a strong opinion on the matter.

Janet Andersen: Okay, so, um, I guess what, what we've heard is because of the ZBA we have to leave the public hearing open anyway. I, I think that putting putting some kind of foundation under a fence would be a better thing, so that would satisfy me. So, I think what we want to do is ask for for someone to write, for Jan probably to write a Neg. Dec. for for our January meeting. It. Could we get a, no, we have to have the ZBA before we could do a resolution, [or] we could, we could ask for a resolution.

Jud Siebert: I mean, look, if we Jan, I'll leave it to Jan, but both could be prepared, just so you can get a running start on the resolution, but the only one that could be adopted would be the Neg. Dec. So, I you know I mean from a, from a kind of efficiency of effort, maybe it makes sense for both to be prepared at the same time, but that we then state that state, in that case it will get a draft resolution, an approving resolution into the hands of the board, you know earlier than right you know the week before the meeting. Probably the February meeting is my assumption.

Michael Sirignano: Yeah. What is the date of your January meeting?

Janet Andersen: The January meeting is January 21, and the re-submission deadline is December 31 not I guess that would be, I don't know if there's a ZBA a meeting that you could get to in in December. Possibly not.

Ciorsdan Conran: Janet, excuse me, are you looking at a 2020 list?

Janet Andersen: I am. Sorry, it's....

Ciorsdan Conran: January 19 for the meeting date.

Michael Sirignano: Okay, so I'm going to get try to get us on the Zoning Board agenda for the

end of January in anticipation or expectation that you will adopt an Neg. Dec. earlier in January.

Janet Andersen: Yes. That makes sense. Okay, so I guess what we are saying is we will continue the public hearing until the until our next meeting on January 19. We are asking for the creation of both the resolution and a Neg. Dec. for consideration by the board. And is there anything else?

Jud Siebert: I mean I, I'm just looking at the screen. I assume there's no one from the public that is on the call that wanted to be heard or and the Ciorsdan hasn't received anything while the public hearings been underway, thus far.

Ciorsdan Conran: No emails and no raised hands. If anyone's on YouTube chatting know that we can't see that. So, you have to comment through either email planning@lewisborogov.com or on the Zoom directly.

Janet Andersen: I can also confirm that I've been looking for raised hands and we have not seen any raised hands at all during this this meeting. Okay, so thank you. We will see you in January, as a continuation of the public hearing for at least the Neg. Dec. and proceed from there.

Various voices: Thank you very much. Thank you.

[Cal #3-09PB

(36:42- 48:03)

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

Janet Andersen: Okay. The the next item on our agenda is another public hearing, this time Cal #3-09PB for Verizon Wireless at the Vista Fire Department, 377 Smith Ridge Road, South Salem, New York, 10590. This is an application for the renewal of a special use permit for the carrier on a tower, not the tower owner itself. Again, I am hearing a lot of background noise from someone.

Jerome Kerner: Yeah, Mike, Michael, you're, it might be your office. Try muting Michael.

Michael Sheridan: I don't believe it's coming from me.

Jerome Kerner: You're the only one not muted.

Michael Sheridan: I'm one of the last here.

Jerome Kerner: The last of the Mohicans.

Michael Sheridan: Exactly, yes. I left my kids at home today so....

Janet Andersen: I think it's it's somehow got better, which is always good. So, again, if you would like to give a brief summary of, of the reason that we're here.

Michael Sheridan: Sure. My name is Michael Sheridan, attorney with Snyder and Snyder, we are the attorneys for New York SMSA, a limited partnership DBA Verizon Wireless. We're here in

connection with Verizon's existing facility at 377 Smith Ridge Road. As you mentioned, Verizon is tenant on the tower, they are not the tower owner. The last approval resolution in connection with Verizon's facility required that we come back to the planning board to renew the special permit and so we're back here to to renew the special permit at this time, and in connection with our filing received some comments from from Jan at Kellard Sessions. We responded to those comments back on November 17th. I believe I don't want to speak for Jan, but I believe that we addressed all the concerns at that time. We're hoping to get approved this evening.

Janet Andersen: Um, okay. So, Jan, I would you I would you like to confirm or or say the everything has been provided to your satisfaction?

Jan Johannessen: Sure. Yes, the applicants prepared all the information that we had requested. Basically, the short environmental assessment form Parts one and two, the RF radio Radio Frequency Report. They revised a structural certification letter to our satisfaction and provided an an as-built drawing a facility. So yes, all of our comments have been satisfied and we prepared a resolution for the project this evening, special use permit renewal and per our discussion at the last meeting, it's a five-year renewal expiring September 14, 2025.

Janet Andersen: So, we did get comments from the, from the AAB, and I believe the chairman of the AAB is on the call now, but I'll summarize that one of the the items, he suggested we ask about his emergency backup and whether there. So, perhaps Michael, you could talk about whether you have a generator to backup the Verizon services and if you have any idea of the capacity or length of service that generator could provide.

Michael Sheridan: Well, I will say on the plan submitted to this board there is a generator indicated for at Verizon's facility, so Verizon does have a generator noted at this site. As far as the requirements, I will just point out that the, why we're back here again noted from the resolution, the prior resolution received for the site says that any subsequent renewal shall be subject to the same procedures, rules and regulations applicable to an original application and as there are no those requirements for emergency backup are not rules and regulations provided for in the Town of Lewisboro Code, they're not applicable. I would, I would argue, they're not applicable to this application, however, again I will point out that at this site, as indicated on the plans, Verizon has a generator.

Janet Andersen: Yes. And, but you don't have a sense of how long that that generator might be capable of carrying that, continuing to serve in the event of an outage.

Michael Sheridan: I think Verizon a goal is always to have their generators and their backup power continue indefinitely with the hopes that it can be refueled in in time and that that's their hope with with every site. Certainly, they are happier when their sites are up and running then when they are not.

Janet Andersen: Yeah. And, and I do understand the point that we we did approve this without a specific statement about how long things ought to run. I believe we approved it with a with a generator and I but I think it's in the public interest to the extent that someone is here to have a sense that that especially as we become more and more dependent upon remote communications that it really does help to have a generator in place and I just wanted to know what the capacity might be. All right, with that. I am looking to see, oh, Jerome, yes, you're gonna have to unmute yourself.

Jerome Kerner: Just for my, and perhaps public, information, does the generator there are co-

locators on that tower right?

Janet Andersen: Yes.

Jerome Kerner: Is that right, Michael?

Michael Sheridan: There are other locators on that tower. We are a tenant on the tower. We don't own it.

Jerome Kerner: Right. So, but do you know the other co-locators also benefit from that generator or is it just Verizon?

Michael Sheridan: I believe Verizon has its own generator at the site.

Jerome Kerner: I see, okay.

Jan Johannessen: My recollection Jerome from the original application was Verizon has its own generator and it was a propane-filled generator, which is customary to Verizon and environmental sensitive areas that they prefer propane over a diesel generator. The propane generator and the propane tank, I believe it was like a vertically installed propane tank to accommodate other carriers in the compound to to have their own generators because of the setback distances between fuel and generator. So, I agree that they have one, that the capacity not aware of how long it would run, I don't recall, but they certainly have one.

Jud Siebert: Mike, you, I just want to remind the board and I think you know the the concerns that are giving rise to the AAB comments are well placed, but there are certainly limiting factors on this board's discretion in the context of this application, you know, to really kind of go in and rewrite the initial special permit. It's a special permit that was granted. It provides what it provides, this is a renewal. It's not the first renewal and you know the the latitude of the board to now kind of dive in and change special permit conditions that accompanied this, you know, this installation years ago and which has been operating under them without any type of violation, I think the board would be hard pressed. It would be different if this was kind of out of the box with either a co-locator or even more, you know, kind of, importantly, if this was a you know, a new facility to keep those kinds of concerns in mind but this, and the following application I think have those constraints.

Janet Andersen: Yes, I so, I understand that and I guess I would encourage any member of the public who might be listening or hear this, if they feel that's important it might be, the best vehicle might be to get to the Town Board and get it included in Code so that any future any future carriers, any future towers go up, do have generator or backup capacity, you know, at some point maybe batteries will get good enough, who knows, but so speaking and speaking to a, knowing there's a soon-to-be Town Board member on this call, that's another reason just to say, maybe that's a different avenue for this to go forward. Okay, so with that, if there aren't any I see no more comments from the public, or no comments from the public. Seeing no hands raised, I guess I would ask for someone to move to approve the resolution that we have before us for this.

Jud Siebert: You need to close the public hearing.

Jerome Kerner: I move that we close the public hearing.

Janet Andersen: Okay.

Maureen Maguire: I'll second.

Janet Andersen: Thank you. Maureen. Any discussion? All right, I'll poll. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Richard?

Richard Sklarin: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: And I also vote to close the public hearing. So, the motion carries.

[On a motion made by Mr. Kerner, seconded by Ms. Maguire, the Board voted to close the public hearing for Verizon Wireless at the Vista Fire Department, 377 Smith Ridge Road, South Salem at 8:17 p.m. In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.]

Janet Andersen: Now, I think I'd look for a motion to approve the resolution.

