

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 967 2625 1981). The audio recording of this meeting is 051821.mp3 (timestamps are based on this audio recording) and the YouTube link is <https://www.youtube.com/watch?v=ALNblStDMKc>; due to an internal error message the live streaming to YouTube was delayed 15 minutes.

Present: Janet Andersen, Chair  
Jerome Kerner  
Charlene Indelicato  
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 27 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: Okay it's 7:30 so I'm Janet Andersen. I'm going to call to order the Town of Lewisboro Planning Board meeting for Tuesday May 18, 2021 at 7:30pm. This meeting is happening via Zoom and we are trying to live stream it to YouTube, but we are getting an error, so that is not happening at the moment. We will, I think Ciorsdan is continuing to work on that so, we, you know but, but I think the public can certainly listen to this on Zoom and and we are being recorded. We will, in accordance with the Governor's Executive Orders, no one is at our usual meeting location that 79 Bouton. And Ciorsdan Conran, our planning board administrator, has confirmed that the meeting has been duly noticed and legal notice requirements are fulfilled.

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

The Governor's Executive Order Number 202.1, which has been renewed, enables the planning board to meet remotely and electronically to perform our function on behalf of the town. In accordance with the executive order, we intend to post the recording and transcript of this meeting to the town website. If we get it working, the Zoom video will be available on the Town's YouTube channel, however that's not required by the executive orders. We do not have a public hearing scheduled for tonight, so we do not expect to take public comments. Again the public can see and hear this meeting via Zoom. We ask any applicants that are not currently engaging in dialogue to mute their lines. This will help everyone hear over the inevitable background noises. And when it comes time to vote, to ease the recording of our votes I will poll the board members individually. So, with that, let's get started.

## **I. EXTENSION OF TIME REQUEST**

**Cal #66-17WP, Cal #12-17SW**  
(2:48 – 12:18)

**Dedvukaj Residence, 170 Elmwood Road, South Salem, NY 10590, Sheet 47, Block 10056, Lot 38 (Yuliya and Zef Dedvukaj, owners of record)** – Application for a single-family residence, driveway, septic system and well.

Michael Sirignano was present on behalf of the owners.]

Janet Andersen: Okay. The first item on our agenda is an extension of time request, Cal #66-17WP, Cal #12-17SW. This is for the Dedvukaj residence, 170 Elmwood Road, South Salem, New York. This is an application for a single-family residence, driveway, septic system and well, and the Resolution was passed on June 18, 2019, so it expires two years from that date, and we have the option to extend it up to two-year renewal. So is someone on for the applicant?

Michael Sirignano: I am, good evening Michael Sirignano.

Janet Andersen: Hello Michael.

Michael Sirignano: Hi, so Zef is traveling on business and he asked me to cover this for him. I think two of your members were not on the board when back in 2019, June of 2019 when when this was approved as you said Janet, it is a single-family home on a to be built on an existing a lot and the planning board granted both a wetland activity permit approval and a town stormwater permit. The town stormwater permit from day one, was to expire June 19 of 2021 the wetlands permit, I think, I believe was set for an initial 180-day period and it's been, it's been extended several times, and now it coincides with with the June 19, 2021 expiration date, so we're asking that both the wetland activity permit and the town stormwater permit be further extended. You know, back in the September of 2019 a driveway permit was obtained and issued by the Highway Department for a new driveway entrance on Elmwood Road for this ultimately new driveway and house. In April, and then course COVID hit, and and no work could be done on the site and everything kind of came to a screeching halt. In April 20<sup>th</sup> of this year, the DEC reissued its permits for the bridge and for those new members on the board, there is an approved bridge to be built crossing a stream and the DEC renewed or reissued its permits for the bridge out to December 31 of 2026.

On April 7 of this year 2021, I am told, I was not part of a part of it, but there was a pre-construction meeting at the site. I believe, have Jan [Johannessen] was there and Joe [Angiello], the Building Inspector, were out on the site with folks from Cronin [Engineering] and Zef and maybe others to discuss the construction sequencing and and methodology of of the driveway bridge. Shortly thereafter on the 14th of April of this year, a building permit was issued for that bridge construction over the stream crossing. And, and so we're getting everything into place and the, your board has received a letter from from Keith Staudohar of Cronin Engineering requesting an extension of both the wetland permit and the stormwater permit. The the projected timing, or of the construction is that the, because your resolution, by the way insists upon the bridge construction to be done at a dry part of the season, dry part of the year to minimize any disturbance to the stream. So, the plan is late August, early September is to is to go to work on the bridge, as I said, we have the building permit to do it and then Zef wants to let let everything settle down over the winter and then as soon as weather permits next spring to use that bridge as to construction access and to build the house. So that's the anticipated timing, we would like you to give us, you know, the the maximum extension of both permits, so we don't have to come back to you every several months and and this house is going to get built next in 2022, absent another pandemic or some other world crisis.

So, I'm happy to answer any questions for new members or members who sat on the board earlier. For those new members this, this was a very carefully, extensively engineered project and landscape project. Your board spent a lot of time on it, and a lot of work on it, and in the end result was much improved, and we want to build it out the way your board approved, we just need more time.

Janet Andersen: So, thank you, it's good to hear that there is some progress on that. We did get a letter from the CAC who said that there was no mitigation on site, and I did want to bring up that I believe even referenced in our Resolution, that there was a fairly substantial plantings, invasive species removal, a stone wall demarcation, a meadow and so forth. So I I, while while it might not have been 100% on site and the culvert might have been part of it, I will also report that there's a new Bridge New York grant and the final submissions were due this coming Wednesday. The town did put in a grant application. I think it went in yesterday, but perhaps today, today, we got confirmation that it was in. So, we are working to try to get this culvert, to to get it, you know, to improve the whole conditions in the area. I would say one thing that this application did ask that, if we if we got the funds for the culvert, could we be reasonably sure that if we needed to access the area by the, across any of the residences would they either give an easement or allow, you know, passage to put in the culvert. I felt reasonably confident since all of the neighbors had asked about about improving and updating the culvert that we could, we could say that the neighbors would be willing and I hope that, should we get the grant um, we won't have said stated that in vain.

Michael Sirignano: Okay. Well, first off Zef and Yulia have have already made their half one half of their contribution that was agreed upon and everybody thought it was fair at the time, so they've made half of their contribution towards this bridge. In terms of an easement, I think we can, I can talk to them about a temporary construction access. I don't think that should be a problem, I need to obviously speak with them and and we need to see some kind of proposal from Jan's office as to what exactly what areas exactly would be involved. I think that's doable.

Janet Andersen: Yeah, we're getting ahead of ourselves in that we first we have to get the grant and there are probably less than 50 statewide so we're working on it, but I don't know that but, but I wanted to sort of mention that to say that the Town still is pursuing corrections to the to the problem that has been identified there.

Michael Sirignano: We're, Zef and Yulia are committed to this, this is their dream home for their young family and they have put a lot of money into design and approvals, and they fully intend to build it and enjoy it for many years, you know work with the Town.

Janet Andersen: Okay, does anyone on the board, Jerome go ahead.

Jerome Kerner: I'd like to a motion we approve the extension for a two-year period.

Janet Andersen: Okay um, anyone want to second?

Gregory La Sorsa: I'll second that motion.

Janet Andersen: Thank you Greg. Any further questions or discussion?

Gregory La Sorsa: Is that the maximum time we can grant the?

Janet Andersen: Yes, I believe it is.

Jud Siebert: Right yes Greg, it is yep, okay.

Janet Andersen: Okay, so we have we have a motion. Any any further discussion/questions? Hearing none I'm going to poll the board. Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Aye.

Janet Andersen: And I also say yes, so the motion to extend the the the two permits are is for two years has been approved, thank you.

Michael Sirignano: Thank you.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board granted two (2) one-year extensions of time for both the Town Wetland and Stormwater Permits included in the Resolution dated June 18, 2019 for the Dedvukaj residence; the new expiration date for both permits is Monday, June 19, 2023.

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

## **II. WETLAND VIOLATIONS**

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

(12:19 – 23:19)

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

Michael Sirignano was present on behalf of the owners.]

Janet Andersen: The next item on the agenda is the Cal #02-19WV, Cal #60-19WP, Cal #19-sorry Cal #14-19SW. The Kullman Residence at 12 Red Coat Lane in Waccabuc, New York, which was a wetland violation, but it turned into a wetland permit that was was completed, and now we are here to close that out. I believe we have received all of the requested submissions, final as-built plans, an affidavit about the plants being in place, maybe I'll ask Jan to comment because I believe he had another site visit there.

Jan Johannessen: Yes, thank you. I had reported in the past, that the work has been complete, satisfaction of all the permits issued, on the wetland mitigation plan that was prepared. That

inspection, our initial inspection was conducted soon after the plants are installed in the fall and I wanted to go out at one more time having you know, the winter had passed to ensure that the plantings are viable and they didn't lose any plantings over the season so we're very satisfied with the mitigation plan that was implemented. It was an extensive plan and I think that the site is better off now than it was you know, previously, and I think we've accomplished a lot with the implementation of that mitigation plan. Pleased to report that the site is in good condition and that the application has submitted the requisite materials, the as-built survey, notice of termination, the certification letter, and the affidavit regarding the installation of the plantings.

Michael Sirignano: And I would only add not only is it an extensive plan, but it is or was an expensive plan, and you have those cost estimates before you. So, we would ask the board to keep that in mind when considering whether to impose a fine or not and we're asking that you not impose a fine. Also, I believe, Dr. Kullman and his wife, responded quite promptly as soon as this violation by their contractor came to our attention and they've gone to the Zoning Board, they've gotten the Building Department, they've done everything before your board asked of them, and so we would, we would ask that this finally be closed out, you've been carrying it on your agenda for a long time.

Janet Andersen: Right. So, and I know that they would have an opportunity to speak if they're here, but I don't, they're not okay great um.

Michael Sirignano: No, he's a busy surgeon.

[YouTube live streaming begins.]

Janet Andersen: So, and I think, I want to thank Jud by the way for drafting a resolution very quickly for us so that we could close this out tonight and not not have, usually what happens, or what has happened in the past, is we've adjudicated and then come back another month to look at the resolution. So, as you may have seen the draft resolution really has two options; one is if we do decide to impose a civil penalty and another, if we decide, you know, no civil penalty. So, I would look for some comments or thoughts from any members of the board on this.

Gregory La Sorsa: Well, don't we have to discuss that in executive session with the the imposition of a penalty and our determinations. I don't know if that how how it is to do by Zoom but only have to do that executively.

Jud Siebert: Greg, we previously did that, but there was a change in board policy. About a year and a half, two years ago, where the board opted to have these discussions in open session. They can be conducted either in executive session or open session but um I would say, for the past two years they've been, of the penalty discussion has occurred in open session.

Janet Andersen: Yes, and that I think it was quite a while ago, because I think it might have been before I joined the board that that change has been made, and I think that's how we've acted recently. Yes, Jerome?

Jerome Kerner: Yeah, I would say that the applicant here has acted in good faith and so [static] acted quickly and as Jan said they've really made a significant improvement and any expenditures that we've made, such as inspections and so forth, were part of the wetland permit process that would have happened anyway, if they had taken out the permit. So, I would make a motion to approve the resolution with with no penalty, no further penalty.

Janet Andersen: Any other comments?

Gregory La Sorsa: I think there should probably be a token penalty. I wouldn't call it a token but I don't think we should approve get into this habit, so I think we should probably do something along the lines of \$100.

Janet Andersen: I will say that in....

Jerome Kerner: Could we have a second and then maybe....

Janet Andersen: Oh, sorry.

Gregory La Sorsa: What are we seconding?

Maureen Maguire: Can I comment first, before we have a second?

Jerome Kerner: First, if we have a second, we can amend it.

Gregory La Sorsa: All right. Okay, I thought you were just throwing that out there.

Jerome Kerner: I would accept an amendment that Greg is recommending \$100 would you say \$100?

Gregory La Sorsa: Yeah.

Jerome Kerner: I would accept that.

Gregory La Sorsa: All right, with with the amendment of a \$100 fine, I would second that motion.

Maureen Maguire: Do we have an idea of the costs the internal costs that we went through, for you know, sending somebody out there, etc, I don't want to, while I agree that I don't feel this should be punitive, I do I don't want to lose money. I don't want the Town to lose money, so is should that be a consideration?

Jud Siebert: Maureen, I can't quantify whatever pre-violation costs were incurred, but certainly with regard to anything that happened after the wetland permit application was submitted, which occurred, I think, in this instance within three or four days after the initial appearance before the planning board, all of that was encompassed and paid for through applicant escrow to the Town. So, the Town has been made whole for, you know, all of the time expended by Kellard Sessions, by my office, associated with the with the processing of the the wetland and the storm water permit, activity permits.

