

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 943 4754 9818) on Tuesday, April 20, 2021 at 7:30 p.m. The audio recording of this meeting is 210420_001 and the YouTube link is <https://youtu.be/hHSMWPkOjE4>

Present: Janet Andersen, Chair
Jerome Kerner
Charlene Indelicato
Greg La Sorsa
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

Absent: Maureen Maguire

Approximately 16 participants were logged into the Zoom meeting and 6 viewers on YouTube.

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

Janet Andersen: I'm Jan Andersen. I call to order the Town of Lewisboro Planning Board meeting for Tuesday April 20, 2021 at 7:30 pm. This meeting is happening via Zoom with live streaming to YouTube which is on the Lewisboro TV channel, and it is being recorded. The public can view the meeting via Zoom or YouTube and we have confirmed that the feed is active and working. In accordance with the government, with the Governor's Executive Orders, no one is at our usual meeting location at 79 Bouton. Ciorsdan, our planning board administrator, has confirmed that the meeting has been duly noticed and legal notice requirements have been fulfilled.

Joining me on this Zoom conference from the Town of Lewisboro are members of the planning board, Charlene Indelicato, Jerome Kerner, Greg La Sorsa and myself. Maureen Maguire will not be able to join us tonight, but we do 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. Planning board administrator Ciorsdan Conran is also with us, as is the CAC chair John Wolff.

The Governor's Executive Order Number 202.1, which has been renewed, enables the planning board to meet remotely and electronically to function on behalf of the town. In accordance with the executive order, we intend to post a recording and later, a transcript of this meeting to the town website. The Zoom video will be available on the Town's YouTube channel. We do not have a public hearing scheduled for tonight. We do not expect to take public comments. Again, the public can see and hear this meeting, but we will not expect participation. 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 as we go forward, to ease the recording of the planning board votes, I will poll board members individually.

I. DECISION

[Cal #2-21PB

(2:14 – 12:25)

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

Allison Coveney, owner and Matthew Sprake, Tri State Solar were present.]

Janet Andersen: Okay let's get started, so our first item on the agenda is a decision for Cal #2-21PB. This is for the Coveney Residence at 32 Quincy Court, Goldens Bridge, New York, this is an application for the installation of solar panels and I am looking to see oh Allison Coveney.

Allison Coveney: I'm here. My son is in the bath so I just don't have my camera on.

Janet Andersen: Okay, and is Matthew, the the.

Allison Coveney: Matthew's my husband he's currently shipped out right now.

Janet Andersen: Okay. Oh, I see a Matthew Sprake on.

Matthew Sprake: This is Matthew Sprake speaking. I am representative from Tri State Solar.

Janet Andersen: Okay, so I think when we reviewed this at the last meeting the board asked about the [static] neighbors' photos and letters.

Matthew Sprake: Yes, if you don't mind if I can share my screen. I have all of the above. Can I share my screen?

Janet Andersen: Yes, yes, go ahead.

Matthew Sprake: Very good.

Janet Andersen: Although it doesn't seem to be coming across.

Matthew Sprake: Just give me one sec.

Allison Coveney: [static] Sorry, I'll put myself back on mute.

Matthew Sprake: Sorry about the delay, I just have to change the security setting on his computer. One second. [pause] If you don't mind, do you mind if I switch back to my other computer, that has the preferences pre-set. Will that'd be acceptable?

Janet Andersen: Go ahead sure.

Matthew Sprake: Okay, if you don't mind give me one minute. [pause]

Janet Andersen: Well, this is taking longer so....

Jerome Kerner: Let's push him back.

Janet Andersen: Push him back.

Jerome Kerner: I mean.

Matthew Sprake: I think I just I think I just figured it out. I'm sorry, it should be good to go.

Janet Andersen: Okay.

Allison Coveney: I was just saying, not to be rude, but if we had to push back, I probably wouldn't be able to be on just because I have to deal with my son and my husband shipped out so it's just me with him.

Matthew Sprake: Do we do we see this?

Janet Andersen: Yes, I do.

Matthew Sprake: All right sorry. I haven't done it on this computer yet, but I made it progress here. So, what I have, I believe you just see the image. One image.

Janet Andersen: Yes, and we do see an image in the sidebar of some others, so yes.

Matthew Sprake: Okay, good, so what you see here is quickly there's three letters here, which are an email form, coming from neighbors, and these are neighbors directly across the street from the customer. Saying with their signatures, this is to certify that I live basically across the street and I have no objections to the solar panels installed at our neighbor, 32 Quincy. This one is saying the same thing, the solar panels are fine, there's no issues. And this one, it says the same thing they they are supportive of the idea, they're also interested for their house. So that's as much contact that we could get out of the neighbors.

Janet Andersen: Okay.

Matthew Sprake: But, this last picture here is a picture from the street of how it looks compared to you know the house looking exactly from the street. Now these....

Janet Andersen: So these are installed currently.

Matthew Sprake: Yes, they are.

Janet Andersen: Okay. Um so I appreciate you getting that those pictures and the letters for us. I'll ask and perhaps and you said they were also on the back of the house as well.

Matthew Sprake: Correct.

Janet Andersen: We don't have a picture of that, though.

Matthew Sprake: Yeah, you can't get the picture from the street.

Allison Coveney: Also, the back of the house is wooded if you can see the trees behind it and you can't, from the ground level you can't see anything.