Maureen Maguire: I'll make a motion.

Janet Andersen: Maureen, I think you might have been just before. Maureen made the motion, Greg will you second?

Gregory La Sorsa: Okay. I'll second it. Sure.

Janet Andersen: Okay. Any further discussion? Okay, Jerome?

Jerome Kerner: Yes.

Janet Andersen: Richard?

Richard Sklarin: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: And I also would say that I vote in favor, so the resolution, the motion carries,

and the resolution is now complete.

Michael Sheridan: Thank you.

[On a motion made by Ms. Maguire, seconded by Mr. La Sorsa, the resolution for a five-year renewal of the Special Use Permit for Verizon Wireless at the Vista Fire Department, 377 Smith Ridge Road, South Salem dated December 15, 2020 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.]

[Cal #6-12PB

(48:04 - 52:26)

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 the next item, which is Cal #06-12PB. This is for Verizon Wireless at the Leon Levy Preserve which at 1411 Route 35, South Salem, New York. So again, we have a public hearing opening on this to look for public comments on this renewal of a special use permit for the carrier on the tower. Michael, do you want to give any....

Michael Sheridan: Sure. Good evening. Again, my name is Michael Sheridan, attorney with Snyder and Snyder, we are the attorneys for New York SMSA, a limited partnership DBA Verizon Wireless. Similar to last application, Verizon Wireless has an existing facility on the tower at the Leon Levy Preserve, Route 35 and Route 123 and we are here again because the approving resolution noted that we are back to renew the special permits of their five-year period. We're here tonight to renew this special permit.

Janet Andersen: And would you know just carrying over just for the information to the public. Is there a generator and any kind of fuel available on this tower or on this for this carrier, on Verizon?

Michael Sheridan: Yes, as indicated on the plans submitted to the board, Verizon has an existing backup generator at the site.

Janet Andersen: Okay. Um, I would assume Jan, that the items that you asked for on this last time have been again completed.

Jan Johannessen: Yes, they have all comments have been addressed, all information requested has been submitted.

Janet Andersen: Okay, looking for a public comment. I am seeing nothing. I guess I'm going to ask Ciorsdan if anything came into planning@lewisborogov.com.

Ciorsdan Conran: No public comments on this or the previous submission and I see no hands raised currently.

Janet Andersen: Okay, barring that I'm, okay. Jerome?

Jerome Kerner: I move that we close the public hearing.

Janet Andersen: Thank you. Do I have a second?

Gregory La Sorsa: I'll, second.

Janet Andersen: Greg you second. Okay, um. Any further discussion? Okay, I'm gonna call the poll the board for vote.

Gregory La Sorsa: What are we voting for?

Janet Andersen: Closing the hearing. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: And I also say we can close the public hearing. So, the motion carries, and the public hearing is closed.

[On a motion made by Mr. Kerner, seconded by Ms. Maguire, the Board closed the public hearing for Verizon Wireless at the Leon Levy Preserve, 1411 Route 35, South Salem at 8:17 p.m.]

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

Janet Andersen: We now have a resolution in front of us for the Verizon Wireless at Leon Levy Preserve, which renews the special use permit, I would look for a motion to approve that.

Richard Sklarin: Move to approve the resolution.

Janet Andersen: Okay, Rich you beat the trigger here so Rich moved, Maureen will you second?

Maureen Maguire: Yes. I'll second.

Janet Andersen: Any further discussion on this? Okay, I'm going to poll the board. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: And I also vote in favor. So, we, the motion is carried and the resolution has been approved for the application for a special use permit renewal at Leon Levy Preserve for Verizon Wireless.

Michael Sheridan: Thank you very much.

Janet Andersen: Thank you.

Michael Sheridan: Have a good night.

Maureen Maguire: Good night.

Janet Andersen: Good holidays. See you next year.

Michael Sheridan: Great, thank you.

Janet Andersen: Great. Okay, um, so that is the end of our public hearings for tonight.

[On a motion made by Mr. Sklarin, seconded by Ms. Maguire, the resolution for a five-year renewal of the Special Use Permit for Verizon Wireless at Leon Levy Preserve, 1411 Route 35, South Salem dated December 15, 2020 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.]

IV. WETLAND PERMIT REVIEW

[Cal #35-20WP

(52:26 - 58:40)

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

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

Janet Andersen: We are now moving on to wetland permit review. This is the Cal #35-20WP. This is the Askildsen residence at 82 Mill River Road, South Salem, New York and last month we discussed this and expected some resubmissions. So, that is why this is on, however, the

resubmissions came in yesterday. So, I know we don't have a memo, we don't have a review memo on it, but perhaps one of the people for the for the applicant can tell us where things stand. Ken you're muted. I don't know whether...

Hans Hansen: I'm Hans Hansen, the architect.

Janet Andersen: Thank you.

Hans Hansen: Ken is also on. I apologize for the late submission. I thought the submission was actually in but apparently not to your department. But anyway, the, the updated plan that we have. I don't know if you want me to put it up on the computer so that you guys can see it, since it was so late.

Janet Andersen: Yeah, I'm not sure we're ready to talk about it. But what I would encourage you to do is to look at the Kellard Sessions memo that I believe was from August 13th. I think it's good to have those plans that we have, but there were a number of things that were also asked for in that memo, that included a tree survey, I think something about drainage, putting drains, so forth, perhaps it would be helpful if you look at the other and, because I I do appreciate getting the plan for the site, the new architecture for the house, but I think there are some other items that we really would like to to get in order to do an effective review of this plan.

Ken Askildsen: Is there a, is there a comprehensive list of items that you would like us to obtain for for you?

Janet Andersen: I think the best start would be to go to the memo that came from Jan on I think August 13. We can make sure that you have a copy of that again and that has itemized an itemized list of things that are required and if you typically what people do is say, my response to number one is this, my response to number two is this, I have attached plans that respond to number three, and I think that something like that would be very helpful. Maybe I'll ask Ciorsdan to make sure that gets resent.

Jerome Kerner: Not only is it helpful, it's required.

Janet Andersen: Okay, thank you.

Hans Hansen: Thank you.

Ken Askildsen: It's interesting. I, that's the first I've heard of that list, we have I don't I don't believe we heard that we were asked to submit that yet.

Hans Hansen: Maybe, it may be so long ago that got overlooked.

Ken Askildsen: Yeah. I don't know if Jan is there. But did we discuss that Jan? Did we, was that discussed all that list?

Jan Johannessen: Well we, you know, it's been it's been a while, but I think that you're calendared for, you know, an August meeting and we had prepared a memo based on your last submission and we kind of critique the submission and I did a list of of comments and things that needed to be submitted and provided that in a memo for the board for that meeting. And that should have been made available to you, I'm sure, yeah, it's on the website and you know you just kind of provide annotated responses to each of those comments along with it all plans that address them.

So, if you'd like to go over them and have a separate, you know, we could have a Zoom meeting zoom meetings with applicants every Thursday and, you know, we can go over the list and go over your plans and make sure that you're on the right track.

Ken Askildsen: That sounds good. What don't I just do that. I'll just...

Hans Hansen: Yeah, I don't have a problem with that either Ken.

Ken Askildsen: Okay, that sounds good. Maybe we can just do a separate meeting with Jan to kind of like, you know, prep preparation for for for these meetings.

Janet Andersen: That would be, I think that would be very helpful. So, um, again, I think the submission date for January is pretty close. I think probably we'd be better served to have you plan to come to the February meeting. And so the plans and the responses of, you know, the sort of complete responses would all be due on February 2nd.

Ken Askildsen: Okay, so, so we'll submit those by February 2nd For the February meeting and is there a date for the February meeting?

Janet Andersen: Yes. It is February 23rd.

Ken Askildsen: 23rd. Okay, we'll get all those ducks in a row. Thanks for your time. Really appreciate it.

Ciorsdan Conran: And Ken and Hans, I just resent the Kellard Sessions memo.

Hans Hansen: Great, thank you. Ciorsdan.

Ken Askildsen: Terrific and I'll have those some hard copies to Ciorsdan tomorrow at eight o'clock sharp.

Ciorsdan Conran: The building opens at 8:30.

Ken Askildsen: Okay, I'll be in the parking lot.

Ciorsdan Conran: Thank you in advance.

Ken Askildsen: Thanks, okay, bye bye.

Hans Hansen: Thank you.

Janet Andersen: Okay, thank you very much.

V. SITE WALK REPORT

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

(58:41 - 1:08:28)

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, thank you very much. Okay, and the next item on the agenda is just to do a site a site walk report. So, there is an application before us for a new studio one-bedroom house on a, on what is now vacant land. So, the board, at the last meeting decided to take a site walk, which took place on November 22, 2020. It was at the vacant lot on Twin Lakes Road, which is next to the Schwartz home at 66 Twin Lakes Road. From the applicant the attendees were Michael and Claudia Claudia Schwartz, Alan Pilch was there and Darren Mercer, the architect. All of the planning board members attended and two members from the CAC which were Mary Shah and Eileen Nadelson. We met at the site at nine o'clock. The area was staked to show the basically the perimeter of the house, the approximate wetland buffer boundary and there were flags to indicate the area of the septic system. And the site walk attendees saw the major trees that the applicants would like to protect and these the position of these major trees really did determine the position of the house and the trees did kind of limit the ability, it appeared that the trees would limit the ability to position the house elsewhere. We were also told how the design of the house was to minimize disruption of tree roots. The use of piers, rather than a basement, would allow the the house to be relatively close to the trees, but without really the plan is without really hurting the trees. So, we did see that and we also saw how the use of the existing driveway could mean that two parking spaces. I'm sorry, I should have said that the use of the existing driveway as a shared driveway would allow the parking two cars to be parked on the lot and again, avoid some of the trees they were trying to avoid.

