

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 996 8369 2527) on Tuesday, March 16, 2021 at 7:30 p.m. The audio recording of this meeting is 210316_001 and the YouTube link is <https://youtu.be/nFssxy98PPg>

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

Approximately 19 participants were logged into the Zoom meeting and 3 viewers on YouTube.

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

Janet Andersen: Hello everyone. I'm Janet Andersen and I'm calling to order the Town of Lewisboro Planning Board meeting for Tuesday, March 16, 2021 at 7:30pm. Before I go any further, I am confirming, yes, that Ciorsdan has started recording this meeting. The meeting is happening via Zoom and there is live streaming to YouTube on the Lewisboro TV channel. The public can view the meeting either place. And I have confirmed that the YouTube feed is active and working. In accord with the governor's executive orders, no one is that our official meeting location at 79 Bouton. I have also confirmed with Ciorsdan, our planning board administrator, that the meeting has been duly noticed and legal notice requirements have been fulfilled.

Joining me on the Zoom conference from the Town of Lewisboro are the members of the planning board, Charlene Indelicato, Jerome Kerner, Greg La Sorsa and Maureen Maguire. We do have a quorum and thus we can conduct the business of the board and vote on any matters that come before the board. Also with us are the planning consultant Jan Johannessen, and counsel Jud Siebert. Also planning board administrator Ciorsdan Conran and I have seen, yes, the CAC chair John Wolff.

The Governor's Executive Order Number 202.1, which has been renewed, enables the planning board to meet remotely and electronically to function on behalf of the town. In accordance with the executive order, we 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 is the only time we expect to take any public comments and I'll describe the process before we get, begin that hearing in just a minute. 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 everybody hear over the inevitable background noises. And to ease the recording of the votes I will poll board members individually. Okay let's get started.

I. PUBLIC HEARING, CONTINUATION

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

(2:38 – 14:24)

(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 first item on our agenda tonight is a continuation of a public hearing Cal. #03-20PB and Cal. #37-20WP. Gossett Brothers Nursery 1202 Route 35, South Salem New York. This is an application for a site development plan approval and wetland activity permit approval for an existing nursery. So, the public hearing opened in December 2020, was continued to our January and February meetings and again to tonight pending ZBA review, which did happen in February. So with the public hearing, the purpose of a public hearing is for the board to hear the comments of the public. The comments should be addressed to the planning board, not to the applicant. A public hearing is not meant to be a dialogue and in general the Board will not respond to comments at public hearing. But of course, the Board will take public input into consideration as we continue to review the application. And 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. 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. To speak at the meeting, please raise your Zoom hand. And we will ask speakers to give their name and address and ask that comments be kept short. So, with that I think the next thing would be to ask for an update from the applicant, and I assume, perhaps, Michael is here to talk to us about that.

Michael Sirignano: Well, I see Tim Cronin as well as well as Tom and Billy [Gossett]. I have nothing new to add. I have reviewed a proposed resolution. But we're here to answer any questions the public has or the board or Tim, do you have anything?

Tim Cronin: The plans, the plans that we are acting on tonight, hopefully, were the ones that were submitted in advance of the last meeting, and as I recall no action was taken, then, pending the results of the Zoning Board hearing, which I believe came back favorably for the applicant so. I think every every plan is pretty much what it's been since the start, a couple minor modifications but I think it's been looked over by the town's consultants and I think we're in pretty good shape.

Janet Andersen: So we, we have not received any official resolution from the ZBA so perhaps you could confirm that, I think there was both, you went with for both a variance and for the special use permit and just would like to hear from you that the the, what the ZBA said about those.

Michael Sirignano: Yes, for the record the Zoning Board voted unanimously to grant both to special use permit for the accessory winery and the side-yard setback variance for the trailer, the office trailer. And we have not yet seen a resolution in writing, but the board took the vote at last month's meeting and. And so, we feel that, we were in full zoning compliance, now, by reason of that vote.

Jud Siebert: I can, I can confirm, I've heard from both the Town Attorney and the Building Department which interacts with the ZBA, that both the variances and the special permit were granted. Sometimes there is a bit of a lag in terms of the preparation of a formal resolution but it was approved and most significantly, there was no modification or any type of change that was, you know, that resulted to the site plan that's been before the board, from the outset, as a result of that decision.

Janet Andersen: Great yes. I, I got a quick email from the ZBA administrator, but you know, obviously, thank you very much Jud for confirming that. So, with that, and I see no raised hands, are there any other, do any members of the planning board have any comments or questions around this?

Jerome Kerner: Well, I'd like to make a motion that we close the public hearing if that's appropriate at this time.

Janet Andersen: Perfect. I think it is. Do we have a second?

Greg La Sorsa: Second.

Janet Andersen: That was seconded by Greg. Any further discussion? I'm going to poll the board. Jerome?

Jerome Kerner: Aye.

Janet Andersen: Charlene?

Charlene Indelicato: Yes.

Janet Andersen: Greg?

Greg La Sorsa: Aye.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: And I also say aye or yes so, the motion carries. So we have closed the public hearing.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the public hearing for Gossett Brothers Nursery, 1202 Route 35, South Salem was closed at 7:39 p.m.]

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

Janet Andersen: Jan, I would like to ask you to walk us through the resolution.

Jan Johannessen: Sure. At the board's request at the last meeting our office prepared the draft resolution for tonight's meeting. It's a site development plan and wetland permit approving resolution. The property is described in the resolution as a 5.5-acre parcel at 1202 Route 35 in the R-2A zoning district. It's owned by Gossett Brothers Nursery Ltd. The property consists of an existing landscape nursery, several detached buildings housing, housing, the nursery business operations, a gravel parking lot, inventory and display and storage areas associated with the nursery. There is an existing residence, that the owner of the nursery resides at on the same parcel at the rear of the site. There are wetlands on the property that are jurisdictional to the Town of Lewisboro and the New York state DEC. And there are some minor improvements being proposed and in both the town of Lewisboro and the DEC regulated buffer areas. The main part of the application involves the proposal to establish an accessory winery business on the subject property. It also includes the installation of water treatment system and wastewater holding tank to support that use. The existing nursery is considered an existing non-conforming use for our zoning. And the winery is permitted under, underlying zone, subject to the issuance of the special use permit from the ZBA, which we heard was issued in February. There are some historic variances and permits relating to the property and the and, the use, the nursery use that are referenced in the resolution.

The, getting into the site plan components, there are 21 active parking spaces proposed, six of which are land, proposed to be the land banked. Under our zoning that they will be not installed that this time, those six spaces, and if they're determined to be required at a future date they can be installed subject to planning approval.

