

Meeting of the Planning Board of the Town of Lewisboro held at the Justice Court at 79 Bouton Road, South Salem, New York on Tuesday, August 17, 2021 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 08-17-21.MP3 and the video recording can be found on the Lewisboro TV's YouTube channel

<https://www.youtube.com/watch?v=hRd72uHIadE>

Present: Janet Andersen, Chair  
Jerome Kerner  
Charlene Indelicato  
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

Absent: Greg La Sorsa  
Maureen Maguire  
John Wolff, Conservation Advisory Council (CAC)

Ms. Andersen called the meeting to order at 7:30 p.m. She welcomed everyone, noted the exits, explained public safety measures including the mask requirement. She stated that the meeting was being livestreamed to YouTube so it can be observed by members of the public.

## I. DECISION

### **Cal #06-21PB**

(0:32 – 4:26)

**Laff Residence, 1 White Birch Lane, Goldens Bridge, NY 10526, Sheet 7I, Block 11139, Lot 56 (Mark and Sharon Laff, owners of record)** – Application for a Waiver of Site Development Plan Procedures related to the installation of two HVAC condensers.

Mark and Sharon Laff, owners, were present.

Mr. Laff stated that they installed a mini-split air conditioning system in their townhouse in 2019; however, the contractor did not seek planning approval. He noted the application is before the board to legalize the existing system.

Mr. Siebert reviewed the draft resolution, stated this planning review is because of the multi-family zoning district. He described the improvement as *de minimis* and an appropriate application to waive site development plan approval.

Ms. Indelicato noted the board had received some letters of support from the neighbors.

On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the resolution dated August 17, 2021, for a waiver of site development plan procedures at the Laff Residence, 1 White Birch Lane, Goldens Bridge was adopted. In favor: Ms. Andersen, Mr. Kerner and Ms. Indelicato. Absent: Mr. La Sorsa and Ms. Maguire. A copy of the Resolution is attached and is part of these minutes.

## II. EXTENSION OF TIME REQUEST

### **Cal #08-12PB**

(4:27 – 6:02)

**Petrucelli/Badagliacca, Oscaleta Road, South Salem, NY 10590 Sheet 33B, Block 11157, Lot 46 (Steven Petrucelli and Teresa Badagliacca, owners of record)** - Request for a 90-day Extension of Time to resolution granting Preliminary/Final Subdivision Plat, Negative Declaration Under SEQRA, dated October 21, 2014.

Michael Sirignano, Esq.; was present on behalf of the owners.

Ms. Andersen recused herself at 7:35 p.m. and Mr. Kerner chaired the meeting.

Mr. Sirignano stated the applicant is requesting a further extension of the subdivision approvals granted in this application. Due to the lack of quorum, the matter was adjourned to the September 21, 2021 meeting. Mr. Kerner reminded Mr. Sirignano of the negative escrow balance; Mr. Sirignano stated this would be resolved prior to the next meeting.

Ms. Andersen returned to the meeting at 7:37 p.m.

### III. PUBLIC HEARING

**Cal #04-19PB, Cal #17-19WP, Cal #06-19SW**

(6:03 – 12:28)

**Pound Ridge Stone, 2 West Road, South Salem, NY 10590, Sheet 49B, Block 9831, Lot 1 (Two West Road LLC, owner of record)** – Application for site upgrades including additional parking and storage barn.

Joseph Riina, P.E., Site Design Consultants; and Michael Sirignano, Esq. were present on behalf of the owner. [David Moorman, owner, joined the meeting later in the evening.]

Ms. Andersen opened the public hearing at 7:38 p.m. There were no objections to the time, place or advertisement of the public hearing.

Prior to the start of the meeting, Mr. Sirignano submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailings and affidavit of sign posting to Ms. Conran.

There were no comments from the public.

Mr. Johannessen reviewed the draft resolution and Negative Declaration Under SEQRA and noted that his outstanding comments were minimal.

On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board closed the public hearing for Pound Ridge Stone at 7:40 p.m. In favor: Ms. Andersen, Mr. Kerner and Ms. Indelicato. Absent: Mr. La Sorsa and Ms. Maguire.

Ms. Andersen stated the environmental/wetland issues have been identified and addressed.