The area for the house was relatively flat but then there was quite a steep embankment down to the lake and we looked at the location of the proposed storm water basin, which was on the edge of that. We were told that it would be possible to put in an underground infiltrator instead of a storm water basin at that location. We discussed mitigation briefly and I think deferred suggested that Jan be consulted to to look at that. We were told that the neighbor to the east would like to maintain or expand the current screening between the homes and we discussed whether that might be possible to put some some ground cover right now the ground on the slope down to the lake a lot of it just has sort of a mossy dirty cover you know a moss cover perhaps a something that would better slow the run off could go there, but we we suggested that the applicant look into that and talk to Jan. I think that's my summary of the site walk. I'll look for additions or other comments from anyone else that was there.

Maureen Maguire: Yeah, I have a, I have a few comments. I'm just for a point of clarification, Janet, you said that the site walk was to to view a vacant lot. Is that lot part currently part of the Schwartz property or was that a separate lot that the Schwartz Schwartz Schwartzes purchased?

Janet Andersen: It is a separate lot and and it was purchased quite a while ago. I believe they've owned it...

Maureen Maguire: Okay, thank you. Um, my, my my review of the site walk is as much like Janet's before the site walk and that's why it's always good to go on a site walk. It gives you a just a great visual of what's possible and what's very difficult. On the plan, it looked like there might be some opportunity to shift the structure, one way or the other or reorient it. When I got there, and my viewing showed that because of the rock outcroppings and because of several large trees there really was only one place to put the structure which is it's the place that is currently on the plan so those are, those are my comments. Echoing Janet, there was much said about the tall trees that people wanted to protect. Some trees will have to be taken down, some of those trees are smaller saplings and less significant trees and the trees that that the applicant wants to protect

those, those are my comments.

Janet Andersen: It looks like Jerome has some additional comments.

Jerome Kerner: Yeah, you know it, maybe this comment would be considered not directed to this specific application, but as in principle. When we look at a plan and a project that has limitations, like the site has, for instance, it's currently a one-bedroom septic design, which is all I will fit but as a planning board, you know we have to think about the protecting the lake is what we're concerned about. And it's very conceivable that on resale that this structure could be adapted to easily to a two bedroom. We know that there's a room that's called a storage room downstairs, in addition to a bedroom and it's up to the Building Inspector and, you know, but what protection, do we have in terms of identifying on this property that it remains a one bedroom. We don't need to discuss it now, but I just wanted to bring it to our attention because it seems to me, comes up and it's particularly relevant in areas like this where we want to be sensitive to the lake conditions. Thank you.

Janet Andersen: Know, I think that's a good point. I mean we people get COs for a house for one configuration and you know, it could be that things change. And I honestly, I'm not sure how enforcement or inspection takes place on any of these.

Maureen Maguire: I would be interested in finding an answer to that question as well as Janet and I have noted in the past, there was another application on the same street. That I think Jan you could help me fill in the details, but that it was a while ago, I want to say it was perhaps 2008 and that house was the use of that house was turned into a more significant use then what plans were in front of us to approve. So, I don't know how we tackle that issue. But yes, that that I agree that is an issue.

Janet Andersen: So again, I, I'm not sure that we should burden the the current thing before us, which is a site walk report with this, but I think it is a item to remain aware of and to keep thinking about So, thank you. I we've, we've, you know, enforcement in any town is I think difficult and and certainly, I would certainly be interested in learning more about about options. Okay. And does anyone else have anything to add to the site walk report?

VI. RELEASE OF LANDSCAPING BOND

Cal #08-17PB

(1:08:29 – 1:11:57)

Oakridge Commons, 450 Oakridge Common, South Salem, NY 10590, Sheet 49D, Block 9829, Lot 10 (Smith Ridge Associates, owner of record) – Release of bond for landscaping at day care center.

[No one was present on behalf of the owner.]

Janet Andersen: Okay, with that, without that I will move on to the next item of our on our agenda which is a release of a landscaping bond. This is Cal #08-17PB and this is for Oakridge Commons at 450 Oakridge Commons, South Salem, New York. They had put in place a bond for the landscaping at the daycare center and I understand that the landscaping has been completed. I'll ask Jan to perhaps confirm that and tell us a little bit more about that.

Jan Johannessen: Yeah, this goes back a couple of years. Really a housekeeping item, the

landscape, the board did bond the landscaping improvements around the perimeter of the daycare facility and on the site and prior to the issuance that the certificate of occupancy for that building that landscaping had been completed and inspected and as being completed by our office. I think this is just some housekeeping items that should have been done years ago but the landscaping is complete. We inspected it prior to the issuance of the CO, and I'd recommend the release of the bond.

Janet Andersen: Okay, so we do have a resolution to that effect. So, I would look for a motion to approve the resolution.

Richard Sklarin: Move to adopt the resolution.

Jerome Kerner: Second.

Maureen Maguire: I'll second.

Janet Andersen: I guess Jerome was first to second. I should explain that on this. This is apparently a bond, as I understand it, that was just at the discretion of the planning board and does not need to go to the town board to get release so that we can do this.

Jud Siebert: Yes, that that's correct. This is a landscaping bond for landscaping and for purely private improvements to the extent you want to classify landscaping as improvements. So, it is not anything that relates to you know, any property that will be committed to public use or possibly dedicated and as a result, there's no I know certain times, particularly subdivisions quite often we have this yoyo where we have to go up to the Town Board and then back to us and then back to the Town Board that is not applicable to this type of security.

Janet Andersen: Okay. Any further discussion on this resolution? So, I will now poll the board. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: And I also vote in favor of this motion and so the motion is approved and the resolution to release the landscaping the bond for the landscaping at the daycare center has been approved.

[On a motion made by Mr. Sklarin, seconded by Mr. Kerner, the resolution dated December 15, 2020 for release the landscaping the bond for Oakridge Commons at 450 Oakridge Commons, South Salem 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.]

VII. EXTENSION OF TIME REQUESTS

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

(1:11:57 - 1:20:26)

Wilder Balter Partners, NY State Route 22, Goldens Bridge, NY 10526, Sheet 5, Block 10776, Lots 19, 20 & 21 (Property Group Partners, LLC, owner of record) – Request for Extension of Wetland and Stormwater Permit Approvals.

John Bainlardi, Wilder Balter Partners, was present.]

Janet Andersen: Okay, next item on our agenda, we have two extension of time requests. The first one is, Cal #10-15 PB, Cal #20-17WP, Cal #5-17SW. This is for Wilder Balter Partners, New York State Route 22, Goldens Bridge, New York, and it's a request for the extension of the Wetland and Stormwater Permit approvals. I believe these expire on January 6, 2021. So, I and I see John and I'm not sure who's going to speak for the application.

Jud Siebert: I think you have the date and I think the date is February 26, 2021.

Janet Andersen: Okay, I thought that's what I said and I thank you for correcting me.

Jud Siebert: I did, I maybe I misheard.

Jerome Kerner: No, you're right Jud.

Janet Andersen: We'll make sure it is correct. Okay, John.

John Bainlardi: Good evening, everyone. Nice to see you know all. The application is simply to extend the two permits– the [wetland] implementation permit, the stormwater permit issued by the Town of Lewisboro. And so we're as I'm sure your board has been advised by counsel, the Article 78 proceeding has been definitively decided by the Supreme Court and all the claims have been dismissed, we are proceeding to closing in January with the county and with the state and our equity provider and lending institution, our construction lending in March and we will break ground again on or around April 1st. We have, in the meantime, we've gone out to the other agencies and we've secured extensions of all the approvals that were set to expire in the coming months. We secured one-year extensions of the Westchester County Department of Health approvals for the water system and for the septic and sewer connection. We have secured approval to 2023 of the DEC freshwater wetland permit. The SWPPP approval for the, from the DEP is still in full force and effect and that expires 2023 and, and as you may recall your, your board during the summer extended the site plan approval to June of 2021. So, we will be, early in the new year will be submitting our applications for building permit. We expect to have our closing of our financing in March and and we will break ground. We anticipate construction approximately 18 months to a point where we will have full completion of the stormwater stabilization and the wetland mitigation work. I think we've requested a one-year extension from February. If your board is inclined to extend that for 18 months that would be great so we could avoid having to come back because you know at the tail end, we can't, we won't be completed with stormwater until we achieve stabilization at the end of the construction.

Janet Andersen: I'm not clear about that. I believe that, as provided by in our Code, we can do a one-year extension of of wetland. I don't. Can we do a longer one on stormwater or do we have limits, Jud?