To compensate for the wetland buffer disturbance associated with the project, the applicants developed a pretty elaborate landscaping plan around the perimeter of the existing pond. The application has been referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law. The action was determined to be an unlisted action subject to SEQRA, and the planning board issued a Negative

Declaration on January 19, 2021. As mentioned by the Chair, there were several opportunities for public comment commencing on December 19, 2020 [December 16, 2020], the hearing was adjourned to January 19 and then again to the February 23 meeting then again to this evening at which time it was closed. Obviously, the plans that were put forward by Cronin Engineering and Wesley Stout have been referenced in the resolution. The conditions are, I don't think, anything out of the ordinary, typical conditions that you see in most of your resolutions. And I'll just point out condition number three identifies the outside agency approvals that we're aware of: the variance and special permit by the ZBA that we know has been granted. But the pending approvals are the water and wastewater systems to be approved by the health department and disturbance within the DEC hundred foot wetland adjacent area requiring an Article 24 wetland permit. Those are items that will need to be, permits that will need to be issued prior to the signing of the site plan. The remainder of the conditions, I think, are, are typical conditions of a project of this nature. Any questions I'm happy to run through that.

We did pick up today at a staff meeting that there was a bit of a duplicative condition, conditions 19 and 20 are very similar and we felt that 19 could be removed from the resolution as condition 20 covers that particular condition and then some. Regarding the applicant to keep copies of the resolution and the improved plans and the wetland permit and special permit on premises at all times. That's it.

Janet Andersen: Thank you, Jan. Any questions or comments on the resolution. And, and that change that Jan just mentioned, I think, is you know, probably not a necessary amendment but it's a better one, so if there isn't any, aren't any questions or comments, I guess, I would look for a motion to approve the resolution as amended.

Jerome Kerner: So moved.

Janet Andersen: Thank you, Jerome.

Maureen Maguire: I'll second.

Janet Andersen: Maureen. Any further discussion? Okay, so I will poll the board. Jerome.

Jerome Kerner: Aye.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Greg?

Greg La Sorsa: Aye.

Janet Andersen: Maureen?

Maureen Maguire: Aye.

Janet Andersen: And I also say aye so the motion carries. Thank you. One step forward. So, I'm glad we got this done. Thank you.

Michael Sirignano: Thank you all.

Maureen Maguire: Thank you all, good luck.

Gregory La Sorsa: Good luck.

[On a motion made by Mr. Kerner, seconded by Ms. Maguire, the resolution dated March 16, 2021, granting a Site Development Plan Approval and Wetland Permit Approval to Gossett Brothers Nursery, 1202 Route 35, South Salem. 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. WETLAND VIOLATIONS

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

(14:25 - 20:03)

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

Javier Valencia, owner, was present.]

Janet Andersen: Okay, and the next item on the agenda is the wetland violation, Cal. #01-20 WV and Cal. #12-20 WP. This is the Valencia residence, 1196 Route 35, South Salem, New York. And I do see Javier is here.

Javier Valencia: Hi.

Janet Andersen: Hi. Jan, perhaps you want to review where we are on this at this point.

Jan Johannessen: Sure. To date, the violation has been issued, I think the applicant has entered a plea and we've been looking for the submission of a site plan and a wetland mitigation plan. I had met with the owner and their design reps a couple months ago. We went over the plan to be submitted. We did receive a plan today by email that looked to be a wetland mitigation planting plan. I have not reviewed it yet, but it looks at first glance it looks to be [garbled].

Janet Andersen: Jan, maybe it's just me but you're breaking up a little bit, can you get either a little louder or a little closer to the mic or something?

Jan Johannessen: I'm not sure how much closer I can get. Is that better?

Various voices: That's much better.

Jan Johannessen: How much did you get; do you want me to start over?

Maureen Maguire: Yes, yes.

Jan Johannessen: So today a wetland violation has been issued and the owner has entered a plea. I had met with the owner Javier and his design rep a couple of months ago, via Zoom, and we went over what I thought would be the necessary submissions, the plans that would be required. We received some plans today. A wetland mitigation and planting plan. It looks to be consistent with what we talked about. Haven't reviewed in detail, but it looks to be heading in the right direction. We did receive a site plan that showed the driveway configuration and retaining walls. So, just receiving receiving them today, I haven't reviewed them completely, but I think we're starting to move in that direction and getting some information that we have been looking for. I would recommend this for the April meeting, having a meeting between our office and Javier. It looks like we're starting to move in a good direction.

Janet Andersen: OK so again, I think you broke up a little bit, but I'm going to make sure that everyone, including me, understood what I think you said, which is that it's moving forward and in the right direction, you want to have another meeting, probably a Zoom meeting, with Javier and his representatives, and we should look forward to seeing this again in April in a more, when when you'll have a chance to have reviewed the plans in more detail. That's good.

Janet Andersen: Javier, did you want to say anything?

Javier Valencia: I'm OK, I can meet with Jan again and probably Bernard [Marquez] can we meet with us again, but in terms of starting the litigation and the remediation of the wetland can we start any of that process, yet or no in terms of the planting?

Jan Johannessen: You can't technically start that work until a permit is issued, so we do need to review those plans. I think the planting plan is in very good shape, I just want to review it and hopefully we can reach out.

Javier Valencia: Sure, I'll just wait then.

Jan Johannessen: I'd like to see you know accomplish that this planting season so we'll work hard to get that.

Javier Valencia: OK.

Janet Andersen: Perhaps we can, you know if this is relatively complete in April, maybe we can move pretty quickly on that, so I think I think that the Zoom meeting between with with Jan would be the good next approach and that would, that's a good step. But thank you. I was pleased to see the the planting plan and the plans with the driveway and walls on them, so that's good good move forward motion, thank you. So, we will see you in April.

Javier Valencia: I'll reach out to Jan and to Bernard.

Janet Andersen: Great. Thank you.

Javier Valencia: Thank you.

Jan Johannessen: Hey, Jan, I'm gonna, I'm gonna sign off and try to come back on and see if that fixes the problem okay.

Janet Andersen: OK.

Javier Valencia: Good night, thank you.

Maureen Maguire: Thank you.

Cal #03-20WV

(20:03 - 21:14)

3 Beaver Pond, South Salem, NY 10590

Janet Andersen: So, the next right item on our agenda is Cal. #03-20WV and I am going to turn this over to Jud.

Jud Siebert: Since Jan signed off, I get the honors. We've had one Zoom meeting with the property owners. We have another one scheduled for next week. I'd ask that we carry this over to the April meeting so that we can have that conversation before this appears on an agenda again, I think it'll be helpful.

Janet Andersen: I think that's you know, obviously I take your -- oops, I was looking to admit Kellard and they just got in, okay. I take your advice on that, and so we will, if it's all right, with everyone.

Jud Siebert: It's on, it's it's actually you know it's on the town's request to adjourn to April to allow for a second meeting.

Janet Andersen: And so we'll have them on the calendar on April.

Jud Siebert: Thank you.

Janet Andersen: Thank you. Okay, and we do have Jan back on.