Mr. Sirignano noted the proposal had received ACARC and ZBA approvals. Mr. Johannessen noted one condition of the resolution is the issuance of a DOT permit.

On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board granted a Negative Declaration Under SEQRA, Site Development Plan Approval, Special Use Permit Approval, a Town Wetland Activity Permit and Town Stormwater Permit Approval in the resolution dated, August 17, 2021, to Pound Ridge Stone, 2 West

Road, South Salem. In favor: Ms. Andersen, Mr. Kerner and Ms. Indelicato. Absent: Mr. La Sorsa and Ms. Maguire. A copy of the Resolution is attached and is part of these minutes.

#### IV. SUBDIVISION

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

(12:29 - 14:03)

**Truesdale Lake Property Owners Association, Hoyt Street paper road, South Salem, NY 10590, 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 was present on behalf of the owners.

Ms. Andersen stated the application is for a lot line change that would allow for the installation of a dock and in the Building Inspector's memo he notes a dock is not allowed. Mr. Siebert noted the applicants had requested an adjournment to September. The Board reached consensus to adjourn this matter to the September 21, 2021 meeting. Mr. Siebert stated he will speak to the Building Inspector and Town Attorney on this matter.

#### V. WETLAND PERMIT REVIEW

(14:04 – 39:24)

**Clark Garage, 68 East Ridge Road, Waccabuc, NY 10597, Sheet 25, Block 10812, Lot 26 (Gerald Clark, owner of record) - Application for a detached garage with a one-bedroom apartment.**

Jennifer Clark and Richard Donohoe, owners; and Michael Wetzel, contractor, were present.

Mr. Wetzel stated the original application for a three-car garage with a one-bedroom apartment above has received a variance however, Ms. Clark's mother will no longer be moving into the apartment; they may pursue an accessory apartment at a later date. He noted there is a discrepancy between the bedroom count in the Town's and Health Department files.

The Board reached consensus to refer this site plan to the Building Inspector for zoning compliance review including accessory apartment regulations. Mr. Wetzel noted the application received height and area variances from the ZBA.

Mr. Wetzel stated the applicant no longer plans to have a bedroom on the second floor of the garage. Mr. Johannessen noted if, at a future date, they pursue having a bedroom on the second floor, the applicant would need to prove that the existing septic system is adequate; if it is not, the septic expansion would need to be reviewed by the Planning Board and Wetland Inspector.

Ms. Andersen stated she was concerned about the bedroom count and the proposed location 50' from the wetlands. She asked if there were other locations considered. Mr. Wetzel stated different locations were looked at but they were either more in the buffer, septic expansion area or blocked the front view to the house.

Mr. Kerner referred to the CAC memo and that the entire structure is within the Town's 150' wetland buffer. Mr. Johannessen stated that a DEC permit is required and would need to be issued prior to any action by the Board and that the roof run off needs to be addressed, possibly by a stormwater infiltration system.

The applicant was advised to have her architect schedule a meeting with Mr. Johannessen and they plan to resubmit for the September 21, 2021 meeting.

## VI. SITE VISIT REPORT

### Cal #47-21WP, Cal #09-21SW

(39:25 – 53:31)

**Beresford Residence, [253] Silver Spring Road, South Salem, NY Sheet 52, Block 10058, Lot 2 (David and Rozleny Beresford, owners of record) - Application for the construction of a single-family house.**

David Beresford, owner, was present.

Ms. Andersen read the following site walk report into the record.

**“Site walk report – 8/14/21 - 9:00 a.m.**

**Beresford Residence, 253 Silver Spring Road**

**Attendees:** David Beresford, Janet Andersen, Charlene Indelicato, Jerome Kerner and John Wolff (CAC chair).

Arrived using the shared driveway. The post marking the corner of the property that impinged on the driveway was pointed out, and the applicant referenced the plans to move the driveway so it will be entirely on the subject property. The group walked up the proposed driveway noting the slope identified in the Building Inspector letter. The house corners were marked, and we saw where test holes had been dug for the proposed septic system area. The wetland is on the west and north sides of the property, but it appeared that adequate portions of the property were out of the wetland buffer to allow consideration of a layout that would have septic fields outside of the buffer. While the lot is constrained by the wetland buffer, it appeared that alternatives exist on this parcel, and the Chair feels that we should have the opportunity to evaluate them. That might require relocation or reorientation of the house, the septic fields, and the well. The Chair read Town Code §217-6(C): The placement of sewage disposal tanks, plants, and septic fields is not encouraged within a buffer area and may only be considered when all other potential feasible alternatives have been thoroughly explored and determined to be infeasible.”