Jud Siebert: No, this is not a, this is not a application to extend you know, a wetland permit that is still in sort of conditional status, the initial conditions have been satisfied administratively. The site plan, accompanying the wetlands permit has been signed and as a result, you are free, as you are with the storm water permit, to extend to whatever timeframe you feel you know appropriate.

Janet Andersen: Okay, thank you. Um, I guess that's good news. So, do we we have a request to extend this for 18 months from February as there is anyone willing to make that motion? Jerome.

Jerome Kerner: I move that we extend it to 18 months, I don't know, whether we need a revised letter, whether the motion sufficient. I'll leave that up to Jud.

Jud Siebert: The request has been made was made for one-year oral request is made for a for just to extend it to 18 months. I think that is sufficient.

Jerome Kerner: I moved that we honor the oral request for an 18-month extension.

Jud Siebert: Yeah. Yeah, I, go ahead.

Jerome Kerner: No, of the wetland implementation permit.

Jud Siebert: And the stormwater permit.

Jerome Kerner: Yes, yes. And the stormwater permit. Yes. Right.

Janet Andersen: Do we have a second for that?

Maureen Maguire: I'll second.

Janet Andersen: Thank you. Maureen. Any any further discussion? It looks like Richard wants to.... Yep.

Richard Sklarin: Yeah. Jud, I just wanted to confirm that based upon what you heard just no current legal impediments to proceeding with construction, as Mr. Bainlardi indicated. Is that right?

Jud Siebert: There, a notice that appeal has been filed from Judge Walsh's district decision, but that does not constitute any type of injunction or any, any type of stay.

Richard Sklarin: Thank you.

Janet Andersen: Any other discussion. Okay, and then I will poll the board for their views on this, again an extension for 18 months for the wetland and stormwater permit approvals for Wilder Balter. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: No.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: And I also say yes. So that's four. That's a quorum. And so, the motion carries. So, um,....

Jan Johannessen: Jud, do we have an expert a specific expiration date that we can identify?

Jud Siebert: I would I would I would take an 18 months so it will be 18 months from February 26 2021 and that's done on a on a month basis, so I don't...

John Bainlardi: August, August.

Jud Siebert: Okay, thank you. It'll be it'll be August August, will be August 26 of 2022.

Janet Andersen: 2023, oh no 2022 sorry, you're correct. Well, this is so tough. Yeah. Okay, so that's what we have approved.

John Bainlardi: Thank you. Happy Holidays everyone.

Jerome Kerner: Same to thank you.

[On a motion made by Mr. Kerner, seconded by Ms. Maguire, the the Board granted one 90-day extension to the Resolution, dated February 26, 2019, to Wilder Balter Partners, NY State Route 22, Goldens Bridge, granting Site Development Plan Approval; the new expiration date is August 26, 2022.

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

Cal #10-17PB

(1:20:26 - 1:25:47)

Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge, NY 10526, Sheet 4E, Block 11135, Lots 1, 2, 3, 4, 6 & 7 (Charisma Holding Corp., owner of record); Sheet 4E, Block 11135, Lot 5 (Spencemorg, LLC., owner of record), Sheet 4E, Block 11135, Lot 9 (Charles Monaco, owner of record) and Sheet 4E, Block 11137, Lot 42 (Robert Castelli, owner of record) – Application for Site Development Plan for additions to existing auto showroom and service buildings, additional parking spaces and construction of a parking garage.]

Janet Andersen: Okay, the next request for an extension of time is for Cal #10-17PB for Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge, New York. This is an application for an extension of time for the conditional site plan approval that we have made for additions to an existing auto showroom, service buildings, additional parking spaces, and construction of a parking garage. And my understanding is that this conditional approval would

expires on December 17, 2020 and I believe that Michael is here to represent the applicant, but they are looking for a one-year extension.

Michael Sirignano: Yes, one year would be, we believe should be sufficient. We're still waiting on some other agency permits, I believe Board of Health and the DOT. We've asked for an extension of the variances that we got from the zoning board as well. In order to keep this long and long reviewed and considered project you know, on track to to pull a building permit, the architects are working on the final construction drawings. That's going to take some time for our Building Inspector to review and so we just need some more time to put this together. The COVID restrictions didn't help either and I, as I recall the board thought about possibility of some COVID-related delays when you granted the approval, which I believe was back in March of this year. So, in any event, we're asking for a one-year extension of the site plan site development plan approval.

Richard Sklarin: Based upon how things currently stand, do you have any indication, as far as or idea as far as building permit.

Michael Sirignano: Yeah, they. The idea is to start at the northern end of the site with the drainage work and and the building at the northern end and to do it in that order and so we're hoping that that's as soon as the winter weather breaks. We're going to be, be able to start the work at the northerly end both the site work and then the service building.

Jan Johannessen: I can just report that the applicants have submitted check sets of plans to our office for review and I plan on reviewing that this week.

Jud Siebert: And with regard to the time period requested for both permitted stormwater up to the board's discretion. So, one year is you know, something that the board is is permitted to to utilize as an extension period. The Town Code now provides for extension of site plan for periods of incremental periods of one year each and Michael is correct that the resolution adopted in March, really kind of in the thick of it explicitly recited that if a request was made to extend that, the conditional period that the and there was a delay caused by the COVID-related causes that the board would expeditiously act extension and not unreasonably withhold it.

Janet Andersen: Okay, so I guess if the check set of plans is there is do we still need, is it still prudent to issue a year's extension?

Jan Johannessen: I think so. It's probably not needed, but I would recommend it.

Richard Sklarin: Motion to grant the extension as applied for.

Jerome Kerner: I'll second that.

Janet Andersen: Okay, so I'm Rich moved in Jerome seconded. Any further discussion on this? I will poll the board. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: No.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: Richard?

Richard Sklarin: Yes.

Janet Andersen: And I also vote in favor of the extension. So the motion carries and....

Jud Siebert: The extension will be to December 17, 2021.

Janet Andersen: You took the easy one. I could have done that one.

Jud Siebert: Yeah.

Janet Andersen: Okay.

Jud Siebert: I didn't have to count with my fingers.

Michael Sirignano: So, thank you, happy holidays too all.

Maureen Maguire: Okay, thank you.

[On a motion made by Mr. Sklarin, seconded by Mr. Kerner, the Board granted a one-year extension to the Resolution, dated March 17, 2020, to Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge, granting Site Development Plan Approval and Town Stormwater Permit; the new expiration date is December 17, 2021.

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

VIII. DISCUSSION

[Town Board to amend Town Code §220-40 – regulations for outdoor special events.
(1:25:48 – 1:49:09]

Janet Andersen: And so the next item on our agenda is a discussion and it's, the Town Board has referred to us a proposed amendment to Town Code §220-[40], with regard to regulations for outdoor special events. So, we have that in front of us, it basically allows a variety of special events: street festivals, art exhibitions, antique markets, arts and crafts sales, food distribution, food trucks, food sales and/or food services of any kind and all similar activity out, sorry, all similar outdoor merchandising activities or special events. And I understand that the reason to do this, is to try to help some of the suffering local stores, especially during the pandemic, um, well I have my own views, but perhaps I'll ask anybody else what, what their sense of this is, or maybe I should start by asking Jan if you've had a chance to review it and if you want to give us any advice on on this?

Jan Johannessen: Yes, I did review it. It appears that it's something that is supposed to be designated for commercially zoned parcels only. What I question whether, why in §220-23(D)(15) under schedule of regulations for residential districts, they have outdoor special events

and commercial properties only. Why is that even necessary to be there if it's something that's only going to be allowed in non-residential districts? I, I don't know I, I kind of feel like this could result in unintended consequences, in something, a use that's going to be on basically unregulated going to be principally permitted accessory use, not subject to any sort of permit or review by any sort of board or staff member. I think it, it could result in traffic issues, it could result in parking issues. Simply, you know, a small residentially or commercially zoned parcel in Cross River, for example, if they had a food truck, that food truck's parked in a designated parking space in that that use only has a certain number of parking spaces, you know, it could be problematic. It could result in noise impacts. I completely understand the the rationale here, but my recommendation would be to have this subject to some sort of special permit, either by the planning board or the town board or amendment to a site plan' something to have a set of eyes on the use. It seems to be completely unregulated and I'm not sure I'm comfortable with it.

Janet Andersen: Jerome?

Jerome Kerner: Yeah, I would agree. You know, unless it was some extension of a commercial business, like the sidewalk sale, you know where there wouldn't be any necessarily any increased traffic or parking requirements. But I mean, this does leave the door open for activities that could create traffic, noise and sanitation issues.

Jan Johannessen: I think it leaves the door open for any commercial use to sublease a portion of their parking lot for just about anything.

Janet Andersen: Yes.

Jud Siebert: [static]

Jerome Kerner: Yeah, so I think an approval of some kind of a special use permit, I would certainly endorse that concept.

