

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 966 3673 6163) on Tuesday, February 23, 2021 at 7:30 p.m. The audio recording of this meeting is 210223_001 and the YouTube link is https://www.youtube.com/watch?v=JG4nG2ibDWY&ab_channel=LewisboroTV

Present: Janet Andersen, Chair
Charlene Indelicato
Jerome Kerner
Greg La Sorsa
Maureen Maguire
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
David Sessions, RLA, AICP, Kellard Sessions Consulting, Town Wetland Inspector
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland
Consultant *arrived at 8:34 p.m.
Ciorsdan Conran, Planning Board Administrator
John Wolff, Conservation Advisory Council

Approximately 24 participants were logged into the Zoom meeting and 5 viewers on YouTube.

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

Janet Andersen: Hi, I'm Janet Andersen and I call to order, the Town of Lewisboro planning board meeting for Tuesday, February 23, 2021 at 7:30 pm. I will confirm that Ciorsdan has started recording this meeting, and this meeting is happening via Zoom with live streaming to YouTube on the Lewisboro TV channel. The public can view the meeting via Zoom or YouTube and we have confirmed that the YouTube feed is active and working. In accordance with the Governor's executive orders, no one is at our usual meeting location at 79 Bouton. Although at this point, this might be a lot more usual than the old meeting room. I have confirmed with Ciorsdan, our planning board administrator, that the meeting has been duly noticed and legal notice requirements fulfilled. Joining me on this Zoom conference from the Town of Lewisboro are members of the planning board Charlene Indelicato, Jerome Kerner, I think that's all right now and but with me, we do have a quorum so we can conduct the business of the board and vote on any matters that come before us.

Ciorsdan Conran: Janet, Maureen and Greg have asked for the Zoom meeting ID to be sent so they'll be on in a minute.

Janet Andersen: They'll be on shortly, good. Okay, so, as I indicated before our planning and wetland consultant, Jan Johannessen, is expected to be a little late, but we have Dave Sessions here to cover the matter until Jan can join us. We also have counsel, Jud Siebert, planning board administrator Ciorsdan Conran; and the CAC chair, John Wolff.

Okay, so 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 and the recording will be available on the town's YouTube channel. We do have a public hearing scheduled for tonight, that's the only time we expect to take public comment and I will describe the process before we begin that hearing in a few minutes. The public has joined muted and without video until that point. We ask any applicants that are not currently engaging in dialogue to mute their lines, this will help everyone to hear over the inevitable background noises. And to ease the recording of our votes, I will poll board members individually. Okay let's get started.

I. DECISION**[Cal #01-18PB****(3:05 -13:28)**

Apex Personal Training, 20 North Salem Road, Cross River NY 10518, Sheet 17, Block 10533, Lot 89 (EK Cross River, owner of record) - Application for Change of Use/Waiver of Site Development Plan Procedures.

Skaz Gecaj and John Swertfager, Apex Personal Training, and Steven Helmes, Helmes Group Architects, were present.]

Steven Helmes: Do you want me to go ahead, Chair?

Janet Andersen: So, um, who was that?

Steven Helmes: That's Steven Helmes with the Helmes Group Architects representing Apex Personal Training.

Janet Andersen: Okay, so let me, let me introduce it we, the first item on the agenda tonight is a decision for Cal #01-18PB. This is for Apex Personal Training, 20 North Salem Road, Cross River New York and it's an application for change of use and a waiver of site development plan procedures and we did receive a new plan from Apex indicating the layout of the equipment in the old and new portions of their, of their their facility. So, okay Steven.

Steven Helmes: Okay, good evening Chair, members of the planning board, thank you for having me. Hopefully my my clients are on board tonight. I am representing good evening.

Skaz Gecaj: Hi. Good evening.

John Swertfager: What's up, guys. How are we doing?

Steven Helmes: Hi. John and Skaz from Apex Personal Training LLC. We were before your board last month on the 19th and there were several items that were discussed and requested, one particular was the layout of the the gym equipment, how we're relating the existing and the proposed area. Subsequent to our meeting we went ahead and revised and updated our drawings, indicating that in the expanded area, which I'll be happy to share my drawing in a moment and then we were also asked to send our drawings, the updated drawings, to the Building Inspector, Joe Angiello, which we did, and I believe he had submitted a letter on February 12 or February 11 to your board, stating that he has no objection to the parking deficiency, and to the proposed project. That drawing also went to Mr. Johannessen for his review and I'd like to just see if I could share my screen, if I can share. Can everybody see that?

David Sessions: Yes.

Steven Helmes: Okay. This is the, I have two drawings, in drawing 2 represents, basically the equipment that we we're I discussed with my clients as to what they had as far as inventory and how we wanted to space it out in the in the green areas back in here. So, that has been shown for promoting social distancing between the equipment and how we're going to use that space. We also got in, I had a discussion with the Building Inspector about exits. We do have two separate exits for

the building and again just to remind this is a permitted use in this in this zone district and Skaz and John if you want to add anything to this application feel free to voice your....

John Swertfager: I think uh.

Skaz Gecaj: No, that's pretty much it, you know, we need the space, that you know, to separate you know, distance our clients. You know, the board requested a COVID footprint and that's our COVID footprint and that's kind of how we think we need to do business, I guess.

Janet Andersen: Okay, great um I, I think it is pretty clear. Thank you, and I think the other thing that we are still waiting on is the Westchester County Department of Health approval, but I believe that is a condition of the resolution so unless anyone has any questions on the plans, I think we can stop sharing and ask Dave to briefly tell us the highlights of the resolution that is in front of the board.

Steven Helmes: Excuse me Chair that letter is on file from the Health Department from Delroy Taylor and as long as the Meadows has no objection to this project, they don't have any objection, so that is in on the record in the files.

Jerome Kerner: I do have a question Janet.

Janet Andersen: Okay.

Jerome Kerner: I appreciate the addition of the equipment in the green area but I'm wondering why the note on there says turf field. Is that normal?

John Swertfager: That's that's just the flooring.

Jerome Kerner: I understand. Is that, is that typical for gym equipment?

Skaz Gecaj: Yeah, it's either rubber flooring or turf flooring and it was just cheaper to go turf to be completely honest with you the one inch rubber flooring it's just, it's expensive.

Steven Helmes: And you have that in the yellow area right, yes, the rubber flooring all throughout here

Skaz Gecaj: Yeah. And it was just aesthetic, just to kind of put our logo, in the middle and kind of make it look like it's a, it's just a different vibe with different look, so to speak.

Jerome Kerner: Well, I understand, it just threw me off, I because I had been thinking that that that could be a team team sport area which would probably double the occupancy in terms of number of people.

John Swertfager: There's no room for that.

Skaz Gecaj: We'll have equipment around the whole.....

Jerome Kerner: Yeah, I know that. Okay, thank you.

John Swertfager: Yeah, so we should have, that letter should be on their Westchester Health. We should be good to go.

Steven Helmes: We also filed for a demolition permit to keep this project moving forward. That is, has been submitted, this past week to the Building Inspector.

Janet Andersen: Okay.

Steven Helmes: Would you like me to stop sharing the drawing at this point?

Janet Andersen: Yes, please, thank you. Okay, and unless anyone has any other questions I'll ask Dave to go through the the resolution.

David Sessions: Yeah, I mean there's a lot of there's a lot of whereases, most of them are pretty pretty standard. Really the highlight of the project is the change of use obviously from professional office to the training facility. There are no physical changes to the exterior and outside of the building, they basically just want to expand, you know the interior. We did need to get or they did need to get permission from the Meadows, for the increase in the flow and that's what we were talking about with respect to the Health Department. So, the County Health Department does need to officially sign off. I know we've had some indications that they're comfortable with it. To my knowledge, we haven't actually gotten anything in writing from the health department, but it sounds like it's forthcoming.

John Swertfager: I'm sorry to cut you off. I'm pretty sure that's the letter from the health department and the Meadows both signed off, I think, Steven has I'm pretty sure we sent that.

David Sessions: Is that is that right Steven, you have that?

Steven Helmes: Yeah, I have a letter. This is when we started, give me a moment. Let's see, based on the information provided in the above attachment and the unused capacity at the Meadows at Cross River Sewer Works, the department has no objection to the proposed actions, Delroy Taylor, P.E., Associate Engineer WCHD and this goes back when we did the first one.

John Swertfager: Yeah, we already sent that the first meeting, I'm pretty sure.

Steven Helmes: And we have them letters from the Meadows, confirming, they have no objection to the the.....

Janet Andersen: All right, just in case or to make sure we have a could, would you mind resending that letter to us, and that will, that will just, you know, make sure the file is complete.

Steven Helmes: Sure.

David Sessions: Good, thank you. There is a there's a shortfall on parking with respect to the use. I think we needed, per Code, 67 parking spaces so there's an about 11 space deficiency but the fact that there's, we're incorporating shared parking into this into the situation, I think, I think we should be covered in that respect. And as far as the, you know the whereases again, as I mentioned they're pretty pretty standard. We talked about Orchard, everything else is pretty pretty standard stuff so. I think we're in good shape, Janet.

Janet Andersen: Great. Thank you, um, so I would look for a motion to approve the resolution that was previously distributed to all of us about to for a change of use permit approval and the waiver of the site plan procedure.

Charlene Indelicato: I would make that motion.

Janet Andersen: Okay, thank you Charlene. Do I have a second? Oh, Jerome's waving. You're muted, but.

Jerome Kerner: Second. Don't we have to close the public hearing before the vote?

Janet Andersen: Oh, my goodness. Yes, I think we don't have an open public hearing on this one. This one is, that was part of

Gregory La Sorsa: We're not in a public hearing.

Jud Siebert: You're not in a public hearing.

Jerome Kerner: I'm sorry.

Jud Siebert: Yep, that's part of

Janet Andersen: That's part of the waiver.

Jerome Kerner: Right. So, I second the motion then.

Janet Andersen: But thank you for staying alert to this. Okay, so is there any further discussion? If not, I will poll the board, so uh Charlene?

Charlene Indelicato: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: Jerome? You are muted but I see a hand wave so we'll say yes from that. I'm also yes, so the motion has carried. The resolution is approved and you're off to the to to an expanded area so that's great.

Skaz Gecaj: Thank you very much guys, thank you.

Steven Helmes: Thank you everyone, for your time.

John Swertfager: Thank you. We'll see you guys in here all right.

Janet Andersen: I get my exercise snow shoveling. OK.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the resolution dated February 23, 2021, granting a Change of Use and Waiver of Site Development Plan Procedures to Apex Personal Training, 20 North Salem Road, Cross River, was adopted. A copy of the Resolution is attached and is part of these minutes.