Janet Andersen: Yeah, I would say that you know, they get Ciorsdan's efforts for free, but you know that's, but nothing.....

Jud Siebert: Yeah, I don't mean to diminish Ciorsdan's efforts at all, please.

Janet Andersen: Yeah but, but I think they the paid consultants get, you know, are are reimbursed by by the applicant. I think the other thing I would bring up is that in 2005 there was another, the resolution of another wetland violation at by the same individuals at the same residence and that was a \$600 fee. I am, I I do think we should have like I do feel some. some token perhaps that it's

a recognition that it would be better to have people come in and get a permit and I realize that this might not have been done with knowledge. So, but with that, so we do have a, we do have a motion and the second for \$100, do we have any further discussion on this?

Gregory La Sorsa: You know just out of curiosity you'd mentioned that in 2005 there was a \$600 fine, do we know how much they spent to correct their violation, you know to do whatever work was necessary at the time just curious.

Janet Andersen: I do not have that.

Gregory La Sorsa: Because, that's probably, I mean that's the reason why we're talking about the numbers here because of what we anticipate or what we interpret to be you know something of a substantial outlay of monies here now.

Jud Siebert: And Greg I don't know if we have the information and I'm not sure if, at that time that information was elicited before fines were levied, I just don't know.

Gregory La Sorsa: All right, but you know just you know it to make a comparison to make a fair comparison.

Jud Siebert: Right, I understand.

Janet Andersen: Okay, so if there's no further discussion, I'm guess I'm going to call the, poll the board. Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Aye.

Janet Andersen: And I also say yes, so the the resolution with the first version but with a \$100 fine has been approved. And I want to say that Ciorsdan has now told me, and we can now see that we are now live on YouTube. Thank you Ciorsdan for getting that up and working and so, and welcome to the people who might be joining us late, there was a problem and error. We kept getting an error, trying to connect but welcome now and and we'll continue with our with our meeting. Okay um. I think and I just want to make sure with Jud we, you have the the resolution and can get that to Ciorsdan and get that signed, correct? Oh, you're muted. Jud you're still muted, try hitting the spacebar.

Jud Siebert: Yeah, yeah sorry that, yes, I can.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the resolution dated May 18, 2021 disposing of a wetland violation with a \$100 civil penalty to Michael and Susan Kullman, 12 Red Coat Lane, Waccabuc 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.]

**Cal #03-20WV, Cal #29-21WP**

(23:20 - 40:43)

**3 Beaver Pond, South Salem, NY 10590**

Garrett and Sophie Schilke, owners, were present.]

Janet Andersen: Okay, good, um, the next item on the agenda is Cal #03-20WV, Cal #29-21WP, 3 Beaver Pond, South Salem, New York. This is a site visit report. So if everyone allows, I will start off and then, if there's any additions that want to be made, we can do it. The site visit was on April 24, 2021 at 8:30 am. From the planning board, attendees were: me, Charlene Indelicato, Jerome Kerner, Greg La Sorsa; from the CAC Val Ondes was there, the homeowners were present and they showed us around the property. The homeowners reported that 11 trees that were relatively close to their house were cut down and chipped, excuse me, and the chips are spread on the area, but they did stop spreading the chips short of the pond. They used mechanical equipment to spread the chips; the chips appeared to be at least six inches deep. When I tried to dig down, I don't know if anybody else tried to, tried to look. The homeowners also said they were trying to protect the pond by they treated it with a couple of different products, and they also ran an aerator in the pond. The homeowners also said that they had cut and filled an area behind their house, no additional fill was brought in, but this earthen fill extended to the edge of a wetland, that seemed to be present also where either the roof or footing drains discharged, and then a small stream, or what area extended into a marshy area to the north. We could see that there was invasive Japanese knotweed. The homeowner said that they liked having it there, it was fairly widespread on the property and in prior years they had cut paths through the knotweed akin to making a corn maze. And so that's what we observed. I don't know if anyone has any other comments about what the seen there.

OK, so now I'll just give a little bit of commentary that I would not have given at the the site walk. I think if this had been brought to us, we would not have approved it in the condition that and left it in the condition that that we we saw. Areas of concern that I had in particular was the area of cut and fill had been leveled off and it had been seeded on the top, but it was bare dirt kind of down a steep slope to this wetland area. I wasn't, it wasn't really clear to me whether it was in the wetlands, next to the wetlands, but I was concerned that it will continue to erode down there so I felt that was one concern. The second thing is that while mulch is used as a gardening, you know, tool, that much mulch, I think, will release nutrients, nitrogen and phosphorus, for a while into the pond and I think if there was a way to protect the pond and I'm not sure if more plantings along the pond would do it because there is knotweed there and I don't know. But but they, the homeowners, are clearly concerned about the pond, and I'm and I'm concerned that the longer term provision of the you know, the impact of the mulch will be to release these nutrients into the pond. So, I would really like to see, I believe, it would be appropriate to ask for a wetland delineation and someone to give us some sense of what could be done to treat the slope, so that it doesn't, you know, that that sort of cut and fill area doesn't just end up slumping into the wetlands and then perhaps some mitigation that that would be needed. That's my reaction. Go ahead Charlene.



Charlene Indelicato: I would agree with that and the possibility of erosion is great. You just see it; one good rain would have a lot of damage done.

Gregory La Sorsa: You're talking about, in addition to what they've done already, you want them to do this, things on top of what what they've done?

Janet Andersen: Well, yeah because they what they did was not really under any kind of permit or you know, they just yes, so I would say, on top of that, I'd like to see this. Jerome?

Charlene Indelicato: At least it should be looked at, to see what could be done.

Janet Andersen: Jerome.

Jerome Kerner: I'm sorry. Well I'm raising a question as to whether or not we should be designing and instructing them, or are we instructing them to get professional help and come back to us with a resolution to these questions.

Charlene Indelicato: That's fair.

Janet Andersen: Yeah, I think that's, I think that's important. I think that we really do need to see a wetland delineation and then a plan. I mean, I don't know whether, for example, the slope that's down I don't know whether it could be, you know, cut back or a wall or planted. I don't know what the answer is, but I, but I am concerned about the slope eroding into the wetland. I don't know what the right thing to do. We have in the past, required people to pick up wood chips that were in a wetland or wetland buffer. I don't know exactly where whether this is in wetland or whether it's in buffer you know, I don't know what the, so I do think, I do think they need to get a wetland delineation and I would certainly encourage them to speak to a professional about what could be best done to protect the pond, you know, that that's in their interest, I think they they've expressed a desire to keep that pond healthy and what can be done there.

Gregory La Sorsa: Is anybody here on their behalf tonight?

Garrett Schilke: Yes, I am. It's Garrett. How are you?

Janet Andersen: So Garrett is the homeowner.

Garrett Schilke: Yeah, so I mean I understand the the the concern on the slope. I'm wondering if if the best way for me to deal with it is to plant the slope versus turning it into grass. I mean I'm just there's multiple ways to to alleviate that but I can definitely get grass growing on it or planted. I think that might be smarter.

Jan Johannessen: Janet, I would I would I would echo your your recommendation for a wetland delineation just so we could see where the wetland boundary is compared to the where the work was performed and what is in the buffer and what's not. It's also, I believe, a state regulated wetland, regulated by the New York State DEC and we've had similar cases, I believe Jacobson was was the case on Elmwood Road very similar to this where a wetland delineation was conducted. The wood the extensive wood chips in the buffer ended up being removed and that area planted, so I think that for my opinion that's is the path forward. With regards to the slope and the fill that is it's right the toe that slope is right adjacent to the wetland boundary, you know, that could be handled as the owner has stated in a variety variety of different ways, whether it's a

wall or this slope is a little steep it could probably be cut back and planted but I would I would echo your recommendation for some professional guidance on on that.

Garrett Schilke: As as far as the wood chips go, though, but if I if I was to even remove the wood chips, it will just be straight bare our soil, so wouldn't I also encounter a major erosion problems as well?

Jan Johannessen: Yeah, but I think, where the wood chips are is relatively flat, I think the erosion concern that the board had mentioned, from what I understand is this the slope that was created with the embankment of fill. I think if you remove the wood chips and I know I know you have some hesitations Garrett on on obviously trees within proximity to your your home, and I think that's valid.

Garrett Schilke: Yeah there's no there's no wood chips, though, where the where the slope is, it's all grass.

Jan Johannessen: No, I understand. I think they're two separate issues. I think, where the board is, from what I gather and the board can correct me if I'm wrong, there seems to be a concern, and I think a valid one, with regards to the potential erosion on the slope or the fill that was placed in proximity to the wetland, maybe that slopes, a little too severe maybe it needs to get cut back and implanted or or grassed.

Garrett Schilke: Yeah my question is, is why can I actually seed seed the heck out of it and get grass to grow up, just as I did on the top of the hill.

Jan Johannessen: That might be an option, but I think it from what I recall, it was a very steep slope, that maybe it needs to get cut back a little bit and before you seed it you know.

Janet Andersen: Or like you said, it could be that you cut it back and plant it with plants or maybe I don't know a stone wall. I have no, we don't have an answer, and what I am concerned about and I think, maybe we've heard from other members of the board, is that the area, that it isn't stable and then it will eventually erode further so you'll lose some of that that top flat area and you'll also add add dirt to the the wetland area, so degrade the wetland.

Jan Johannessen: In the placement of that fill there would not only did it require a permit from the town, it would have required a wetland permit from the DEC.

Jerome Kerner: Janet?

Janet Andersen: So, I think that and then sorry, let me just finish my thought on the, on the, I do think that the mulch was on it's partly sloped area, and then it gets pretty flat, as I remember it and, you know, I think there again plantings might be a beneficial thing. I, you are going to have I mean we talked about the Japanese knotweed that is a problem, that is and it's probably going to be a if you leave it it's going to be a you know it's going to be an effective shield between you, you won't be able to see that much of a pond from it, but um it, so there is that is a that is something that will grow whether the mulch is there or not. Sorry Jerome, go ahead.

Jerome Kerner: Well I'm going to be redundant and say that I think we should be stating our concerns and not designing it or taking responsibility for the solution. As Jan was saying it should be professional thing, we just state our concerns.

Janet Andersen: Okay. Right.

Gregory La Sorsa: I agree.

Garrett Schilke: Okay.

Jan Johannessen: I have a, I have a concern that if the wood chips, because of the depth of the wood chips, that the wood chips are left alone that there won't be any viable vegetation that grows because you're cutting off, you know, the light hitting the ground surface there. You might get some weed growth, but I think if the wood chips are left as they are that there will be an impact to the wetland buffer by way of not allowing vegetation to grow there.

Garrett Schilke: There's already a ton of vegetation that's been growing through it that's why I'm kind of confused.

Jan Johannessen: Yeah, it might be invasive, but I don't think you're gonna get meaningful buffer replacement. That's just my perspective, I haven't been to the site since the violation originally occurred, so I can't speak to it, but when I was there, like Janet did I took, you know I dug down and I couldn't find the bottom. So, I think there's, from my perspective, quite a bit of depth there, and while seed could get in there and grow I don't think it's going to be meaningful, viable vegetation and plantings that we would like to see in the buffer, and I think that you know the DEC will probably have something similar to say. So as soon as you can engage them, the better and the case that I was referring to earlier, had the DEC involvement as well, and the solution in that case was remove the wood chips and provide a native planting in that case I think was a lot of, you know, native seed mixes and such it wasn't extensive shrub or tree planting but it took the the wood chips out, scarified the surface, put a little topsoil, got a nice meadow to grow in there, so not saying that's what you need to do, but I think you do need to work with somebody to find a solution to address the concerns.

Garrett Schilke: Okay.

Janet Andersen: Yeah, so I think that to summarize I think we've we've all kind of said, you know the first step is a wetland delineation and then getting a professional who will help you best design something that addresses these concerns that we've mentioned.

Gregory La Sorsa: I forgive me if I'm if I'm wrong, but Garrett aren't you in this business?

Garrett Schilke: Yeah, I'm in the irrigation landscape lighting business. So, I mean I'm a contractor so yes, I have people that I could use for this.

Gregory La Sorsa: Well, I mean oh yeah, okay, I understand that, I mean I was wondering from the standpoint of your own expertise.

Garrett Schilke: Well, I would I would have personally just grassed the entire thing.

Gregory La Sorsa: Are you proposing that?

Garrett Schilke: I that's what I would like to do.

Sophie Schilke: And that is what we propose in our site plan.