Janet Andersen: Yeah, so my comments are really that this seems to be overly broad. And it's, it's a permanent solution to what we hope is going to be a somewhat temporary situation, of this, you know, really struggle of a lot of the, although things may change. I don't know how shops are going to be in the future when when and if we get through this pandemic. But it occurs to me, for example, that we have just gone through a lot of effort to get, to look at a winery going into Gossett's and, you know, they could, they could get a wine truck, a food, a beer truck and park it out in their parking lot and it would be completely unregulated if this was something as a, you know, as a use as of right. The other thing, I tried to look a little bit and it looks like our Code talks a lot about residential and non-residential districts and I did not find a definition of commercial properties anywhere. So, I'm, I'm not sure, we have a lot of grandfathered businesses that are in the middle of a residential property, is that a commercial property? It's a grandfathered non-residential use. I don't know. I mean, so...

Jan Johannessen: Yeah, the uses are in the, it says non-residential districts. So, I think you would have to be either a CC-20, an SU, an RB, or GB to have this use. If you're a commercially, a commercial use in a residential districts, I don't think this applies to you.

Jud Siebert: But Jan, that §202-23...

Janet Andersen: (D)(15) it says outdoor....

Jud Siebert: Yes, schedule for regulations for residential districts and then says,...You think....

Jan Johannessen: Oh yeah, maybe that's why it's there.

Jud Siebert: Yeah.

Jan Johannessen: I didn't.... Yeah, you're right.

Jud Siebert: And I guess my, to pick up on Jan[et]'s point, I guess one of my concerns is that if you get into a, you know, kind of a tussle over what does on commercial properties only mean and there's some ambiguity, that you know, the ambiguity always favors the property owner.

Jan Johannessen: I was questioning why that was there.

Jud Siebert: Yeah.

Jan Johannessen: 15 and that's exactly the reason.

Jud Siebert: You know, it seems that that is one aspect of this that is a concern to me is that that is you know, I think I understand the intent, but it could be read differently and that's a, it's a, it's a potential ambiguity.

Richard Sklarin: Jud, do you know of any similar legislation drafted in the County?

Jud Siebert: What I'm what I'm aware of, and like what Jerome was referring to is, excuse me. Is and it's an outgrowth of current conditions, but like the sidewalk sale-type permitting, a lot of municipalities that have, you know, sidewalks that are public you know, publicly on public right away, they've adopted local legislation for licensing by, by the municipality to actually provide a retail store with, you know, with frontage on that sidewalk, a license of temporary duration to do outdoor sales or or whatever. The you know, some of the outdoor dining has been done that way in other municipalities, to free up public space and I those you know, those mechanisms provide the municipality, a way to to deal with, you know, the extent, what's going to be done, the duration. I mean this is as Jan said, this is a this is now an accessory use so someone wants to start to put a food truck on their property, it's an as of right accessory use and it's not, you know, a special event for a day or two, it's as long as this is on the books.

Jan Johannessen: It doesn't even need to be a food truck, food sales and/or food services. You could set up an outdoor restaurant on a parcel that has a commercial use on it and you'd be allowed to do that without any sort of permit or approval.

Jud Siebert: I mean, I think, I think there's a way to create like a, like an event permit, you know, something that basically is a maybe even a you know, if they want to cut down on the time of, you know, processing before a board, maybe, maybe it's something within the discretion of the building department, you know, to, to grant you know a permit, you know, for outdoor utilization of space with some time control and then you know, whatever other conditions are appropriate.

Richard Sklarin: And have to have any nexus as it's currently drafted to any particular property right? I mean....

Jud Siebert: Yeah, it's just, it's, it's, you know, as long as there's a principal use on the property that's permitted and let's say a commercial property, whatever that is, but if there's a principal use

there. It can be accompanied by an accessory use that is one of these special event.

Janet Andersen: You can have ,you can have a permanent yard sale or the flea market, you know, okay, Jerome. Yes.

Jerome Kerner: I believe we have a precedent for this in our zoning code right now, or it's implied, anyway, take the Jewish Family Congregation when they were here, they had a special use permit for erection of a tent during the High Holy Days for a special outdoor event and you know it's the same thing. You gotta apply for a permit. Come back to the board depending on its scale and scope of what the event is would indicate other potential issues.

Janet Andersen: I think the good thing about this is that we're about to head into winter and we have a little time to get a better Code going before this really becomes prevalent. So, we do need to respond back to the Town Board. They're going to have a meeting on this in January. I would like I, I would like to sort of your agreement that we draft a letter that says some of the problems that we've identified, that it's broad, it's permanent it, it seems unrestricted to location. We really feel that that some kind of either, I mean, either it could be something that says you can have a one-day event, I mean it either should say that in the Code and not have it unrestricted or make it a permit, because I do understand the, the desire to try to make things, you know, make it easier for somebody to have a special event, but I feel it either should be limited in duration or scope or location or something and this is just too wide open.

Jerome Kerner: May I remind you of a Woodstock, how many years, 50 years ago.

Janet Andersen: I was there.

Jerome Kerner: I was five miles away in Liberty, New York, and what a nightmare that was even with a special permit. Things tend to grow.

Janet Andersen: Somehow, I don't see, you know, Lewisboro becoming Woodstock, but I, but I do think we should have I think, there's time, is the point, is to make something a little better from this. I was, do we know when when they bring a food truck or something to the Town Park or to Onatru, is that a special permit or is that just a board Town Board approval, because it's Town Board property. How do they do that?

Jud Siebert: It's, it's probably just a, it's a Town Board decision, it's Town Board property. My guess is that there, I mean, you know, you get into the issue of whether you know, when like these sort of proprietary uses on town property trigger actual you know zoning regulations, because the town property is, can or can't be exempt. I don't want to get in the weeds but it's that whole Monroe balancing you know that the factors, know that I, my guess is that those decisions are made by the Town Board without really looking at the you know, at the underlying underlying you know zoning issues. They're just....they're done.

Richard Sklarin: How is this different legally from the Good Humor man coming in my neighborhood.

Jud Siebert: I think the, I think the Good Humor man has, you know, a license like a vendor's license, but he you know it's not a, you know, it's not a fixed commercial use, you know, he he's you know he drives around, it may stop periodically, but it's not, you know, it's not a permanent use of you know of private property for a specific use.

Janet Andersen: Yeah, and part of my concern is the really unlimited offerings, which I think is great in some ways because it allows, it allows a lot of, you know, creativity and opportunity, but in other ways, you know, I really do see potential for beer trucks and I don't I mean I don't know I don't know what the regulations are but but it just, it does seem like this could be....

Jud Siebert: You know, I think Jan, you know, it's the unintended consequences. It's, it's open ended and, you know, a lot of things could happen when you have access for use permitted as a right without, you know, any kind of control.

Richard Sklarin: I don't know how it works. I'm just thinking about the Library Fair when they have you know the different trucks that come in. I don't know if this that's tying into any kind of permit. I'm not sure exactly how that works with the food trucks and stuff so....

Janet Andersen: Yeah, I, I do think there is a special permit for that, but sort of. So I think what we're thinking is, imagine that, you know, well not, imagine them for a month at a time or for....

Jerome Kerner: Well, how about the fire department, just for three days, they have to get a permit I believe, if not, there's something wrong.

Jud Siebert: I gotta believe there is you know event permitting, it's just....

Richard Sklarin: There's no temporal limitation at all as it's drafted.

Jud Siebert: No, no.

Janet Andersen: It's and and for all we know, no hours of operation, I would. I don't know whether something applies to that either not. But I would really, I think this is a one of the places where it's important for us to get a comment letter back to the Town Board saying it's we understand the intent is good, but the we think that the dangers are of it really turning into a nuisance are great.

Jerome Kerner: Agreed.

Richard Sklarin: You should probably have me abstain from any reference in that letter.

Jud Siebert: Will need a motion to authorize Jan[et] to sign a letter to that effect. So it's up to you or Rich, if you want to abstain.

Richard Sklarin: Okay.

Jud Siebert: You can do that on the motion. Okay.

Janet Andersen: So is unless there's any more discussion or items that you want to suggest into this letter. I would look for a motion to send a letter to the Town Board in, you know, with the kind of issues we've discussed outlined, and encouraging them to put a more targeted Code together.

Maureen Maguire: So, moved.

Janet Andersen: Thank you. Maureen. Do we have a second?

Jerome Kerner: Second.

Janet Andersen: Any further discussion? Okay, I'm gonna poll the board, Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Sure.

Janet Andersen: Rich?

Richard Sklarin: I need to abstain on this.

Janet Andersen: Okay, Maureen?

Maureen Maguire: Yes.

Janet Andersen: And I also say yes. So, we'll get that letter going, I guess and get it out to the [Town] board. Thank you. I, you know, again, I, I think that the intent is good. I'm just worried about the that there really could be an impact. Okay, the next one. Yes.

Jerome Kerner: In regard, sort of tagging on to this discussion. I don't know, I might have missed it, did we ever discuss the the antenna at the Lewisboro LVAC volunteer ambulance corps site, which is town property. That never came before us, I think that's part of the Monroe Doctrine.

Jud Siebert: Yeah, the town, but the Town Board conducted a, the Town Board conducted a quote unquote Monroe hearing and at the conclusion of that process determined that it was, it was exempt from zoning.