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

II. PUBLIC HEARING, CONTINUATION

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

(13:28 - 21:42)

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: The next item on the agenda is a public hearing and it's a continuation of a public hearing that opened in December 2020. Oops sorry, I should tell you what it is, is Gossett Brothers Nursery, Cal #03-20PB and Cal #37-20WP. Gossett Brothers is at 1202 Route 35, South Salem, New York and this is an application for a site development plan approval, wetlands permit activity approval for an existing nursery. So again, this public hearing opened in December 2020, continued to January and again to tonight, it was really pending the ZBA review and I understand that the January ZBA meeting was cancelled, so there's a limited amount to what I believe we can do tonight, although we did get a new submission, with some parking information, some limited information. So, I don't know if anyone wants to review that or, oops and sorry, it's a public hearing, let me get my um. So, we will now start the public hearing. The purpose of this public hearing is for the board to hear the concerns and comments of the public. Comments should be addressed the planning board not to be applicant. A public hearing is not meant to be a dialogue and in general, the Board will not respond to comments at the public hearing, but the Board will of course take public comment into consideration as we continue to review the application.

Again, for the record, because of Executive Order 202.10 we are not meeting at a common location. We are holding the public hearing via video and telephone in accordance with Executive Order 202.15. We have invited public comments by email before the meeting and the public can comment during the hearing by sending an email to planning@lewisborogov.com. And in addition the public can speak at the meeting. In order to do that raise your Zoom hand by clicking on the raise hand icon at the bottom of the screen. And I don't believe we have anyone on the phone, but if you are on the phone, you can press *9. Okay, so um, does anyone wish to speak at the public hearing, I don't see any hands raised. And Ciorsdan has let me know that she has not received any comment letters, since the one from the neighbors that was very much in support of this application. So, with that, is our is there anything from that any of the applicant's applicant's representatives wish to speak on this?

Michael Sirignano: Yes, good evening. I'll be brief and then I'll turn it over to Tim Cronin. As everyone participating tonight and everyone in town and beyond knows the Gossett family has been operating an existing nursery at this site for many, many years. It is a legally, non-conforming use and we're here because we're proposing, in addition to continuing the nursery use we are proposing to establish an accessory winery as a special permit use. And it, and we're here, because the non-conforming nursery use never had an approved site plan from the planning board. So, we're here to get that done. So, essentially, Tim Cronin's site plan, proposed site plan is is is for the most part, an as-built plan, showing the existing structures and improvements that have been there for many years, and we all know, work very well in terms of traffic and parking and and all the other issues, and the only major changes to, are proposed new improvements include, and are related to the winery accessory use: an installation of a water treatment system and a wastewater holding tank. We will be

before the zoning board tomorrow evening for a public hearing on our special permit application for the winery accessory use. We meet all of the standards under Section 220 - 43.6. And we're also going to be seeking tomorrow night a setback variance for the office trailer. So, Tim, do you want to jump in and describe any of the new submission.

Janet Andersen: You're muted Tim.

Tim Cronin: Better?

Janet Andersen: Now we can hear you.

Tim Cronin: Good evening Madam Chair, members of the board. My name is Tim Cronin and my office put together the plan that is the action this evening. The plan hasn't changed much since the earlier submissions, except we've done a little clarification on some of the parking spaces, some of the truck maneuvering and some of where the bulk storage areas are going to be for the various products Gossett Nursery sells, but at this point, you know speaking with Jan Johannessen, I think we've addressed his comments and pending a hopefully, a positive return from the Zoning Board, will be back here next month for what we believe will be our second approval.

Janet Andersen: I think that's correct, so I again I don't see any comments from the public and I don't know, I don't see any questions here, I think we do need to continue the public hearing until March 16 and we have already asked in our January meeting, we asked Jan to prepare a resolution, so we should be set to go unless there's anything unexpected that happens at the ZBA, unless anybody has anything else I think we're good. So.

Jud Siebert: Janet, I would just say, remind the board and the public that at the last meeting, the board did adopt a SEQRA Negative Declaration finding that the Special Use Permit and the proposed accessory winery use will not have a significant impact on the environment. The board did advise Kellard Sessions to begin preparing a resolution. We got a little hamstrung by virtue of the adjournment of the ZBA meeting and the public hearing is really being kind of kept open at this point, really more for housekeeping purposes, but I would suggest we just carry everything over to March. Let's see what the ZBA does, and we should have a resolution with regard to what the planning board needs to do, relative this application, at the March.

Janet Andersen: Right. Okay, so unless anybody has anything else, I think we have are done with this. Okay, thank you very much. Good luck tomorrow night and we'll see you March 16th.

Various voices: Thank you.

III. WETLAND VIOLATIONS

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

(21:43 - 25:45)

**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 owners.]

Janet Andersen: OK, the next item on our agenda is, is a wetland violation, Cal #02-19WV, Cal #60-19WP, Cal #14-19SW, the Kullman Residence at 12 Red Coat Lane, Waccabuc, New York. And I don't see anyone on the. Oh, Michael okay sorry. So, um, I think the last that I saw on this was that

Jan Johannesson had said he needed some more information in order to really close out the violation and permit.

Michael Sirignano: Correct and one of the things he needs is for the as-built survey which we had submitted, but he wants it to be updated or revised I should say, to show the as-built features, including the drainage and with the snow cover that has been relentless for the past two months, the surveyor has not been able to locate the outlets, there are four outlets, that's my understanding, so we're hoping that the snow cover melts and before next, your next meeting, we can have that as-built survey updated to show the drainage.

David Sessions: Yeah, there were actually four, I think there were four outstanding items that we needed to close it out. If I may Jan, certification letter from the engineer, certifying that all work and drainage was installed. Obviously they need to wait for the snow melt to make sure that that's in in order, in addition to the as-built that Michael, that Michael just mentioned. As-built planting plan, that was prepared by the the landscape architect, which is probably in a similar situation with the snow, and then the Notice of Termination, that was supposed to be submitted to the State, now Michael maybe you can tell us, the NOT probably wasn't, I'm surmising that it wasn't submitted yet, because he hasn't been able to review what's in the, what's in the ground.

Michael Sirignano: That's correct.

David Sessions: Yeah, so I mean the costs, the costs of construction were already submitted and reviewed and accepted so, yeah it's these four items that are really snow dependent, snow melt dependent, right? That we're waiting for.

Janet Andersen: Okay, so I was thinking, we should have here in this until March, although perhaps with the snow, is this something that we should adjourn until April, because to get it in time to get reviewed and....

Michael Sirignano: That's fine, I'll leave that up to the board.

Greg La Sorsa: I don't think that snow is going away anytime soon.

Janet Andersen: Okay, so April, you're okay, everybody so all right with that. Nods. I mean we'd like to keep these things moving and, but I understand that if if things can't get done and turn around can't happen, well, we'll say it goes to April. Okay, thank you.

Michael Sirignano: All the, all the site work is done. It's just a question of documenting it.

Janet Andersen: Okay and I'm, Jud, jump in if that's the problem, but I think....

Jud Siebert: No, no, I think it makes sense, yeah.

Janet Andersen: Okay, great. Thank you.

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

(25:45 - 27:01)

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

No one was present on behalf of the owners.]

Janet Andersen: The next item on our agenda is Cal #01-20WV, Cal #12-20WP, this is the Valencia Residence at 1196 Route 35, South Salem. They have asked for this to be adjourned because they can't get things done because of the snow. So, again, now this one, we have been waiting on some items since before the snow so, I'm not, I'm not sure.

Jud Siebert: Jan, if I may. I've been in contact with Jan [Johannessen]. I'd ask that, why don't we put this over to March and Jan [Johannessen] and I will contact the Valencias in an effort to move this.

Janet Andersen: Okay. I know they are saying that some of it is snow, but I think there is more than just the snow that we need to deal with, so thank you very much and I and David I'm sure you will let Jan [Johannessen] know that as well.

David Sessions: I will.

Janet Andersen: Thank you.

IV. SITE DEVELOPMENT PLAN REVIEW

[Cal #06-17PB

(27:02 - 47:53)

Wolf Conservation Center, Buck Run, South Salem, NY 10590, Sheet 21, Block 10803, Lots 3, 65, 67, 81, 82, 83, 86 & 88 (Wolf Conservation Center, owner of record) - Application for a Site Development Plan Approval, Special Use Permit and Subdivision associated with a private nature preserve.

Janet Giris, DelBello Donnellan Weingarten Wise and Wiederkehr; Matthew Girona, Bibbo Associates; and Spencer Wilhelm and Dean Travalino, Wolf Conservation Center were present.]

Janet Andersen: And the next item on our agenda is the site development plan review. This is Cal #06-17PB, the Wolf Conservation Center, Buck Run in South Salem New York. This is an application for a site development plan approval, a special use permit and subdivision associated with a private nature preserve.

So, I think perhaps the first thing is that to give a quick site walk report. We did have a, the board did have a site walk on February 13, 2021. The attendees included the planning board members Greg [La Sorsa], Charlene [Indelicato] and me; CAC members John Wolff, Eileen Nadelson, Val Ondes, Mary Shah, Joe Tansy and there were also representatives from Wolf, Wolf Conservation Center including Spencer Wilhelm, Matthew Girona and there was a representative from the architecture firm. So, we met there and parked and walked downhill towards the proposed parking area, which was a relatively flat area behind One Buck Run. We could see the neighbor's fence, which we were told was close to the property line, and we could see the house beyond. So, we asked, and it was described, how close to the property line the parking lot turn or or arc drive area would be and we asked about the lighting that would be in the parking lot area.

We then walked back up the road towards the house where the new building the new facility will go. As we walked up, we were told how the road would be widened and it would be cut into the hill and the side walk would be added along the uphill side. The existing house has quite a wooded yard and we asked if many of the trees would be cut to allow the solar panels on the house or on the new facility to function and we were told that many of the trees were dead and that new colorful and low plantings would be installed in place of some of the the trees that would have come down.

We then walked up the driveway of the current house that is there. We could see the corners of the new building staked and it was clear how the proposed building both fit into the slope of the hill and we could see the upside slope, where the, which would provide an amphitheater area. As we walked back towards the parking area we asked about the ground disturbance for the cabins in the composting toilet area. We were told the cabins will all go on concrete piers, and while the composting toilet will have a lower level, it will fit into the slope. So, when we heard that there was really relatively small amount of disturbance in that area, we agreed, we did not go to the top of the hill to see this area. So, we concluded the the site walk at that point. I don't know if any other members of the board that were there need to, would like to speak anything more about it.