Gregory La Sorsa: Do we have does anyone have any thoughts on that?

Jerome Kerner: Well, typically in the buffer zone, we look for no mow, so I mean if you're talking about a meadow or something that would be cut, maybe once a year, you know that's one thing, but if you're trying to make a lawn I think that would be objectionable. Jan, am I correct there, no mow setbacks from the lake?

Jan Johannessen: Yeah, typically the board doesn't, or prefers not to see maintained lawn in the buffer, to the extent possible, particularly as you get closer to the resource, you know the in this case the pond.

Garrett Schilke: What if it was meadows or wild flowers and stuff like that.

Jan Johannessen: I think I think that that would be a possibility for sure.

Garrett Schilke: Okay.

Janet Andersen: Yeah, I think that might be a worthwhile thing to to bring forward to us. So, I think you understand now what we're what we are looking for

Garrett Schilke: Yeah.

Janet Andersen: Do you have any questions for us?

Garrett Schilke: No, I do not.

Janet Andersen: Okay, good, so it might be a little quick to get back on the June agenda because that submission date is you know, a week away so perhaps I don't know, do you think you could get give us something for the July meeting and I will just check and make sure that I know what that submission date is. We should get something to us, you know, a plan or wetland delineation by June 29. Thank you, we'll look forward to July, and you know, obviously, if there's a problem you will let us know, but we, I think this we'd like to move fowards.

Garrett Schilke: Yeah, I would love to get this resolved.

Janet Andersen: Great. Okay, thank you, thank you very much.

Garrett Schilke: Thank you.

### III. SKETCH PLAN REVIEW

#### **Cal #01-15PB**

(40:46 - 49:19)

**Copia Garden Center, 475 Smith Ridge Road, South Salem, Sheet 53, Block 9834, Lot 35 (Organic Choice, Inc., owner of record)** - Application for Sketch Plan Review/Site Development Plan for unfinished improvements to the existing Copia Garden Center and expansion of the existing use onto adjacent tax parcel – site visit report.

Michael Sirignano was present on behalf of the owners.]

Janet Andersen: Okay, the next item on the agenda under sketch plan review is Cal #01-15PB, this is the Copia Garden Center, 475 Smith Ridge Road, South Salem, New York. This is the application for sketch plan review / site development plan. This is for unfinished improvements to the Copia Garden Center and expansion of the existing use onto the adjacent tax parcel. So again, we have a site visit there, again it was April 24, 2021 at 9 am. And if the board will allow, I'll summarize and then anything can get added. The attendees from the planning board: were Janet Andersen, that's me, Charlene Indelicato, Jerome Kerner and Greg La Sorsa; from the CAC attendees were John Wolff, Linda Rae, Val Ondes, Joe Tansey. I think that's all, and Michael Sirignano and the owner/applicant were present.

We were shown areas of the site plan that had not been completed, the parking areas to the north and south of the main, you know, of the parking in the front were not defined. The owner said that the area would be top coated and lined. We also looked at the location where curb cuts would be installed along East Street. The applicant reported that all of the interior work and the greenhouses had been completed but work remains to be done in the parking, the drive areas, curb cuts, a fence, and perhaps some plantings. When we were there, we noted that we didn't see any signs that would help direct customers and/or any of the delivery trucks how to best enter and exit the parking areas so, that might be something that might be considered as well. So um, I don't think we had any else, first of all I'll ask whether anybody else had any additions to that that site plan. Yes, Charlene.

Charlene Indelicato: Um, I don't quite understand the circulation, the traffic circulation. From what I understand, there was a, there's not a delineated entrance and exit. It's sort of you just sort of come in either way um I don't understand how that's gonna work actually, but I wasn't on the board when when it was decided.

Janet Andersen: Yeah, neither was I but I mean, I think, and there was a, I think there were two different you know, the trucks were going to, delivery trucks are going to enter one place, and so I think that is a something that we might want to look at, making clear to people, although maybe you know habitual users know what the routine is but that might be something. Any other comments about the site walk. Charlene?

Charlene Indelicato: One other um, I know that they use the Vista parcel for storage where is that going to be placed after it's removed from the Vista Market?

Janet Andersen: That's a question, or whether it is you know what what the resolution, unfortunately, or I shouldn't say unfortunately that my understanding is that that's in currently in residential zoning and that's not allowed, so that, you know that solution needs to be identified as part of the the come back to us with a with a fuller plan. Okay, we didn't get any any more submissions here, I think one of the things we did ask for earlier was a better clarification of the current existing conditions and exactly what needs to get done and I think we will that would be helpful for us both to better understand the, you know the current status, how much got done and what we need to do going forward so I would just ask again that that be considered to be provided to us.

Michael Sirignano: Yes, just say it again, exactly what you want.

Janet Andersen: Okay, so we um I think what we got was just one chart that showed everything, it showed what the prior final plan had been and I think what would be helpful is what has been completed and what needs to get completed. So, it's almost an interim as-built, or maybe just a list of what got done, and then a plan that shows this is what we have to do so, I don't want to

cause too much work, but I think it would be really helpful to help us understand what is really being asked for here.

Michael Sirignano: Okay, that's fine and will also give some thought about the signage and traffic flow.

Jan Johannessen: I think...

Janet Andersen: Go ahead Jan.

Jan Johannessen: I think what was requested at the last meeting was an annotated site plan where either took an updated existing submissions plan and showed what you still needed to do or take the old plan and have somebody identify (bubble) you know, areas that have been done, areas that are still to be done, and if there's any changes that need to be made to what was previously approved. Looking back at my notes from the last meeting the board asked for a full set of plans to be reissued and resubmit it. Yeah, I think Michael you included just one prior sheet, but the board at the last meeting asked for the full set. The application was referred to the Building Inspector at that time, we I don't think we've heard back yet and then the board discussed the Vista Market parcel, it happens to be on tonight's agenda so that's an unresolved piece just how we're going to deal with that, but I think that's what the what was requested.

Jud Siebert: Yeah, I I thought yeah not to maybe try to make it simpler, but the idea was a plan that would show all approved, approved and implemented, and approved to be implemented, and maybe a subcategory of that is whatever tweaks you're looking for. Just so we can get a sense of the you know, the full context of what the planning board is already approved and and what's been done and what needs to be done.

Jan Johannessen: Yeah, I think because there's some new membership that the board asked for a full set of plans be provided.

Jerome Kerner: I think there's only one other category perhaps Jud, and that is any modification that the applicant feels needs to be made after experiencing the operation over this period of time.

Jud Siebert: And yeah, agreed.

Michael Sirignano: Very good. That's helpful, we will get back to you with it.

Janet Andersen: Great. Thank you. Any further comments on this before we move on? Okay, oh Ciorsdan?

Ciorsdan Conran: I wanted to add that I have not made the referral to the Building Inspector, as I was waiting on that annotated plan so he would know what's been completed and what's outstanding.

Janet Andersen: Thank you.

**Cal #01-21PB, #08-21WP**  
(49:20 – 50:55)

**Vista Market, 469 Smith Ridge Road, South Salem, NY 10590, Sheet 53, Block 9834, Lots 32, 33 & 34 (Visnor Property, LLC, owner of record)** - Application for the installation of fuel dispensers.

Kalpesh (Kevin) Rana, Ashi Corp.; was present.]

Janet Andersen: Okay I'm seeing nothing more. We'll move on to the next item on the agenda, which is Cal #01-21PB, #08-21WP. This is Vista Market, 469 Smith Ridge Road in South Salem, New York. It's an application for the installation of fuel dispensers in a current parking area of this property and I am supposed to look, I heard Peter Gregory might be late so since I don't see him on. I'm, perhaps .....

Gregory La Sorsa: There's a phone number on. I don't know who that is.

Kalpesh Rana: Hi, it's me, my name is Kalpesh Rana on a property owner over the part of the owner Vista. Applicant.

Janet Andersen: Good hello, thank you um I I Peter did ask that if he didn't make it in time that we skip over him and move on, are you all right with that? Okay.

Kalpesh Rana: Yeah, he's he's gonna he told me that just stay on the line when the turns comes just tell them to move on, and he will join later on.

Janet Andersen: Okay, so um. We will we will move on to the next item on the agenda and we will come back and I'm going to ask Ciorsdan to help me keep an eye out for Peter, so we can come back in a prompt manner when we get there.

[Discussion of this matter continues at 1:46:44.]

#### **IV. WAIVER OF SITE DEVELOPMENT PLAN PROCEDURE**

##### **Cal #03-21PB**

(50:56 – 1:01:49)

**Cameron's Deli Expansion, 890 Route 35, Cross River, NY 10518, Sheet 20, Block 10801, Lot 30 (Central Ave., White Plains, LLC., owner of record)** - Application for a change of use.

Ibrahim Jamal, owner, was present.]

Janet Andersen: Okay, so the next item on the agenda is the is an application for a waiver of site development plan procedure, and this is for Cal #03-21PB Cameron's Deli expansion, 890 Route 35, Cross River, New York. This is an application for change of use for some of some portion of the existing property so I am not sure who's on for this.

Ibrahim Jamal: Yes, that's me.

Janet Andersen: Okay.

Ibrahim Jamal: Good evening.

Janet Andersen: Good evening.

Ibrahim Jamal: My name is Ibrahim Jamal and I own the property, 890 Route 35, Cameron's Deli and yeah I'd like to just expand the store, make it a little wider and just do some remodeling.

Janet Andersen: Okay. And so, um perhaps the next thing I'll do is ask Jan to kind of briefly hit on some of the items in your memo on this.

Jan Johannessen: Sure. This is a Cameron's Deli, 890 Route 35. It's a one-and-a-half-acre piece of property, with two-story mixed-use building in the RB zone. The application is to expand the existing deli, Cameron's Deli, into the adjacent tenant space, which I believe was last occupied by a physical therapy space. So, that's now vacant and the proposal is to expand the deli into that space. What we looked at and is kind of typical for changing use applications is you know, does the parking work? Is a compliant with parking with regards to the change of use the the deli may have a different parking calculation than the physical therapy did so that's a question that that has not yet been provided. And then typically these these cases go back to the Health Department to verify that the change you use doesn't trigger any additional need for septic. And then, this this property some years ago there was a septic, I don't know if it was a failure, but a replacement of the septic system in the front yard between the building in the street, so I know the health department's familiar with it. So, those are really the two major items to kind of look for does the parking work, is the health department okay with it, signage, is there any signage changes.

And then we had one additional comment, we had a few but the, there's an outdoor seating area in the front of the building there that's I think used by Cameron's now. That should be shown on the site plan. I think it's something that's just kind of occurred over time, but should be documented on the site plan, particularly because the septic is in that general vicinity and I'm not sure what the ground surface is there, if it's just lawn, is it gravel, pavement there? I have been there a number of times but I don't recall what the seating area surface material is and there some regulations that go into play there so. That those were the main highlights from the memo. We have kind of general comments about things that need to be on all site plans that that weren't there, but nothing really to bore the board with those were major items, so this would be something that could be could follow could fall under the waiver site development plan procedures, but before you are to act on that you need to determine whether it's zoning compliant, which is why we need to refer this to the Building Inspector. If it comes back from the Building Inspector as being zoning compliant, can we waive the public hearing potentially and move the application. But there needs to be a little more work on the site plan to bring it up to standards.

Janet Andersen: Is the site plan adequate, do you believe to refer to the Building Inspector at this point?

Jan Johannessen: Well, there's no parking calculation on it, so I would assume he's going to have the same comments as I did so, maybe the best thing to do would be to have the applicant respond to the revised the plan to respond to our comments and then refer it to the Building Inspector.

Janet Andersen: Okay, I think, at some point we have to refer to ACARC so um.

Jan Johannessen: Only if there's a building exterior building modification, if there's any signage or storefront modifications right. It didn't appear to be any on the site plan, it looked like an interior renovation job but that needs to be spelled out.

Janet Andersen: Hmm, but if we ask them to do something on the seating area, wouldn't that turn it into ACARC or is that just lawn decoration?



Jan Johannessen: It depends on the extent that the improvement, but obviously that that feature doesn't appear on the site plan, yet, so I think that should get kind of squared away before it gets referred.

Janet Andersen: Okay um. Any other comments or questions?

Jerome Kerner: Has the applicant seeing the memo from Jan?

Jan Johannessen: Has he?

Janet Andersen: Ciorsdan, did you send Mr. Jamal, the the. comment letter from Kellard Sessions?

Ciorsdan Conran: Yes, Ibrahim did you get the memo?

Ibrahim Jamal: Um, I think so.

Ciorsdan Conran: I can resend it if you need.