Richard Sklarin: Balancing tests. Right.

Jerome Kerner: Yes, but my, I think that what I'm, the feeling I'm sitting with for the record. We put hours and hours in to design and features and looking at towers that are much more remote and less obvious than that tower. That's the first thing you see as you come into the town of Lewisboro from the west, you see that tower. And, you know, it was given no consideration as far as I know I mean Jan could speak to what kind of review they had or whether the applicant just did what he wanted, but it seems to me that it should have come before the planning board if for nothing, or the architectural review board for nothing else and color, you know, and design features. And I think the Town Board takes a very cavalier approach and I've seen it before in terms of how the planning board implements....

Gregory La Sorsa: You read my mind Jerome. That's why I haven't said a word.

Jerome Kerner: Well, you know, not saying anything sometimes is

Gregory La Sorsa: Well, hopefully. Hopefully the point will be made.

Jerome Kerner: Anyway, that's my point.

Janet Andersen: Okay, I, I do think there was some discussion of that. I mean, not not, not among

our board, but I do remember seeing photos that were from all directions, and that one exposure did show that the tower would be visible. But again, I think the Town Board has to figure out how they're going to operate and we can recommend things that we think would be.....

Jerome Kerner: Well, why is this board formed? Why is the architectural review board formed and who are the people that participate on those boards? That you would think they have special qualifications, and if the Town Board is governing properly, you know, they should be delegating issues to those boards that impact the town, especially when it comes to designs, safety and all the features that we deal with and there's something off of that this kind of autocratic behavior. It's not that we need to slow things down. Yeah, you know, the idea of slowing things down on know and that's one thing we've learned from the pandemic, that perhaps we tend to move too fast and people were saying, oh, this is great. let's let's take the silver lining for the pandemic.

Janet Andersen: I'll just say that, if the concern of the Town Board is that the Planning Board, you know, is too deliberate, then I think we need to prove our worth. I'm, I'll take it as a challenge that we need to make sure that we move as quickly as possible, but as wisely as possible to on all of these on anything that comes before us and I think that's a great objective to keep in mind that that you know, the, the role that we believe is so important that we do can be you know, if the Town Board changes the, the laws, we, our roles change, so we we should prove our worth and try to do it by doing at what I think we do a very good job and do it as as expeditiously and as fairly and as completely as possible. Balancing all those things, a different balancing act, not the Monroe one. Okay with that, I'm going to move on, if that's all right.

[On a motion made by Ms. Maguire, seconded by Mr. Kerner, the Board authorized the Chair to sign a letter to the Town Board with recommendations on how to amend Town Code §220-40 – regulations for outdoor special events.

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

IX. CORRESPONDENCE

[Ridgefield, CT to amend its Zoning Map.

(1:49:10 – 1:52:06]

Janet Andersen: To the correspondence. We have correspondence from Ridgefield, Connecticut that wants to amend their zoning map. It's a simple thing that basically says they want to rename their Aquifer Protection Zone to the Public Water Supply Protection Zone. I would like to tell the Town Board we have no objection or no comment, whichever, but I mean I think it's a little bit of nothing but we've been asked to comment on it. So, I guess, and I'd say, we.....

Gregory La Sorsa: I think we take a no position on this.

Jerome Kerner: Can't hear you, Greg.

Richard Sklarin: Greg, your mic is low.

Jerome Kerner: You sat back too far. Say it again.

Gregory La Sorsa: Okay, I think that they are giving us this as a matter of legal course, and are

not really interested in what we have to say. So, I think we should say we take no position.

Janet Andersen: Okay, um, could you, do you want to put that in the form of a motion?

Gregory La Sorsa: I make a motion that we take no position on this letter.

Janet Andersen: Oh, so we don't even send a letter back to the Board.

Gregory La Sorsa: No, you could say we take no position in the letter.

Jud Siebert: And keep in mind the letter is directed to the governing body of the Town, to the Town Board. So, it's the Town Board that will respond. Yeah, so we we should, the motion would be for us to advise the Town, the Town Board that we have no position.

Jerome Kerner: Right. Planning Board has no position.

Jud Siebert: Yeah.

Janet Andersen: Right. So, Greg, is that your motion?

Gregory La Sorsa: Sure.

Janet Andersen: Okay, great. Do we have a second?

Jerome Kerner: I second that.

Janet Andersen: Thank you, Jerome. Any further discussion? Okay, and I'll poll the board Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: Or are you going to abstain?

Richard Sklarin: It's, I think it's of no consequence. Yes.

Janet Andersen: Yes. Okay. Um, Maureen?

Maureen Maguire: Yes.

Janet Andersen: And I also say yes. So, the motion carries. So, we will send a brief letter to the Town Board saying that we have, we take no position on on Ridgefield's motion to amend.

Gregory La Sorsa: Just as an aside, I don't know if you can hear me or not. But I think Rich, if

you're if you're going to abstain for the reasons that you stated of abstaining on the on the, the Town Code amendment, I think you should abstain on this as well, just so there's no, I don't know Jud, you can maybe let me know if I'm wrong here. But, I mean, I don't know if it, if it undermines the validity of one act.

Jud Siebert: Yeah, I mean,

Richard Sklarin: Yeah.

Jud Siebert: I mean, if, if you wish to abstain. I mean, that's a decision for Rich to make but if Rich, if you, if you want to abstain, and perhaps you do and it just, there's a consistency.

Richard Sklarin: It keeps, it keeps it cleaner. Okay. Yes, thank you, thank you Greg. Yes, I'll abstain.

[The Board reached consensus to authorize the Chair to sign a letter to the Town Board stating the Board has no position regarding the Town of Ridgefield amending its Zoning Map.

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

X. MINUTES OF November 17, 2020.

(1:52:06 – 1:52:44)

Janet Andersen: Okay. So, the next, Jerome did you, were you raising your hand?

Jerome Kerner: Well, I wanted to go to the next item and make a motion to approve the verbatim minutes in November 17. Gosh, they're tedious.

Gregory La Sorsa: Yes, I would second that.

Janet Andersen: Okay any discussion. All right, all favor and I will ask Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Aye, yes.

Janet Andersen: Rich?

Richard Sklarin: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: And I also say fine to the minutes, so the motion carries, and the minutes have been approved.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board approved the meeting minutes from November 17, 2020.]

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

XI. NEXT MEETING DATE: January 19, 2021, CONTINUING EDUCATION and ADJOURNMENT.

(1:52:45 – 1:56:41)

Janet Andersen: Our next meeting date is January 19, 2021. Before we close if, if you do have any training that you've taken, this continuing ed that's applicable, please just get that into Ciorsdan. It's one of the things that we're required to do.

Gregory La Sorsa: Can we do that, what is there a date on that? Is it December 18th?

Janet Andersen: The December 18, that was for the other education that was actually required by I guess, the workers comp insurance, insurance company has asked that everybody be trained on sexual harassment and and hostile workplace, hostile workplace environment. So, that's a little different, perhaps that does count as education, but the Planning and Zoning boards are generally asked to look for land use education, to stay informed and I kind of assume that with the continuing ed that you guys must do, that that you probably have courses that would apply to this. So, if you can find something and get it, it's calendar year requirement that would be great. And before we leave, I really do want to thank Rich for his time on the board.

Various voices: Congratulations and good luck.

Janet Andersen: He's been a very strong contributor to us and so we're going to miss him, but I think the Town Board will be stronger for having him there, and for having it having someone as we've discussed, who understands how the planning board works, so I really yeah, good luck and and you know we'll, I'm sure we will see you around the Zoom screens for a while.

Richard Sklarin: Coming soon to a Zoom call near you actually. It's really been a pleasure to hang out with you smart, talented, and dedicated people. I was thinking of *Saturday Night Fever* and like one of the characters double J. So, we got the, you know Jud and Jan, one J and Jerome and Janet and....

Gregory La Sorsa: Yes, that *Saturday Night Fever* is exactly what I think of when I think of Jud and Jan.

Jud Siebert: Yes, that's right.

Richard Sklarin: Thank you everyone: Janet, Jerome, Ciorsdan, Maureen, Greg. It's been a pleasure and I'll see you guys around. Be safe, have a terrific holiday season and see on the other side.

Janet Andersen: Happy holidays to everyone. So, I think we do need a motion to adjourn.

Ciorsdan Conran: Please.

Gregory La Sorsa: I'll make a motion to adjourn. Maybe Rich, should make the motion to

adjourn, it's his last meeting.

Jerome Kerner: That's right.

Richard Sklarin: Motion to adjourn. Thank you.

Gregory La Sorsa: I'll second.

Janet Andersen: Any discussion? Okay, everyone in favor? Jerome?

Jerome Kerner: Aye, here.

Janet Andersen: Greg?

Gregory La Sorsa: Aye.

Janet Andersen: Rich?

Richard Sklarin: Aye.

Janet Andersen: Maureen?

Maureen Maguire: Aye.

Janet Andersen: Aye. Okay, so, um, thank you. Well, and I also want to say thank you again to to Ciorsdan and Jan and Jud, who have really helped me, you know through as I've as I've tried to become a better chair every day, you know, so thank you all and it's been great working with you this year and I look forward to 2021.