Janet Andersen: Okay. So, um so Matt I think it would be really helpful we do like to keep a record of everything that we have seen. So, if you could send the letters and the photo to Ciorsdan.

Matthew Sprake: Sure.

Janet Andersen: That would be great and....

Allison Coveney: I'm also able to get more letters but my neighbors like I understand they have lives, so they were like more than happy to do it, but I didn't realize, because everything was sent to my husband, not to me, so he doesn't check his normal email when he shipped out so I had no idea the meeting was

today until yesterday and was not able to get the letters from them in time. So, if you would like more I'm more than happy and they're more than happy to keep writing them.

Janet Andersen: Yeah, let's see let's see what the board thinks now so Matthew maybe you can stop screen sharing and we can look at the board and see if there's. We do have a resolution from Jud but let's see if there's anyone on the board who would like to make a comment at this point. I don't hear anyone. I can't see everybody at the moment, so

Jerome Kerner: No comment.

Janet Andersen: No comment. Okay so I'd look for a motion to approve the resolution as updated it did have an update of a couple of typos.

Jud Siebert: And if I may interject would you like an additional amendment to the resolution to include the fact that we did receive three letters and photographs.

Charlene Indelicato: Thank you Jud I would. I would like that Madam Chair.

Janet Andersen: Okay, yes. So that would be an additional whereas.

Jud Siebert: That will be an additional whereas.

Janet Andersen: Okay, good.

Jud Siebert: Likely on the second page.

Janet Andersen: OK. So, again I'll look for a motion to to approve the resolution as amended.

Charlene Indelicato: I make a motion to approve the resolution as amended.

Janet Andersen: Charlene okay.

Jerome Kerner: I'll second that.

Janet Andersen: And seconded by Jerome. Okay, so I will poll the board, just to get the get the agreement. So, Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: And I also say yes, so the motion is so the resolution the motion has carried, and the resolution is approved. Thank you very much Allison and Matthew.

Matthew Sprake: Thank you Janet.

Allison Coveney: Thank you have a nice night I'm logging out now.

Janet Andersen: Okay.

Allison Coveney: Very impatient four-year-old. I mean he's very impatient.

Various voices: Thank you.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the amended resolution dated April 20, 2021, granting a Waiver from Site Development Plan Approval Procedures and Revised Site Plan Approval for the Coveney residence, 32 Quincy Court, Goldens Bridge, was adopted. A copy of the Resolution is attached and is part of these minutes.

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

II. EXTENSION OF TIME REQUESTS

[Cal #08-12PB

(12:26 – 16:12)

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 and Ms. Andersen recused herself.]

Janet Andersen: OK, the next, the next time on the agenda is the Petrucelli matter, and I am recused from that so I'm going to ask Jerome to handle that for us.

Jerome Kerner: I will Jan. So, the item is an extension of time request for the Petrucelli property on Oscaleta Road, a 90-day extension of time to Resolution granting preliminary/final subdivision plat and Negative Declaration under SEQRA dated October 21, 2014. I see Mr. Sirignano is here.

Michael Sirignano: Yes, good evening. Yeah, hopefully, this is the last extension request we're going to need to make. We've gotten Mike Finan, who is a professional engineer that once used to once worked with Rudy Petrucelli involved. He is communicating with the staff inside that, the health department, so I think we finally because of the COVID problems and and other other related issues until now, we haven't been able to get a direct communication with the health department as to how we can satisfy their regulations with only one of the two property owners signing the plat. But Mike Finan is working on it and communicating directly with with the people inside the health department so I'm hopefully this will be the last time we have to ask for an extension.

Jerome Kerner: All right, well, so that do having been heard, we have a motion for....

Charlene Indelicato: May I ask Jud a question?

Jerome Kerner: Sure.

Charlene Indelicato: Um I have no knowledge of this this project. I would vote for an extension based on it seemingly the agreement of the board, but I would like an opinion as to whether that is proper or improper.

Jud Siebert: I think its proper. You're dealing with a an approval that's already in place, the question before the board is whether it should be extended. The inquiry would be whether there's been you know, any material changes sort of the circumstances associated with the property and whether you know, a reason for the extension as articulated by the applicant, I think, you know, I don't think there are any issues in that regard.

Charlene Indelicato: I just want, I just wanted....

Jud Siebert: To that's really the relevant inquiry.

Jerome Kerner: Thanks for inquiring. So do we have a motion for approval of an extension for 90 days for this subdivision.

Gregory La Sorsa: I'll make the motion.

Charlene Indelicato: Second.

Jerome Kerner: Seconded by Charlene. Any further discussion, questions? If none I will poll the board, Greg?

Gregory La Sorsa: Yes.

Jerome Kerner: Charlene?

Charlene Indelicato: Aye.

Jerome Kerner: Jerome, aye. So, motion approved for extension. Just parenthetically is this Michael does this mean that second party signature may not be required is that the impact of what you're saying.

Michael Sirignano: Yeah, I'm hoping that Mike Finan can work this out, perhaps we have to give the board of health an indemnity letter of some sort or I'm waiting to hear what their position is.

Jerome Kerner: Okay, very good. Thank you. I turn it back to you Jan.