Ms. Andersen asked if potential alternatives to pull the septic out of the buffer had been explored thoroughly. Ms. Indelicato noted that the applicant’s engineers should demonstrate why areas outside of the buffer cannot be used. Mr. Johannessen stated the expansion field was outside the wetland buffer whereas the proposed primary septic is within the buffer and the reverse must be explored. Ms. Andersen noted that reducing the number of bedrooms would reduce the impact on the wetlands.

Mr. Beresford stated if the septic were behind the house a pump-up system would be needed.

The Board discussed conventional and high-tech septic systems and septic enhancements.

Ms. Indelicato recommended the project engineer speak with Mr. Johannessen.

## VII. WETLAND VIOLATION

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

(53:32 – 55:16)

**Schilke Residence, 3 Beaver Pond, South Salem, NY 10590, Sheet 46, Block 9827, Lot 184 (Sophia Chenevert-Schilke and D. Chenevert, owners of record)**

No one present on behalf of the owners.

Ms. Andersen stated the applicant requested this matter be adjourned to the September meeting. The Board reached consensus to adjourn this matter to the September 21, 2021 meeting.

Mr. Johannessen noted he has been speaking to the applicant's consultant Steve Marino (Tim Miller Associates) about next steps.

Ms. Andersen requested the meeting dates/deadlines be emailed to Mr. Marino. Ms. Conran agreed.

## **VIII. DISCUSSIONS**

### **Comprehensive Plan Steering Committee's Draft RFP for consulting services to update the 1985 Master Plan**

(55:17 – 59:54)

Ms. Andersen stated the Town Board made the referral for the Planning Board's review of the draft RFP for consulting services to update the 1985 Master Plan. She noted that there were no further comments from the Board.

Ms. Indelicato thanked Ms. Andersen, Mr. Johannessen and Mr. Siebert for their comments.

Ms. Kerner stated we are fortunate to have Ms. Indelicato on the Steering Committee.

Mr. Siebert noted the process to revise the comprehensive plan has begun and agreed that Ms. Andersen and Ms. Conran can draft that response letter to the Town Board.

On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board authorized the Chair to sign a letter to the Town Board stating that after its review the Planning Board supports the Town Board's RFP for consulting services to update the 1985 Master Plan.

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

### **Preparation of meeting minutes**

(59:55 – 1:03:23)

Ms. Andersen stated Mr. La Sorsa has expressed a preference for transcriptions of the meetings. She noted with the availability of audio recordings and YouTube videos, a transcript is not the best use of time and energy, especially while other boards in town continue to use abbreviated minutes. Ms. Indelicato agreed and noted that for a contentious application a stenographer can be hired. Mr. Seibert added that in those cases applicants have contracted a stenographer. Mr. La Sorsa had also suggested that time stamps referencing the recordings be part of the minutes to aid reference to the recordings. Time stamps continue to be part of the minutes as they have in the past.

The Board reached consensus to continue with abbreviated minutes that capture proposals and actions.

## **IX. MINUTES OF July 20, 2021.**

(1:03:24 - 1:03:36)

On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board approved the meeting minutes from July 20, 2021.

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

**X. NEXT MEETING DATE: September 21, 2021.**

(1:03:37 - 1:03:42)

**XI. ADJOURNMENT**

(1: 03:43 – 1:03:47)

On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the meeting was adjourned at 8:35 p.m.