Ibrahim Jamal: Yes, please, please, if you I think I tried to print it in my office, but if you can resend it, I will follow whatever we have, we have to be done.

Jan Johannessen: Yeah, we could we could have a follow-up you know meeting, if you would like, once you get the memo you go through it, if you have any questions, we can meet and go over it, give you some guidance on what needs to be done.

Ibrahim Jamal: All right.

Jan Johannessen: I think it's all workable just needs to be demonstrated.

Ibrahim Jamal: We will will will will will will get it done, like any kind of procedure. I think the sitting outside to have a three sitting on gravel under the shade and was existed when I took over that place but what about what have a workable could make it better.

Janet Andersen: Okay this sounds good. I did want to bring up one other thing which is, while we have you on the line sort of, is the there is a discussion about putting a crosswalk in across 121 from sort of the area by the high school over to the Bluebird [Ice Cream] shopping center and we noticed that the shopping the Bluebird shopping parking lot and your parking lot in the back there are very close and that might be advantageous or something you would consider to work with the people about putting in a path, or perhaps it might be like a might need a slightly wooden bridge or something there to enable people to walk from the high school. If this you know, this is a longer-term process.

Ibrahim Jamal: Yeah, yeah. If that is workable, we could make it happen.

Janet Andersen: Okay, good so it's good to know you're willing to do that I don't think it's imminent but, but while you're here I just wanted to bring the idea.

Gregory La Sorsa: Where did where did we get I'm just curious where that came up?

Jan Johannessen: Is that there's actually some I thought about I've been working with the Town Board a little bit on potential for a crosswalk on 121.

Gregory La Sorsa: I didn't read your memo in detail, but I don't remember seeing that.

Jan Johannessen: No, it's not in the memo it's something we indicated to the Chair as something that could be brought up just to see if there's any sort of willingness, because I think there's a desire to get the the high school kids safely to this destination point and without sidewalks on 121 and 35 it's a little tricky so we're trying to come up with a way between using different properties, to get them there so just a thought not really part of this application but wanted to mention it.

Janet Andersen: Yeah, I apologize for for derailing the the, you know, the meeting a little bit, but I've learned, since we had, we had the owner there to find out if there was a willingness to discuss it further, I think, was about all I wanted.

Gregory La Sorsa: So are we saying this has to be part of his site plan, a revised site plan.

Janet Andersen: No, I think this is future, this is a future thing but it's a it's an understanding of whether or not there would be interested in that potentially in the future, because I think it helps the rationalization and argument for installing a.....

Gregory La Sorsa: So how is the Planning board going to be involved in that?

Janet Andersen: I don't know.

Gregory La Sorsa: Okay.

Janet Andersen: So, thank you. So, it sounds like again if you can get an updated, you know, these these answers to some of the parking calculation, a little bit on the front lawn or what what will be done there. Our due date for June is April 27 which is, I'm sorry that wrong is May 25<sup>th</sup>. So, if you there can be done, we will see you in June, otherwise July okay.

Ibrahim Jamal: No, no, sure, by by this by this month, we'll get it done.

Janet Andersen: Perfect that would be wonderful okay, so we'll See you in June. Thank you, thank you, thank you.

## **V. SITE DEVELOPMENT PLAN REVIEW**

### **Cal #06-17PB**

(1:01:50 - 1:16:26)

**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 Gironda, Bibbo Associates; and Spencer Wilhelm and Dean Travalino, Wolf Conservation Center were present.]

Janet Andersen: Okay, the next item on the 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 one of the things that we did, since our last meeting is, we got the EAF Part 1, and the lead agency packets have gone out but I don't think 30 days has elapsed, so we can't really declare ourselves lead agency.

Jan Johannessen: Correct.

Janet Andersen: So, I see Janet is on. Do you have any comments that you want to bring up now?

Janet Giris: No, I mean well, yes, for the record, Janet Giris, DelBello Donnellan Weingarten Wise and Wiederkehr here this evening on behalf of the applicant also joining me: Matt Gironda, our site engineer from Bibbo, Spencer Wilhelm with the Wolf Center, Dean Travalino, as well, for the Wolf Center. We made a revised submission to the board in April and that submission responded to a number of comments that were contained in the February 18 memo from Jan [Johannessen] and from Joe [Cermele] and we've received a revised memo from them and we are making progress on those comments, we will continue to work on them. Matt is currently working on a submission to DEP, which we anticipate will go in probably next week. We are working on our wetland consultant is Beth Evans, I spoke with her earlier today, she is in the process of working on a wetland mitigation plan. The subdivision map is also you know still under revision, we hope to have that to you shortly. So you know, again, we are making progress on the application and in response to the comments and you know hope to continue with review. You know, as, as you mentioned, and as Jan mentioned be lead agency notices went out, you're correct it hasn't been 30 day it hasn't yet been 30 days so we're hoping to be back before you next month, so that you can assume lead agency status and so that we can continue the review of that.

As we go forward with this application there's one thing that I wanted to mention to the board, and that is that and I've mentioned this to Jan previously, the Wolf Center is in conversations with a neighboring property owner, a property on Pamela Lane, and there is and I can share my screen, if you want, but there's a interesting shaped tax lot, which is adjacent to both 1 Buck Run, partially adjacent to 1 Buck Run and 3 Buck Run, it's a very skinny narrow piece of property, which is owned by the neighboring property owner. That property owner is interested in acquiring that same skinny length of property you know down to Route 35, it just sort of evens out the property line, which is currently irregular. I wanted to mention that to the board, I think that you know, like I said we're in conversations with them. I don't think that we intend at this point in time to amend our application to include that as part of this process, but I wanted to let you know that as we get through this process, and hopefully complete this process we will come back to you shortly thereafter if the negotiations are successful and we go through with that plan so I didn't want that to I didn't want you to be blindsided by that, should we come back to you, you know, shortly after we finish this process. But it's not quite ready to come before the board and we're not and so we're not ready to amend the applications to include that as part of this, so I did want to mention that.

One of the things that we'd like to do and I don't know if we are ready to do that, yet, but we'd like to get before ACARC and get started with them in connection with the building and the design of this and I need to also work with the building official. So, that we can also get to the Zoning Board so we've copied him on our submission. I think that I need to reach out to him, I think we need to actually complete a building permit application in order for him to issue a denial, so that we can get to the Zoning Board and we'll be in the process of doing that as well.

Janet Andersen: Okay, thank you um so I um I guess. I thought we had referred this to the Building Inspector previously.

Janet Giris: Well, we I'm sorry we we did have a meeting between the time we met with you last and tonight, and I think he needs some additional materials.

Janet Andersen: Okay.

Jan Johannessen: The referral's been made it's just a matter of maybe some additional materials and just getting through the review.

Janet Andersen: Okay, so I would look for consensus to refer this to at ACARC, and perhaps I think at some point as to go to Westchester County so perhaps that would also be appropriate now so and this is consensus so I'm just kind of looking for thumbs up or not. Okay looks like we got it. Maureen you're okay too?

Maureen Maguire: Yes.

Janet Andersen: Okay, so, so we will refer this to both at ACARC and Westchester County. I think the other thing that we want to do is start moving towards the assessment of the environmental impact. I think that would be so it would be helpful if we could get the EAF, Part 2 to look at that and then review that. I'm sorry did I cut somebody off? Okay um the other piece is that I know, in the past we've done, you know, as part of as part of trying to figure out the environmental impact and the SEQRA we've looked at traffic studies now. My understanding here is most visitors are come by school bus and that perhaps the traffic study is not appropriate, but I'd look for some sense from the board about, because if if we do feel that traffic study is needed, we should give people warning, as we start moving towards the environmental impact statement assessment. Jerome?

Jerome Kerner: Yeah, I think traffic studies are really unwarranted, if anything traffic study should be conducted by the Town for the operation of camp and Town Park and which has which has concentrated activity on a daily basis. I think the Wolf Center is you know, certainly predominantly bus traffic and the or you know customary automobile traffic is sporadic. And you know living around the corner from that and traveling that route, frequently I've never seen any condition that required it.

Janet Giris: And respectfully, I think that, you know, there is obviously a stop sign at the corner, it's a controlled intersection. I don't think that the Wolf Center is ever going to generate the kind of traffic that would you know, in some way warrant anything beyond what exists today. I mean 35 is is you know, is a state road, it's a highway and there's plenty of capacity on it, so I don't think that what we'd be generating from this particular use at this site is in any way going to impact, you know, levels of service on Route 35.

Jerome Kerner: The traffic on 35 that's concentrated is between seven and nine in the morning, even even in traffic is not significant but and I doubt if there's any users coming to the Wolf Center between seven and nine in the morning.

Janet Andersen: Yeah, I would agree, I just wanted to, I wanted to put this out because I know, sometimes in the past we've asked for it. I actually think that moving school buses off of 35 so they're no longer, you know, stopping all the traffic and having them be able to pull in will actually be an improvement, but I I was looking for information because it's only fair to let the

applicant know if we think that that's the direction we'd want to be going. Before we, you know, as we start looking at SEQRA.

Janet Giris: So, there is information, obviously in any area, you know with regard to trip generation, you know, again I you know I I I recommend that you know we all take a look at that, but, as I mentioned, I don't think that there's anything here that rises to you know, the level of changing any levels of service on Route 35 or at that intersection of Buck Run. But you know we can we can all take a look at that and then with regard to the Part 2, it has been prepared. I just didn't have an opportunity to get it to your consultant before tonight's meeting, and you know I apologize for that, but that will be getting him tomorrow.

Gregory La Sorsa: All right, so just just as an aside Janet since Janet from Wolf Center, you're making reference that we take a look at the EAF. Do you have it in front of you, because I mean the question was raised, maybe we can put it to rest right now, if you have some relevant information.

Janet Giris: Let me take, let me flip through it and see.

Jan Johannessen: Just while Janet's doing that I'll just point that that we did ask the applicant to provide site line profiles in both directions on Route 35, that has been completed, it's included in the latest submission and it's you know, it's 1,000 plus feet in both directions. So, that was kind of what we wanted to make sure was at the intersection and the driveway would be safe and from our prospective they've demonstrated that.

Janet Giris: Right so there's not there's not specific information, other than whether or not there'll be a substantial increase in traffic above present levels or will there, or will the project generate substantial new demand for transportation facilities or services, so you know the answer to that is no and then, you know, when we talk about hours of operation, you know, there's hours of operation in there, but there's no....

Gregory La Sorsa: So so, the bottom line is that there's no real information on that the question, then, because they have not provided information, the question is, do we want them to? I mean is that where we are? I mean I'm okay with what Jerome said, Jerome lives near there. I think, you know, he's probably in a good spot to really talk about that and I don't know what the other people say when I'll follow that lead on that, I mean just to take it off the table since it was raised.

Janet Andersen: I don't. So, to be clear, I don't think we need it, but they wanted to make sure that. I think it's I think.

Gregory La Sorsa: Is that something that you're going to have to do in Part 2 of the environmental you're gonna have to address that further into Part 2?

Jan Johannessen: Well, that you're going to be asked in Part 2 whether traffic is a significant impact, so you need some justification to check that box No, typically you go back to Part 1 and they'll provide you know some trip rates and....

Gregory La Sorsa: Right, but they didn't they didn't do that so now the question is really going to be how much do we hold on to hold their feet to the fire on that.

Jan Johannessen: Well, I think they could provide some additional information between now and when you....

Gregory La Sorsa: When you sympathetic to that. We were sympathetic to their position on that, but I mean I don't think we should just wipe it off the board.

Janet Giris: No, I understood, and I believe that we can provide you have some adequate information for you to be able to make a reasoned decision.

Janet Andersen: Okay, I mean, I think, even by stating that most of the visitors will come by school bus, as currently happens that there's not going to be a I mean, I think that I think. It could be stated.

Janet Giris: Right, so one of the things that your consultant has asked us for is our operations plan which we're in the process of revising and that will contain the information that you're seeking.

Jud Siebert: I think that's going to be sort of the relevant inquiry is you know what what what's occurring now, but what what is the business operation, how is the proposed this all the size in terms of what are what what the anticipated visitor flow supposed to be and the traffic generation.

Gregory La Sorsa: One school bus per day versus five school buses per day and so on.

Jerome Kerner: You know, as far as automobiles are there time visits? Most places have them these days because of the pandemic.

Gregory La Sorsa: Yeah.

Jud Siebert: Go ahead.

Janet Giris: Sorry, I was gonna say, one of the things that we've told the board in the past is that you know, this is not intended to be the kind of place where you can just show up and visit, you know, everything is done by appointment or with you know scheduled programming, so you know.

Gregory La Sorsa: So, that so that's helpful too.