III. WETLAND PERMIT REVIEW

[Cal #13-21WP

(21:15 - 30:48)

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: Okay, so the next item on the agenda is a wetland permit review Cal. #13-21WP, the Strauss residence at 399 Pound Ridge Road, South Salem, New York, and this is the application for the construction of a sunroom and a deck. I know that Jan had planned a site visit to that, so maybe one of the things that we should ask for is a report from Jan and his assessment of the site visit.

Jan Johannessen: Sure. Can you hear me any better?

Janet Andersen: It seems better, yes. And I will say that Bob Eberts is also here to represent the applicant.

Jan Johannessen: The kids are on Netflix so I kicked them off, hopefully that helps. Yeah so I had an opportunity to visit the site last week with Bob Eberts and the owners and I'm glad I did, because I have a little bit of a different impression of the project and really what the the water course consists of. It's really a seep coming out of a hillside that's channelized in about a one-foot-wide stone lined channel. And it doesn't really run through the shed building as depicted on the plan, it kind of pops out of the ground and right at the foundation. So, you know I had originally thought hey maybe we could uncover the stream, where it was culverted. Those culverts do look in very good shape, and they do look like they could be historic. And now seeing the feature and realizing really what it is, I'm satisfied with the plan and the mitigation that was put forth. I did recommend at the field visit that they remove some invasives that were in the vicinity of the barn on the on the hillside. We also talked about potentially handling the storm water that comes from this small addition, in a different way. They had proposed a Cultec system that was uphill and in pretty close proximity to their septic and I thought. I had recommended that maybe it could be simplified and the small additional roof area could be sent to a planter or something of that nature to just dissipate flows. You know the they are going to engage a surveyor to have a proper survey done of the property and we have some outstanding comments, but I was glad I visited it because I got a different impression being there.

Janet Andersen: Yes, I, I guess, I should mention also that we have received some more submissions that showed, for example, that the where the location of the expansion area for the septic was going to be, and so we confident that that is not at all impacted by this plan and. So um.

Jan Johannessen: I did take photographs if anybody, you know, would like to see them I could share them this evening or I can email them to Ciorsdan and she could distribute.

Janet Andersen: Perhaps perhaps sharing them, just a couple, to to help us all share your your view of it.

Jan Johannessen: Looking back, I don't think that they're the greatest photos but give it a shot. Do you see that?

Janet Andersen: Well, I don't, but I have the slowest internet. I see four little indicators.

Janet Andersen: I see four little indicators.

Gregory La Sorsa: I see some tabs.

Jan Johannessen: Roger.

Janet Andersen: I guess the purpose of me doing this would be to ask whether or not you feel that this is something that would be appropriate to be handled administratively at this point... oop!

Jan Johannessen: See that one? All right. So this is on the far left corner of the the workshop that's going to be expanded. Right kind of in front of these evergreen shrubs is is the channel, this portion being in a culvert underground. So that's kind of the general work area. Bring this guy up, this is looking at the seep adjacent to the workshop building. Again stone lined, a foot or a foot and a half feet wide, a trickle of water and, as you can see it's, on the plans it's kind of depicted as this channel runs through the building. But this is you could see the slope behind behind the building it's just not there. There might be another seep kind of originating to the right of this photograph further upslope, but the main source of water is just kind of popping out of the ground adjacent to this foundation. And I think this was an old milk storage building and it probably kept the milk cold kind of thing, but really just a trickle of water and they're there it goes underground.

Maureen Maguire: Jan, I'm seeing the same photograph that you first put up. I don't know if anybody else is.

Jerome Kerner: Yeah.

Janet Andersen: Same problem here.

Jan Johannessen: Okay, this is not a success, I think I should stop sharing.

Maureen Maguire: Thank you for your effort.

Jerome Kerner: You get a C+.

Jan Johannessen: I could send some photographs to the board but. there's there's there's really not a whole lot to look. It is a small stone-lined trickle of water, coming from a seep that originates from the, adjacent to the foundation of the workshop.

Jerome Kerner: I had a question for Jud, does this meet the threshold for requiring a public hearing as a wetland application.

Jud Siebert: Like any wetland application application, you can refer this to an administrative route, if you if you want to if Jan's comfortable.

Jerome Kerner: Okay. So, I would move that we move this to administrative review as it seems to me it's being handled very sensitively and as Jan has pointed out, the environmental conditions are as accurately portrayed on the plan.

Gregory La Sorsa: Is that consensus or do we need a motion and a second?

Jud Siebert: That's a motion.

Gregory La Sorsa: If that's a motion, I'll second it.

Janet Andersen: Okay, and I think the one question I would ask is to ask you, Jan, I know you just mentioned that there were a couple of conditions that had to yet be addressed, but are you comfortable taking this administratively?

Jan Johannessen: Sure. Certainly.

Janet Andersen: Okay so um any other questions for either the applicant or Jan or anyone? Any other discussion before we poll the board? Okay, Jerome?

Jerome Kerner: Aye

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Aye.

Janet Andersen: And I also say aye so the motion carries and this will be handled administratively. Jan, I still I think I would be interested just in the photos just because of this historic property. I did drive by it, the other day, but I, and it made me even more interested to see it. So, if you could, if you could share them, that would be great, but I think I'm very comfortable with the motion that we have just passed.

Jan Johannessen: I just, I just sent an email to the board members, I copied Ciorsdan, so you have them.

Janet Andersen: Thank you very much.

Bob Eberts: Thank you very much for your time. You're welcome to come up to the site at any time, if you reach my office I'll coordinate the meeting. It's a it's an interesting property, it's worth spending a few minutes to walk through it.

Janet Andersen: Thank you, I did enjoy driving a little slower past it that there's not that much traffic out these days, so I was able to do that so. But great. Thank you.

Bob Eberts: Thank you, good night.

[On a motion made by Mr. Kerner, seconded by Ms. La Sorsa, the Board determined that the review of the Strauss Residence, 399 Pound Ridge Road, South Salem for the construction of a sunroom 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 #17-21WP, Cal #02-21SW

(30:50 - 51:08)

MacEachron Residence, 38 Gilbert Street, South Salem, NY 10590, Sheet 36D, Block 10806, Lots 11 & 12 (Daniel and Devon MacEachron, owners of record) – Application for the restoration of disturbed hillside, retaining walls, steps, walks, planting and dock.

[Daniel and Devon MacEachron, owners; and Louis Fusco, RLA, were present.]

Janet Andersen: So, the next item on the agenda is another wetland permit review. This is Cal #17-21WP, Cal #02-21SW. This is the MacEachron residence, I hope I said that right with St. Patrick's Day coming up so close, at 38 Gilbert Street, South Salem, New York and, and this is the application for the restoration of a disturbed hillside, retaining walls, steps, walks, planting and deck. Okay, so um. I think.

Louis Fusco: I am the landscape architect representing the applicant Dan and Devon who are also here as you can see. I'm I'm sure some of you are familiar with the project because it was here originally for a deck and an extension, now we're here to present the landscape plans and the restoration of the property. Just to give a little history, a few weeks back, we, our office had a meeting with Jan to review pre-submission our preliminary plans and today we did receive his comments on the existing plan that we submitted. If you let me share the screen right now, if that's good I'll show you the plans that have been submitted and and the rend, the modifications that we've made to the plan today, based on some of the comments that were received from Kellard Sessions' office.