Greg La Sorsa: Mention it was about 20 degrees.

Janet Andersen: Yes, it was, it was cool and but, but other than that, I mean, I think it gave us a chance to see a little bit more of the slope, understand a little bit more about where things were fitting and I think seeing we had some discussions about how close neighbors were and we saw that one neighbor, so I think it was useful for that. Okay um so, we have gotten some some progress on this in that in January, we agreed to issue SEQRA notices but I believe we were waiting for a long EAF form, Part 1, in order to do that.

David Sessions: Yes, I think so.

Janet Andersen: So, perhaps it's time to ask the the applicant about any updates or comments they have for us.

Janet Giris: So, good evening Chairwoman, members of the board for the record my name is Janet Giris. I'm a partner with DelBello Donnellan Weingarten Wise and Wiederkehr here on behalf of the Wolf Conservation Center. Sorry I missed you all at the site visit, we are under an isolation order, we had COVID in the house, but everybody is okay. So, we did, we did receive Jan's very lengthy memo, Jan and Joe's very lengthy memo, and we just got that on Friday. We are in the process of going through that now to respond to those things. I thought that you had a long form EAF from us in connection with this, so if we did not get you something that you're waiting for I apologize for that. We will take a look and see if that EAF needs to be updated since we were last since it was last submitted, but I don't think much has changed since then, so I will take a look at that and we'll certainly get it back to you.

Janet Andersen: Okay um, I would say that, at the site walk we also did see some, I think, I think we did, I think Spencer was showing us some pictures of the camping units and some other things that might be useful to have submitted before next meeting as well.

Janet Giris: Okay.

Janet Andersen: Are there any other comments, questions that anyone has? I think we also did in January, we already said, we would refer this to the Building Inspector and to the fire department, and I believe that's moving forward, because it will be important to get feedback from both of them on this.

Janet Giris: We will reach out to them directly as well, to see if we can set something up to perhaps walk them through the application and help them you know assimilate everything and try to turn some comments around.

Janet Andersen: Okay, so I think that's the majority here that we were you know, to get SEQRA going, we do need the long EAF Part One, and that's and then anything else you want to submit I think we're we're anxious to move this forward as I'm sure you are.

Janet Giris: Yes, we are we're excited to be here, so we will turn those things around as quickly as possible, and we will start to respond to Jan and Joe's comments as well.

Janet Andersen: Great.

David Sessions: Just one thing, Jan

Janet Andersen: Do you want to go through some of that Dave, I don't know.

David Sessions: Probably not necessary to go through our our comments, but just a general comment is that there are quite a few comments. It's probably, it would probably be beneficial if we actually met with Matthew and or somebody else from Bibbo just to go through them, whether it's on Zoom. You know, just to make sure that we're all on the same page. There a lot of comments here and they might be misinterpreted here and there so the best way to do it obviously is to either get on the phone, get on a Zoom, get into the room together and and go through them one by one, just to make sure that we're all on the same page with everything.

Janet Giris: That'd be great.

Janet Andersen: And I saw. Oh, go ahead.

David Sessions: I'm sorry, the yeah just that I know you mentioned Janet Janet before, but the, you know, we are waiting on a review from the Building Inspector on zoning compliance and fire code that's that's obviously important. So, the quicker, you can accelerate that and the fire department for that matter, those are those are key issues.

Janet Giris: Okay. It's very confusing, very confusing the two Janets. Every time somebody said Janet I jumped before.

Janet Andersen: Oh OK, I see Jerome has his hand up.

Jerome Kerner: Yeah, it's kind of a general question but I'm wondering if there's an anticipated construction schedule and part B of that is, is the financing in place, and is it going to be fundraising? I mean, I guess the behind the question is a question of whether or not the budget has been established and is in line with what you anticipated or might there be any significant changes that might happen once that process is completed, it's like a three-part question.

Janet Giris: Yep, so Spencer's with me this evening and I'll put him on the hot seat in terms of construction schedule. I know that you know, we anticipated as soon as approvals were granted that we would try to get in the ground. I think that there has been, or there will be a significant fundraising effort, but I also think that they've worked very hard on this particular design and coming up with the design and a budget. So, that this project can be constructed. So, Spencer I don't know if you want to add some more detail to that.

Spencer Wilhelm: [static]

Jerome Kerner: That's not working Spencer.

Jud Siebert: Your audio is off.

Janet Andersen: Now we can't hear you at all whoops now you're muted.

Matthew Girona: You're muted.

Janet Giris: Is Spencer here?

Matthew Girona: He's here, we just can't hear him.

Janet Giris: Oh, there he is. He's talking but....

Janet Andersen: All right, so who.....

Janet Giris: This happened last time too.

Janet Andersen: American Sign Language here we need. All right, Charlene has a question, perhaps.

Charlene Indelicato: Yes, um.

Dean Travalino: Do you want me to fill in for Spencer?

Janet Giris: Oh, Dean, there you are.

Janet Andersen: Sure. Go ahead Dean.

Dean Travalino: Yeah well, we have a good portion of the money raised and we're pretty confident that we'll get the rest by the time we are starting construction. We cost estimated, we have a history with previous designs, as you know, have been fully cost estimated out and we're pretty sure where, we are sure it will fit within the budget we have and what we're able to spend. The only thing we're doing as Spencer would tell you about we are making choices sort of we're on the [static] phase and evaluating the options, but within the budget that we know that we can we can make so this will go.

Jerome Kerner: Thank you.

Janet Andersen: Yes that's that's good news Dean, thank you for jumping in on that. Charlene?

Charlene Indelicato: In line with what Jerome was saying, I believe, at one point in in one document I read you'll provide a business plan and, if so, that would be very helpful to all of us, I think, because there's going in be a lot of this property disturbance and I think that it would be advisable if we could have a better understanding of how you're going to continue on the budget with that and God forbid, something happens and you can't continue it will there be money put aside in order to mitigate any things that you've done already.

Janet Giris: So, we're working on that plan for you. I think that there's there are some operations materials that you're looking for and a plan. Spencer's working on that and you know if you can't afford to build it will not going to get a building permit so.

Janet Andersen: Yeah, but I think also along with what Charlene some of the questions that were came up at the site walk that would be helpful to have documented where things like: how often

would lights be on at night, you know, how often with the with the cabins be occupied, is that a one night, is that one week stay, is that you know, so we got some of the answers at the site walk, but I think it helps to have that that, of course it's not a minuted or documented meeting and it helps to have that kind of connection, it's more appropriate to come in through a board so that would be you know just.

Janet Giris: We're and we're working on that operations manual. We will get that to you.

Janet Andersen: Perfect.

Spencer Wilhelm: Can you hear me now?

Janet Andersen: Yes,

Spencer Wilhelm: Okay. Great um yeah we are, we are starting to update that you know going through the comments it didn't say anything about a future use manual, so we will make sure that those comments are put in detail.

Janet Andersen: Great. Thank you, very much Spencer. I think again, it was interesting to hear about some of those things on the site walk, but this is, the board meeting is more appropriate forum to have them sort of documented for posterity. Is there anything else we want to ask of this group or or any more assignments, to give them. I will say thank you again for allowing us on the site. I did feel like the site walk gave me, you know, while I visited before never really thought about this the new building there, and this is, it was very helpful to see, so thank you for allowing us out, and I do know that you also invited you know other members of the board to have a chance to review it as if, as necessary, so okay. Thank you.

David Sessions: Janet, before we before we leave and Matthew knows this all all too well, I would just encourage the applicant, we've got Westchester County Health Department approvals that are needed, DEP storm water pollution prevention plan approvals that are needed, a fresh water wetland permit from DEC is also needed.

Janet Giris: Yeah, working on all those, dizzying.

David Sessions: Yeah, as well as DOT so, you know from our from all of our private work, we all know that sometimes the towns come through with their approvals a lot sooner than these outside agencies and then the outside agencies want additional things addressed and then things change so as long as you're yeah you're digging into those outside agencies, because at the end of the day, that's probably your critical [static].

Janet Andersen: You cut out a little there.

David Sessions: Can you hear me?

Janet Andersen: Now I can I. Maybe I was the only one, but I wasn't hearing for a bit there.

Jerome Kerner: We all heard him.

David Sessions: Okay.

Janet Giris: There's an over under on the timing for the DEP approval.

David Sessions: What's the over?

Janet Giris: I'll take the over any day.

Matthew Girona: We can always sic the wolves on them. Hi everyone, Matthew Girona from Bibbo Associates here. Thank you Dave. Yes, we are fully aware and and going down the the path of obtaining all those outside agency permits. Right now, we're actually completing water testing throughout the site on all the existing wells to identify the most suitable source and possibly alternative well sites. As you know, we developed a SWPPP with the understanding that we will need DEP SWPPP approval and contemplated all their requirements on that as well, but you know your suggestion of sitting down and having a meeting to discuss our design, so we can sort of be on the same page before we go down full forward with the DEP, I think, would help.

David Sessions: Yeah absolutely, and, as you know, Matt, at times, you know certain municipalities, will give you one direction, DEC will give you another and DEP will give you a third. So you're you're torn in three different directions, so if you're, if you, if we could put our heads together as far as what the DEP needs and wants, you know it's just better for the overall project.

Matthew Girona: Beneficial, absolutely.

Janet Andersen: Okay, anything further from anyone on this? Okay again. You know we're we're all excited to see you back and have a plan so we'll look forward, as you know, when when the next submission comes in. I did not confirm this, but I believe that the submission date is February 26 for the next for March meeting so that might be a little tight. So, might see you in April.

Janet Giris: That sounds good.

Matthew Girona: Yeah, we'll target that.

Janet Giris: We will get working on things right away.

Matthew Girona: One question I have [static] about the circulation for lead agency. You mentioned the updated EAF. There was a discussion at the previous meeting about a subdivision plat as well being required. Will that be necessary for circulation of lead agency or just the updated EAF?

Janet Andersen: I'm looking at it.

Janet Giris: And we're waiting on some fieldwork for that so that's we are, we know we need to get you that updated plat, but there's some field work that needs to be completed in order for us to be able to get that to you and you know, with snow on the ground, it makes it difficult.

Jud Siebert: I don't want to tread on Dave's territory, but I think that if we have basically the, you know the contours of the basically, the site plan and the site development materials, the subdivision is somewhat secondary. So, I think that, coupled with the EAF, would be appropriate for circulation, you know for lead agency at this point.