Janet Andersen: Okay, great. We will see you I guess again in June with to and probably discuss the EAF Part 2 and anything else we get at this point. Any other questions for the Wolf Center at this time?

Jerome Kerner: No.

Janet Andersen: Okay, great.

Gregory La Sorsa: Thank you.

Janet Giris: Thank you very much.

## **VI. WETLAND PERMIT REVIEWS**

### **Cal #31-21WP**

(1:16:29 - 1:24:53)

**21 Lake Shore Drive Dock, 21 Lake Shore Drive, South Salem, NY 10590, Sheet 36H, Block 11174, Lot 25 (21 Lake Shore Drive, LLC, owner of record) – Application for a floating dock.**

Andrew Marston, owner and Victor Alarcon, Dock Builders, were present.]

Janet Andersen: Okay, so. And I don't see. I'm doing a quick scan back for Vista Market. I don't see Peter on yet so, we're going to continue to keep going, the next item on the agenda is the wetland permit reviews, which are, the first one is Cal #31-21WP 21 Lakeshore Drive dock on 21 Lakeshore Drive. It's an application for a floating dock. And do we have someone from the applicant on here?

Victor Alarcon: Yes, so good evening. My name is Victor Alarcon. I'm the applicant for Andrew Marston, 21 Lakeshore Drive. I'm the contractor. We would like to apply for a wetland permit to build and install a floating dock. There is an existing dock right now on the property. Mr. Marston got the approval [coughing]. I'm sorry. Mr. Marston got approved from the lake association already, which I included with the application. The dock will be built in three sections; the first section will be stationary which will be anchored to the ground with galvanized piles. These are going to be installed three feet from the shore, from the shoreline, that's part of the rules that I understand and the other two sections are just going to be simply floating the sections which are connected with males and females brackets, which this means they're detachable. All the framing of the dock will be built with ACQ pressure treated, which is approved for wide installation and the decking will be built with Trex, which is a composite material.

Janet Andersen: And so, I personally am a little confused by that where exactly this is going to be located, because I didn't see it, says is partial or partially an association land, but I didn't understand I looked at the map and it looked like this parcel is directly on the lake. Is there....

Andrew Marston: This is Andrew Marston from 21 Lakeshore Drive. This parcel is on the lake, that's correct if it's helpful, I could actually; I do have a survey that shows it marked up. I don't know if that will be helpful.

Janet Andersen: But I think that would be very helpful because I did not understand where this would go. Great.

Andrew Marston: I'm going to Zoom on a different, on my iPad, then I can share my screen if that's okay. Okay, just let me in and then.

Janet Andersen: Okay, Andrew I think you're muted.

Andrew Marston: My apologies.

Janet Andersen: There you are.

Andrew Marston: Okay, let me share my screen with you quickly. Okay, I can only share content is that correct?

Janet Andersen: I think you have the ability to share anything.

Andrew Marston: Let me just take a, I can share photos. I can take a photo of it it's fine. It's a work computer, so it should be safe.

Janet Andersen: So, is this off to the side of your property or...

Andrew Marston: No, it's direct in front. And I'm going to ...

Jerome Kerner: Can I ask, while he's doing what our concern is....

Andrew Marston: Can you see that now?

Jerome Kerner: What is our concern about this dock being that it's a floating dock and there's no no adjustment to the landscape or....

Andrew Marston: Can you see my screen now?

Jerome Kerner: Yes, we can.

Andrew Marston: Okay, so I'm going to Zoom in a little so as you can see, you have the water line coming down here, and then the dock is jutting out maintaining 17 feet from the edge adjacent lot.

Jerome Kerner: And this was approved by the lake association, right?

Andrew Marston: This has been approved by Truesdale Estates Association [TEA].

Jerome Kerner: What is our concern Janet?

Janet Andersen: Because I didn't know where the dock was going to be on the property at all. So it was it.

Jan Johannessen: This drawing wasn't submitted, there was a sketch of the dock, but we had no idea where it was proposed on the property and there was some indication that involve the association property, so I think this clears up a lot of things for me.

Jerome Kerner: Yeah well, maybe we should have rejected the submission, for lack of information. Anyway, that's just an aside.

Janet Andersen: Okay, so um at this point, I think this is helpful and so I'm sorry. I just finally because I, my screen my internet is really slow it just just I just got the drawing where is the association land?

Andrew Marston: I'm not quite sure where the association land is. I mean this is Truesdale Lake, which is an association lake. The lot resides within under the control of the TEA association and so therefore I sought permission from them, based on the parameters that are set out by Truesdale Lake. They have approved and signed off on this dock in its location and of its size and of its construction. I think a letter was submitted of their approval. So, I don't believe anything of it falls actually on, I guess the lake is that the association?

Janet Andersen: Okay, that.



Ciorsdan Conran: Janet, you may be thinking of later in the agenda there's a dock and it's involved with the Truesdale Lake Properties Owners Association land.

Janet Andersen: Yeah, this one did actually have, it said it was, I mean it seemed maybe was when I read it, it seemed like it will it was on the association property, and so it was confusing, but this this survey, it does help me a great deal. I would look to see whether people feel this could be done, administratively at this point.

Jerome Kerner: I would say that.

Janet Andersen: Um I guess first Jan, would you be, would you be comfortable taking this as administrative?

Jan Johannessen: If this drawing could be submitted to Ciorsdan, that'd be great.

Andrew Marston: Absolutely.

Janet Andersen: I would look for a motion to make this administrative. Jerome?

Jerome Kerner: I'd make that motion.

Charlene Indelicato: Second.

Janet Andersen: And Charlene seconded. And if we could stop screen sharing, so I can see people. Thank you so much Andrew. So I will now poll the board, Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Aye.

Janet Andersen: And I also say this can go administrative, so the motion carries and you're in the capable hands of Jan Johannessen to get the wetland permit for this.

Andrew Marston: Thank you for your time.

Victor Alarcon: Thank you so much.

Janet Andersen: Thank you.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board determined that the review of the Marston residence's floating dock, 21 Lake Shore Drive, South Salem, 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 #32-21WP**

(1:24:55 – 1:46:43)

**DeAngelis Garage, 34 Old Pond Road, South Salem, NY, Sheet 33C, Block 11368, Lots 12 & 29 (The Louis A. DeAngelis and Olga I. Irrevocable Trust, owners of record) –**

Application for the demolition of a garage and construction of a garage.

Michelle and Morgan Campbell, owner, and Bob Eberts, architect, were present.]

Janet Andersen: Okay, checking again. I still don't see Peter Gregory. So, I'm going to keep going. The next item on the agenda is Cal #32-21WP, this is the DeAngelis garage at 34 Old Pond Road, South Salem, New York. An application to demolish a garage and reconstruct a garage in a different slightly location. So, I see, I'm not sure who is representing the applicant, I think the Campbells are on. Oh Bob, thank you. Hi Bob, you're still muted. You're still muted. Okay, there you are.

Bob Eberts: Thanks for hearing us tonight. Bob Eberts for the Campbells. This property is owned by the Louis A. DeAngelis Irrevocable Trust. This is, Louis DeAngelis is Michelle's father, Michelle Campbell's father. The property's been in the family for for many years and their proposal is to remove an existing accessory two-car garage and to to construct a new two-car garage with an office above an office for Morgan. Now, the the existing garage is, the back corner is sitting in a in a spring, in a stream in the in the back corner, which I'll show you, but we want to bring that away from the wetland, bring it forward a little bit about 10 feet, so that we can, you know, keep that clear of the of the wetland. Can I share my screen would that be all right?

Janet Andersen: Sure.

Bob Eberts: This is the property. This is Old Pond Road up here and this is Lake Waccabuc down here. The driveway comes down the hill into this little valley area and the house sits back here, backs up to Lake Waccabuc. The existing garage is this little triangle right there and there's a little shed right next to it. Now there's a spring right here that turns into a stream that goes into a culvert that eventually goes under the driveway and then drains into Lake Waccabuc. So you can see the back corner is really right sitting in that in that area, so we want to pull that garage south a little bit about five feet and out about 10 feet, so that we can clear that that wet area. The wetlands are really on both sides of the stream it really wraps on on the north side here and then right around the back and I'll show you some pictures of that. Also there's wetlands that continues up the hill here and there's wetlands in this area as well, so there's really not too many other places, we can go with this. You've got a stream again, a larger stream coming down here, there's a wet wet area across here there's a stream here, so I think really just pulling this pulling us away from that from that spring is probably the best, the best solution for us. Let me show you a little larger view, this is a little bit larger view. This shows the existing garage here, that little woodshed and then the septic is septic tanks are over here and it's a pumped system that pumps up the hill. So, we would like to connect to that so that the the office which is going to be above the garage can have a little powder room and we'd subfeed the electric and water from the existing house as well, so we'd go right right across the driveway to to that area.

I thought I'd show you some pictures if that's okay. This is a photo looking down the driveway coming down hill, this is the garage building right now, the house is over, on the right. This is looking at the at the house, this is Lake Waccabuc and a little cabana that's over here. There's a stream that runs in front of it. That's the stream that runs in front of this between the house and this little cabana see it runs under the driveway. This is the, this is the spring behind the garage. I'll give you a little bit better image of that I think here, you can see a little bit better, this is where the spring happens is the back of the garage. So, the spring comes out of the ground here kind of comes into this a whole lot of swale or a spring stream it goes into a culvert that eventually goes on to the driveway. This is the front of the garage with the little woodshed.

So, again what we'd like to do is take this down, it has no foundation right now the slab is heaved terribly, it's not in good shape, it has a lot of rot. We'd like to take that garage and move it forward so you bring it towards this circular driveway here or this loop in the driveway and over a little bit where this where this boat is sitting right now. So this is the only dry area that we can find put that garage. So again, you could see some wetland growth right in right in here, and you can see it in the behind as well, you see the wetland growth here. So really, you know, this back corner sitting so close to that stream we just want to pull it pull it out out in a way. So that's our proposal if at this point, if you have any questions.

Jerome Kerner: So you're not increasing the impervious area by moving it towards this driveway.

Bob Eberts: No, we're actually not, when you, the garage is larger by virtue of the stairs that are going to the second floor. So we're going from about 450 square feet in the existing garage up to 600 square feet but we're also taking away this woodshed. So you take that away, you take some of this driveway away, we're actually reducing the impervious area.

Jerome Kerner: Okay. I would propose that this be handled administratively.

Janet Andersen: Well yeah, I, I do have a couple of questions on this first that I'm, the line of easement that is on the plans what what is that?

Bob Eberts: It's it's access to the to the water from this non-existent road.

Janet Andersen: Oh, from the Pardee, whatever it is avenue, not a physical road, oh that's interesting.

Jerome Kerner: Where's the other line of the easement? You can't get access on a single line; you need another one.

Bob Eberts: You know, I agree, but that's all that's shown on the survey.

Jerome Kerner: I see.

Bob Eberts: We'll do a little more investigation on that to get a little bit clearer picture if you'd like.

Janet Andersen: Well, I wondered whether it restricted something on one half of the property of the other if it's just an access easement from a road that doesn't exist it's possible it has something like a it's it's possible I have something, ou know, like you're allowed five feet on either side of the line or something and and but I wanted to make sure it wasn't stopping development on either the north or the south of whatever it was okay um. The other question, I guess, I have is that. So,

this would appear to say that everything is in the wetland buffer: the house, the the garage everything because it's all surrounded by water there and and Lake Waccabuc on the other side correct.

Bob Eberts: Yes, the only thing that's not is septic up here that's why they pumped it up to this is high dry area that's outside the wetland buffer.

Jan Johannessen: Bob where's the other side of because that's confusing when I originally thought and looked at this look like the septic was in the wetlands.

Bob Eberts: No. That's where it's that's the dry area that the the well, and this is the remainder of the property.

Jan Johannessen: Okay, but where's the other side of the the wetland line there's only one line there.

Bob Eberts: You're right and that's the way it was mapped originally um I just assumed the remainder of the property was was in that, it clearly appears to be.

Jan Johannessen: Yeah, but the I mean the the driveway, the house obviously that's not in wetland itself so we have requested, and specifically because you know you can see in the pictures there's a lot more wetland vegetation out there than what is depicted just on the showing the edge of the streams so we've requested an updated wetland delineation and I'd like that, before there's any kind of consideration of this being handled administratively or not. The other item is there's some question of zoning and what zoning district this property is in. I've been discussing it with the the Building Inspector, there's some differences in the zoning maps, he's got it on his map is being half in the half of the property in the quarter acre zone and one half of it, and the one-acre zone. The maps I have show it entirely in the one-acre zone. But even if Joe Angiello in that half the property is quarter acre zone and half is in the one-acre zone he's indicated to me that the more restrictive zoning district applies and the setbacks for the R-1 zone would need to be applied to the to the project. So that would push zoning set back, you know well into the garage. So, I think there's some [static] that need to be flushed out. We had a pretty lengthy memo and I'd like some of those items addressed.