Janet Andersen: Yes, please go ahead and share.

Louis Fusco: Are you seeing the screen here?

Charlene Indelicato: Mm hmm.

Louis Fusco: Yes, okay great so um I'll Zoom in a little bit on the actual site plan and actually I may start just to familiarize yourself a little bit with some of the photos. This is the existing conditions, right now, the access way and it's a pretty steep slope down to the lake. There's silt fencing down and a bermed area that is stopping any water that's coming down. You can see the, you those that are familiar with the area, know on Gilbert the severity of the the slope and the hillside there. This is the existing house with some steps down to the entry of the house. Existing steps, I'm just showing you these because we're making some changes to make them a little bit safer and more year round friendly for the applicants and the homeowners. Existing shed in location, this was the location of an existing generator and we've got a new generator and propane tank that's going in. Some new screening trees that just went in on the property line this fall. I'm going to go back to the, return to the site plan. Hold on one second I just need to. [pause] Thank you for your patience, it's moving a little slow today.

Okay, so um what we have on our plan here that was submitted is reworking of the stairs to be a more formalized stairs. There are existing walls and the hillside that are being reworked to create more level terraces to stop water that's flowing down. All the walls are under four feet, most of them are about 2 – 2 ½' within these areas here. We have a new generator located in this corner here. The old generator, propane tank, and all was here. The generator was down below and a buried propane tank up in this area here. We have a actually received a letter from the neighbor at 36 Gilbert who is in favor and sent in their favorable reaction to the plan and location of the generator and the overall site plan.

The comments, one particular comment from the, from Jan, was that that we're showing right now three accesses from the street: one here a service to the shed, and one path along the side, as well as the main path. And what we have done in our new plans has been to remove two of those three access points. Currently, there is a, this is a planted area and, if they, if the client or their landscaper needs to get in, it's an easy enough area that they can wheel, the wheelbarrow down to come along here. We've eliminated the steps along the side, the shed as well, and another comment was that we have on that the stone piers, at the end of the sidewalls to the stair were extending, one of them was extending past the property line so those have now been moved in off the, onto our property, so if there's no structure that's other than the path that continues to the existing parking area at the road. So those changes here have been made to with regard to hardscape.

The other major plan change was on the original plan existing land were a set of stone slabs, stones in the lower area here which have also been removed, the dock is being removed, the existing dock, and a new dock is being relocated that met the lake association's review and location and size and has been approved and we've received approval from the lake association for this dock. The other changes or components of the design is there's a section of the wall here that has fallen down that is being rebuilt. We're proposing some stepping stones to the new dock and a portable boat rack storage area here. We have a pretty extensive mitigation, native planting wetland mitigation plan for this area of the lower area we're creating a low-mow zone. We're eliminating all the the invasive species that are right now at the edge of the of the lake and replacing them with pretty extensive mitigation plantings within those areas. The remainder of the site is also being vegetated, very minimal hardscape other than some minor terrace walls. There'll be some free stone stepping stones will be located in this area, with the possible birdbath. The seating wall will relocate here.

The plan is now also indicated, I could go through Jan's actual comments, you know, to finish the presentation, but one of his comments also was regarding our utilities so we're now showing the connections. This blue line here indicates the connection from the the generator to the house, the electrical connections will connecting there and the propane connection from the generator to the propane tank. The existing water line was not shown on the original survey and that's now being shown. We actually one of the comments, also on Jan's letter, was for an updated survey and the client my clients have retained the surveyor, they're actually coming out tomorrow to do an updated survey, so there will be an updated survey. The his recommendation was that this would be an administrative approval since most of it is really landscaping there's no major structures, but you know some simple sitting walls and retaining walls and we think that, overall, knowing and seeing the property we've now created extensive terraced areas that will take any water and allow it to infiltrate down the hillside in at different levels, before anything runs to the lake. Not to mention that we have these extensive planting zones that will mitigate any any plantings that do end up even getting down to the low-mow area.

A couple of other minor things you can see these red circles here are the are two new splash pads, he had asked us to take a look at the splash pads, splash pads are all located from the leaders from the house and those have all been indicated and noted. The construction sequence has been added to as well on the plan, there were a couple of items that he was hoping that we would elaborate on some more. And thinking from the design point of view that that covers pretty much everything. I could go through quickly and see if there's anything I missed in his comments of the letters. As I mentioned we're hopefully looking to be, to get started to capture some of these get the installation of some of these walls in and bring back the site to a normal condition before we get too far into the spring and are able to plant it and also, obviously, the sooner that we could move forward on this will be great. We. Plans. There were some issues with the plans being some of the lines being line being a little light they're all being adjusted and have been, will be submitted resubmitted to Jan, for his work. There was a comment about the silt fencing, we have proposed silt fencing in some areas. Jan's comment was that it should all be in line with the lake and horizontal in some areas we did turn it on slight different angles, primarily just as sort of overkill for areas that we were worried that they might overflow to the neighbor's property without any control factors. So we took a look at that, to see if there was anything that's still needed to be added in that area and made some

adjustments, but that. The hardscape is all been adjusted and eliminated, and you know and the access to the main residence has been reduced to just the one area one set of steps, instead of the three areas.

Janet Andersen: Thank you um yeah so you guys have been busy and it is clear that that you did, you know, note some of the comments and responded to them. I'm I was, I had been concerned about the amount of basically impervious surface and I think this does, removing some of these pieces, especially the one down by the lake I think all helps. And I guess, I would ask if anyone has any questions or comments for the for the applicant.

Charlene Indelicato: Just one question, you removed the access by the generator and the propane tank, how do you, how is the propane tank going to be filled?

Louis Fusco: The propane tank is actually up at this level here and can be reached right through this area from . The actual fill would be right in this area, the top of the tank is in, in essence, is only about a foot or so below the level of the ground up in this area so they'll be able to just step here and access it from this point.

Janet Andersen: And not hearing any other questions, I do have a question, so the the removable boat rack I'm not quite sure what that looks like but I've often seen ones that are accessed from two sides. Does this will this require somebody to go on to the neighboring property to put boats in or how....?

Louis Fusco: This will be more of a lean-to type scenario that it'll have a backing here and a top, and so the backing would run the on the property line so they would access the boats from this side here.

Janet Andersen: Okay, so that um that isn't enough to make it a structure that we have to worry about? Maybe because it's removable?

Louis Fusco: Yes, it's really more of a rack and and can be lifted up and moved.

Janet Andersen: Okay, good. And you said that you had a document that said that the Truesdale [Lake] Association had approved this or I might not have the name of the association quite right had approve the dock as proposed?

Louis Fusco: Yes, I could probably if you give me one second I'll find it in my, or we could definitely provide that to you.