Richard Sklarin: God bless.

Jerome Kerner: Bye.

Gregory La Sorsa: Happy Holidays. Merry Christmas.

Janet Andersen: Happy New Year.

Gregory La Sorsa: All right. Bye bye.

Various voices: Happy New Year. Good night.

[On a motion made by Mr. Sklarin, seconded by Mr. La Sorsa, the meeting was adjourned at 9:26 p.m. In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.]

Respectfully Submitted,

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

Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD**

**FINAL SUBDIVISION PLAT APPROVAL
LOT LINE CHANGE**

**VENEZIA LOT LINE CHANGE
237 & 249 KITCHAWAN ROAD**

**Sheet 45A, Block 09827, Lots 113, 122, and 124
Cal. #05-20 P.B**

December 15, 2020

WHEREAS, the subject property consists of three (3) parcels totaling ± 19.5 acres of land and located at 237 and 249 Kitchawan Road within the R-2A Zoning District (hereafter collectively referred to as "the subject property"); and

WHEREAS, the subject property is identified as Sheet 45A, Block 09827, Lots 113, 122 and 124 on the Town of Lewisboro Tax Maps; and

WHEREAS, the subject property is owned by William and Diane Venezia (Lots 113 and 124) and 237 Kitchawan, LLC (Lot 122) (hereafter referred to as "the applicant"); and

WHEREAS, the proposed action involves a lot line realignment between the three (3) tax lots (hereafter referred to as "the proposed action"); and

WHEREAS, Lot 124 is a flag lot off Kitchawan Road, consists of ± 4.9 acres of land, and contains a tennis court; and

WHEREAS, Lot 113 is a flag lot, consists of ± 5.9 acres of land, and is developed with a single-family residence, pool, potable well, septic system, and gravel driveway; and

WHEREAS, Lot 122 consists of ± 8.5 acres of land and is developed with a single-family residence, detached garage, septic system, potable well, and a driveway off Kitchawan Road; and

WHEREAS, the proposed action will combine Lots 124 and 113 and transfer ± 5.17 acres from Lot 122 to Lot 113; and

WHEREAS, the proposed action will thereby result in a total of two (2) lots, Lot 113 will consist of ± 15.84 acres and Lot 122 will consist of ± 3.67 acres; and

WHEREAS, Lot 113 will contain an existing single-family residence, pool, tennis court, septic system, potable well, and will be accessed via an existing driveway off of Kitchawan Road; and

WHEREAS, Lot 122 will contain an existing single-family residence, garage, septic system, potable well and an existing driveway off of Kitchawan Road; and

WHEREAS, the proposed action does not include any form of land disturbance, construction or development and will not result in any new or exacerbate any existing zoning nonconformity; and

WHEREAS, reference is made to a Septic Inspection Report, prepared by O'Hanlon Excavations, dated October 26, 2020; and

WHEREAS, the application has been reviewed by the Town Building Inspector. Reference is made to the Building Inspector's review memorandum, dated November 16, 2020; and

WHEREAS, reference is made to review memoranda prepared by Kellard Sessions Consulting, the Town's Planning, Engineering and Wetland Consultant, dated October 15, 2020 and November 12, 2020; and

WHEREAS, the Planning Board has considered the submitted application, correspondence from outside agencies, other materials submitted by the applicants in support of their proposal, the written and verbal comments from the Board's professional consultants, and the verbal commentary made during Planning Board meetings; and

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

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

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

NOW THEREFORE BE RESOLVED THAT, the Planning Board hereby issues the attached Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, in accordance with Section 195-13 of the Subdivision Regulations, the Planning Board hereby waives the requirement of a public hearing and waives submission of the Step II Application and a Preliminary Subdivision Plat; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following plans, subject to the below listed conditions:

- “Integrated Plot Plan” (Sheet 1 of 1), prepared by Cronin Engineering, P.E., P.C., dated (last revised) October 27, 2020; and
- “Lot Realignment” (Sheet No. 1 of 1), prepared by Rowan Land Surveying, PLLC, dated (last revised) October 26, 2020; and

BE IT FURTHER RESOLVED THAT, Conditions #1 through #5, outlined below, must be completed within 180 days of the date of this Resolution (June 13, 2021). Should said conditions not be completed within the allotted time frame, this Resolution shall become null and void unless a 90-day extension is requested, in writing, by the applicant within said 180-day period and granted by the Planning Board.

Conditions to be Satisfied Prior to the Signing of the Plat by the Planning Board Chair:

1. The applicant shall satisfactorily address any outstanding written comments provided by the Planning Board’s consultants.
2. The applicant shall provide a letter to the Planning Board Administrator acknowledging that they have read and will abide by the Conditions of this Resolution.
3. All applicable application fees and escrow shall be submitted by the applicant to the Planning Board Administrator.
4. The applicant shall submit a “check set” (two copies) prepared to address any outstanding written comments and the conditions of this resolution for final review by the Planning Board’s consultants.
5. The applicants shall submit two (2) original mylar copies of the Final Subdivision Plat, complete with all required original signatures, for final review by the Planning Board’s consultants and endorsement by the Town Consulting Engineer, Planning Board Administrator and the Planning Board Chair.

Conditions to be Satisfied Subsequent to the Signing of the Plat by the Planning Board Chair:

6. Following the endorsement of the Final Subdivision Plat by the Planning Board Chair and Administrator, one (1) mylar plat will be returned to the applicant for copying and the second mylar plat will be retained by the Planning Board as a record copy.
7. Within ten (10) days after endorsement of the Final Subdivision Plat by the Planning Board Chair and Administrator, the applicant shall deliver, to the Planning Board Administrator, nine (9) printed copies of same, collated and folded.
8. The applicant shall demonstrate proof of filing the Final Subdivision Plat with the Westchester County Clerk’s Office. The applicant shall deliver to the Planning Board

Administrator three (3) 18" x 14" copies of the Final Subdivision Plat, as filed, showing all signatures and acknowledgements of filing.

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 forza

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 December 15, 2020

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

I, Ciorsdan Conran, Administrator to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 15th day of December, 2020 and that the same is a true and correct copy of said original and of the whole thereof.

Ciorsdan Conran
Ciorsdan Conran
Planning Board Administrator

Dated at South Salem, New York
This 16th day of December, 2020

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

Date: December 15, 2020

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

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

Name of Action: Venezia - Lot Line Change

SEQRA Status: ☐ Type 1
☒ Unlisted

Conditioned Negative Declaration: ☐ Yes
☒ No

Coordinated Review: ☐ Yes
☒ No

Description of Action:

The subject property consists of three (3) parcels totaling ± 19.5 acres of land and located at 237 and 249 Kitchawan Road within the R-2A Zoning District. Lot 124 is a flag lot off Kitchawan Road, consists of ± 4.9 acres and contains a tennis court. Lot 113 is also a flag lot, consists of ± 5.9 acres, and is developed with a single-family residence pool, potable well, septic system and a gravel driveway. Lot 122 consists of ± 8.5 acres and is developed with a single-family residence, detached garage, septic system, potable well, and a driveway off Kitchawan Road. While no disturbance or development is proposed, the applicant is proposing to combine Lots 124 and 113 and convey ± 5.17 acres from Lot 122 to Lot 113. This will result in a total of two (2) lots, Lot 113 will consist of ± 15.84 acres and Lot 122 will consist of ± 3.67 acres.

Location: 237 & 249 Kitchawan Road, Town of Lewisboro, Westchester County, NY

Reasons Supporting This Determination:

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

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

The proposed action involves a lot line realignment and does not include any form of land disturbance, construction or development and will not result in any new or exacerbate any existing zoning nonconformities.

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

See response to Finding #1 above.

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

See response to Finding #1 above.

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

See response to Finding #1 above.

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

See response to Finding #1 above.

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

See response to Finding #1 above.

7. The proposed action will not create a hazard to human health.
See response to Finding #1 above.
8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
See response to Finding #1 above.
9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
See response to Finding #1 above.
10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
See response to Finding #1 above.
11. The proposed action will not result in changes in two (2) or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
See response to Finding #1 above.
12. When analyzed with two (2) or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
See response to Finding #1 above
13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.
See response to Finding #1 above.