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

Respectfully Submitted,

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

Ciorsdan Conran  
Planning Board Administrator

**RESOLUTION  
LEWISBORO PLANNING BOARD**

**WAIVER FROM SITE DEVELOPMENT PLAN PROCEDURES  
AND REVISED SITE PLAN APPROVAL**

**MARK AND SHARON LAFF, APPLICANTS**

**1 WHITE BIRCH LANE, GOLDENS BRIDGE, NEW YORK**

**Sheet 7I, Block 11139, Lot 56  
Cal. # 06-21 P.B.**

**August 17, 2021**

**WHEREAS**, Mark and Sharon Laff (the "Applicants") are the owners of premises located at 1 White Birch Lane, Goldens Bridge, New York, which are designated as Sheet 7I, Block 11139, Lot 56 on the Tax Map of the Town of Lewisboro (the "Subject Parcel"); and

**WHEREAS**, the Subject Parcel is improved with a single-family residence that is situated within and part of "Wild Oaks," an approved multi-family development existing within the R-MF zoning district; and

**WHEREAS**, the Wild Oaks development was the subject of a site development plan approval issued by the Planning Board of the Town of Lewisboro (the "Planning Board") in or about 1975; and

**WHEREAS**, two HVAC units have been mounted on the side of the residence situated on the Subject Parcel, as depicted in application materials submitted to the Planning Board on July 22, 2021; and

**WHEREAS**, these HVAC units were installed without the benefit of a building permit or amended site development plan approval; and

**WHEREAS**, because the Subject Parcel lies within the R-MF zoning district, the Building Inspector of the Town of Lewisboro has determined that a revised site development plan approval, pertaining to the Subject Parcel, is necessary to legalize the placement and installation of these HVAC units; and

**WHEREAS**, the Applicants seek a waiver of site development plan procedures pursuant to §220-47 of the Town Code of the Town of Lewisboro, and a revised site development plan approval, for the purpose of legalizing the aforementioned HVAC units; and

**WHEREAS**, the Applicants have submitted materials detailing the location and operation of these units, including photographs of the HVAC units, as installed, and the installer and manufacturer's specifications; and

**WHEREAS**, the Planning Board has received correspondence from owners of parcels neighboring the Subject Parcel voicing no objection to these units, as installed: and

**WHEREAS**, the Applicants appeared before the Planning Board on August 17, 2021 in support of the application; and

**WHEREAS**, the Planning Board obtained guidance from the Town Planning Consultant and the Planning Board Attorney concerning the application on August 17, 2021; and

**WHEREAS**, the Planning Board has considered the standards set forth in §220-47 of the Town Code of the Town of Lewisboro for the waiver of site development plan procedures; and

**WHEREAS**, the Planning Board has further considered the standards set forth in §220-48 of the Town Code of the Town of Lewisboro with respect to the issuance of site development plan approval;

**NOW, THEREFORE BE IT RESOLVED THAT**, the Planning Board waives site development procedures pursuant to §220-47 of the Town Code of the Town of Lewisboro for purposes of this application; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board grants a revised site development plan to authorize and permit the continued existence of the HVAC units on the Subject Parcel, as depicted in the application materials; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board Secretary is directed to file a copy of this Resolution with the Building Inspector of the Town of Lewisboro.



### 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:

Charlene Indelicato

The vote was as follows:

**JANET ANDERSEN**

aye

**JEROME KERNER**

aye

**GREGORY LASORSA**

absent

**CHARLENE INDELICATO**

aye

**MAUREEN MAGUIRE**

absent

Janet Andersen

Janet Andersen, Chair

August 17, 2021

**RESOLUTION  
LEWISBORO PLANNING BOARD**

**NEGATIVE DECLARATION OF SIGNIFICANCE  
SITE DEVELOPMENT PLAN APPROVAL  
SPECIAL USE PERMIT APPROVAL  
WETLAND ACTIVITY PERMIT  
STORMWATER PERMIT APPROVAL**

**POUND RIDGE STONE  
2 WEST ROAD**

**Sheet 49B, Block 9831, Lot 1  
Cal. #04-19PB, Cal. #17-19WP, Cal #06-19SW**

**August 17, 2021**

**WHEREAS**, the subject property consists of  $\pm 0.71$  acre of land and is located at 2 West Road, within the General Business (GB) Zoning District ("the subject property"); and

**WHEREAS**, the subject property is identified on the Town Tax Maps as Sheet 49B, Block 9831, Lot 1; and

**WHEREAS**, the subject property is developed and contains an existing building consisting of a mix of office and retail space, a gravel parking lot with access to Smith Ridge Road (NYS Route 123) and West Road, a septic system, potable well, and outdoor storage area for use by the existing landscape business; and