Janet Andersen: If you.....

Louis Fusco: Here it is here.

Devon MacEachron: It's the TLPOA is the correct lake association.

Dan MacEachron: Truesdale Estates Association.

Louis Fusco: TEA.

Devon MacEachron: Oh, whoops.

Janet Andersen: Yeah, I know I know there are two of them and they both have Truesdale in them. Okay.

Dan MacEachron: They wrote back to tell us that we were approved and ask that we signed the agreement, which we did, and what the agreement that we commit to is simply that will remove the existing dock obviously as we build a new one, so that we don't have two docks, which of course we don't want.

Janet Andersen: Great, okay.

Devon MacEachron: And also, we don't have to have that boat rack either. We could we could figure out a way to put our kayak under the deck or something.

Janet Andersen: No, I just I, my concern because I've seen the ones that are sort of like Ts or Ys and you access them from both sides, and I just wanted to make sure we weren't going to have you having to walk around to the neighbor's property.

Devon MacEachron: Right.

Janet Andersen: If it's a one-sided thing or something and I think that's okay.

Dan MacEachron: If we have something that would be one sided but we're not even convinced we need one.

Janet Andersen: Well, I you know people do build, start with one boat and end up with an armada. I know how that works so, okay um Any other questions or comments? Maybe we could stop sharing for a second, so I could see everyone.

Louis Fusco: Okay sorry.

Janet Andersen: No, no that's that was very helpful to look at the plans um. Jan do you, would this be something that at this point, having seen some of the changes. do you think that this, you're ready to have this go administrative or would you like some chance to look at the submissions.

Jan Johannessen: You know I think they. I wasn't expecting any any response from this evening and just having prepared the memo, but I think they hit just about everything in the memo. The big-ticket items anyway. So yeah, I'd be comfortable with it being handled administratively. I do think that there needs to be a referral to the Building Inspector for zoning just because there are some a lot of regs in the zoning code dealing with fences and walls within the setbacks and such and you know the boat rack should be reviewed so just an overall zoning review by Joe would be helpful, but that could take place, you know, in the context of an administrative review as well, so I am comfortable, having seen those changes.

Jud Siebert: Yeah, I'd say just if we have a consensus to get it to the Building Department, that should happen as a matter of course and then you can make a decision, whether you want to go, you know the administrative route or not by a motion.

Janet Andersen: All right, so I'd look for consensus to send this to the Building Inspector, which I guess since its consensus we can all do a sort of thumbs up or thumbs down. Okay, everybody seems thumbs up, so we have consensus to to refer this to the Building Inspector for any zoning compliance or you know other issues that may he may identify with the walls, for example, and then.

[The board reached consensus to refer the revised plans to the Building Inspector for zoning compliance.]

Janet Andersen: If we are okay, I guess, I would look for a motion to make this administrative.

Jud Siebert: You have a question from the applicant, Janet.

Janet Andersen: Sorry.

Dan MacEachron: I just was going to mention I believe Jan that Joe will also need to approve the generator and tank wouldn't he?

Jan Johannessen: Yeah, I mean those are building permit applications, you might need for the walls anyway, but usually, before you get to that stage we do a kind of high level zoning compliance review.

Dan MacEachron: Yeah, okay great. Sorry.

Janet Andersen: No, no, quite all right. I'm sorry I didn't see you um so. I guess again, I would look up go ahead Charlene.

Charlene Indelicato: I moved to look at this matter administratively.

Maureen Maguire: Second.

Jerome Kerner: Maureen seconded.

Janet Andersen: Okay, and so any further discussion on this? All right, I'll poll the board, Jerome?

Jerome Kerner: Aye.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Gregory?

Gregory La Sorsa: Aye.

Janet Andersen: Maureen?

Maureen Maguire: Aye.

Janet Andersen: And I also say yes, aye, so the motion carries. Thank you, Jan for taking this administratively and I want to say thank you for being so responsive to a memo and I think you really did hear concerns. I, I will say I was, I thought there was an awful lot of hardscaping stonework there and I, I really think you have been, you listened and and responded, so thank you.

Louis Fusco: Thank you.

Dan and Devon MacEachron: Thank you, thank you all very much.

Maureen Maguire: Thank you.

Janet Andersen Oh, and happy St. Patrick's Day.

Dan and Devon MacEachron: Thanks everyone. Bye bye.

[On a motion made by Ms. Indelicato, seconded by Ms. Maguire, the Board determined that the review of the MacEachron Residence, 38 Gilbert Street, South Salem for the restoration of disturbed hillside and installation of

retaining walls, steps, walks, plantings and a dock 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.]

IV. DISCUSSION

Cal #2-21PB

(51:09 - 1:04:32)

Coveney Residence, 32 Quincy Court, Goldens Bridge, NY 10526, Sheet 7I, Block 11127, Lot 32 (Allison and Matthew Coveney, owners of record) – Application for the installation of solar panels.

Matthew Sprake, Tri State Solar, was present on behalf of the owners.]

Janet Andersen: OK. The next item on our agenda is a discussion item, it's on the Coveney residence, 32 Quincy Court, Goldens Bridge, New York. This is an application for installation of solar panels and, as Jan explained it to me, this is something because it's in a multi-family area with with site plan approval it comes to our board so Jan and perhaps you could.

Jan Johannessen: Yeah we've, the Boards had to deal with these type of permits in the past. There's a nuance in the in the zoning code that requires site plan approval for any building permit issued in a multifamily zone. So in Wild Oaks we've had to deal with this before with decks and sheds and generators and things of that nature and usually try to handle them as expeditiously as possible. In this case, the applicant made an application for a roof-mounted solar panels that require a building permit that then triggered the site plan. And they submitted maybe last week. I thought that they would go on the April meeting, and then we thought well, maybe we'll discuss it with the board. It is something that needs a resolution, but if the Board was comfortable I could have that prepared potentially for the April meeting so you know we're kind of one step ahead of things. So, it's really, I'm not sure that the applicant's with us tonight.

Matthew Sprake: I'm actually here right now.

Jan Johannessen: Okay cool.

Matthew Sprake: I'm Matt from Tri State Solar.

Jan Johannessen: Okay yeah, I've met with Matt and they were just Matt can answer any questions you have but that that's why it's here.

Janet Andersen: I guess my question would be, I'm seeing Jerome, but let me, maybe first follow up, so my understanding is by this being solar panels there's no ground disturbance, nothing gets put on the you know, on the ground it's all either on the roof or a connection to the electrical panel.

Matthew Sprake: Correct, there's no structure change being made nothing nothing, no eyesores happening, it's all flat to the roof plane. And it's abiding by all New York State codes. The only reason that I see it being brought to the planning board is that it's on the multifamily building, but the homeowner does own the roof, along with the entire property it's not that they just own the house, they own the property with it so. I just feel like the Planning Board, we have to get through this, get pushed through the Building Department.

Janet Andersen: Okay. Jerome, I saw you had your hand up.