[On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the Board granted one 90-day extension to the Resolution granting Preliminary/Final Subdivision Plat dated October 21, 2014; the new expiration date is July 19, 2021. In favor: Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: Ms. Maguire. Abstain: Ms. Andersen.

Ms. Andersen returned to the meeting at 7:47 p.m.

Cal #03-13PB, Cal #03-16WP

(16:13 – 20:05)

“Silvermine Preserve,” Silvermine Drive & Lockwood Road, South Salem, NY, 10590 Sheet 48, Block 10057, Lot 15 and Sheet 51, Block 10057, Lot 104 (Ridgeview Designer Builders, Inc. & Daniel Higgins, owners of record) - Applications for Subdivision, Wetland Activity and Stormwater Permits for the construction of a 13-lot subdivision.

Eric Moss, owner, was present.]

Janet Andersen: Okay, and thank you. I've unmuted myself now. I'm the next item on the agenda is Cal #03-13PB, Cal #03-16WP. This is another extension of time request for the "Silvermine Preserve," Silvermine Drive & Lockwood Road, South Salem, New York. This is an application for a subdivision for the construction of a 13 lot subdivision. This has been the subdivision was approved in April of 2017 and I believe they are asking for a six-month site plan extension. So, and I see I believe Eric Moss is here.

Eric Moss: Good evening Planning Board. Eric Moss here by telephone. Hello.

Janet Andersen: Hi.

Eric Moss: Hi. Good evening.

Janet Andersen: Could you tell us. I mean, this has been obviously before us for a while, what what is happening with this and what is has there been any forward motion at all.

Eric Moss: Yes, currently, we are working toward filing the plat. We're hoping that this will be our last request, and we are working to file the plat um in the very near future.

Janet Andersen: Okay, so you know, this is the preliminary and we'd like to if you could start moving forward, even on the the the application for the final. Obviously, I'm sure you're as interested as in as we are as keeping this thing going forward.

Eric Moss: Very much so, yes.

Janet Andersen: Okay. So a six-month extension will take us to October. Is that is that what you're looking for?

Eric Moss: Yes. And and we're talking with Bibbo Associates to file the plat now. We we have received the board of health approval and we will be able to file a plat before that the six months is up.

Janet Johannessen: Just to clarify, filing the plat means making an application for final subdivision approval to the planning board having satisfied the the conditions of the planning board's preliminary subdivision approval so....

Eric Moss: I believe that's correct.

Janet Johannessen: It's not filing with the health department; it's filing with the planning board the final subdivision plat application.

Eric Moss: Correct I had, I have received the health department signed plat, so we will be able to proceed with filing with the planning board.

Janet Andersen: So um. Yes, Jerome?

Jerome Kerner: I would make motion that we grant a six-months extension as requested by the Silvermine Preserve.

Gregory La Sorsa: Second.

Janet Andersen: The second by Greg, any further discussion? Okay, then I'm going to poll the board, Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: I also say yes, and obviously Maureen is absent, so the motion carries and a six-months extension has been granted.

Eric Moss: Thank you, very much, members.

Various voices: Good luck, thank you, thank you.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board granted two 90-day extensions of time to the Planning Board Resolution Cal #3-13PB issued on April 18, 2017 to the Silvermine Preserve Subdivision granting Preliminary Subdivision Plat Approval and a Negative Declaration of Significance; the new expiration date is October 11, 2021.]

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

III. WETLAND VIOLATIONS

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

(20:06 – 26:05)

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

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

Janet Andersen: Okay, the next item on the agenda is a wetland violation, Cal #02-19WV, Cal #60-19WP, Cal #14-19SW. This is for the Kullman residence, 12 Red Coat Lane, Waccabuc, New York. We had previously gotten the cost estimate, and we were waiting on an as-built survey and the certification and I believe today we actually got an as-built survey.

Michael Sirignano: Yes, that's correct.

Janet Andersen: So, Michael are you representing the applicant here?

Michael Sirignano: I am, yes, you the as-built was brought up to date March 17[, 2021] to show the leader drain drainage locations and the leader drain discharges. I think so that's that's done there were a total of four open items now they're down to three. Two of them were waiting on on Matt Gironda at Bibbo Associates who apologized profusely it's just overwhelmed with work and he promises to get the two

items that are his his in his bailiwick to the to the board by Friday of this week. The first one being the certification letter certified that all site walk and drainage was installed, as per plan is functioning properly, and the second item that he's going to get to you by the end of the week is the the NOT, the New York State DEC Notice of Termination. The one, the fourth and final issue is and I'd like to get some feedback from the board and consultants is an as-built planting plan prepared by a landscape architect. My clients would like to avoid that expense, my understanding is and Jan can confirm this at that some some folks from Kellard Sessions were out at the site and checked the plantings that are actually in the ground against the approved plan and and my again, my understanding is that that it was all found to be in order, and this was, I think last fall late last fall, as the growing season was over. So could, in order to avoid the expense, could we give you a letter or an affidavit or something certifying but what I think Jan's offices already confirmed that the plants are in.

Jan Johannessen: The final inspection I can't say that we went over every single plant and can certify that every single one is there and it's the correct specie type and size. We looked at it more for the engineering aspects of it and we confirm that the planting was generally in conformance with the plan, I mean a lot of the plantings were done. I'd be open minded to some sort of affidavit from the designer, you know the landscape professional. I'd also be, you know, this isn't the planting as-built planting plan's typically not a survey.