**WHEREAS**, Two West Road, LLC ("the applicant") is proposing the legalization and expansion of the existing landscaping business; the construction of a 24' x 35' storage building; the continued use of the existing retail/office space to support the landscape business; the installation of 24 off-street parking spaces within a gravel parking lot, including the installation of two (2) accessible paved parking spaces and four (4) "land banked" space; the installation of a formal paved driveway off of West Road; the removal of the former curb cut onto Smith Ridge Road; the installation of two (2) material storage bins for storage of topsoil and sand; outdoor display areas; signage; fencing; stormwater management facilities; landscaping and wetland mitigation ("the proposed action"); and

**WHEREAS**, the landscape nursery business will include retail sales, an art gallery, a landscape nursery, a design studio, stone fabrication and a stone sculpting studio; and

**WHEREAS**, the landscape nursery facet of the use will include not only the design, but also providing installation services for stone sculptures, plants, gravel, sand, and mulch, which will be displayed and stored on the subject property; and

**WHEREAS**, stone sculptures created on the subject property will be on display for sale, as will stone artwork produced by other artists; and

**WHEREAS**, proposed stone fabrication will require the use of pneumatic chisels, hammers, and rock saws; and

**WHEREAS**, to minimize dust and noise impacts, stone fabrication will take place inside of the proposed storage building or, if conducted outdoors, in a designated area located immediately south of the existing building, where noise will be absorbed by natural topography and proposed walls; and

**WHEREAS**, the applicant anticipates that the landscape nursery business will include 50% retail sales, including artifacts and nursery items, 20% sale of sculptures, 15% landscape design and 15% landscape installation and contracting; and

**WHEREAS**, the existing 2-story building will remain and will be used as part of the landscape nursery business with retail on the first floor and office space on the second floor; and

**WHEREAS**, the uses proposed on the subject property are all either Permitted or Special Permit Uses within the underlying GB Zone; and

**WHEREAS**, an off-site wetland is located on the adjacent parcel to the south and the Town's 150-foot wetland buffer extends onto the subject parcel; and

**WHEREAS**, a portion of the proposed building, gravel parking lot, and stormwater management facility is located within the Town's wetland buffer and a Wetland Activity Permit is required; and

**WHEREAS**, reference is made to the Stormwater Pollution Prevention Plan (SWPPP), prepared by Site Design Consultants, dated August 2019; and

**WHEREAS**, reference is made to architectural plans for the proposed storage barn, prepared by Teo Siguenza Architect, dated October 28, 2019; and

**WHEREAS**, reference is made to a Resolution granted by the Zoning Board of Appeals (Cal. No. 13-21-BZ), dated May 23, 2021; and

**WHEREAS**, the proposed action has been referred to the Architectural and Community Appearance Review Council (ACARC); and

**WHEREAS**, the application was referred to the Westchester County Planning Board under Section 239-m of the General Municipal Law; and

**WHEREAS**, the applicant has submitted a Short Environmental Assessment Form (EAF), dated October 28, 2019; and

**WHEREAS**, the proposed action has been identified as an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Planning Board has conducted an uncoordinated review and compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c); and

**WHEREAS**, the Planning Board has determined that the proposed action will not have a significant adverse impact on the environment; and

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

**WHEREAS**, the Planning Board conducted a duly noticed public hearing, which was opened on and closed on August 17, 2021, at which time the public was afforded an opportunity to be heard; and

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

**NOW, THEREFORE, BE IT RESOLVED THAT**, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617 and a coordinated review was not conducted; and

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

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

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby issues the attached Negative Declaration of Significance; and

**BE IT FURTHER RESOLVED THAT,** the Planning Board hereby grants Site Development Plan Approval, a Special Use Permit, a Wetland Activity Permit and a Town Stormwater Permit, all subject to the below conditions; and

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

**Prepared by Site Design Consultants, Dated December 19, 2020:**

- Title Sheet (1 of 10)
- Site Layout Plan (2 of 10)
- Existing Conditions Plan (3 of 10)
- Erosion and Sediment Control Plan (4 of 10)
- Improvement Plan (5 of 10)
- Landscape Plan (6 of 10)
- ESC Notes & Details (7 of 10)
- Site Details #1 (8 of 10)
- Site Details #2 (9 of 10)
- Drainage and Landscape Details (10 of 10)