Matthew Girona: Okay, great.

David Sessions: Agreed Jud.

Janet Andersen: Okay.

Jud Siebert: I also want to compliment Spencer on his T-shirt. I don't know if those are for sale.

Spencer Wilhelm: I wore it specifically for, you know, online. The world needs wolves. Thanks for noticing.

Matthew Girona: Building the brand.

Janet Andersen: There you go. Okay, if there's nothing more I think we move on to the next agenda item.

Janet Giris: Thank you, very much.

Janet Andersen: Sure, thank you. Okay um.

V. WETLAND PERMIT REVIEW

[Cal#60-20WP

(47:54 - 1:20:43)

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

Jeri Barrett, RLA; Alan Pilch, P.E.; and Michael Sirignano, Esq. were present on behalf of the owners.]

Janet Andersen: The next item on the agenda is a wetland permit review, it's Cal#60-20WP, the McGuinness Residence, 17 Schoolhouse Road, Waccabuc, New York. This is an application for the construction of a greenhouse, a covered dining area, a spa, and an extension of an existing patio. So.

Jeri Barrett: Good evening, Madam Chairman and members of the board. I'm Jeri Barrett, I'm the site planner for the project. I believe, with me on this call, will be the project attorney, Michael Sirignano; our project engineer; Alan Pilch, the project architect; Patrick Croke. So, if you will I will go through pretty much the plan of just to give you guys a summary. We have had an opportunity to talk with the town planner and discuss some of the issues and try to try to come, to try to come to a point that maybe we're we're working together to try to get to the same point. So, I'll start by sharing my screen. Let me know if that comes up.

David Sessions: It's up.

Jeri Barrett: Everybody see that?

David Sessions: Yeah, I can see it.

Jeri Barrett: Okay. So, let me address property as the 17 Schoolhouse Road. In the upper left corner of the page we're showing the entire 23-acre site. The development on the property is really focused on the southern, on the southern part of the site; the north is going straight up that way, to the left. The Board will remember this project, the there's a main residence in this area of the property and then there is some accessory structures that are right here that were subject of permits, these are the accessory structures, right here. And so, as the Board will will remember, there was a lamb paddock

in this area that occurred in the wetland buffer, we moved it out of the wetland buffer. And then moved forward with other improvements to the property, including some patios and some landscaping and some mitigation around the property. So, what this project is proposing is to essentially, construct some outdoor improvements on the property that will really occur in areas that are, just trying to move the screen. My computer's moving slowly. So, this is the main residence here, this is the wetland line, this is the hundred-foot DEC wetland buffer line, and this is the 150-foot town wetland buffer line. This was the original lamb paddock, this is the realigned driveway, this is the new lamb paddock, this is the 50-foot side yard setback.

Most of the improvements on the property occur along the eastern property edge, which is all wooded on the other side and that's because I think all the development was slotted up in this area to get as far away from this wetland line as possible. So, these are the two existing accessory structures, there's a stone patio in the back. We just recently installed the patio back here and then there's about a three or four foot boulder retaining wall coming in this area. The improvements proposed that we're going to see in a minute, it's basically to put a roof, open, an open porch right in this area, a little sitting area in, a fireplace and then there's a little have a small spa in this area here. So, in order to get that to work in there, what we need to do is so this is, looking at the back of the house, I just want to give you guys an idea of what we're talking about when we get into plans, I think it'll make a lot more sense if we just look at the photos real quick. So, this is the back of the house now, back to the main house, this is the existing activity barn that's here now. That's the new patio that we put in, the new activity, the new structure will connect from here to here to come across, it's going to come across from here, and it's going to come across to, this is going to be a covered roof. Now and what I think is significant here is a lot of this improvement that we're doing occurs over this existing driveway. This driveway is going to get pulled back this way, so we can get a parking court in here and allow for basically the new structure goes right here. And what's happening, you can see that this, as I said, there's a there's a low wall here now, this is the property line beyond this, it's all wooded, it comes over. There's about a three-foot wall here, now we're going to have to extend this wall back and to the front this way in order to flatten the area out to allow the improvements to get put in.

So, now go to the site plan. So, again, this is the existing residence, these are the existing activity barns. You can see this is where the connection the open-covered porch is so, if you were looking at it from the from the street what you would see as you see the existing house which is right here, that little corner is right here, and then you'd see this structure which is this. What you're seeing in the back here, that taller thing, that's this activity barn but it's basically this area here, this area here is going to be outdoor dining area, there's going to be a fireplace and a grill and then there's gardens around it and the existing driveway is right in this area here, the the existing driveway here. Where the new work is being proposed that red dashed line is the existing driveway it comes all the way back in here and like that. So we're taking what's now the parking court, we're going to move it over here. This is the new four foot wall we'll be installing, it will come in and run the length to bench the site down in order to get everything in there. So, this is the, this is the the new activity area, open area, it's an open pavilion type concept. This is a small addition, it's a storage shed, the pool equipment is actually going to go in here. This is the existing patio that's there now and then we're going to be putting this small spa in this area that will overflow down into a lower catch pool to create a waterfall-type of effect. We will need to install a small wall here, another small wall here. We've been working with Alan Pilch to pick up the storm, the new stormwater, which Alan says is not really a lot, because a lot of this again is happening over the existing driveway. Nonetheless, he's got an infiltration system in this area here. So, that kind of gives you an idea of of what's happening. If you were looking at this from the property, to the east and you were looking back this would be the back that's that sitting area we're talking about. This is the addition to the shed, and this is where the grilling area would be, which would be right in this area, here. Of course, if you were looking at it from the back and looking back at the building, you'd see it just see the activity barn, and the existing

studio, which is this. That's what this is that new, that new storage shed that's going to have the pool equipment that's what this would be. The retaining wall to the side of it is what's here and then, looking back, you would see the, you would see this there's a covered porch here, this is an open porch these two things here are just covered roofs, that little black thing is just little covered roofs.

And then you'd be looking back to the area connecting the buildings. So, that's what's happening in terms of the architecture and the project attorney and the project architect went to the zoning board and they got 10 variances and we note them here. The board already has the resolution of approval for that and again, the premise for the variances were because this is really the only developable, the only developable portion of the property, in terms of trying to get as far away from the wetland as possible. Here's the wetland line, here is the 150-foot buffer line so that was the premise and the Zoning Board agreed it was logical that we should proceed and we should work in that area. Also on this plan, we provide the zoning analysis to explain what happened.

We're showing a pool fence, that's going to go around the backyard in this area here, it'll just it'll just encircle this it's it's a very small area. And, and then there was also talk of, there was a fire pit in the backyard and that's what this was here, and I think that the discussion was you know, can we, can we do something to make this a little a little more softer, if you will. So, we went back and worked on about the, we talked about creating more mitigation giving up lawn area and getting more planting in here and what can we do for more wetland mitigation, and part of that mitigation was going to be we're going to take out these Belgian blocks and we're going to take out all this gravel and we're just going to have a little mulch path around this with some tree stumps, some trees tree logs to sit on and we're going to be creating, we're going to be taking out a lot of lawn area, and we're going to be we're going to be adding adding more plant, and we're going to try to see what we can do to provide more mitigation for the for the project.

So, we did a construction and erosion control plan and one of the things we wanted to show on the construction plan and demonstrate what's happening here is you know, what is the area within the within the grading limit line, if you will, the grading limit line is this black dashed line and, but what is the area within the grading limit line that's within the 150-foot buffer and what's that disturbance, because that disturbance number usually indicates if that's you know 6,300 sf, the Board is usually looking for 1:1 mitigation or about 6,300 sf, so we identified what that was in this, we call this subject area one, and then we went to different part of the property which we call subject area number two, and this is the, this is the portion of the of the property where we're proposing to, to remove the existing lamb pen and that was here and replace it with a small greenhouse of similar size and that's what this would be. This is the existing lamb pen that's there. It's a similar sized greenhouse structure, kind of a glass with a metal frame type thing, attractive, it will be more centrally located in the paddock, because there's, the idea is to have kind of almost parterre gardens and the owner likes to grow cut flowers, and so this is going to be laid out with flowers. As part of some of the mitigation we said well, let's take some of that grass out in that paddock and we're going to turn this into a little wildflower meadow meadow, it'll make a nice back backdrop to this.

But what we did was we went through this, we went through this area, we we provided a disturbance summary and we broke it down to what it was in December 2020 when we first talked to the board and what it is now. And what we come up with is that we've we've identified our total disturbance at about 14,034 sf. It's not quite, it's not very different from from the initial disturbance, but what is different, is, we only had 7,700 sf of mitigation in December, and now we have 15,000 sf of mitigation and we're going to get to that in a minute, but what we're trying to do is instead of providing a 1:1 mitigation impact mitigation or mitigation to impact ratio we're trying to provide a 2:1 impact or mitigation to impact area. And the owners felt that they were okay with giving up lawn areas, and they thought it might you know they got a very big front lawn area, so they thought it

might be more intimate and more cozy to have more plant needs in the backyard so that's where we went and we prepared the wetland mitigation plan for the project and what we did was we provided a summary on the plan, where we were we've identified what was the mitigation we showed in December 20, in December 2020 and that's what that was these green areas, we had the green areas and we had about 6- or 7,000 sf. This is that meadow, that that wetland meadow, a wild flower meadow that I was talking about earlier and so what we did was we went and you know, we show that just in the white circles that was the mitigation that was put in with the previous project that the Board will recall, that finished up about a year or two ago, and then in 2020 we came back in December and we showed the mitigation areas in green. And we had about 7,500 sf, but since we've been talking to the board about this project and talking with the owners and talking with the town planner we said what could we do and I said well let's try to provide more mitigation and make this project so it works for everyone and that's what we've done. So, all these areas you're seeing in yellow, they were previously lawn areas and now they're all going to be reclaimed to planting. At this point, we just have a typical planting palette that we will be developing a full planting plan for, we just didn't have time to get to that, but we will. But I think what we've shown is, we can we can all put this extra planting in I think it can be very attractive, it's going to make the backyard seem a lot cozier, everything's going to be nestled with plantings, with the plantings on the road and stream banks in this area. All this area that was formerly mowed lawn is taken out. This is where that fire pit area is, you can see that you know we're planting all around that we're going to we're going to thicken up this area here. We're also going to keep the mitigation that we had proposed previously in 2020, where we were going to bolster the existing minute mitigation plan and there was some discussion, you know, was that adequate, I'm of the position the more roots, you get into a wetland buffer planting area, the more filtration that you're going to have it just makes sense, there's more roots, there's more opportunities for pollutants to get bound up in those roots and going to get converted into the plant mass. But the point was well taken with the board, and so we went back and created all these additional mitigation areas. And so we did it over here, this is the septic area we're going to be planting the whole back of this this is kind of a kind of slopes down. This is kind of a mound system septic. And we're also going to be putting more plantings inside the paddock. So, what we tried to do is come up with a with a plan that we think that could work for the owners and be very attractive, but also address the concerns noted by the board. I don't know if Alan is with us or not I know he had other meetings but Alan you're here you jump in. I guess not.