Michael Sirignano: All right.

Jan Johannessen: While the condition might reference landscape architect it need not be prepared by one, I think the landscape designer in this case may not have been a landscape architect. So, a planting plan, as-built planting plan showing an approximate locations and quantities of the plant material from the landscape designer would certainly be sufficient or an affidavit from that same person in my opinion would be okay. So, I'm open minded on that that aspect of it if the Board is.

Janet Andersen: So, Jan I know we did get a or I believe we got a planting plan from the applicant on this. Would it be adequate to say to have us a certification that said that the you know the planting plan was fulfilled as as designed, or just to annotate that with if anything was changed?

Jan Johannessen: Yeah, I'm okay with that.

Jerome Kerner: Jan? Question- is there a bill of materials, obviously the plantings were purchased by a from a landscape nursery could they provide a bill of materials that, along with the plan that would be sufficient evidence, it was delivered.

Jan Johannessen: Great idea Jerome. I support that.

Janet Andersen: Yeah, I mean again I don't know whether they were all ordered at once, over a period of time, but you know I think something like that I would be, I would certainly be willing to to try to not cause much more expense and just get the thing that we actually need which is an assertion that the the plantings as as, as promised, where, were installed.

Jan Johannessen: I think the planting invoices from the landscape nursery are probably something that the applicant would be submitting anyway when it demonstrates its costs. The planning board, you know, deliberates on the penalty, so it might be something that they have already it might be something they've submitted already but that's not uncommon for even when we review the as-builts to get the invoices from the nurseries.

Janet Andersen: Yeah, I do remember getting the cost the cost estimate previously. I'm not sure it had the detail of the plants on it, but but yes, so we can find a way to make this work.

Michael Sirignano: All right, very good appreciate that. We'll get you the invoices for the plant purchases and an affidavit from the landscape designer and installer.

Janet Andersen: Okay. So....

Michael Sirignano: So, the next question is. I'm sorry does this have to stay on your agenda, or can we now have you make your decisions and and wrap it up once you get the the the two items from Matt Girona and this affidavit and invoice.

Janet Andersen: So, I think we would put it back on the agenda to have to have that wrapped up, for you know the next month, and so, assuming, I can get in by I believe the 27th is our April 27 is our due date for that. We would put it on and we will, it looked like Jud was about to say something.

Jud Siebert: Yeah, I was just gonna say we need to, we need to close out the permit or Jan does. And then the board needs to conduct a deliberation, has to fine assessment and that needs to be done at a meeting and an open session, so I would just why don't we put this over to May.

Jerome Kerner: The applicant or their representative do not have to be there right?

Jud Siebert: They they're more than welcome to and we often invite them if they want to have you know if they want to offer anything else to the board before a decision is made on the imposition of a of a civil penalty, but they don't need to be.

Janet Andersen: Okay.

Jan Johannessen: My office is prepared to issue the certificate of compliance, subject to the submission of the NOT, the certification letter from Bibbo Associates and the affidavit.

Janet Andersen: Great. Okay, so it will be for May, and we hope we can close it up at that point. Do we need to ask someone to draft a resolution or...

Jud Siebert: I'll. I can, I can prepare we have sort of a bare bones that I can prepare. And the other thing I would suggest is that keep it on the May agenda and it's truly going to be subject to Jan's issuing that certificate. So even if things should come in, after the April drop dead date, I think, for this type of matter we'd entertain it, get Jan to do what he needs to do and get them on the May agenda. The sooner the better, but yep.

Jan Johannessen: There's not a lot of review that needs to take place. So, that's fine.

Janet Andersen: Okay, so we have a plan, I think, anything, anything further on this item.

[The Board reached consensus for the consultants to draft a resolution that will be amended to reflect the results of the Board's civil penalty deliberations.]

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

(29:06 – 35:03)

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

Javier Valencia, owner, was present.]

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

Javier Valencia: Hi, how are you?

Janet Andersen: Good and we did get a we did get a submission today. I think it was either today or yesterday. So, I I don't think that Jan probably had a chance to take much of a look at it, but Jan perhaps you could bring us up to date with where we are on this now.

Jan Johannessen: Sure, since the last board meeting, I met with Javier and his landscape designer. And we reviewed his plans that were prepared by his landscape designer and an architect and I think we're we're we're there, I mean I the plan came in today. I did not review it in detail, of course, but took a brief look at it and it's consistent with what we talked about. Javier, I had just two questions for you just because we spoke about it at the meeting. The plan that you submitted today doesn't show the gravel driveway extending beyond the front of the house. You had thought that you might want to extend the gravel along your side yard for the towards, towards the back of the house and it ends at the front of the house, I just wanted to make sure that was your....

Javier Valencia: Well, I was thinking of. So, I was thinking of keeping it to there because I was putting the black top where it was before, and then the left of the house, right in front of the living room and dining room where to stay gravel so but I can change that to make it to make it gravel to the back of the house.

Jan Johannessen: No, no. I'm just it's whatever you want to do. I'm just, when we talked at the meeting you thought that on the left-hand side of the house over by oil tanks that you were going to gravel back to the back, clean of that house, which I was fine with, but it doesn't show that it shows the gravel and the asphalt ending at your front stoop.

Javier Valencia: Okay, so I definitely do want to go to that that back point there to keep to keep it more....