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

**BE IT FURTHER RESOLVED THAT,** the installation of the four (4) designated land-banked parking spaces are hereby waived in accordance with Section 220-55H of the Zoning Code; and

**BE IT FURTHER RESOLVED THAT,** the Planning Board may extend conditional approval and approval of the Site Development Plan pursuant to §220-50 of the Lewisboro Town Code if, in the Planning Board's opinion, such extension is warranted by the particular circumstances then presented; and

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

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

**BE IT FURTHER RESOLVED THAT,** in accordance with Section 220-32H (Expiration of special permit) of the Lewisboro Town Code, the Special Use Permit shall expire if work is not initiated within one (1) year, or if said uses or uses shall cease for more than one (1) year for any reason, or if all required improvements are not completed within two (2) years from the date of issue, or if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the use, expect that the Planning Board may, upon request, extend the above time periods as determined appropriate by said agency; and

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

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

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

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

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

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

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

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

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

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

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

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

**BE IT FURTHER RESOLVED THAT,** Conditions #1 – #11 must be fulfilled within six (6) months of the date of this Resolution. Should these conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six (6) month period and granted by the Planning Board; and

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

1. The applicant shall satisfy all outstanding written comments provided by the Town's professional consultants.
2. Each and every sheet of the Site Development Plans shall contain a common revision date with notation stating "Planning Board Approval", shall contain the Town's standard signature blocks, shall be signed and sealed by the design professional and shall contain the original signature of the applicant(s) and owner(s).
3. All applicable Town, County, City, State and Federal permits/approvals shall be obtained by the owner/applicant and copies of same submitted to the Planning Board and Building Department. Should the plans approved herein differ from those previously approved by an agency having jurisdiction, the applicant shall be responsible for obtaining amended permits/approvals, as determined necessary. The applicant has identified the following outstanding outside agency approvals, which shall be obtained prior to the signing of the approved plans, unless otherwise noted:

- a. ACARC Approval
  - b. Approval from the Town of Lewisboro Highway Superintendent is required for work proposed within the Town right-of-way.
  - c. Approval from the New York State Department of Transportation (NYSDOT) is required for work proposed within the State right-of-way.
4. The applicant shall submit an engineering/inspection fee equal to 5% of the estimated cost of construction (site work only as determined by the Town Engineer). Said estimate shall be prepared by a Licensed Professional Engineer and shall include unit costs, total costs and quantities for proposed site improvements; said estimate shall be provided by the applicant, in writing, and approved by the Town Engineer.
5. In accordance with Section 220-46G of the Zoning Code, the applicant shall supply a performance bond, or other form of security, to guarantee completion of project infrastructure in a sum approved by the Town Engineer based on a cost estimate to be prepared by the applicant's design engineer. The form of the bond or performance security shall be acceptable to the Planning Board Attorney. The delivery and acceptance of this security does not relieve the applicant of the obligation to complete the project infrastructure. Said bond or performance security shall provide for project infrastructure to be completed within twenty-four (24) months of commencement of work and for the retention by the Town of 10% of the originally fixed amount for a period of one (1) year after the Certificate of Occupancy has been issued.
6. The applicant shall obtain a Town Stormwater Permit from the Town Engineer and Town Stormwater Management Officer.
7. The applicant shall obtain a Wetland Implementation Permit from the Wetland Inspector.
8. The applicant shall submit a "check set" (2 copies) of the approved Site Development Plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
9. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the approved Site Development Plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chair and Administrator.
10. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
11. The applicant shall provide a written statement to the Planning Board Administrator acknowledging that it has read and will abide by all conditions of this Resolution.



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

12. Conditions #1 – #11 specified herein shall have been satisfied.
13. Following the endorsement of the final Site Development Plans by the Town Engineer, Planning Board Chair and Administrator, one (1) mylar set will be returned to the applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
14. Within ten (10) days after endorsement of the final Site Development Plans by the Town Engineer, Planning Board Chair and Planning Board Administrator, the applicant shall deliver to the Planning Board Administrator nine (9) printed sets of the final plans, collated and folded.
15. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant, construction manager, Building Inspector, Town Engineer, and Town Planner. Prior to the site visit, all erosion and sedimentation controls shall be properly installed by the applicant and the limits of disturbance shall be staked by a NYS Licensed Land Surveyor and a construction fence installed along said limits.