[Jan Johannessen joined the meeting at 8:34 p.m.]

Alan Pilch: I can certainly jump in here.

Jeri Barrett: Oh good. Maybe you can want explain how you handle the drainage.

Alan Pilch: Yeah, but basically what we've done here is we, there is a very minor increase in the amount of impervious surfaces when I calculated the curve number it increased by one, so in order to attain the peak-rate attenuation for a 25-year storm, what we have proposed is putting in subsurface chambers, just to the to the west of the pool area since the, because of the septic is in the front yard, it really didn't make sense to put something there, so we really wanted it in the backyard so so, we'd have nothing degrading the septic. So, what we're doing is picking up run out from some of the buildings and some of the patio areas and conveying that into the subsurface chambers and then basically just discharged any excess runoff that is collected to an outlet control structure and basically it runs, what it does is it runs through the wetland plantings, the mitigation plantings that's on this plan. And what we're able to show as well, is that the stormwater management plan as devised will provide peak-rate attenuation for all storms, up to the 25-year storm. I know, there was a concern expressed well, two concerns, one was you need to do percolation test. We'll do one let's say when the snow clears up a little bit and the ground, maybe slightly more thawed, but the other comment

was regarding the separation distance between the bottom of the chambers and the, and the groundwater table which we were able to raise the chambers up by about one foot in elevation and now have achieved a full three feet of separation between that and the groundwater table. And the chambers are still embedded into the ground so they are not like sticking out of the ground or anything, you know the relationship of the chamber to the existing grade has been maintained it is and is in accordance with the stormwater design manual but we're able to do that, so as to achieve that full three foot separation between the bottom of the chambers and the and the high season groundwater table which we observed during our deep hole test that was done during December. And, as you can see what we're doing is collecting runoff from some of the new rooftops, and some of the existing studio and actually some of the drains that are also present in the new covered areas and putting it into the chambers. So, that's how the stormwater management plan essentially works.

David Sessions: Alan, can I interject for a second here?

Alan Pilch: Sure.

David Sessions: Yeah, as long and I'm sure you're aware of this, the chambers, is any more than half the chamber in fill.

Alan Pilch: Um, I don't believe so, I think what you're going to find is that the it's a fairly level area there and that I know what you're getting at here with regard to it, but I also will say that the concern about being and they're not in fill per se, because the chambers themselves are well they're embedded into the ground still so you can take a look at that, too, but I know the usual concerned about fill is that there's going to be a seep that's going to occur and the chambers are not really there for infiltration purposes they are there for peak-rate attenuation purposes as well. Um so it's something I guess you can review and take a look at. I'd say that it's it's at these, let me think, at the north end they're very much embedded at the south end, near where the walkway enters it's probably about half. Remember these are the shallow chambers chambers are 8 1/2 inches high, these are the C4 from Cultec. So. they're very shallow chambers in the first place.

Jeri Barrett: Alan, are the bottom of all the chambers basically virgin grade, not fill?

Alan Pilch: Yes, they are. They're all, they're not very virgin ground there. That is correct. And they're not they're not I mean it's considering it's an 8 1/2 inch high chamber they're all still in the ground.

David Sessions: Yeah, just just suspecting that your perc is going to be pretty slow there. You know, the majority of that site, as you know, is you know pretty shallow groundwater the soils are not great. So, you know, depending upon what you what you get for your perc rate, obviously, is going to dictate the size of the chambers and how much you need but we're not there yet, obviously, when you still need to do percs.

Alan Pilch: Right we, we understand that and unfortunately this winter has been a little more challenging I think for a lot of people.

Janet Andersen: Also, I can't remember if I think there was some discussion about a potential small draw down of the pool, just enough to get past those sort of tile at the top, would that be coming into this chamber as well?

Alan Pilch: Yes, it would, and they are large enough to accommodate, it's a pretty small spa that's going.

Janet Andersen: Okay, good I thought I'd heard that before and I wanted to make sure that was still true.

Alan Pilch: I know it was addressed in a storm water report that was submitted.

Janet Andersen: Thank you.

Jerome Kerner: Janet.

Janet Andersen: Yes, Jerome.

Jerome Kerner: It was mentioned by Jeri that the new construction, the covered dining area and the gazebo are in the area that was the existing driveway, was that driveway paved or gravel?

Jeri Barrett: Gravel.

Jerome Kerner: Pardon me?

Jeri Barrett: Gravel.

Jerome Kerner: So there would be additional impervious you are I don't know if that's been calculated with you know, with the roof areas replacing the gravel, has that been considered?

Alan Pilch: It has and in the analysis that's exactly what was considered.

Jeri Barrett: Okay.

Janet Andersen: So, I have a question again. Could you remind me what the footing under the greenhouse is, is that on gravel or is that a board, what is the bottom there?

Jeri Barrett: I think it's a gravel base and set kind of like a pole barn was Sonotubes and with a gravel base.

Janet Andersen: Yeah, I thought that's what I remembered and I couldn't find it. So you know, in the in the shed now that used to be the lamb paddock that is going to get torn down, I think the last time we required that no fertilizer or chemicals or pesticides be stored in that area. I think the the greenhouse now is moved over just a little bit and obviously I'm not, I recognize that you use fertilizer as part of the planting of things, so I'm not really worried about its use, but I was wondering I am, I am a little concerned about storing you know bags of fertilizer, pesticide or something there. Is, would, I think it might be appropriate to use the same signage that was on the old shed and and maybe ask you not to store you know um, bags of fertilizer or chemicals in that greenhouse as well.

Jeri Barrett: I think that that is a reasonable request, and I know we're out of the buffer, on the other side, where we have if you know maybe what we do is designated area outside of the buffer that's just across the driveway in case they need to get to them. So, we wouldn't even need to do that, I think we can designate an area on this side which it is all close together, here's the driveway, you just walk over here, and you can get your you can get there, they can keep that stuff right in here with their feed, all the other things that the keeping the shed.

Janet Andersen: Yeah, I think something, it was part partially the wetland buffer and partially the gravel substrate that would allow anything that spilled to be kind of go in, or that got wet to sort of get in very quickly so that was my my bigger concern. Other than that, I I think I think you did hear us. I'm happy to see, there is a lot more mitigation proposed now, I think the other thing we talked about potentially was, was the demarking the wildflower meadow so it wouldn't get accidentally mowed or something but, but I do see a lot more plantings in that whole area now. So, I don't know, had Jeri you still considered to plan to put some kind of demarcation there or not?

Jeri Barrett: I think we can, I mean we we already have demarcation out there and that's what these are six inch, six inch pipes embedded in the ground flush with the ground that demarcate you know where the where the mowed lawn ends, and I see no reason why we can't you know put them in this on this line here. So, that line can always be easily established. It's a simple thing to do and I don't think the owners would have a problem with it at all.

Janet Andersen: Great. Okay. So, does anybody else on the board, I can I can't see everybody on the board but. I guess, I would ask you to speak up if you have any comments or questions.

Maureen Maguire: This is Maureen. I have a question, we've probably gone over this before, but just remind just remind me the existing activity barn and the existing studio, can you tell me. I'm not quite sure I understand the use case of an activity barn.

Jeri Barrett: Well, it's a hangout barn is really what it is. There's some couches in there and there's also....

Maureen Maguire: Is there a kitchen in there?

Jeri Barrett: I think is more like a like a snack bar type thing with a little, like it was I was only in there a couple times but it kind of reminded me of like a like a soda fountain from the old days you know it had a little bar, it's not a full kitchen, it's just there's a snack bar, there's a large TV, there's like you know a ping pong table it's that kind of thing. It's it's not it's not a sleeping area.

Maureen Maguire: Okay.

Janet Andersen: No, no bathroom?

Jeri Barrett: I believe it has a bathroom.

Janet Andersen: Okay.

Maureen Maguire: Is there a bathroom? Sorry.

Jeri Barrett: I'll verify that but I think there is. Again I've only been in there a couple of times.

Maureen Maguire: And how about in the existing studio just if you're going to have the, I would imagine for this for my property, if you're going to have an area that you're designating as with a fireplace and the couches on the east side of the property right outside of the studio, then that would be the logical place to use lavatories would that be.

Jeri Barrett: We will check. I'm pretty sure, there must be a bathroom in this area. This area here that is outside the just in studio, this is where the ping pong table, the outdoor ping pong table is, it's it's all that activity type of things. Every time I've been to this existing studio have been used, mostly

storage far as I've seen, but we will get you the information on on what's being you know what exactly is going on and then we'll get that written down.

Maureen Maguire: Okay, thanks appreciate that.

Janet Andersen: So, I think our last real set of concerns had been about the, or a stronger set of concerns had been about the mitigation area, and I think the the plan now shows that they're not in there, they are actually using more area for mitigation not inter planting, not depending on inter planting as a major mitigation. So that makes me much more comfortable with this. I I would I guess I would start by asking Dave if he thought that this would be something that at this point would be something that you'd be comfortable with seeing go administrative and then I will ask the board if they would consider that.

David Sessions: Yeah, we're comfortable with that at this point. The mitigation has been expanded, it seems to satisfy the concerns, we're definitely comfortable with it going administrative. One thing we didn't talk about tonight, I know that Jeri and Alan are aware of this, but there's there is a state wetland permit necessary. And I guess, there has to be a public hearing for the wetland permit unless the planning board decides to waive that so I'm just throwing those two things out there.

Janet Andersen: Yeah, so by going administrative, we would basically waive the need for public hearing um yeah.

Michael Sirignano: So, we would ask the board to do that it's it's a Type 2 action, exempt action. The variances, 10 of them, were granted by the Zoning Board with no neighborhood opposition, in fact, the only affected neighbor to the west supported the application and so we would ask you to waive the public hearing and refer this to Kellard Sessions to an administratively. They're going to be involved, Jan and and Dave and Joe they're going to be involved in the percolation soil testing, they're going to be involved in the construction details of the storm water chambers and everything else, so I think it would make sense if the Board is comfortable with the overall mitigation plan.