Bob Eberts: I spoke to Joe early on thinking that this was a one-acre zone, thinking that we needed a side-yard variance as well. Well actually, the first question was what he considered front yard, what do you consider rear yard, and you consider rear yard, the the lakeside. So, this would be a side-yard variance if this was one acre zone. He said no, this is this is quarter-acre zone, and I said, are you sure you want to check the zoning map, he said, I did he said it's quarter-acre zone that was his answer to me in an email.

Jan Johannessen: I know, when you forward that to me, but then I I questioned him just because not him my question, a question the interpretation just because I have two maps that show it otherwise and then he came back and indicated that half the property was in the one acre half and the other half was in the quarter acre and that you had to apply the one acre zoning regs because you have to apply the more restrictive zone, so I think we need to get on the same page there.

Bob Eberts: I'll speak to him in the morning on that.

Jud Siebert: I think that.... I'm having internet problems tonight I hope everybody can hear me. I think the best course is there are some zoning questions, and I think in terms of what zoning may

or may not apply, what dimensional regulations may or may not apply it may influence you know the overall, you know, the context of this project, I think I think we probably the board would be well served by just referring thus to Joe and get you know, a formal read on it.

Jerome Kerner: Jud, I agree with that, but just as a backdrop to this it appears to me that the area is already disturbed, there's driveway, there's the sheds, there's etcetera and it looks to me like the new footprint doesn't encroach beyond the impacted or the disturbed area. So and there's an improvement, you know moving away from the stream. So, you know there's a lot of [static] questions about zoning, but I think as a backdrop, I can I see this as a no brainer in terms of its relocation in an area that's already disturbed.

Gregory La Sorsa: Do we have any indication of what's going to be substantially different about the new garage?

Jerome Kerner: It's 200 square feet bigger Greg.

Gregory La Sorsa: Right, well okay and yeah.

Janet Andersen: And it's going to have a second floor and a powder room, but I don't think, but the footprint, you know, which is what we worry about in a wetland permit is not.

Gregory La Sorsa: You know. Okay, I appreciate that yeah, that was the essence of my question I'm not not so much the interior, the exterior.

Jan Johannessen: Is it is there any possibility, I understand it's getting better, but is it the best it could be, or is it as far away from the wetland itself, as it can be? Could that slide further towards the house and be even further away? I mean that the disturbance limit line Jerome on this is in the stream okay.

Bob Eberts: That's because the back corner of the existing garage is in the stream.

Jan Johannessen: Yeah, but you have stormwater management going right there.

Bob Eberts: Well, we figured that was already disturbed so that's where we would where we would put it.

Jan Johannessen: I don't know how stormwater would function there being in such high gravel....

Bob Eberts: \_\_\_\_\_ yeah.

Jan Johannessen: I'd like to see the garage moved closer to the house and just have it front loaded maybe from, you know, kind of where that teardrop circle is push it kind of in line with that maybe, and have the garage doors face the other one even further away from the wetland. I'm not I I understand it is a simple application, but I have concerns about it, and as it stands now I'm not comfortable handling this administratively.

Janet Andersen: Well, I think the first thing I heard was let's look for consensus to refer this to the Building Inspector and get that feedback. Everybody okay with that?

Jerome Kerner: Yes.

Janet Andersen: So, and the second thing, you know, I'm almost sort of say you guys ought to take a look at the Fries application, which has a garage coming, but it has a nice, they moved out sort of to the side of the house, and it has a patio and also for the lake I mean not a patio a deck, you know so it's it's a, you know, maybe there could be a better place for this to go. One, I would say both the CAC and I think Jan's memo suggest a potential site walk here, is there any interest in in doing a site walk for this, or do you feel that that it's that we wouldn't really get that much more information you know other than the sort of details that that Jan has asked for.

Jerome Kerner: Yeah.

Janet Andersen: Greg is nodding.

Gregory La Sorsa: I don't think, I don't think we need a site walk.

Jerome Kerner: Yeah, but Jan every everything is in the in the buffer right, everything?

Jan Johannessen: Yeah, but it's so close to the wetland Jerome, it's feet away from the stream and the the stormwater management practice is almost in it.

Jerome Kerner: Yeah.

Jan Johannessen: And there seems to be you know, there's does there need to be all that macadam there, could they shifted just another 10 feet, so it doesn't have to be on top of the stream? There's no room to do stormwater on this.

Jerome Kerner: I could be wrong, but looking at the photos, that look like an intermittent waterway hardly a stream, but maybe some kind of a run off from.....

Jan Johannessen: Well, there's a lot of wetland vegetation there.

Janet Andersen: Yeah it's pretty wet. We looked at trying to do some stormwater management for the stuff to the property to the north, that that kind of runs down onto this property at one point which is so I wasn't really looking at this property, but I was looking at sort of the uphill and in part off to the to the right as we're looking at, so I guess that's the east and the north and and there was a lot of flow that seemed to go down onto this property, so it, which is sort of in the you know valley and is quite wet.

Jan Johannessen: They're also proposing to put a drain inlet in the driveway and run it off into the stream which that could happen, but they have to treat the storm water before it's it's discharged to the water course.

Bob Eberts: That is that's existing, we're just putting up a basin with a cover on it, right now it's just got a blue stone slab sitting over it to protect it a little bit. So, we were just trying to clean that up since it's going in the in the proposed portion of the driveway.

Jan Johannessen: So there's a drain inlet that discharges.

Bob Eberts: It goes directly into the into a culvert that runs into a stream.

Janet Andersen: Well, it does sound like there's a few questions that need to get addressed. I'm you know. I do understand that it's a small or you know, it's a it's something that we could

potentially consider for administrative, but especially while Jan has reservations and well there's a lot of questions about whether this could be in a better place. I guess I'd asked whether you could you know, look at potentially some of these things [static] and come back and either June or July with a you know, either tell us well if something changes or here's why alternate places would not work because I think that's one of the things our code does say is try to make sure it's in the best best place, you know, and that other areas have been have been considered.

Bob Eberts: I think we could move at 10 foot forward without without hurting the use of the property.

Janet Andersen: Yeah, I mean.

Bob Eberts: And with that the the rain garden would would come forward as well.

Janet Andersen: Yeah I mean obviously the the applicants would have to you know, the owners would have to make sure they're comfortable with it, but I, but I think they're there is potentially room for improvement here, that would that would be helpful. Anybody have any comments or could you stop sharing and I can that I can see everybody.

Bob Eberts: Of course.

Janet Andersen: Thank you, Bob. So, are there any other comments/questions/concerns from anybody?

Various voices: No.

Janet Andersen: Okay, so again, I think to come back in June is pretty quick, it's, our submission date's a week from now, but um you know, maybe you can do that otherwise July, I think it would really be helpful just again if you say we've looked and there's no other place, I understand, but I think maybe you can find something that might be a little bit less intrusive on the wetland as as Jan has recommended.

Charlene Indelicato: I agree.

Janet Andersen: Any other comments/questions/concerns? Okay, great um. Thank you, we will see you again soon.

Bob Eberts: Thank you for your time tonight.

Morgan & Michelle Campbell: Thank you.

## **VII. SKETCH PLAN REVIEW, CONTINUED**

### **Cal #01-21PB, #08-21WP**

(1:46:44 – 2:18:29)

**Vista Market, 469 Smith Ridge Road, South Salem, NY 10590, Sheet 53, Block 9834, Lots 32, 33 & 34 (Visnor Property, LLC, owner of record) - Application for the installation of fuel dispensers.**

Kalpesh (Kevin) Rana, Ashi Corp.; and Peter Gregory, PE were present.]

Janet Andersen: And I believe we did see Peter Gregory come on so I'm going to go back now to the Vista Market. So, this is Cal #01-21PB, #08-21WP, the Vista Market at 469 Smith Ridge Road, South Salem New York, and this is the application for installation of fuel dispensers. So, Peter.

Peter Gregory: Yes.

Janet Andersen: You're on.

Peter Gregory: I am here, I made it, thank you very much for allowing me to change things up a little bit I was had another meeting tonight in a different town and we freed up so if I can I'll I'll share our drawing.

Janet Andersen: Sure.

Peter Gregory: Let's see. There we go. So, I'm here tonight with Mr. Kevin [Kalpesh] Rana (Ashi, LLC) representing the Vista Market. Vista Market is a tenant on this property. So, 469 Smith Ridge Road basically consists of three parcels. The total acreage of the site is approximately 3.4 acres. There are three structures on the property, the market, which is located in the central portion of the site. There is a frame to one-story building to the north, and this frame dwelling just to the south behind the market area. The majority of the site is developed, there is an existing paved parking area for the most part, on both sides of the market. The southern portion is paved and then we've outlined, based on the survey information to this point is that we have a paved area and the other portion of the northern side of the property. The rear of the property is not developed, but I think, as you are aware, is currently in use by the neighbor, for I guess storing some material. We are aware of that, we have to deal with what they're using that for how it's being used and how it may affect, or may not affect, what we're looking to do moving forward, but we will be in touch with the neighbor to discuss that portion of the site.

The plan is to install few dispenser pumps in what I'm referring to as the southern parking lot with a canopy overhead. We have looked at improving the parking area to the north, better defining the entrance and the exit on both sides of the property, as well as giving a better indication of how the circulation would work through the site designating areas for parking within that paved area and incorporating landscaping to provide streetscape and site improvements on that portion of the site. Generally, that's the configuration on looking at the entire overall site of the property, fuel dispensers/canopy on the southern portion. We would be looking to create an island along the front property line, which would better define the entrance coming in, possibly with a one-way flow of traffic in that would allow us to circulate around and leave the site from the gas station area.

We are also looking to possibly create an island on the front on the northern parking area as well, with an entrance coming in. We do have it configured right now that would allow two vehicles to pass in aisles on each side of this parking area but trying to limit the widths of the openings for the entrance and access to better define, you know, how vehicles will enter and exit the site. And then we are also calling for parking along the rear of the site, or the rear of the area that is paved, leaving the rear of the site, as currently is configured. There is a dumpster area and loading space that would be utilized on the northern side, behind the market area and all of the work that we would be looking to do with to be improving it, pulling it onto the site taking it off of the, or out of the State right-of-way and improving what's currently existing in that area.



There are wetlands that are associated with this site, there are wetlands located across the Smith Ridge Road and a portion of our property will fall within the regulated buffer area and what I like to do is I can even go into a better. Just a better idea, a better scale as to what we're looking at. Again, our entrance coming in, on the southern part of the property, would allow the vehicles to pull perpendicular to the market area, canopy above, possibly expanding our paved area to the rear of the parking area to allow for better traffic flow. And then on the northern side, the same thing, one way in we are showing 25-foot aisle with all the way around, long vehicles to maneuver in and out and then again improving and better defining the exit that people could leave the site and keeping this to a minimum, so that we would be able to manage and control how people enter and exit again and then preventing having two lanes of traffic trying to pull out which could be an issue. And you know we've had some preliminary discussions with a New York State DOT. They are, you know they would like to see more information on this, but we are, I guess, meeting the their of their objective in terms of better managing the traffic flow and patterns entering and exiting the site.

In terms of our stormwater, we do realize that we would have to provide some stormwater mitigation for the property. There currently aren't any drainage structures on the site. The basically for the most part, the majority of the surface area is directed toward Smith Ridge Road and there is an existing catch basin that's located just to the south of the property on Smith Ridge Road that pretty much captures all the one off leaving this site discharging it through a culvert underneath Smith Smith Ridge Road to a wetland area across the street. We would be looking at possibly capturing that run off that's leaving the southern parking area, preventing it from going out to the road, running it through some form of a subsurface treatment system. I'm looking to do, maybe some type of an underground chamber that would provide some filtering prior to leaving the site and flowing off onto Smith Ridge Road. But you know we haven't developed the plan that far yet, but it is something that we are considering. I have had an opportunity to review the comments that were issued, regarding our conceptual plan that we're submitting. I think that we do have some work that we have to do, but I don't see any issues in here that that we wouldn't be able to address. I know that you know, we have some questions that you know we have to look at for the most part, how these parcels are configured within the overall three and a half acre site and how that plays out with our zoning setbacks and our uses but we've started to look at that and I think we can possibly had an opportunity we could we would meet with the Building Inspector again and kind of go over that with him. We did have an opportunity to have a pre-application meeting before we came in, we we've done our best to try and address some of the concerns that came up early. And again, we would just look forward to moving forward with something and and you know doing something with this with this project in the southern parking area of the site. I can answer any questions anybody may have.