**Conditions to be Satisfied During Construction:**

16. All development activities shall be completed in accordance with the approved Site Development Plans. For any reason, should modification to these plans be deemed necessary, the applicant shall immediately contact the Town's Professional Consultants and Building Inspector to review same and to determine if Amended Site Plan Approval is required. Any change to the construction details approved as part of the Site Development Plan shall be reviewed and approved by the Town's Professional Consultants and/or the Building Inspector, as applicable.
17. During construction, the Town's Professional Consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Site Development Plans.
18. The Town Engineer shall be notified prior to the commencement of work, prior to the backfilling of any underground stormwater management practices, and prior to the installation of pavement.
19. Construction activities shall be supervised by a NYS Licensed Professional Engineer.
20. All plant material shall be installed between April 1<sup>st</sup> and October 15<sup>th</sup>. Plant substitutions, if any, must be previously approved by the Town's consultants.

21. A copy of this Resolution, the approved plans, and the approved SWPPP shall be kept on site at all times.

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

22. No Certificate of Occupancy shall be issued until all proposed improvements, both site and building related, are complete to the satisfaction of the Building Inspector and the Town's consultants.
23. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an As-Built Survey, signed, and sealed by a NYS Licensed Land Surveyor and Professional Engineer, demonstrating compliance with the approved Site Development Plan and including drainage practices. This survey shall be prepared to the satisfaction of the Town Engineer and Building Inspector.
24. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit written certification by a NYS Professional Engineer that all stormwater management practices and associated improvements have been installed in conformance with the approved Site Development Plans and are functioning properly.
25. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved Site Development Plans and this Resolution.
26. The applicant is responsible for completing all required landscaping prior to the issuance of a Certificate of Occupancy. In the event that the request for a Certificate of Occupancy is made outside of the growing season and this condition cannot be satisfied due to weather conditions, the applicant may elect to establish a landscaping bond (8-month maximum expiration date), or other form of security found acceptable to the Planning Board Attorney, for the full plant and installation costs (plus 10% contingency), all to the satisfaction of the Town Engineer and Planning Board Attorney.
27. The applicants shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

**Other Conditions:**

28. The applicant is responsible for the implementation of all plans and documents referenced herein.
29. All on-site infrastructure, utilities, facilities, and systems shall be privately-owned and maintained by the applicant.
30. Landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant shall be responsible for any re-grading,

replanting, or irrigation necessary to ensure that the landscaping is installed and maintained in accordance with the approved plan.

31. The applicant shall be responsible for proper irrigation of trees, shrubs and herbaceous plantings shown on the landscaping and mitigations plans. The applicant shall initiate an irrigation program immediately following plant installation through the month of November and shall resume watering throughout an additional full growing season.
32. The applicant shall be responsible for ensuring that parking spaces are utilized in a manner consistent with the approved Site Development Plan and the requirements of this resolution.
33. The applicant shall comply with Section 220-60 of the Zoning Code, which regulates noise levels as taken from the property line.
34. All proposed stormwater infrastructure shall be maintained by the applicant in accordance with the maintenance procedures specified on the Site Development Plans and within the SWPPP.
35. The continued validity of a Certificate of Occupancy shall be subject to continued conformance with the approved Site Development Plans and the conditions of this Resolution.
36. All commitments, conditions and requirements set forth in this Resolution shall be binding upon the applicant, its agents, affiliates, transferees, successors and assigns.

**Special Use Permit Conditions:**

37. Outdoor stone fabrication shall only take place between the hours of 7 a.m. and 5 p.m., Monday through Friday, 9 a.m. and 5 p.m. Saturday, and not on Sundays or holidays.
38. Pneumatic tools and power tools used for stone fabrication shall be limited to chisels, hammers and rock saws.
39. Parking and the loading/unloading of materials shall be conducted on the subject property; such activities are strictly prohibited within the rights-of-way of West Road and NYS Route 123.
40. To minimize dust and noise impacts, stone fabrication will take place inside of the proposed storage building or, if conducted outdoors, in a designated area located immediately south of the existing building, where noise will be absorbed by natural topography and proposed walls.