Jan Johannessen: ...because you were thinking about parking on the side of the house there. Which is fine, I just wanted to point out that it doesn't show that.

Javier Valencia: Yeah, so I can change that. That's not a problem.

Jan Johannessen: Other than that, there's a full comprehensive planting plan. They've demonstrated, where the existing edge of lawn is, where the proposed edge of lawn is. They have a small wood tie retaining wall proposal along the driveway edge. I think it's it's exactly what we discussed minus that that one that one point that I just brought up.

Javier Valencia: I did I did I did I'm also added the one of the downspouts coming on to the house on to the there was existing already there. I didn't have those.

Jan Johannessen: I think they hit everything we discussed at the meeting.

Janet Andersen: Okay, so in order to close this out, I think what we need is, do we need a cost estimate here what what do we need next Jan?

Jan Johannessen: I think, depending how the Board wishes to proceed, it may be appropriate for the Board to refer this administrative so a wetland permit can be issued, the work can be done and they would return to the Board following the completion of the work.

Janet Andersen: Okay.

Jerome Kerner: I would move that we refer this for administrative action.

Janet Andersen: Great, do we have a second?

Charlene Indelicato: Second.

Janet Andersen: Thank you Charlene and any further discussion?

Jerome Kerner: Just one question- why were the architectural plans submitted, we have nine drawings that are in the file sharing, is there a reason for that, does it have any substance?

Jan Johannessen: There was there's there's an architect involved that is dealing with building code violations and that the architect was helping to also prepare the site plan.

Jerome Kerner: Right, but it's not part of this it's not part of this particular aspect.

Jan Johannessen: The interior notes, from the Board's kind of involvement it's all site work and restoration to remedy the violation.

Jerome Kerner: Right okay, so we have nothing to do okay.

Javier Valencia: It's a separate violation.

Janet Andersen: Okay, so um so we have a motion and that has been seconded I will poll the board, Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: And I also say yes, so that they, this will be handled administratively and when complete, we will reschedule a meeting with the board. So thank you very much Javier, I know it's been a bit of a learning process to to, how to deal with us, but I appreciate you hanging in, and then I did, like the I looked quickly at the plan and it looked it looked good so I'm hoping you'll be able to get things in quickly and planted.

Javier Valencia: Hopefully, yes, a live and learn lesson.

Janet Andersen: Okay, thank you.

Javier Valencia: Thanks so much. Take care. Bye.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board determined that the review of the Valencia residence at 1196 Route 35, South Salem, for the restoration of disturbed wetlands will be handled administratively a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: Ms. Maguire.]

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

(35:04 – 40:56)

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

Garrett and Sophie Schilke owners, were present.]

Janet Andersen: Okay, the next item on the agenda for tonight is another violation Cal #03-20WV and also Cal #29-21WP. This is at 3 Beaver Pond, Salem New York and and I am not sure who is speaking.

Garrett Schilke: I'm here.

Janet Andersen: Hi Garrett. Okay. How are you?

Garrett Schilke: Good, not too bad. I know we had submitted plans yesterday. I'm not sure if you guys had a chance to go over them.

Janet Andersen: I don't know that I saw plans come in. I'm gonna, I'm looking at Ciorsdan to see whether and Jan to see whether either one of you has seen them.

Jan Johannessen: I received an email today, took a very brief look at it, but not in enough detail to comment on it.

Garrett Schilke: I mean we're really just trying to get a resolution to this. The majority of everything that has been discussed has has been at least addressed as far as with the majority of the mulch being removed. The area that was graded over and flattened out was now has now been seeded and is now turning into a lawn. We included pictures and stuff like that and I had a site plan at least designating what areas are going to be grass or what was just going to be technically like walking paths of mulch and I addressed it with the benefits of mulching and a large portion of educational information for you guys as well, so if you'd like we can go through it.

Janet Andersen: Well, I. So, unfortunately, it did not get. So first thing I want to ask you if you haven't submitted it also already to our planning board administrator Ciorsdan that you send a copy of all that to her and she will make sure it gets distributed to the Board.

Garrett Schilke: We have already.

Janet Andersen: OK, I see her nodding at all right.

Jerome Kerner: Question - do we get CEUs for this educational material what's going on here?

Garrett Schilke: No, it's just providing all the benefits of mulching and forestry mulching versus just having it as the soil and letting it erode.

Jerome Kerner: I think we know that.

Janet Andersen: Okay.

Jan Johannessen: Janet, with the with the plan now in hand does it make sense to schedule a site walk?

Garrett Schilke: By all means,...

Sophie Schilke: Would that help with your resolution?

Janet Andersen: I'm sorry I didn't hear.

Garrett Schilke: Would that help with the resolution of this because I'm all for it if that's the case.

Janet Andersen: I think it um I think it would be helpful to do that. I I just was looking I don't know that I've gotten the plans, yet, but I will have to look at it, would it be, unfortunately because of some personal items that I have, I think that the this Saturday, would be the best time for me to come in for a site walk, would that be....?

Garrett Schilke: I will not be available,...

Sophie Schilke: Well, it depends on what the timing would be, because we do already have some prior commitments on Saturday, but what is your availability?

Janet Andersen: Will we typically do it fairly early in the morning.

Garrett Schilke: Okay.

Sophie Schilke: That would.

Janet Andersen: That would work?