Janet Andersen: So, perhaps Jeri I could ask you to stop screen sharing, so I can see people and maybe talk with people you know a little more on this, but you know I I would and I guess, perhaps I see John now, so I don't know if I should ask for the CAC if there's any further comments that the CAC might have on this.

John Wolff : Our main concern was the expanded mitigation and the plan appears to have it, so I think we're satisfied with that.

Janet Andersen: Great. Okay, and you know I do know that Jan will come back to us if he sees issues going on, and I know that there are still some some items that have to get addressed, like some of the storm water issues and so forth, but I I would look for any indicator of well if, we need a motion, yes Jerome.

Jerome Kerner: I move that we move this to an administrative approval and waive the public hearing for wetlands.

Janet Andersen: Do, I have a second?

Maureen Maguire: I'll second.

Janet Andersen: Thank you Maureen.

Janet Andersen: Okay, so, this is the motion. We'll poll the board so, Jerome?

Jerome Kerner: Yes.

Janet Andersen: Charlene?

Charlene Indelicato: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: And I also say yes, so the motion to make this administrative has passed. Oh, and I see Jan has joined us so we know he's here to hear that he's got work more work. But um, so I think with that unless there's anything else. Thank you for for all that's been done and for the the expanding some of these the mitigation, for us, so we could get this done and move it to administrative. Anything else? Okay, thank you.

Jeri Barrett: Thank you, very much.

Alan Pilch: Thank you, very much.

Michael Sirignano: Thank you, Peter and Annette appreciate it. Thank you

Janet Andersen: Okay.

[On a motion made by Mr. Kerner, seconded by Ms. Maguire, the Board determined that the review of the McGuinness Residence, 17 Schoolhouse Road, Waccabuc for the construction of a greenhouse, covered dining area, spa and extension of an existing patio will be handled administratively by a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Ms. Maguire.]

Cal #09-21WP

(1:20:43 - 1:29:18)

Gorton Residence, 22 Gilbert Street, South Salem, NY 10590, Sheet 36F, Block 10806, Lot 24 (Lara Gorton, owner of record) - Application for the construction of a rain garden and mitigation for modified sea wall.

Lara Gorton, owner and Glenn Ticehurst, RLA, were present.]

Janet Andersen: The next item on our agenda is Cal #09-21WP, the Gorton residence at 22 Gilbert Road in South Salem New York, this is the application for the construction of a rain garden and mitigation for the modified seawall. And I thought I saw Lara Gorton on a yes and then, if there's someone. Who is representing, yes go ahead, Jan.

Jan Johannessen: Glenn Ticehurst is here as well, for the applicant.

Glenn Ticehurst: Hello, Madam chair, Glenn Ticehurst, landscape architect. Lara I know was having a problem getting on so she connected?

Janet Andersen: Yes.

Glenn Ticehurst: Great, so we've been brought in recently. Lara's selling the house and during the final inspection process it was discovered that the, the rain garden that was designed and approved back in I believe '09 had not been installed, also in that final report, there was a portion of the seawall where there was a notch, I don't know if I can share my screen, I can try. Can you see that?

Jerome Kerner: No.

Janet Andersen: No, but my my internet is the slowest so I'd be the last to see it, but no I don't see it.

Glenn Ticehurst: Let me try that again. Still no?

Janet Andersen: No.

Glenn Ticehurst: I'm sorry. If you do have the packet with you there's a notch along a seawall that was filled in at one point. And again, I'm not sure when that occurred, there was a repair done on a wall and that, ultimately, was there, a section filled in. I know, there was some concern about how that was filled in so the repair the wall. We're trying to develop a detail for that to see kind of what had occurred, as I understand it, it was a sort of a catch all where there was a notch that has debris got blown across the lake. Am I still on?

Jan Johannessen: Yes, I can share my screen.

Glenn Ticehurst: That'd be great Jan.

Jan Johannessen: I could put it up, if you want.

Glenn Ticehurst: That'd be great. Thank you.

Janet Andersen: Yes, I was, I was looking for it on my....

Jan Johannessen: So, this is the notch that he was talking about. Can you see my screen?

Glenn Ticehurst: Yes.

Janet Andersen: Yes.

Jan Johannessen: The seawall running along the lake, used to you just follow my cursor, did this. This little strange rectangle was was lake and as a course during the course of construction, they straightened this wall out and this got filled in. The the the rain garden, which was part of the original approval wasn't installed, everything else, the renovation to the home, the driveway relocation was done absolutely to plan, but when we did our final inspection to close out the permit was which was issued in '09 before you know, under a prior Wetland Inspector. The rain garden wasn't installed and we noticed this wall was was straightened so given the fact that the permit expired and these features are within 50' of the lake it required planning board review.

Glenn Ticehurst: Right, so that area was about 200 sf, I believe, and so the mitigation shown on that plan adjacent to that area is about 450 sf and I did later today, late in the afternoon, I did forward and I'm sure Jan hasn't had a chance to look at it, a more updated version of this, where we've extended that mitigation planting to the south and also provided access an opening so the clients can access the dock. So, there is an opening there, so when he has a chance to look at that he'll see that. So, we will be doing some soil testing for the rain garden, so we want to make sure that's taken care of. We want to make sure that the mitigation planting is appropriate along the seawall to mitigate any potential impacts where the notch was. It will provide a buffer pretty much along the whole stretch of the waterfront, which I think will be beneficial so we're just sort of anxious to try to get it wrapped up. I know Lara's anxious to sell the house, it's in the process of being sold, and this is a one of the last things we want to get sort of buttoned up.

Janet Andersen: Okay, yes I I am I haven't seen the new plan that says it extends further along the wall, but I did look at some aerials and it looked like there's sort of a grassy slope down to the to the wall there and to me, you know if you can, if you could extend the, you know some kind of something that would you know filtration garden wetland you know plantings, ground cover that would be better than lawn to keep the any runoff from going right into the lake. I think that would be a much-improved plan. So yes, I'm really glad to hear that you're doing that, that that would have been something I would have looked for and so I'm glad to hear that.

Glenn Ticehurst: Yeah, so and we agree.

Janet Andersen: Does anyone else have any questions or observations on this. Um. Let's see Jan, would this be something that you might consider be comfortable doing administratively?

Jan Johannessen: Yeah, absolutely, we had some minor comments which we'll work out with Glenn and he's already made progress in resubmitting a mitigation plan that addressed one of our [static] so absolutely.

Janet Andersen: And hearing no other comments from anyone I would look for a motion to make this project administrative.

Greg La Sorsa: I'll make a motion to handle this matter administratively.

Janet Andersen: Thank you Greg. A second? Charlene. Good okay any further discussion? Okay, I will poll the board Charlene?

Charlene Indelicato: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: Jerome, where did you go?

Jerome Kerner: Yes.

Janet Andersen: Okay, and I also say yes so, the motion carries. This will be done administratively and obviously again if there's any issues Jan as it goes forward we'll we'll hear from you, but meanwhile, I think this gets this handled and hope it will close out quickly for you.

Glenn Ticehurst: Thank you very much, we look forward to it.

Janet Andersen: Okay, thank you.

Lara Gorton: Thanks everybody.

[On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the Board determined that the review of the Gorton Residence, 22 Gilbert Street, South Salem for the construction of a rain garden and mitigation for modified sea wall will be handled administratively by a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Ms. Maguire.]

[Cal #13-21WP

(1:29:23 - 1:50:37)

Strauss Residence, 399 Pound Ridge Road, South Salem, NY 10590, Sheet 29B, Block 10540, Lot 64 (The Janice Filipowicz Strauss & William Theodore Strauss III Revocable Living Trust, owners of record) - Application for the construction of a sunroom.

Bob Eberts, Cross River Architects, was present on behalf of the owners.]

Janet Andersen: So, and then the next item on the agenda is Cal #13-21WP, this is the Strauss residence at 399 Pound Ridge Road in South Salem, New York. This is an application for the construction of a sunroom and a patio. And I see, I guess Bob Eberts on to represent the the applicant.

Bob Eberts: That's correct. My name is Bob Eberts, Cross River Architects and I'm representing Ted and Janice Strauss. This property is at 399 Pound Ridge Road, it's a 2.58 acre parcel, and this is historical property this, the house on the property is on the State and federal National Register of Historic Places, and the Strausses take that responsibility of keeping the property and the house in pristine condition very seriously. What the proposal is right now, I'll share my screen if it's all right with you.

The property, I'm going to zoom out just a little bit for you here, so you can still see a little bit more of property, but this is a south corner of the property, there's a sign on the on the road that says Peaceable Kingdom, that might help you identify the property if you're familiar with it, but. The we're working on the south property, this is the existing house, there's a garage here and a garage here, there's an existing small workshop, it's on the property right now it's 10' by 17' sitting in this corner, south corner of the property, let me zoom back in a little bit here so. There's also a current deck it is shown by these dashed lines, right here is a 10' by 10' deck it's not in very good shape right now. And it's about 10 feet away from the existing workshop. Again, talking historically a little bit, there's a stream that's on his property, comes down and meanders it goes through, through the the underside of the workshop. Now that the workshop was originally a milk house when this property was farmed, a dairy farm, they would store the milk in the stream to keep it cool. So, this was the originally the milk house and that's in very good shape right now it's in, but there's a little spring house that was up here that's collapsed and that's that's gone from the property. The stream continues under the property and and goes through a headwall, stone headwall here into a culvert that runs through a metal pipe that runs down to another headwall, gets exposed for another bit and then again back into, through a

stone headwall into a metal pipe and then back out and into the swale near the road, this is Pound Ridge Road here, Route 124.

The septic is is here, located here, driveway stops back on this part so there's really no traffic that comes into this portion portion of the property now. On the, on the south border there's some very tall evergreen trees that that come along you know the property line here and a border the, border the stream.

So what's proposed? We're proposed proposing to build a in this location, a 12' by 17' one-story sunroom and a 10' by 12' deck with a pergola over it next to it this way to join the north side of the existing workshop building. These will be built on piers. And then we'll take the roof drains off to a a Cultec recharger you know, on the south portion of the property. We really don't want to touch much of this property, we want to do is as little as we can to to affect the property.

Now we do, we are disturbing about 500 sf when we do this, and so we would provide planting where the stream is exposed in these areas within about five feet of the stream. Now, we did not get the mitigation plan done before the submittal day, but we did do it, since. We submitted that to Jan and mostly it's ferns that we're putting in that area and I don't think he had any comments with regard to the mitigation. And that's really the scope of what we're proposing.