41. Outdoor display areas shall only be located as shown on the approved Site Development Plans approved herein.
42. When not in use, construction/landscape equipment shall be stored in the proposed vehicle and equipment storage building.
43. The storage of materials (stone, sand, topsoil, gravel, mulch, plants, etc.) shall be located as shown on the approved plans.

**ADOPTION OF RESOLUTION**

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

The motion was moved by: Charlene Indelicato

The motion was seconded by: Jerome Kerner

The vote was as follows:

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

  
\_\_\_\_\_  
Janet Andersen, Chair                      August 17, 2021

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

**Date:** August 17, 2021

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

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

**Name of Action:** Pound Ridge Stone

**SEQRA Status:** ☐ Type 1

☒ Unlisted

**Conditioned Negative Declaration:** ☐ Yes

☒ No

**Coordinated Review:** ☐ Yes

☒ No

**Description of Action:** The subject property consists of  $\pm 0.71$  acre of land and is located at 2 West Road, within the General Business (GB) Zoning District ("the subject property"). The subject property is developed and contains an existing building consisting of a mix of office and retail space, a gravel parking lot with access to Smith Ridge Road (NYS Route 123) and West Road, a septic system, potable well, and outdoor storage area for use by the existing landscape business. Two West Road, LLC ("the applicant") is proposing the legalization and expansion of the existing landscaping business; the construction of a 24' x 35' storage building; the continued use of the existing retail/office space to support the landscape business; the installation of 24 off-street parking spaces within a gravel parking lot, including the installation of two (2) accessible paved parking spaces and four (4) "land banked" space; the installation of a formal paved driveway off of West Road; the removal of the former curb cut onto Smith Ridge Road; the installation of two (2) material storage bins for storage of topsoil and sand; outdoor display areas; signage; fencing; stormwater management facilities; landscaping and wetland mitigation ("the proposed action").

**Location:** Intersection of Smith Ridge Road (NYS Route 123) and West Road, Town of Lewisboro, Westchester County, New York.

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

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

*The subject property, which is currently developed, is located at the intersection of NYS Route 123 and West Road. Given the proximity to a major road, the proposed use (landscaping, stone fabrication and retail) is not anticipated to increase current ambient noise levels. The subject property is located within the General Business (GB) Zoning District and the closest residence is located on West Road, approximately 150 feet from proposed site development. Although the applicant is proposing to engage in stone fabrication, which requires the use of air chisels, the portion of the site that will be utilized for this purpose is approximately 325 feet from the nearest residence and will be surrounded by the existing buildings, retaining walls and landscaping, which will shield the noise from areas of concern. Further, the hours of operation will comply with Town requirements.*

*The proposed action will not have an adverse effect on groundwater. The applicant has estimated that approximately 375 gallons of water per day will be used, which will be provided via an existing well. There are currently no stormwater controls in place on the property and stormwater runoff currently generated from the site discharges over land to the NYSDEC and Town jurisdictional wetland. The applicant has developed a Stormwater Pollution Prevention Plan (SWPPP).*

*Proposed wetland buffer disturbance is being mitigated by stormwater improvements, plantings, and by design.*

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

*The subject property is already developed and the proposed action results in limited vegetation loss.*

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

*The subject property is more than 3,000 feet away from the nearest Critical Environmental Area, Browns Reservoir.*

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

*The proposed action has been determined to be consistent with the Town's 1985 Master Plan. The subject property is located in an area identified in the Master Plan as "Hamlet Business". The Hamlet Business areas are intended to be the site of all types of locally-oriented business services, including retail stores, personal services, offices, restaurants and trade services. The proposed action is also consistent with the recommendations provided in the Open Space and Recreation and Community Character and Appearance sections of the Master Plan.*

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

*The architectural designs of the proposed structures are in keeping with the rural character of the area. The proposed building is subject to review by the Town's Architecture and Community Appearance Review Council.*

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

*While the use of oil and electricity will increase, the increase will be nominal.*

7. The proposed action will not create a hazard to human health.

8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.

10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.

11. The proposed action will not result in changes in two (2) or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
12. When analyzed with two (2) or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.