Garrett Schilke: Yeah, that would work.

Janet Andersen: Okay, let me just see if the rest of the Board can make it at that time.

Charlene Indelicato: At nine?

Janet Andersen: Well, on Saturday yeah let's you want to start at nine?

Charlene Indelicato: 9:30? Whatever time.

Janet Andersen: We may have some other site walks coming up as well, so if nine o'clock works, we can do that, we could probably even maybe do 8:30, I don't know what I don't know what the the applicants' restrictions are so.

Garrett Schilke: We would be available from 8:30 to nine, that's fine absolutely.

Janet Andersen: Can we make it at 8:30 there?

Garrett Schilke: Yeah let's do it.

Janet Andersen: All right, and I'm looking at the rest of the Board to see if there can make it. All right, so we will see you at 8:30 on Saturday.

Garrett Schilke: That's fine perfect. Thank you.

Janet Andersen: Okay, and and.

Jan Johannessen: Janet, I'm away this weekend, but I've already been to the site. I don't I don't think it's necessary that I be there to accompany the Board, but just wanted to make you aware that I'm not available.

Janet Andersen: Okay, and and if you, I guess, the only thing I would say is, if you have a chance to look at the the plan and could I mean I know it wouldn't be a full memo but if there's any particular thing you might want us to to have an eye on as we visit the site, if you could send an email, that would be great.

Jan Johannessen: Okay.

Janet Andersen: Perfect. Okay um anything else on this. So what we will, I think what we will do is plan to have this back on the agenda on May, and we will report on the site walk and and have a better review of the plan that we have in hand okay. Okay, with everybody? Great.

[The Board reached consensus to conduct its site walk of 3 Beaver Pond Road on Saturday, April 24, 2021 at 8:30 a.m.]

IV. SKETCH PLAN REVIEW

[Cal #01-15PB

(40:56 – 51:37)

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.

Michael Sirignano was present on behalf of the owners.]

Janet Andersen: Okay, so with that, the next item on the agenda is the sketch plan review and this is Cal #01-15PB. This is for the Copia Garden Center on 475 Smith Ridge Road in South Salem, an application for a sketch, for basically a sketch plan review, site development plan for unfinished improvements to the Copia Garden Center and expansion of the existing use on to the adjacent tax parcel. So, the background, as I understand it is this was a an approval in 2017 of a site plan and that that the some of the work was done on on the site plan, but the the site plan lapsed and a reapplication is in.

Michael Sirignano: That's correct. And then Jan's memos, he's correct in his memo that it's a series of approvals that started in 2015, 2016 and then July 2017 and the Board over those three years, you know, spent a lot of time reviewing the site plan and obviously approved it, but some of the approved items have not been completed, you know life gets in the way, running a business gets in the way, raising a family,

global pandemics all get in the way and, unfortunately, the work was not completed and the approvals lapsed. I think most significantly, the the open items or the East Street new entrances with curbs and the top coat of the pavement behind the greenhouse hasn't been done and then there's some lesser items, so the

Janet Andersen: Oh go ahead, yes.

Michael Sirignano: I'm sorry.

Janet Andersen: I was going to add, I think there's also some landscaping, one of the the nuances here, I think, is that since the time that this was approved there's been some transition on the Board, and I think only Jerome and Greg were actually on the Board at the time of the approval so, I know, as we relook at this, you know, I feel a little bit like we might need to do some catch up and really kind of understand what what the situation you know, what where this stands now, and where you want to go?

Michael Sirignano: Fair enough. We have no problem. I think Jan suggested you think about a site walk, we have no problem with that, and the sooner the better. We would like not to you know reinvent the wheel here, but certainly if you're doing your site walk you one of the Board members has a brainstorm about how we could do something better we'd be happy to consider that. So maybe that's the starting point and then and then we can address Jan's comments after he he briefs the Board.

Janet Andersen: I think it would be helpful to have - I only saw one drawing and I think it would be some helpful to have a, you know, a better series. I think, Jan's memo points that out to to have sort of a better series of of of what we're actually looking at that are improvements to get to get a sense of where we are and where it's going because there's a lot on that one plan. All right, so I think one of the things that was suggested was that we we refer this to the Building Inspector is that correct? Can we refer it with that one plan or do we need to does he want would he want a more complete, you know, a typical.

Jan Johannessen: I think, Joe is up to speed on on the site. He has been working with the owner, though I don't I think he's got the full set of plans in his file and as soon as you can get it over to him, the better.

Janet Andersen: Okay, so I think we do referrals to the Building Inspector by consensus so I'm looking for nods or yeses, so we can ...

Charlene Indelicato: Yes, I think it's a good idea.

Janet Andersen: So, we're for that. Let's see. So, since we are going down towards that way on Saturday, what do you think about continuing and trying to get there around perhaps nine or or you know will as soon as we can, after the other.

Charlene Indelicato: Yeah, I would need that because I not quite sure what was done, what was not done.

Janet Andersen: All right.

Michael Sirignano: We have we have a great café there with really good breakfast stuff. Come on down.

Janet Andersen: And yeah. Okay um. I don't know Jerome and Greg you both have have seen this before I don't know whether you feel a need to go there again but....

Gregory La Sorsa: It depends on what time my tee time's going to be on Saturday morning.

Janet Andersen: Okay. Go ahead Jerome.