Janet Andersen: Okay, so I think the obvious question which you might have answered is is why is this going on the workshop and not closer to the house or you know which is further away from the wetland. Is there, is there a particular you know, is it not going on the house because that's historic or could you just explain a little bit about what's, what's.

Bob Eberts: Yes, that's exactly correct, the house is is is protected by that historic register, so we can't touch the outside of the house, and really we want to leave that as a say an isolated structure so that it stays historically correct so that you when you're looking at that historical structure, it you know, it it's not encumbered by this new construction that we're doing. So that's why we're putting it next to the spring house, making it part of that structure so that it, you know it clears it clears the existing building that's that's the idea. It stays out of view of that building.

Janet Andersen: Is the workshop currently used for, for what?

Bob Eberts: There's tools in there, he uses it as a wood shop.

Janet Andersen: Okay, so um, I mean you mentioned that there's a couple other garages I'm looking I'm looking to see, is there a reason or a way to get this further away from the wetland. And, and I know there's garages on the other side is it, was that at all looked at as a possible way place to put this, or is this really where they they really want it?

Bob Eberts: Well, the property bends away, as you can see from the from the road, a little bit and there's some larger trees in here, so this is the view, this is where you have the view, you know, on the property and you get some beautiful sunshine in this location that's why they they hang out on that deck that's there now, it's not in very good shape, but anyway, that's the reason we put it there, that's the view.

Janet Andersen: Okay yeah, I guess, because the the area for the septic system was cleared so it's got it's open there, and you can I can, I guess, I can see that, okay.

Bob Eberts: Exactly yeah. Again, we're putting it on piers to make as little impact as we can, on on the property.

Janet Andersen: And will there be an opening from, I wasn't clear, will be an opening from the sunroom into the workshop?

Bob Eberts: No, right now, they have no need for that we talked about putting a door in, and I assumed they'd want to door, but they said really no reason I wouldn't never go back and forth between the two, so no.

Janet Andersen: So, the reason for the attachment to the workshop is just to keep the buildings closer, I mean to have something to anchor the building sort of as a.....

Bob Eberts: Yes, visually anchor for it not not.....

Janet Andersen: Yeah, visually anchor yeah.

Bob Eberts: Yeah, not structurally but yeah so that it doesn't seem like there's you know lots and lots of small buildings on the property that might look cluttered.

Jerome Kerner: Janet? Jerome here.

Janet Andersen: Yes, Jerome.

Jerome Kerner: Bob, I wonder if you've done a sun travel plan of this, it seems to me the deck itself is just going to get to due westerly sun and I wonder if that's optimal for for that intention.

Bob Eberts: That's what they like, about it, that's when they sit out there in the evening four o'clock five o'clock in the evening, that's what they like about it.

Jerome Kerner: Very good.

Janet Andersen: Okay um. So, Jan you had some, I think we got a comment letter from you on this, right?

Jan Johannessen: Yes, we issued a comment letter..... Unless. Obviously, before the board for a wetland application there's no other approvals required by the board. We. I'd like to I haven't been to the site yet and I'd like, I would like to visit it when the snow clears just to get an appreciation of the stream, what it consists of. We did get a wetland mitigation plan from Mr. Jaehnig, and it looked you know the planting plan was completely acceptable it's what we would have expected. Now, given the proximity of the improvement to the stream, you know, they're they're providing the the minimum requirement, the 1:1 ratio, if there was anything else that could be done, and again I haven't been to the site, but if there's any potential for opening up the culverted section, if that makes any sense, perhaps that could be considered, again, but I haven't been there to see you know why it was culverted or or what it, you know really what's going on out there, but that that should be a consideration. There's some additional zoning information that needs to be added to the plan, both zoning table, zoning setbacks, calculations for coverage. We do need an updated survey in just reviewing the plot plan to like an aerial it looked like there might have been some some expansions of asphalt areas and such. So, it does need to be based off an updated survey. The topo, I believe, is Westchester County GIS and that's fine for something you know of this nature, we do not need a topographic survey, but an existing condition survey would be required. A lot of architectural

information was submitted, I did not see a floor plan. I might have missed it, but if it hasn't been prepared it should. The the limits of disturbance should also include construction access. and any utilities that are going to be run down there, if any. There is a proposal for a small storm water infiltration unit that's very close to the deck. We would look to have the applicant conduct the soil testing to make sure that's a suitable location. It does, I would caution the applicant or the the architect, to look at the separation distances between the septic and the storm water and the construction of the the addition to the septic to make sure they satisfy all Health Department setback requirements. Yeah, any any electric or water or gas being run down to the building. And you know just designing the drainage system, you know, we'll need to see details and make sure it's it's being designed appropriately.

That was that was mainly it, we should get a referral to the Building Inspector. I did have, it looks like they'll they'll meet the requirement that the Town has a 600 sf maximum on a detached accessory building but sounds like this is going to be well under that. But the the Building Inspector should should take a peek and just give us a quick zoning compliance review, once we have the zoning information.

Janet Andersen: Jan, do we have to make sure there's room for a an expansion area for the septic system or is that. I don't know, I mean if something's on piers well I don't know I don't know what then, if that's a concern.

Jan Johannessen: Well, it would be a concern if this is being constructed within the designated expansion area that information has been provided, I don't know the dates. Or you know how old the septic system is and if a new expansion area has been designated by the Health Department it's good planning, you know and the Board has done this before just, you know if you did have a septic failure, and you had to install a new septic where could it go and is this going to be preventing that from happening, are there other locations, that if they had to they could install septic? I know there are some slopes to the property, so that might be something you want to you know just have them look at. You know, usually you know we can get, the applicant would generally submit the as-built information that they received from the Health Department on the existing septic system. And that would generally identify if there's an expansion area designated already.

Jerome Kerner: Yeah, it would, the well should be shown as well, I don't know if it is on plan that's that's for the as-built that we need to see as well.

Janet Andersen: Yeah, that would, you know that's sort of my question about, part of the question about the location here, is it closing off or you know what would the expansionary go? So, I think that would be helpful, I also like your idea about day-lighting the the culverted area of the stream if that's if if the topography, or whatever caused it to get put into a culvert at the start isn't isn't too onerous, I mean I think that's a great great idea. And perhaps when you go visit I don't know if you talked about a collapsed spring house I don't, I'm assuming that that is not something that is a danger, or you know that's sort of a threat to the stream in any way that it's by collapse it's more like it's not useful as opposed to collapsed it's it's eroding the stream in some way.

Bob Eberts: It's been removed.

Janet Andersen: Oh, it's been removed

Bob Eberts: Yeah.

Janet Andersen: Okay great. um so.

Jan Johannessen: Maybe let's take that off the plan, then so it's just not.

Bob Eberts: Sure, I I know it was on the survey, which is why he indicated it.

Janet Andersen: But it's been removed okay um so. Perhaps you can stop screen sharing for a second.

Bob Eberts: Sure. Oh, if, if I may, I would be opposed, I think, to exposing the the stream. Now you haven't seen it yet, but the head walls, the stone head walls are in great shape this was built again well over 100 years ago. So, my my take on it is keep the property historically accurate keep it as pristine as it is rather than sort of trying to make it into something it's not. The culverts were put in to allow the farmers to draw, drive their tractors across the stream. That was the purpose for the several culverts that were that were put in there and so. You know it's been there well over 100 years, so my attitude would be keep it historically accurate.

Janet Andersen: Okay I'll ask, I mean ask Jan to do it, but if it's if the culvert has been there 100 years it might not be in great shape anyway, I mean I so.

Jan Johannessen: Is it a pipe, Bob, does it have a pipe?

Bob Eberts: It there looks to be a pipe in there, yes, you could see the head wall and then the clay pipe at the end of it but that's about all I can see.

Janet Andersen: Clay, okay. Um well, it sounds like this should get, and I'd look for consensus, maybe to refer this to the Building Inspector as Jan suggested, nods yes.

Bob Eberts: That would be fine.

Jan Johannessen: Once we have the zoning information.

Janet Andersen: Oh, yeah okay. And is this something that anybody feels we need to do a site walk for in the snow.

Greg La Sorsa: I don't think we need a site walk we are, we are we going to get some sort of a mitigation plan to do we have it, or I don't know if we've received it yet or I don't know if it came out in the last day or so.

Jan Johannessen: Yeah, it was a it was received, I received it via email a week or so ago, perhaps it came in after the submission deadline.

Greg La Sorsa: Right, yeah I got that so I'm just wondering if we should review that before we do it before we make any other decisions, especially now, you know. You know, because a site, a site walk now, it's not going to be too productive so maybe we can see what they're putting down on paper first.

Janet Andersen: Why I'd like to have Jan get a chance to see it, and maybe we're going to have some warmer weather, but there's a lot of snow to melt, so but um I'd like to do that, and perhaps we can ask for this to come back in in March, if you think you are going to get a chance to go out and see it. And if not we'll, I guess I'd say let's look at it in March, and then, if you can't visit perhaps we'll adjourn it till April. Because I think it's important to get Jan's view of what's going on here.

Jan Johannessen: Would you expect the applicant to resubmit to address comments between that time frame, or you just want to put it on the calendar and I'll do a site inspection?

Janet Andersen: Well, I think we do need some of the, like, as you said, to refer to the Building Inspector, we need to have the zoning on it. Unfortunately I think our submission date is like Thursday or Friday, so I don't know if there's a chance to get that done and again, I think it would be important to figure out if there's a expansion area that's designated and to make sure we're not on top of it with this, you know, with the new area here.

Bob Eberts: The expansion area is west, west of the existing system and downhill of the existing system.

Janet Andersen: Okay, towards the road. Yes, okay good. Thank you um.

Bob Eberts: We'll show them. Yeah.

Jan Johannessen: I'm sure I could get to the site, between now and the next meeting I'd be happy to set a meeting up with Bob and walk it with him.

Janet Andersen: Okay, great. So, I think that is what we should plan to do. And hear from any any updates, I think, I feel much better that that the expansion area we're not on top of it with this application so that's good. Okay, and. So we'll get more information on this, we'll refer it to the Building Inspector, and Jan will report back in March, and we see where we go.

Bob Eberts: Thank you. I appreciate your time tonight.

Janet Andersen: Oh, thank you.

VI. MINUTES OF January 19, 2021

(1:50:38 - 1:51:17)

Janet Andersen: Okay, so the next item on our agenda is just the minutes from January 19, 2021.

Jerome Kerner: I moved they be accepted as submitted.

Greg La Sorsa: Second.

Janet Andersen: Thank you, so moved by Jerome, seconded by Greg. And I will poll the board so, Charlene?