Jerome Kerner: Yeah, I would think that the only concern affecting the neighborhood would be the viewshed, what who has a view of these panels and you say it's flat with the plane of the roof, is it is it a pitched roof or is it a flat roof?

Matthew Sprake: It is pitched roof, correct.

Jerome Kerner: A pitched roof, and so you know, would there be a plan or photographs of the house that would I mean it's all it's purely visual and whether or not this is going to reflect on to somebody else's windows and be a disturbance because they can, you know, the sun reflects off these panels and depending on the angle could affect adjacent or nearby residences. That's the only consideration, I would make on this one.

Matthew Sprake: Yeah and across the street, you know I know that this particular multifamily dwelling is not part of a homeowner's association, but there's homeowners associations to the left and to the right. And there's solar panels, all the buildings look very similar to each other, and many of them already have solar on them in this example. So, if you look at the, I don't have an example in front of me that I can share, but the back of the house goes to trees, where there's no neighbors and it's probably 50 or 60 feet in the air. That are you know 40 to 50 feet in the air. The front of the house is on a circular lot and across the street there's there's trees in the middle, that would block any neighbors from seeing the front, which is a low pitch so there's no possible way that any neighbors can be disturbed by sun glare by the way that it's structured.

Janet Andersen: Yeah I did look at the, at a Google map and it did look like it was a separate property not you know not in a courtyard or anything with a with a somebody, you know, right against it. I guess if there's I would be willing to suggest that we ask Jan to prepare a resolution for next month's meeting if I'm, if I if the board agrees.

Gregory La Sorsa: Well, just following up on what Jerome had said, have the neighbor has been apprised of this, it has, it, has there been any objection?

Matthew Sprake: I haven't seen any objection. I know she's very friendly with all of our neighbors and like I said almost directly across the street, there is a similar solar installation that's exactly what I'm trying to do. The only reason it's that that house's part of a homeowner's association, I believe I don't know how the Wild Oaks works you know these homeowners associations. I know that it's so intertwined in weird ways.

Jerome Kerner: Could you give me the address again I can bring it up on Google maps.

Gregory La Sorsa: Yeah sure it's hard to see I just looked at it on Google maps you can't get a street view because of where it's located but it's 32 Quincy Court in Goldens Bridge.

Jerome Kerner: Can you get an aerial or a satellite view?

Gregory La Sorsa: Yeah.

Jan Johannessen: I could. I could share my screen again. They submitted an aerial with the the application.

Gregory La Sorsa: You can get an aerial view Jerome.

Jan Johannessen: Some woods behind the unit.

Matthew Sprake: It's also the highest building out of the ones surrounding it.

Gregory La Sorsa: It's I it seems like that, I mean it's right off 138 so it's in my neck of the woods, I mean it's, the only thing I mean it's it's it's pretty densely populated over there.

Jerome Kerner: Is that near Fairmount?

Gregory La Sorsa: Yes.

Jerome Kerner: Oh yeah. OK. So, the panels would be on the on the east east slope or the or the west slope?

Matthew Sprake: On the both, on the front of the back, east and west, good for solar.

Jerome Kerner: Front and the back, okay.

Matthew Sprake: North north roof is not good for solar, east and west produce.

Gregory La Sorsa: Jud is there any type of like you know publication requirement and public hearing requirement on something like this?

Jud Siebert: Well, what they're asking for Greg is a waiver of site plan review procedures that would bypass all of that um. Maybe something to do is if we draft a resolution, but we asked the applicant to come in next month with some better visual representation of what this looks like for neighbors. That shouldn't be too hard a task, maybe not a full photo simulation but at least something to give us a better sense of perspective as to where they're going to where the panels will be, and you know how they'd be viewed I and then, if the board's comfortable, we could you know, make a decision then.

Jan Johannessen: Maybe get some letters from neighbors if there in agreement.

Jerome Kerner: Yeah, that's what I think I mean we're dealing with the visuals here not any abstract code requirement.

Gregory La Sorsa: Yeah, I'm just a little uncomfortable I'd like to see what they what the neighbors are going to say.

Jud Siebert: Yeah, I think it's a good idea.

Jerome Kerner: What's the address again?

Jan Johannessen: 32 Quincy Court.

Janet Andersen: My sense is we're just going to see a lot more solar going in and it's going to become a lot more common sort of like utility poles or anything else that are around you know people are going to get used to seeing solar panels as a or a chimney or you know anything so.

Gregory La Sorsa: I don't know that we want to be using utility poles as a positive reference but....

Janet Andersen: No, it's not I mean it's not necessarily positive reference is just something we've all kind of you know today they.... You know everything would be underground if well and it's new stuff is, because that's that's evolved, but I think people are going to be doing that so I I do, like the idea of asking for this to try to move along as as expeditiously as possible and assuming that the neighbors are okay with it so um I guess I would look for do I need do we need consensus, Jud to.

Jud Siebert: I think we just need a consensus from the board to start a resolution, but I also think the applicant needs direction as to what to do to you know, in terms of allaying some of those concerns and I think what I'm hearing is to endeavor to get, you know responses or affirmative responses from neighbors, but I also think you know, a better visual representation and again I'm not I don't think we need to go to you know full blown photo simulation but just something to get the you know, give the board a better sense of perspective in terms of elevation as to what these are going to look like.

Jerome Kerner : Yeah, I've got a better Google map photo here satellite view and I just have a question can I share this and maybe you could answer the question.

Matthew Sprake: Surely.

Jerome Kerner: Do you mind that? It might cut some of the questions short. So here we are here, this is 32.

Gregory La Sorsa: Right.

Jerome Kerner: Are these units here on Peach Court, are they higher or lower, I can't tell.

Matthew Sprake: Lower.

Gregory La Sorsa: Looks like they are lower.

Jud Siebert: They look lower but yeah.

Jerome Kerner: So, so this is really a high point here, is that right?

Matthew Sprake: Correct.

Jerome Kerner: Okay.

Matthew Sprake: And the house is the highest on the left side and 32 is the highest on that on that multifamily dwelling.

Jerome Kerner: It's the highest yeah and then looking to the east. What's directly across like it looks like there's.

Matthew Sprake: There is a tree in the middle in between them in the center of that circle lot which.

Jerome Kerner : Right here.

Matthew Sprake: Yeah. that actually screens the that building.

Jerome Kerner: Because there's a unit here, that would be looking straight up the hill, but you're saying it's blocked.

Matthew Sprake: Correct. [barking]

Jerome Kerner: It would be a good idea to formalize this with a photograph or maybe a photograph from this house looking in that direction.

Matthew Sprake: I think what I have to do, in my opinion, right now is to go around and get letters from all the neighbors that can see this installed from their home as well as get photos from their perspective, so that we can discuss it in the next meeting.

Gregory La Sorsa: Perfect that'd be great.