Jerome Kerner: Yeah you know, reading the CAC memo and I think it was mentioned somewhere else about a portion of the house that was approved as a private garden is being used to store materials and needs to have some kind of you know approval in that zone, a special use perhaps or maybe it's just housekeeping waiting for this final final you know plan approval, but I think like and then there was the idling of the truck that doesn't fall on this purview, it's really, I don't even know if that's building dept. issue, but those are things that would like I'd like to see addressed and qualified.

Jan Johannessen: With regards to the adjacent parcel that properties owned by the Vista Market or whoever owns the Vista Market and the applicant leases portion that property for what was approved as a private vegetable garden, which is that property is in the residential zone it's about the only other use of available in that zone besides residential and it's a permitted allowable use and the Board approved it, granted storm water permits, so that it could be tilled in that area, used for a vegetable garden, but it appears to be perhaps used also for some plant storage, which would be like an expansion of the nursery on to that property which is probably not allowable in that zone, so it may just be a cleanup issue for the applicant, but the applicant has to address that.

Michael Sirignano: We will address it and will speak with the Building Department about the zoning issues as well.

Jan Johannessen: And just so you're aware the Vista Market has a separate application before the Board.

Janet Andersen: Okay, so um. I think this now we'll have the site walk, we'll have a site walk report. I think Jan's memo had a number of items that might not take too much time but I don't know whether you feel like we should try to put this back on for next month, or whether it will take whether it would be more appropriate to have it out in two months.

Michael Sirignano: Can I can we answer that after your site walk on Saturday morning?

Janet Andersen: Well, we really should try to figure out how to schedule it, I mean, I think.

Jud Siebert: Why don't we just put it on for May and if that's not gonna work, then we can you know the applicant can request to adjourn it to June just let's keep it on as a placeholder.

Janet Andersen: If you can get things in again it's, our date for items is, I believe [April] 27th.

Jud Siebert: If nothing else, if it is on for May at least the site walk report can be you know read into the record.

Jan Johannessen: Michael, you know what the I think would be helpful in addition to like a complete list in writing of the uncompleted items almost like an annotated site plan, where you take the site plan that was approved and either highlight or somehow demarcate what hasn't been done. So the Board and everybody has a visual understanding of the open items.

Michael Sirignano: Like can Peter and Jen do that?

Jan Johannessen: Yeah, I mean, I think, at this point it it could probably done be done by you guys. Okay, if the Board has further comments or wants to make changes you, you may need to get the architect back involved, but for the purposes of this initial assessment you or the owner could certainly annotate that plan.

Michael Sirignano: Fair enough.

Janet Andersen: Yes, I thank you Jan and I think that would be very helpful.

Michael Sirignano: Will do. We'll try to have that ready for your Saturday morning on site.

Charlene Indelicato: Thank you.

Janet Andersen: Okay, and so, as stated we will try to get there about nine, I don't know exactly how the the you know how much time we'll spend at the prior one and then get here, but we will do our best.

Michael Sirignano: Okay

Janet Andersen: Okay, anything else on this matter.

[The Board reached consensus to refer the matter to the Building Inspector and to conduct its site walk of 475 Smith Ridge Road on Saturday, April 24, 2021 at 9:00 a.m.]

V. WETLAND PERMIT REVIEWS

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

(51:38 - 1:23:17)

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.

Daniel Cassidy, was present on behalf of the owners.]

Janet Andersen: Okay, we will go to the next item at 54 Bishop Park Road, Pound Ridge, New York, and this is the application for the construction of a deck, garage, and office. So again, do we have a representative for this application here?

Daniel Cassidy: Yes. Hello, Town of Lewisboro Planning Board. My name is Daniel Cassidy, I'm the architect representing the owner, the Fries family. Daniel Fries regrets that he can't be here tonight, he is traveling for work, but I think, anticipate we will be revisiting this in June and he plans to attend then. I talked to Ciorsdan today and she said this is sort of our initial review of the application documents and I assume I should share screen and do a little bit of project intro.

Janet Andersen: That would be helpful, great.

Daniel Cassidy: [pause] There's no special permission, it's only given me whiteboard option, not a, not my screen.

Janet Andersen: It says any participant should be able to share.

Jerome Kerner: I can put it up if you're having trouble I've got it in front of me.

Janet Andersen: Okay.

Jerome Kerner: Would you like me to, Dan?

Daniel Cassidy: Sure. It might be as a Zoom setting, I'm an alternative laptop today but okay.

Janet Andersen: Yeah, so you can talk us through just asked Jerome to continue to page when when needed.

Jerome Kerner: Yes, that's the existing survey.

Daniel Cassidy: So, a basic breakdown of this. The client had a permanent residence in New York City but during the past year, the property was sold and they no longer have that residence. That residence incorporated the home offices for the client and also, in this time via their family has grown a bit so now they are permanent residents, are permanently residing at in Lewisboro and the existing house there does not have adequate space for them to to work from home. It's really just enough bedroom space for the family so they are looking to build a garage with the pervious driveway in front of it and incorporate home offices into the that garage space. Property sits in overlapping wetland zones, at least the 150-foot setback, and the 50 foot setbacks also constrain that property fairly tightly, so we are seeking a wetland permit to build I think a roughly 760 square foot footprint garage with offices above connected to as design currently connected to the main house with a breezeway. The two garage, the two parking, two parking spot garage would be on the main entry level, the ground level. There would be a short excavation cellar for a storage below it because the existing house doesn't have a proper cellar and the office space for Mr. and Mrs. Fries above the garage, two private offices there in video animation and editing and so that's where the workstations would be.