Jerome Kerner: I have a I have a comment, Peter. It seems to me that if I pull in there for gas, and I want to go into the store I should have a place to put my car out of the way and instead of pulling out again and coming in to a northern in other words, having to park, again. Is there any consideration for shoppers that want to come in after getting gas?

Peter Gregory: Well, we did look at that early on, and one of the things that we were looking to do was to create some additional parking spaces in front of the frame dwelling and expanding this the paved area into that lawn and sloped area, a little bit further. I think that would give us the opportunity for someone to park. They'd have to walk to the entrance which is out in front, and I still think that it would leave sufficient area for vehicles to circulate, get around the canopy and leave the site. We have prepared a sketch, where we started to study what the maneuvering would

entail, and I think there would be area to do that on the southern portion of property, without having to drive around to the north.

Janet Andersen: I guess my question on that, so you would need to be able, well, could you identify perhaps where the gas tanks are you know the subsurface gas tanks are going to be, because you will need to be able to get delivery trucks to that place. Now I don't, I don't know where those are, but if you have parking that might that might conflict with that.

Peter Gregory: I think, we'll be able to park over them. The the originally when we had looked at this, we had the canopy and the dispensers rotated 90 degrees and when we did it that way it allowed us to install the underground storage tank on this location here, which was pretty much the rear of that parking area and that allowed us to have the trucks pull in in between the dispensers to to fill those tanks. I think we would have to be doing something which would probably be in this case, perpendicular to the building located here and then allowing the trucks to possibly back in and fill those tanks from either the right side of the parking area or in front of the building. It's my understanding that the market can work with the fuel delivery companies to kind of request times when that fuel could be delivered. It can either be delivered very early in the morning or late at night. And I think we'll still study the placement of those tanks and look at how the trucks would maneuver in and pull out of the site on our subsequent submissions, we can you know we can show that to you.

Janet Andersen: Yeah, that would be I mean, I understand that that people might want to park there I but I and, and that, theoretically, you can schedule gas delivery, but I I'm I'm concerned that there would be a conflict there so it'd be helpful to see exactly how the trucks would go wherever that is.

Charlene Indelicato: Is there an attendant at the site?

Peter Gregory: There are and that's a question I'd have to ask. Kevin [Kalpesh] if you can hear and you want to answer that but normally there would be employees that are working inside that are manning this area during their hours of operations, whether or not they will be coming out, I do not have that answer for you yet.

Kalpesh Rana: Yes, it's gonna be a yes sorry about interrupting you. Yes it's gonna be two peoples, all the time, is going to be there, so if somebody needed help is going to be outside they can go and also we're going to put, there is always have a radio system over there, so they can put you know talk outside/inside also we're going to have a camera in TV inside, so if somebody's pulling somebody needed help with something outside, we can see in a TV inside right away.

Charlene Indelicato: Where would they be located?

Kalpesh Rana: It's near the counter. So where we are, we have a counter in the middle, we put the TV in a right on a front over there, so we can see actually what's going on and outside right away.

Charlene Indelicato: Is there going to be a bathroom in that area?

Kalpesh Rana: Yes, we're gonna have a bathroom.

Janet Andersen: Does one exist now?

Kalpesh Rana: We have it, right now is a one um not unisex bathroom just only male only right by the bathroom over there, but what are we going to do, that is, I talked to the one of the plumbers and he said that he had to put the eject pump something he said that he has to go in and talk to town first and find out, he can put it in there or not.

Janet Andersen: So um well, maybe one of the things that I was going to ask about I know when we've had power outages, especially some extensive ones, the gas stations that had a generator were very popular. Have you....

Kalpesh Rana: Sorry about that's what I'm trying to planning is that one so when I'm going to do this one I was going to actually going to put the generator right now, too. But I was just waiting to pass this one is the pass I'm just going to put the generator so it's gonna be like you know run with a propane so I already is a separate tank with the propane a generator can be run for two days, three days you know.

Janet Andersen: Okay, and where where would that be?

Kalpesh Rana: That would be in a behind the building is, you can see right now, where the yeah right around this area we're going to put it in generator there.

Janet Andersen: All right, maybe I think it's appropriate to ask Jan to go through some of the highlights of your memo.

Jan Johannessen: Sure. First, I you know I had been I did have an opportunity to meet with Peter on this a couple of times and I'd like to just thank him for making some changes to the plan. I think, really improved circulation from what had originally been shown and I, you know I'll just point out that, as you all know, there's one just massive curb cut across this entire property and you know, the introduction of the landscape islands, I think, will be attractive and also will really go a long way to improving traffic circulation, but um there's some overall kind of zoning questions that we have, some information that needs to be provided before this is ready, probably for the building department to review parking calculations and such. The town, also in the last couple of years, adopted a special permit use for gas stations and convenience stores so I've asked the applicant to just go through those regulations and conditions and demonstrate compliance, so that that should be done before it goes over to the building department as well. Yeah, let's see, we asked for a business plan, a use and operation plan, an existing condition survey, with some topography. That, I think it will be important as Peter mentioned right now that the site just drains to the street and then ultimately in a culvert to the wetland across the way and because of the nature of the business think so having some sort of storm water quality controls on the property would be certainly beneficial.

The property has three different uses on it right now. I'm not sure what's in the old former church, if that's being used or not, but that's on its own parcel without any parking so I'm assuming there's some easements there that we would like to see, but if we can get a kind of a floor plan or just a some indication of each of the different buildings, the layout and they use so that we can formulate required parking needed for the property that would be helpful Peter. I don't know if you have floor plans or the existing buildings we've got a....

Peter Gregory: Yeah, we have floor plans of the of the market itself, and there is a small second floor office but it's my understanding that the frame building to the north, used to be a church.

Jan Johannessen: It was a church and it's been rented out a couple different times and I don't know who if anybody's in there now but we'd like to know what.

Peter Gregory: Yeah, I think it's being used as an online store, you could order, you can order, its wine, and you can come and pick it up at that. So I would assume it's being looked at as a retail space right now. I would assume, based on that, but yes, we would go through will confirm the floor space, how it's being used to then work back to our off-site off-street parking requirements on that.

Jan Johannessen: And you know, to the extent that you're over parked I mean it looks like there's quite a bit of parking on the property for the uses, that are there and being proposed one recommendation we had was if all the spaces were determined not to be required at this time that that the zoning ordinance does allow the land banking of parking spaces. So that's something to consider, especially on the, I guess the north side of the market.

Peter Gregory: And we're not opposed to that, I think we just want to confirm what the required our versus there but you know we do I think right now we're showing approximately 40 plus spaces, 42-43 spaces. And you know how it's currently being used today, I think that there, there is a lot of asphalt out there and I think that we could do something along those lines.

Jan Johannessen: Yeah, I think that the zoning analysis right now is probably the most important and then, as the project gets fine tuned, you know we'll be looking for more detailed landscaping plans, lighting plans, things of that nature, but I think the parking calculation and the overall zoning demonstrating compliance with the special use permit provisions would be the first order of business.

Janet Andersen: Thank you Jan. Okay yeah um, I think I did have a, I mean probably all of us have driven up to a gas station where the music was playing on the top of the stations and there was ads and I don't news or something. I'm just going to say that I think our preference would be to not have any of that happening in a especially in a fairly busy part of town. So I think that would be better, I also understand that at one point there's actually, the assessor has a card that has an old picture of what have to gas stations in right in front of what's now the Vista Market, and I was wondering if you have any information about whether that tank was ever, I'm assuming there was an underground tank that supplied that, whether that tank was ever removed, you know, whatever happened to that I think I think the gas stations or the gas pumps were still there in the 70s, so there should be some record of what what happened.

Peter Gregory: Yes, I don't have anything, right now, but we can check maybe with the owner to see if there's any record and start with that first. Yeah, I think I've seen that photograph. I think I think I've seen that with the pumps on front I've seen something.

Janet Andersen: Yeah, the DEC or somebody might have some information about that because it's probably even back then was probably regulated in some way. Okay, one I think one of the things that was in the, in Jan's memo was maybe think about a site walk, again I don't know whether this is something that people have an interest in in taking a closer look at or want to do a drive by and maybe not a scheduled walk.

Gregory La Sorsa: I have no interest in taking a scheduled walk. We can, we can all, we all know this place.

Jerome Kerner: Oh yeah. Very familiar with it.

Janet Andersen: I think. Go ahead, somebody else.

Charlene Indelicato: I was just wondering, are there any amenities with those two pumps like you know the vacuum area and the tire pump? Where they would be placed if they....

Peter Gregory: I don't Kevin, do you have any plans for any other features out there? We haven't discussed that.

Kalpesh Rana: Yeah, we didn't discuss that yet, but like, yeah, definitely, we can provide it, because it's the air in the vacuum areas mainly mainly more because people are temporary now the area something on that one, that's a free of charge on that one usually nowadays. So that's when we can provide it to just you know, is to help people on that one, but we will go according to where ever the town says that we can put it, and it doesn't affect anything in traffic on that.

Charlene Indelicato: No, I wasn't saying it has to be provided. I just was wondering if you were going to put one and would that affect circulation that's all.

Jerome Kerner: Right but, but let me just correct, from my point of view, the town will not dictate that it's up to you, so up to the designer to put that in and satisfy the circulation requirements.

Kalpesh Rana: Yes.

Jerome Kerner: But, I would also say Pete, it seems to me that the the aisle, the double tandem parking in on the north side probably should be 60 degree, instead of perpendicular since it looks like a one-way traffic pattern would be benefiting everybody. So, if I can only come in on one side, but I have to leave on the north side, and it seems to me that, having a 60-degree angle parking would give a clear indication that it's one way. Was that your intention or not?

Peter Gregory: Well, the intention was to have the ability for vehicles to pass in the aisle but to control how they enter and leave the site. I felt that, with the 90-degree parking we wanted to make sure that they have the ability to back out because we're so close to that side of the market building, on the north side of the building.

Jerome Kerner: Right but the angle parking makes that a lot easier, you know.

Peter Gregory: Yes, it would, yes, I agree. One of the other things we looked at, if it was possible, even to connect those two islands with a with another landscaped island. That would run between the two islands that are there now and just to eliminate some more of the asphalt that's there. But you know, we can look at you know we did look a little bit at the angle parking. We could look at reducing that aisle width and see if we can do a little bit of both, maybe expand a little bit on the landscaping around the building and then also have the ability to grow angled parking for a little bit better maneuvering in and out of space.

Jerome Kerner: I think that would be an improvement.

Janet Andersen: Okay, I have a couple more, I guess, so if I have seen you know I think we've all seen videos of somebody driving away with a with the gas pump still in their car, and all this stuff is there is there a way to contain any spills that occur by the by the the actual dispensary area, you know, I don't know whether it's a little indentation I've certainly been in places where they have kitty litter sort of scattered all over or something I I don't know what the state of the art is and if

there's any containment for spillage, but I think that would be of interest and then this is just you know, I'm going to say this, basically almost every time I see anybody working on a parking lot and I know it sounds funny when you've got when you've got we're putting in the gas station, but I was wondering if any consideration have been given to putting an electric charging station, maybe on the north side of the market, somewhere, even if you don't put it in now, but putting in connections in case you want it in the future so that there's, you don't have to dig up the pavement again and so I'm just um it's not in their code, it's not a requirement but I'm throwing it out there because you're digging up the land in case, that is something of interest.

Kalpesh Rana: Oh yes, we can work it out on that one, so I have a several gas stations on in a connected on that one right now and we are doing same thing. So, what we are basically doing on that one, we are not going to put any state un charging station, right now, but we trying to put it in connections and make it ready so like when the time comes to power line is there, they call, they run the power line ready not ready, we just five underneath ready so whenever comes, you can just make it ready and the charging station you put it designated place you know, on then it's easier that way, so you don't have the way you said that you don't have to dig it twice.

Janet Andersen: Okay, so basically run some kind of conduit. Well, it's great it's great to hear you thinking of that because I think that's that's farsighted so thank you, thank you for thinking of that. Okay any so it sounds like it's too early to refer this to the Building Inspector. I would like to see some some you know, curve how how the trucks are going to get in but I think...

Peter Gregory: Absolutely.

Janet Andersen: ...we're going to want to put this in front of the [Vista] Fire Department, but they might want to see the turning, you know, how trucks will get in and out to so I think it might be a little early to refer that to either one. So, if maybe you stop screen sharing and I'll look around and see if anybody has any other questions or comments. Anybody have anything more? Okay, well, I do think this has has certainly improved since the first application we saw, I want to thank you all for for doing that and. We look forward to seeing you come back. I don't know whether you can get back for June, but if not we'll see you in July.