Jud Siebert: And I if I think there's also I think there's consensus to have a resolution ready to go if the Board's concerns are satisfied, and you know we can move from there. I mean, this is a quirk it's a it's a strange quirk in the in the Code, but I think the idea behind it, or the rationale behind it was that if you have multifamily development you're going to have higher density development and somebody pulling the building permit in that type of development that's going to be more of an impact potentially on surrounding properties, which is why the site, you know site development plan, you know, was called for but it can be waived so let's see what it looks like and if we resolution adopted and everything looks good next month, we can we can take care of it.

Matthew Sprake: I appreciate you getting me on to this month's meeting so we could get the ball rolling and get get on to April like we were supposed to in the first place, thank you.

[The Board reached consensus for Mr. Johannessen to prepare a resolution for the installation of solar panels at the Coveney Residence, 32 Quincy Court, Goldens Bridge.]

V. MINUTES OF February 23, 2021

(1:04:33 – 1:05:15)

Jerome Kerner: I make a motion for approval of February meeting minutes.

Gregory La Sorsa: I'll second that.

Janet Andersen: Great.

Jud Siebert: That was fast.

Janet Andersen: Any discussion of our verbatim minutes? Our transcribed minutes, I guess, they are.

Gregory La Sorsa: Good transcription.

Janet Andersen: So, I will poll the board, Jerome?

Jerome Kerner: Aye.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Greg?

Gregory La Sorsa: Aye.

Janet Andersen: Maureen?

Maureen Maguire: Aye.

Janet Andersen: And I also vote to approve the minutes.

VI. NEXT MEETING AND ADJOURNMENT

(1:05:16 – 1:06:48)

Janet Andersen: So that is done so with that, I think we just announced our next meeting date is October , sorry, April 20, 2021 and I wish everyone a happy St. Patrick's Day. We didn't quite make the, you guys set tough targets of 8:15 but it. I guess I would look for a motion to adjourn at 8:37.

Gregory La Sorsa: I'll make a motion to adjourn at 8:37.

Janet Andersen: Thank you.

Maureen Maguire: I'll second.

Janet Andersen: Thank you Maureen and I'm gonna poll, Jerome?

Jerome Kerner: Aye, but I have a comment. We would have been closer to 8:15 but I didn't take into account your lengthy introduction of Governor Cuomo's requirements etcetera.

Jud Siebert: That was, that was at my insistence.

Janet Andersen: That that's going on the record, to say why we're meeting in this way is standard I you know and....

Jerome Kerner: But it was 12 minutes.

Janet Andersen: Well, I will try to read them more speedily in the future okay so we're still having a discussion on the motion to adjourn, but I think it's not going to be 8:38 all right so.

Janet Andersen: Aye from Jerome. Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Greg?

Gregory La Sorsa: Aye.

Janet Andersen: Maureen?

Maureen Maguire: Aye.

Janet Andersen: And I also say yes let's adjourn so. Thank you all.

Gregory La Sorsa: Thank you all.

Various voices: Good night all. Happy St. Patrick's Day.

[On a motion made by Mr. La Sorsa, seconded by Ms. Maguire, the meeting was adjourned at 8:38 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Ms. Maguire.]

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ciorsdan Conran". The signature is fluid and cursive, with the first name "Ciorsdan" and last name "Conran" clearly distinguishable.

Ciorsdan Conran

Planning Board Administrator

RECEIVED BY

MAR 18 2021

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD**

**SITE DEVELOPMENT PLAN APPROVAL
WETLAND PERMIT APPROVAL**

**Gossett Brothers Nursery
1202 Route 35**

**Sheet 10805, Block 46, Lot 31
Cal #03-20PB and Cal #37-20WP**

March 16, 2021

WHEREAS, the subject property consists of ±5.5 acres of land and is located at 1202 NYS Route 35 within the R-2A Zoning District ("the subject property"); and

WHEREAS, the subject property is identified on the Town Tax Maps as Sheet 10805, Block 46, Lot 31; and

WHEREAS, the subject property is currently owned by Gossett Brothers Nursery, LTD ("the applicant"); and

WHEREAS, the subject property contains an existing landscape nursery and is developed with several detached buildings housing the nursery's business operations, gravel parking and inventory display and storage areas; and

WHEREAS, an existing residence is located on the same parcel, located to the rear of the site, which is occupied by a principal of the applicant; and

WHEREAS, the subject property contains wetlands that are jurisdictional to the New York State Department of Environmental Conservation (NYSDEC) and the Town of Lewisboro; and

WHEREAS, the applicant is proposing to establish an accessory winery business to be located within the existing nursery building and is also proposing the installation of a water treatment system and wastewater holding tank on the subject property; and

WHEREAS, the applicant has made application to the Planning Board for Site Development Plan Approval and a Wetland Permit; and

WHEREAS, the existing nursery is considered an existing non-conforming use and the winery is permitted within the underlying zone, subject to the issuance of a Special Use Permit from the Zoning Board of Appeals; and

WHEREAS, reference is made to variances granted by the Town of Lewisboro Zoning Board of Appeals, dated October 18, 1963 and June 26, 1973; and

WHEREAS, the Zoning Board of Appeals has, by Resolution adopted on February 24, 2021, issued a side yard setback variance and Special Use Permit for the proposed winery; and

WHEREAS, the proposed Site Plan includes 21 active parking spaces, six (6) land-banked parking spaces, and one (1) ADA-accessible parking space; and

WHEREAS, reference is made to the Business Plan prepared by the South Salem Winery, dated September 24, 2020 and by Gossett Brothers Nursery; and

WHEREAS, to compensate for disturbance proposed within the wetland buffer, the applicant has developed a wetland mitigation plan which consists of the installation of native planting around the perimeter of the on-site pond; and

WHEREAS, the application has been referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law; and

WHEREAS, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617 and the Planning Board issued a Negative Declaration of Significance on January 19, 2021; and

WHEREAS, a duly noticed public hearing was opened on December 18, 2020, adjourned to January 19, 2021, adjourned to February 23, 2021, and adjourned to and closed on March 16, 2021, at which time all interested parties were given an opportunity to be heard; and

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

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Site Development Plan Approval, subject to the below conditions; and

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

Prepared by Cronin Engineering, dated (last revised) January 15, 2021:

- Site Development Plan (Drawing No. SP-1.1) (Sheet 1 of 2)
- Utilities, Truck Turning & Parking Details (Drawing No. SP-1.2) (Sheet 2 of 2)

Prepared by Wesley Stout Associates, dated (last revised) November 12, 2020:

- Cover Sheet
- Landscape Layout: Proposed Lighting & Buffering Plan (Sheet L-1.0)
- Landscape Layout: Planting Plan (Sheet L-2.0)

Prepared by Apex Lighting Solutions, dated November 10, 2020:

- Lighting Plan

BE IT FURTHER RESOLVED THAT, the installation of the six (6) designated land-banked parking spaces are hereby waived in accordance with Section 220-55H of the Zoning Code; and

BE IT FURTHER RESOLVED THAT, Site Development Plan Approval, defined as the signing of the approved plans 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; and