For further information and a copy of this notice contact:
Ciorsdan Conran, Planning Board Administrator
Town of Lewisboro Planning Board
79 Bouton Road
South Salem, New York 10590

**RESOLUTION
LEWISBORO PLANNING BOARD
SPECIAL USE PERMIT RENEWAL
VERIZON WIRELESS AT LEON LEVY PRESERVE
NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS
NEW YORK STATE ROUTE 35
Sheet 40, Block 10263, Lots 1 and 62
Cal. #6-12PB**

December 15, 2020

WHEREAS, the subject property consists of a ± 4.0 acre parcel, identified on the Town of Lewisboro Tax Maps as Sheet 40, Block 10263, Lot 62 owned by American Tower, Inc. ("the subject property"); and

WHEREAS, the subject property is accessed from NYS Route 35 and is landlocked (surrounded by lands known as the Leon Levy Preserve); and

WHEREAS, the subject property is developed with a telecommunication facility consisting of a ± 125 -foot tall lattice tower, a $\pm 75' \times 35'$ equipment building, and a $\pm 2,900$ s.f. fenced equipment compound area; and

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless ("the applicant"), operates its telecommunications equipment at the facility and has made application to renew its previously issued Special Use Permit ("the proposed action"); and

WHEREAS, via Resolution dated October 20, 2015, the Planning Board had renewed the applicant's Special Use Permit and approved the installation of nine (9) panel antennas; and

WHEREAS, in accordance with the Planning Board's October 20, 2015 Resolution, the Special Permit issued to the applicant is valid for a period of five (5) years and expired on October 20, 2020; and

WHEREAS, the applicant requested a renewal of its Special Use Permit in advance of the aforementioned expiration date; and

WHEREAS, no physical improvements are proposed as part of this application; and

WHEREAS, as part of the renewal of the Special Use Permit, the applicant has submitted the following materials in support of its application:

1. Special permit application, together with a letter of authorization from the owner of the Facility; and
2. Short Environmental Assessment Form (Parts 1 and 2), dated November 17, 2020; and
3. Radio Frequency-Electromagnetic Energy (RF-EME) Jurisdictional Report, prepared by EBI Consulting, dated October 22, 2020; and
4. Structural certification, prepared by Structural Consulting Services, P.C. ("SCS"), dated October 21, 2020, revised on November 13, 2020; and
5. As-built drawings of the facility, prepared by SCS, dated October 21, 2020; and
6. Compound Plan and Site Elevation (Drawing No. C-1) and Antenna Orientation Plan, Antenna & Cable Schedule, Equipment Dimensions and Notes (Drawing No. C-2), prepared by SCS, dated October 21, 2020; and

WHEREAS, reference is made to a memorandum, prepared by the Town Planning and Engineering Consultant, dated November 12, 2020; and

WHEREAS, the Planning Board referred the Special Use Permit renewal request to the Town's Antenna Advisory Board and has received the Board's written response; and

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

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

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

WHEREAS, the Planning Board conducted a duly noticed public hearing, which was opened and closed on December 15, 2020, at which time all interested parties were offered an opportunity to be heard; and

WHEREAS, in addition to the above, the Planning Board has considered the written and verbal comments from the Board's professional consultants, written documentation and plans

submitted by the applicants in support of its application, the verbal commentary made during Planning Board meetings, and testimony of the applicant; and

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board hereby reaffirms its previously issued Negative Declaration of Significance issued on October 20, 2015; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby renews the applicant's Special Use Permit for a period of five (5) years; the permit shall expire on October 20, 2025; and

BE IT FURTHER RESOLVED THAT, the Special Use Permit shall expire, without prior notification, unless a renewal application is made by the applicant in advance of the expiration date; and

BE IT FURTHER RESOLVED THAT, to the extent applicable, the conditions outlined within the Planning Board's October 20, 2015 Resolutions of approval shall remain in full force and effect.

ADOPTION OF RESOLUTION

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

The motion was moved by:

Richard Sklarin

The motion was seconded by:

Maureen Maguire

The vote was as follows:

JANET ANDERSEN

aye

JEROME KERNER

aye

GREG LASORSA

aye

RICHARD SLARKIN

aye

MAUREEN MAGUIRE

aye

Janet Andersen cc
Janet Andersen, Chair

December 15, 2020

STATE OF NEW YORK COUNTY OF WESTCHESTER TOWN OF LEWISBORO

I, Ciorsdan Conran, Administrator to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 15th day of December, 2020 and that the same is a true and correct copy of said original and of the whole thereof.

Ciorsdan Conran
Ciorsdan Conran
Planning Board Administrator

Dated at South Salem, New York
This 16th day of December, 2020

**RESOLUTION
LEWISBORO PLANNING BOARD**

SPECIAL USE PERMIT RENEWAL

TOWER FACILITY AT VISTA FIRE DEPARTMENT

NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS

377 SMITH RIDGE ROAD

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

December 15, 2020

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

WHEREAS, on September 14, 2010, the Planning Board granted Verizon Wireless a Special Use Permit in connection with its co-location application involving the installation of a 12' x 30' equipment shelter, a propane generator, 12 panel antennas and other related ancillary improvements; and

WHEREAS, the Planning Board granted renewal of the Special Use Permit and the replacement of existing antennas with 12 new panel antennas and other related modifications on August 18, 2015; and

WHEREAS, in accordance with the Planning Board's approving resolution, the Special Permit issued to Verizon Wireless is valid for a period of five (5) years and expired on September 14, 2020; and

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), referred to hereafter as "the applicant", has made application to renew the Special Use Permit ("the proposed action"); and

WHEREAS, the applicant requested a renewal of its Special Use Permit in advance of the aforementioned expiration date; and

WHEREAS, no physical improvements are proposed as part of this application; and

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

1. Special permit application, together with a letter of authorization from the owner of the Facility; and
2. Short Environmental Assessment Form (Parts 1 and 2), dated November 17, 2020; and
3. Radio Frequency-Electromagnetic Energy (RF-EME) Jurisdictional Report, prepared by EBI Consulting, dated October 8, 2020; and
4. Structural certification, prepared by Structural Consulting Services, P.C. ("SCS"), dated October 5, 2020 and revised on November 13, 2020; and
5. As-built drawings of the Facility, prepared by SCS, dated October 5, 2020; and

WHEREAS, reference is made to a memorandum, prepared by the Town Planning and Engineering Consultant, dated November 12, 2020; and

WHEREAS, the Planning Board referred the Special Use Permit renewal request to the Town's Antenna Advisory Board and has received the Board's written response; and

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

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

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

WHEREAS, the Planning Board conducted a duly noticed public hearing, which was opened and closed on December 15, 2020, at which time all interested parties were offered an opportunity to be heard; and

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

NOW THEREFORE BE RESOLVED THAT, the Planning Board hereby reaffirms its previously issued Negative Declaration of Significance issued on September 14, 2010; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby renews the applicant's Special Use Permit for a period of five (5) years; the permit shall expire on September 14, 2025; and

BE IT FURTHER RESOLVED THAT, the Special Use Permit shall expire, without prior notification, unless a renewal application is made by the applicant in advance of the expiration date; and

BE IT FURTHER RESOLVED THAT, to the extent applicable, the conditions outlined within the Planning Board's September 14, 2010 and the Planning Board's August 18, 2015 Resolutions of approval shall remain in full force and effect.

ADOPTION OF RESOLUTION

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

The motion was moved by: Maureen Maguire

The motion was seconded by: Greg La Sorsa

The vote was as follows:

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

Janet Andersen cc
Janet Andersen, Chair December 15, 2020

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

I, Ciorsdan Conran, Administrator to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 15th day of December, 2020 and that the same is a true and correct copy of said original and of the whole thereof.

Ciorsdan Conran
Ciorsdan Conran
Planning Board Administrator

Dated at South Salem, New York
This 16th day of December, 2020

**RESOLUTION
LEWISBORO PLANNING BOARD
AUTHORIZING RELEASE OF WETLAND MITIGATION BOND
OAKRIDGE COMMONS SHOPPING CENTER**

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

December 15, 2020

WHEREAS, by Resolution adopted on December 18, 2018, the Planning Board granted Amended Site Development Plan Approval (Phase 4) to Smith Ridge Associates, LLC ("SRA, LLC") for the Oakridge Commons Shopping Center located on Smith Ridge Road (NYS Route 123) in the hamlet of Vista; and

WHEREAS, this Resolution amended a prior February 27, 2018 Planning Board Resolution to permit, in lieu of completion of proposed private improvements and landscape plantings prior to the issuance of a Certificate of Occupancy, the placement of a cash deposit with the Town of Lewisboro in the amount of \$6,850.00 as performance security; and

WHEREAS, SRA, LLC thereafter placed a cash deposit of \$6,500.00 with the Town of Lewisboro, where it remains on account; and

WHEREAS, SRA, LLC has, on the basis of completion of the improvements and landscape plantings, requested the release of this cash deposit; and

WHEREAS, the Town Planning Consultant and Wetland Inspector have advised the Planning Board that the installation of the improvements and landscape plantings for which the cash deposit serves as performance security has been satisfactorily completed;

NOW, THEREFORE, BE IT RESOLVED THAT, in accordance with the December 18, 2018 Resolution, the Planning Board authorizes the release of the cash deposit in the amount of \$6,850.00 deposited by SRA, LLC with the Town of Lewisboro; and

BE IT FURTHER RESOLVED THAT the Planning Board Administrator is directed to deliver a copy of this Resolution to the Offices of the Town Supervisor and Town Comptroller.

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: Richard Sklarin

The motion was seconded by: Jerome Kerner

The vote was as follows:

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

Janet Andersen ^{cc}
Janet Andersen, Chair December 15, 2020

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

I, Ciorsdan Conran, Administrator to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 15th day of December, 2020 and that the same is a true and correct copy of said original and of the whole thereof.

Ciorsdan Conran
Ciorsdan Conran
Planning Board Administrator

Dated at South Salem, New York
This 16th day of December, 2020