Peter Gregory: Well, maybe what I like to do if it's okay, is, I would like that opportunity, maybe to meet with the Building Inspector, and maybe with Jan also because I'm concerned about some of the questions that came up regarding the zoning compliance. You know we'll take a look at how those individual parcels are being viewed and then how we would have to apply the zoning to those parcels. And what we may have to do, and then I think with that and, while that's going on, we can look to get our survey information updated and start developing a landscape plan that we could present you know next time I'm ready to come in.

Judson Siebert: Yeah, yeah and Peter I think that's a good idea, just an informal discussion, if we can do that and also, I think the Assessor should possibly be plugged into this as well because you have the potential of having kind of disparate uses across three parcels and it may be beneficial to get her you know viewpoint on how that would be handed from an assessment standpoint going forward.

Peter Gregory: Sure and I understand, and I think right now with the market as a tenant and Kevin, you can correct me if I'm wrong, but I think there is the plan in the future to possibly for the market to purchase the entire property.

Kalpesh Rana: Yes, yes.

Peter Gregory: Right now, I think that you know, he's in a lease agreement with the owner, but in moving forward, even with some of all these improvement is going to involve the owner's cooperation on this and I think we're going to have to look at that short term as well as long term and how that's going to be resolved, as well as what's going on with the nursery to the rear of the site.

Judson Siebert: Correct. Right.

Janet Andersen: I was going to add that in too, that's another complication. So, we've, while you're having that zoning discussion it would be great to wrap that in as well. Okay well, thank you any other questions or from anybody to anybody. Okay I see nothing. Thank you.

### **VIII. SCHEDULE SITE VISIT**

#### **Cal #28-21WP, #04-21SW**

(2:18:33 - 2:20:24)

**Fries Residence, 54 Bishop Park Road, Pound Ridge, NY 10576, Sheet 25, Block 10274, Lot 10 (Daniel Fries and Hanako Shimizu-Fries, owners of record) – Application for construction of a deck, garage and office addition.**

No one present on behalf of the applicant.]

Janet Andersen: And we will move on to um, I think the next item on our agenda is the scheduling of a site visit back to the Fries residence on Bishop Park Road. I don't know if anybody has been waiting all this time to deal with that. I don't see anybody. Okay, we had talked about going out there, you know, last time they were not able to set up a not able to stake out the location. I'm just trying to bring up my calendar. So, I think we usually try to do something, typically, the Saturday or Sunday before our next meeting which would be, I think June 12th. Do we want to try to schedule that on June 12 and are people available, and this is still interested in going? Charlene you might have said something, but you're muted.

Charlene Indelicato: June 12th is fine.

Janet Andersen: Okay, nine o'clock. So Ciorsdan, since nobody's on for this maybe you can get in touch with them and say we'd like to do at nine o'clock June 12th. Okay, and and, of course, if they have a problem or you know so when we will let the CAC know as well.

[The Board reached consensus to schedule its site walk of 54 Bishop Park Road on Saturday, June 12, 2021 at 9:00 a.m.]

### **IX. DISCUSSION**

#### **Cal #05-21PB**

(2:20:25 - 2:25:10)

**Truesdale Lake Property Owners Association, Hoyt Street paper road, located between: Sheet 36A, Block 11172, Lot 34 and Sheet 36A, Block 10810, Lot 62 (Truesdale Lake Property Owners Association, Inc., owner of record) – Application for a lot-line change.**

No one present on behalf of the owner or applicant.]

Janet Andersen: Okay, the next item on the agenda is really a discussion, and this is calendar number pending, Truesdale Lake Property Owners Association, it's Hoyt Street paper road and it's an application for a lot line change to allow a dock to go in, and I think Jan if you could kind of walk us through what the question we have in front of us here, it would be very helpful.

Jan Johannessen: Is there anybody here on the application side?

Janet Andersen: I don't think so.

Jan Johannessen: Okay, I was hoping they would be here to present the plan.

Jerome Kerner: How pressing is this? Maybe we hold it over.

Jan Johannessen: Yeah, it should be held over. I can't, it's an application that involves the construction of a dock at the Gural property which Jerome, you and Maureen might remember they did a big addition and home renovation some some years ago on the lake and they really don't have a great spot put the dock on the property and they're looking to purchase some property from the Association, which is part of the old Hoyt Street paper road. So, I asked them to come on on a conceptual basis, just to see what the board thought about it because there's an order for them to purchase that property there'd be a lot of survey work that would need to take place, it would be a lot line realignment. So she [Nancy Bear Gural] kind of wanted to run the project, you know, up the flagpole, so to speak, and get some feedback from the board to see if it would be viable before taking the next step in preparing all the professional drawings. And that the dock itself is proposed, kind of in one of the tributaries to the lake I don't know if it has a name or not, but it's a tributary into the lake and they actually want to cantilever the dock over the water, so it doesn't become a you know obstruction. So in my mind it's....

Gregory La Sorsa: Well, I'd definitely like to see something about that.

Jan Johannessen: Yeah, yeah.

Gregory La Sorsa: Yeah, yeah know I mean.

Jerome Kerner: Jan is the guy, the well driller?

Jan Johannessen: No, no. So anyway, I was hoping they're going to be here to give the presentation, but the whole idea was to get some feedback from the board before they took the next step and you know, prepared the plans and the surveys and such, so I think I'd have to get recalendared.

Gregory La Sorsa: Our feedback would be show us the plans.

Judson Siebert: Well, there's also some questions about the disposition of the paper road and, but I don't want to dive, we don't want to dive into that until we know there's some comfort level, you know from the board in terms of the you know, from a practical perspective, about the dock and the dock design.

Janet Andersen: Yeah, I the way I understood this and I'm sorry I'm jumping in, but you know that that there's the idea would be to take part of a paper road which can't ever really be a road



because it's, on the other side, it comes from the other side of the tributary so it has to be a bridge over it, which nobody's going to build and and so would we would we have an objection to somebody using a paper road as a place to put a dock and the cantilevered idea is that it keeps it'll keep the dock from interfering with anything that might be flowing in the tribute from down from the tributary you know with disturbing the flow diverting it or anything so.

Jan Johannessen: I think they have to present the plan.

Judson Siebert: I think it's dependent upon hearing from from the applicant.

Janet Andersen: Okay, so we'll put that off till June and as.

Jerome Kerner: Well, of course, cantilevered means that there is structure in on land.

Jan Johannessen: Right yeah, so there are a couple of footings that they are proposing.

Jerome Kerner: Yeah, so that's in wetland area and, of course would require some serious permitting.

Janet Andersen: I mean they they did have a little bit of a plan, but if they're not here we'll put it off till June.

#### **X. MINUTES OF April 20, 2021.**

(2:25:311 - 2:25:034)

Janet Andersen: So, with that I would look for a motion to, unless there's any further discussion on that, I would look for a motion to approve the Minutes of April 20, 2021.

Gregory La Sorsa: I'll make the motion.

Jerome Kerner: I'll second.

Janet Andersen: Any discussion? I'm gonna poll the board, Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Gregory?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen? I think you have to abstain.

Maureen Maguire: Abstain.

Janet Andersen: And I say yes, so the minutes approved. Our next meeting date is June 15, 2021.

[On a motion made by Mr. La Sorsa, seconded by Mr. Kerner, the Board approved the minutes of April 20, 2021 as submitted. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Abstain: Ms. Maguire.]

# **XI. ADJOURNMENT**

(2:25:36 – 2:26:15)

Jerome Kerner: I make a motion for adjournment.

Gregory La Sorsa: Second.

Janet Andersen: Jerome and Greg. Charlene, what do you say?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Maureen?

Maureen Maguire: Yes.

Janet Andersen: And me too, so thank you well, we are adjourned. And we'll see you in....

Various voices: Thank you everyone. Good night.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the meeting was adjourned at 9:56 p.m.]

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

Respectfully Submitted,



Ciorsdan Conran  
Planning Board Administrator

**RESOLUTION  
LEWISBORO PLANNING BOARD**

RECEIVED BY

**VIOLATION OF CHAPTER 217, WETLANDS AND WATERCOURSES,  
OF TOWN CODE OF THE TOWN OF LEWISBORO**

MAY 20 2021

Town Clerk  
Town of Lewisboro

**Michael J. and Susan M. Kullman**

**Cal. # 02-19 WV**

**May 18, 2021**

**WHEREAS**, on August 5, 2019, a Notice of Wetland Activity Violation was issued to Michael J. and Susan M. Kullman with regard to activity taken upon property located at 12 Redcoat Lane, Waccabuc, New York, which is identified as Sheet 24, Block 11155, Lot 92 on the Tax Map of the Town of Lewisboro (the "Subject Property"); and

**WHEREAS**, this Notice of Wetland Activity Violation was issued by the Wetland Inspector on account of the following offense:

A regulated activity consisting of the construction of a structure and the excavation, removal and/or deposition of material, without the benefit of a Wetland Activity Permit (Section 217-2 of the Wetland and Watercourses Law); and

**WHEREAS**, the Notice of Wetland Activity Violation arose from the removal of a shed, construction of a garage, removal of pre-existing asphalt, grading and driveway/courtyard expansion and associated activity undertaken on the Subject Property within the wetland buffer area defined under Chapter 217, Wetlands and Watercourses, of the Town Code of the Town of Lewisboro (the "Town Wetland Law"), which activity was undertaken in the absence of a permit issued under the Town Wetland Law; and

**WHEREAS**, as a result, a Planning Board Summons was also issued by the Town Wetland Inspector on August 5, 2019 directing Michael J. and Susan M. Kullman to appear before the Planning Board; and

**WHEREAS**, the Planning Board Summons was returnable before the Planning Board on August 20, 2019, at which time Susan Kullman appeared, together with Jan Johnsen, a landscape designer, and Milo Rajovic, a general contractor; and

**WHEREAS**, on August 20, 2019, Susan Kullman entered an admission and plea of guilty to the violation set forth in the Notice of Wetland Activity Violation and Planning Board Summons; and

**WHEREAS**, on August 24, 2019, Michael J. Kullman, on behalf of himself and Susan M. Kullman, applied for a Wetland Activity Permit (under Cal. No. 02-19 WP) to conduct wetland buffer restorative work upon the Subject Property; and

**WHEREAS**, on October 28, 2019, Michael J. Kullman, on behalf of himself and Susan M. Kullman, applied for a Stormwater Permit (under Cal. No. 14-19 SP) also in furtherance of wetland buffer restorative work to be performed upon the Subject Property; and

**WHEREAS**, on February 25, 2020, the Planning Board determined, upon duly adopted motion, that these wetland and stormwater permit applications would be handled on an administrative basis by the Town Wetland Inspector; and

**WHEREAS**, the Town Wetland Inspector thereafter issued a Wetland Activity Permit and Stormwater Permit authorizing restorative work upon the Subject Property; and

**WHEREAS**, by a Wetland Certificate of Compliance dated May 10, 2021 and a Stormwater Certificate of Compliance dated May 10, 2021, the Town Wetland Inspector determined that all work associated with the Wetland Activity Permit and Stormwater Permit has been satisfactorily completed; and

**WHEREAS**, Michael J. and Susan M. Kullman have established that they incurred costs of approximately \$34,981.00 in connection with this restorative work; and

**WHEREAS**, the Planning Board, having provided an opportunity for Michael J. and Susan M. Kullman, by their attorney, to be heard deliberated concerning the assessment of a civil penalty at its meeting held on May 18, 2021; and

**WHEREAS**, having conducted such deliberation and based upon the circumstances recited above, including the cause of and nature of the activity giving rise to the violation, the restorative work conducted on the Subject Property and the cost of such work;

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that a civil penalty of One Hundred and No/100 (\$100.00) is hereby assessed against Susan M. Kullman, based upon the above-referenced admission and guilty plea referenced above, to be paid by check made payable to the "Town of Lewisboro" and tendered to the Secretary of the Planning Board forthwith and that, with such payment, this matter shall be and hereby is concluded and closed.

**ADOPTION OF RESOLUTION**

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

The motion was moved by: Jerome Kerner

The motion was seconded by: Greg La Sorsa

The vote was as follows:

JANET ANDERSEN	<u>aye</u>
JEROME KERNER	<u>aye</u>
GREGORY LA SORSA	<u>aye</u>
MAUREEN MAGUIRE	<u>aye</u>
CHARLENE INDELICATO	<u>aye</u>

Janet Andersen CC  
Janet Andersen, Chair May 18, 2021