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

BE IT FURTHER RESOLVED THAT, in the granting of this Wetland Activity Permit, the Planning Board has considered and evaluated both wetland and wetland buffer functions and the role of the wetland and wetland buffer areas in the hydrologic and ecological system and has

determined that the impact of the proposed action upon the public health and safety; special concern, rare, threatened and endangered species; water quality and wetland and wetland buffer functions has been avoided or minimized to the maximum extent practicable. In this determination, the Planning Board has taken into account the factors listed under Section 217-8A of the Wetland and Watercourse Law; and

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED THAT, conditions #1 – #9 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

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

1. The applicant shall satisfy all outstanding written comments provided by the Town's professional consultants.
2. Each and every sheet of the approved plans shall contain a common revision date with notation stating "Planning Board Approval", shall contain the Town's standard signature blocks, shall be signed and sealed by the design professional and shall contain the original signature of the applicant(s) and owner(s).
3. All applicable Town, County, City, State and Federal permits/approvals shall be obtained by the owner/applicant and copies of same submitted to the Planning Board and Building Department. Should the plans approved herein differ from those previously approved by an agency having jurisdiction, the applicant shall be responsible for obtaining amended permits/approvals, as determined necessary. The applicant has identified the following outstanding outside agency approvals, which shall be obtained prior to the signing of the approved plans, unless otherwise noted:
 - a. Variance and Special Use Permit Approval from the Town of Lewisboro Zoning Board of Appeals (ZBA) – Approvals Granted
 - b. Approval of the water system and wastewater storage tank through the Westchester County Department of Health (WCDH) – Approval Pending
 - c. An Article 24 Freshwater Wetland Permit for disturbance within the New York State Department of Environmental Conservation (NYSDEC) 100-foot Wetland Adjacent Area – Approval Pending
4. The applicant shall submit an engineering/inspection fee equal to 5% of the estimated cost of construction (site work and landscaping only as determined by the Town Engineer). Said estimate shall be prepared by a Licensed Professional Engineer and shall include unit costs, total costs and quantities for proposed site improvements; said estimate shall be provided by the applicant, in writing, and approved by the Town Engineer.
5. The applicant shall submit the final approved plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's Consultants.
6. Following review and revision (if necessary) of the final approved plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the final approved plans for final review by the Town Engineer and endorsement by the Town Engineer, Planning Board Chair, and Administrator.

7. The applicant shall submit a "check set" (2 copies) of the approved plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
8. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
9. 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:

10. Conditions #1 – #9 specified herein shall have been satisfied.
11. Following the endorsement of the final approved 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.
12. Within ten (10) days after endorsement of the final approved 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.
13. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).
14. No tree removal, demolition, or site related work shall commence prior to the issuance of a Building Permit.
15. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant, construction manager, Building Inspector, Town Engineer, and Town Planner. Prior to the site visit, all erosion and sedimentation controls shall be properly installed by the applicant and the limits of disturbance shall be staked by a NYS Licensed Land Surveyor and a construction fence installed along said limits.

Conditions to be Satisfied During Construction:

16. All development activities shall be completed in accordance with the final approved plans. For any reason, should modification to these plans be deemed necessary, the applicant shall immediately contact the Town's Professional Consultants and Building Inspector to review same and to determine if Amended Site Development Approval is required. Any change to the construction details approved as part of the Site Development Plan shall be reviewed and approved by the Town's Professional Consultants and/or the Building Inspector, as applicable.

17. During construction, the Town's Professional Consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Site Development Plans.
18. Site related construction activities shall be supervised by a NYS Licensed Professional Engineer.
19. A copy of this Resolution, the approved plans, the Wetland Implementation Permit, and the Special Use Permit shall be kept on site at all times.

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

20. No Certificate of Occupancy shall issue until all proposed improvements, both site and building related, are complete to the satisfaction of the Building Inspector and the Town's consultants.
21. The applicant shall obtain and submit all applicable certificates of compliance from the regulatory agency having jurisdiction (to the extent said agencies require issuance of same).
22. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an as-built survey, signed and sealed by a NYS Licensed Land Surveyor and Professional Engineer, demonstrating compliance with the approved Site Development Plan. This survey shall be prepared to the satisfaction of the Town Engineer and Building Inspector.
23. The applicant is responsible for completing all required landscaping prior to the issuance of a Certificate of Occupancy. In the event that the request for a Certificate of Occupancy is made outside of the growing season and this condition cannot be satisfied due to weather conditions, the applicant may elect to establish a landscaping bond (8-month maximum expiration date), or other form of security found acceptable to the Planning Board Attorney, for the full plant and installation costs (plus 10% contingency), all to the satisfaction of the Town Engineer and Planning Board Attorney. Prior to the issuance of a certificate of occupancy or the release of the bond, an as-built planting plan shall be prepared to the satisfaction of the Town's consultants and submitted to the Planning Board.
24. An as-built planting plan shall be prepared by a NYS Licensed Landscape Architect.
25. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans.
26. The applicants shall obtain a Wetland Certificate of Compliance from the Town of Lewisboro Wetland Inspector.

27. The applicants shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Conditions of the Wetland Activity Permit

28. All plants shall be installed between April 1st and June 1st or between September 15th and October 15th; plant substitutions, if any, must be previously approved by the Town Wetland Inspector prior to installation.
29. The applicants shall employ the services of a qualified wetland scientist or landscape architect to oversee and inspect the implementation of the wetland mitigation plan. Said wetland scientist shall be on-site to inspect all phases of work associated with the invasive species removal and wetland buffer planting program.

Other Conditions:

30. The applicant is responsible for the implementation of all plans and documents referenced herein.
31. Landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant shall be responsible for any re-grading, replanting, or irrigation necessary to ensure that the landscaping is installed and maintained in accordance with the approved plan.
32. The applicant shall be responsible for proper irrigation of trees, shrubs and herbaceous plantings shown on the landscaping plans. The applicant shall initiate an irrigation program immediately following plant installation through the month of November and shall resume watering throughout an additional full growing season.
33. The applicant shall be responsible for ensuring that parking spaces are utilized in a manner consistent with the approved Site Development Plan and the requirements of this resolution.
34. All signage, if any, shall be fully compliant with Chapter 185, Signs, of the Town Code of the Town of Lewisboro. No signs, lights or other materials or devices, except as approved and detailed on the approved plans, shall be permitted to be supported, hung, flown, or otherwise attached to site buildings, structures or the site grounds. The applicant shall obtain any and all approvals from the ACARC relating to signage.
35. All exterior lighting shall be turned off during non-operating hours.
36. 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.

37. All commitments, conditions and requirements set forth in this Resolution shall be binding upon the applicant, its agents, affiliates, transferees, successors and assigns.

ADOPTION OF RESOLUTION

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

The motion was moved by: Jerome Kerner
The motion was seconded by: Maureen Maguire

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 March 16, 2021