Charlene Indelicato: Yes.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: Maureen? You're muted. She's nodding, yes, but we want it on tape.

Maureen Maguire: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: And I also support that.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the minutes of the January 19, 2021 minutes were approved. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Ms. Maguire.]

VII. SITE VISIT

[Cal #03-20WV

(1:51:18 - 1:52:45)

Schilke Residence 3 Beaver Pond Lane, South Salem, NY 10590, Sheet 46, Block 9827, Lot 184 (Sophia Chenevert Schilke & Garrett Schilke and Debra L. Chenevert, owners of record)

No one was present on behalf of the owners.]

Janet Andersen: I, I guess, I should say just on the record that we had scheduled a site walk for 3 Beaver Pond Lane at our last meeting and we cancelled that because of the snow cover and feeling that we would not be able to see the topography and the the issue that, that would be out there, and that was at Jan's recommendation that we cancel it. Again I'm not comfortable, not confident that we'll be done with snow, so I'm not sure that we should we could try to schedule a site walk for that again, and because we are having warmer weather and cancel it if we have to, or we can decide not to.

Greg La Sorsa: The next meeting is one week sooner than the gap between January and February meeting so that being the case, why don't we just see where we are in March 16. This way we won't be we won't be waiting as long, in other words, as we did with this last.

Jud Siebert: Right, and I would agree this this matter still is at a very preliminary stage. Jan and I are going to be speaking with the party parties to whom the violation was issued, so why don't we just put over to March and make a site visit decision at that point.

VII. NEXT MEETING AND ADJOURNMENT

(1:52:45 - 1:32:34)

Janet Andersen: That'd be great. So with that, the next meeting date, as we have just discussed, is March 16, 2021. So with that, I guess I would look for a motion to adjourn.

Greg La Sorsa: Motion to adjourn.

Janet Andersen: Thank you, Greg.

Jerome Kerner: Second.

Janet Andersen: By Jerome. Any discussion?

Greg La Sorsa: Good idea.

Janet Andersen: Charlene?

Charlene Indelicato: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen? You're muted. Maureen?

Maureen Maguire: Yes.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: And I also say yes, so thank you all good night.

Greg La Sorsa: Good night.

Janet Andersen: And it's 9:24. Thank you.

Maureen Maguire: Goodnight.

Various voices: Good night. Thank you.

[On a motion made by Mr. La Sorsa, seconded by Mr. Kerner, the meeting was adjourned at 9:24 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Ms. Maguire.]

Respectfully Submitted,

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

Ciorsdan Conran
Planning Board Administrator

FEB 25 2021

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD**

**CHANGE OF USE PERMIT APPROVAL
WAIVER OF SITE DEVELOPMENT PLAN PROCEDURES**

**ORCHARD SQUARE SHOPPING PLAZA – APEX PERSONAL TRAINING
20 NORTH SALEM ROAD**

**Sheet 17, Block 10533, Lot 89
Cal # 01-18 PB**

February 23, 2021

WHEREAS, the subject property consists of ± 5.39 acres of land and is located at the intersection of NYS Route 35 and NYS Route 121, and contains the Orchard Square Shopping Plaza ("the subject property"); and

WHEREAS, the subject property is located within the RB Zoning District; and

WHEREAS, APEX Personal Training, LLC ("the applicant") is a physical training facility that currently operates within $\pm 3,920$ s.f. of space located on the lower level of the shopping center on the subject property; and

WHEREAS, the applicant is proposing to expand its facility by converting $\pm 4,452$ s.f. of existing adjacent vacant space from a professional office (as last approved) to a physical training/indoor recreation use; and

WHEREAS, as a result of the proposed action, the applicant's physical training center will consist of $\pm 8,372$ s.f. of floor area; and

WHEREAS, according to the applicant, the purpose of the proposed expansion is to create additional space between individual pieces of exercise equipment and workstations, rather than to necessarily increase patronage; and

WHEREAS, according to the applicant, the anticipated maximum number of patrons utilizing the physical training center is between 25 to 30 persons at any given time, with peak demand being in the morning and the evening hours; and

WHEREAS, the Orchard Square Shopping Plaza is connected to the Meadows water and wastewater systems, a residential development located adjacent to the subject property (the wastewater system is operated by the Meadows at Cross River Sewage Works Corporation); and

WHEREAS, the proposed action does not include any new plumbing fixtures; and

WHEREAS, according to the applicant, the proposed action is anticipated to increase water flow by 898 gallons per day, which has been approved by the Meadows at Cross River Sewage Works Corporation; reference is made to the letter from Scalzo Property Management, dated December 10, 2020; and

WHEREAS, the applicant is not proposing any exterior changes to the shopping center building, sidewalks, parking, exterior lighting, and signage; and

WHEREAS, the number of existing parking spaces provided at the Orchard Square Shopping Plaza does not meet the requirements specified under Section 220-56C of the Zoning Code; and

WHEREAS, more specifically, when the current parking multipliers are applied to the existing uses located within the Orchard Square Shopping Plaza, a deficiency in the overall number of parking stalls is realized; and

WHEREAS, the Planning Board finds that when evaluating the parking requirements at the Orchard Square Shopping Plaza, the upper level parking spaces shall be allocated to the upper level tenants and the lower level parking spaces shall be allocated to the lower level tenants; and

WHEREAS, the lower lot consists of 56 parking stalls, including three (3) ADA-accessible parking stalls; and

WHEREAS, according to the current parking requirements and after identifying the proposed and existing uses on the lower level, the existing and future lower level tenants require 67 parking stalls; and

WHEREAS, while an 11-space deficiency will exist, the Planning Board has the ability to reduce the number of parking spaces required when shared parking among multiple uses is proposed on one lot and when the Board finds that parking capacity will meet the parking demand by reason of variation in probable time and use; and

WHEREAS, at the present time, the Planning Board finds that the 56 proposed parking spaces will be adequate for the type and size of the existing and future lower level tenants taking into account the proposed action; and

WHEREAS, the Planning Board is familiar with the subject property and the general surrounding area; and

WHEREAS, the Planning Board has considered the submitted Site Development Plan Application, materials submitted by the applicant in support of its proposal, the written and verbal comments from the Board's professional consultants, the verbal commentary made during Planning Board meetings, and testimony of the applicant.

NOW THEREFORE BE IT RESOLVED THAT, the proposed action is a Type II Action under the State Environmental Quality Review Act (SEQRA); and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby determines that the proposed change of use qualifies for a waiver of Site Development Plan application procedures under §220-47A(1) of the Zoning Code; and

BE IT FURTHER RESOLVED THAT, given the limited scale of the proposed action and in accordance with Section 220-46D of the Zoning Code, the Planning Board hereby waives the requirement for a public hearing; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Site Development Plan Approval and approves the following drawings prepared by The Helmes Group, LLP, dated (last revised) January 22, 2021, subject to the conditions enumerated below:

- Site Plan, Tax Map, Parking Calculations and Reference Photographs (Drawing No. 1 of 2)
- Floor Plans & Water Usage Chart (Drawing No. 2 of 2)

BE IT FURTHER RESOLVED THAT, conditions #1 – #7 must be fulfilled within six (6) months of the date of this Resolution. Should these conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six (6) month period and granted by the Planning Board; and

BE IT FURTHER RESOLVED THAT, Site Development Plan Approval, defined as the signing of the floor plan by the Planning Board Chair, shall expire unless a Building Permit is applied for within two (2) years of the date of the signing of the plan or if all required improvements are not completed within three (3) years of the signing of the plan or if the construction or use shall cease for more than one (1) year; and

BE IT FURTHER RESOLVED THAT, any subsequent alterations, modifications, additions, or changes to the approved and/or constructed improvements shall require the prior review and written approval by the Planning Board as a new, modified, and/or amended application for Site Development Plan Approval; and

BE IT FURTHER RESOLVED, failure to comply with the approved drawings or any of the conditions set forth herein shall be deemed a violation of Site Development Plan Approval, which may lead to the revocation of said approval or the revocation by the Building Inspector of any issued Certificate of Occupancy.

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

1. The applicant shall satisfy all outstanding written comments provided by the Town's professional consultants.
2. Each and every sheet of the Site Development Plans shall contain a common revision date with notation stating "Planning Board Approval", shall contain the Town's standard signature blocks, shall be signed and sealed by the Design Professional and shall contain the original signature of the applicant(s) and owner(s).
3. All applicable Town, County, City, State and Federal permits/approvals shall be obtained by the owner/applicant and copies of same submitted to the Planning Board and Building Department. Should the plans approved herein differ from those previously approved by an agency having jurisdiction, the applicant shall be responsible for obtaining amended permits/approvals, as determined necessary. The applicant has identified Westchester County Department of Health (WCDH) approval, which shall be obtained prior to the signing of the approved plans, unless otherwise noted.
4. The applicant shall submit a "check set" (2 copies) of the approved Site Development Plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
5. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the approved Site Development Plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chair and Administrator.
6. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
7. The applicant shall provide a written statement to the Planning Board Administrator acknowledging that they have read and will abide by all conditions of this Resolution.

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

8. Conditions #1 – #7 specified herein shall have been satisfied.

9. Following the endorsement of the final Site Development Plans by the Town Engineer, Planning Board Chair and Administrator, one (1) mylar set will be returned to the applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
10. Within ten (10) days after endorsement of the final Site Development Plans by the Town Engineer, Planning Board Chair and Planning Board Administrator, the applicant shall deliver to the Planning Board Administrator nine (9) printed sets of the final plans, collated and folded.
11. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).

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

12. No Certificate of Occupancy shall issue until all proposed improvements are complete to the satisfaction of the Building Inspector and the Town's consultants.
13. The applicants shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Other Conditions:

14. The applicant is responsible for the implementation of all plans and documents referenced herein.
15. The continued validity of a Certificate of Occupancy shall be subject to continued conformance with the approved Site Development Plans and the conditions of this Resolution.
16. All commitments, conditions and requirements set forth in this Resolution shall be binding upon the applicant, its agents, affiliates, transferees, successors and assigns.

ADOPTION OF RESOLUTION

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

The motion was moved by: Charlene Indelicato

The motion was seconded by: Jerome Kerner

The vote was as follows:

JANET ANDERSEN	<u>aye</u>
JEROME KERNER	<u>aye</u>
GREG LASORSA	<u>aye</u>
MAUREEN MAGUIRE	<u>aye</u>
CHARLENE INDELICATO	<u>aye</u>

Janet Andersen cc
Janet Andersen, Chair February 23, 2021