The driveway would be stone border with gravel fill and will be pervious. There would be some wetland disturbance, the zone indicated in the, yeah there would be wetland disturbance within the 50-foot line indicated in some regrading indicated by the blue hatches there and a bit of tree clearing. There's there's no way to work on the site, without being disturbing within the 150-foot setback, its entire site lives within those. You can see that there's just on the driveway it's just the corners of that driveway which, which would be pervious which intrude and the 50-foot line and the corner of the garage intruding and the 50-foot line.

The next plan shows proposed remediation, replacing going through the the border of that brook which, you know, has never been restored and clearing out invasives and planting native native plants there which are indicated on the plan, what they would be and also creating a meadow area adjacent to the driveway and upland native grasses meadow, which is the green hatches. The orange lines indicate some of the regrading that would have to happen to support the driveway and level that area out and then you can see, the green trees indicate new new trees, replacing some of the ones that would have to be removed as part of the excavation and siting for the project.

I can walk you through some floor plans and some elevations if that's pertinent and of interest, or you can let me know if there's any questions. This this proposed office and garage would incorporate a kitchenette and a powder room and it would tie into the existing septic, which is indicated plan there, the intent is that.

Janet Andersen: Go ahead sorry.

Daniel Cassidy: No, that was it. I don't want to occupy more time is necessary for your questions and your purposes, so let me, let me know whether to keep going or to stop.

Janet Andersen: Okay, I think we probably do have some questions. I guess, maybe first I'd ask a Jan to well unless somebody has some questions on the plan itself, while it's up.

Jerome Kerner: Well, I do have.

Janet Andersen: Yes, go ahead Jerome.

Jerome Kerner: Well, one question is have there been other solutions looked at for the location, that a would either move it out of the 50-foot setback, or even further back that's question one and were there any any other studies besides this one?

Daniel Cassidy: I can answer that. Yes, we looked at moving the site further north and closer to the lake to stay within a 50-foot setbacks over there right, but the caveat there is that there's a slope falls off more substantially. So, we still have to get into some some more regrading some more tree removal and we'd have to bring the driveway further into the property so we'd have a longer run, an expansive driveway to bring us over that way. It would also involve coming into the back, rather than entering the side of the drive the garage now, it would have come in the back, so it has to come. We did a study coming in tracing that 50-foot wetland set back and turning left and it became a lot more gravel filling filling the site and filling that hill and leveling lot more of that hill out and you can see, the word we don't have any options. To the south of the house, because we are within the property line set back there the house sits right there and then attaching it directly to the rear of the house is to the detriment of bedrooms that are existing on the corner and rear there.

Jerome Kerner: Right.

Daniel Cassidy: So, we'd have to again get into a much more substantial renovation of the property and it would start to go beyond the budget.

Jerome Kerner: So, this is a rather substantial tree you've got, not sure what orientation that is. If you see my cursor here, and digging a basement area, you know the roots usually go out to the to the drip line that line, and you know you have to be very careful in this area here that's since you know, to the detriment of that tree. One other comment, it looks to me like this turning radius, turning point here is too too far down to the throat, in other words, if I'm backing out I'm expected to turn in here, I'm not sure I can get out. Typically, that you know that turning would be over here, somewhere, so I could turn out this way and then. I would study that traffic-wise; it looks like that might be a difficult turning point for a car backing out of the garage.

Daniel Cassidy: The driveway layout is something that we could reconfigure, it's very, right now it's been inherited from some overall site master planning done by the landscape architects.

Jerome Kerner: Yeah, I would take a look at that okay.

Daniel Cassidy: And so, and so I think some of that might be limiting you know what we're where we hit that 50-foot wetland line. You know, but as far as function and utility like we will review some of them with a client as far as turning radius backing out and what he's comfortable with doing.

Jerome Kerner: Should I stop share?

Janet Andersen: No, let me ask a couple of questions too and then I'll look to see if anybody else has anything. So, I found it interesting that they're stepping-stones heading towards the brook but not towards

the lake is is the brook. I had the impression that, through there it's a fairly modest streamway is, that is, is it a well, I guess, maybe, is it a bigger feature than then I might have thought.

Daniel Cassidy: No it's it's. Sorry, I didn't mean interrupt you.

Janet Andersen: Go ahead.

Daniel Cassidy: It is a fairly modest feature. The client has a a master plan for the landscape of of the entire property. But, and so that master plan incorporates remediation along all the within all the wetland setbacks on both sides, both towards Lake Kitchawan and towards the brook but the expense of doing all of the landscape work as part of this is is to create it's more of a, you know 10-15 year plan for their their life on the property, and so they want to do the landscaping in bits and pieces. The reason the stepping-stones go down to the focus we're looking at focusing the required remediation work on that area where disturbing at this at this point.

Janet Andersen: And I also was I guess struck by the desire to put a basement under the garage and was worried about elevation and dampness compared to the elevation of the brook. I'm not quite sure you know, I guess you'd have to put footing drains that extend down under the basement I'm am. I don't know that. I would just say that's an element that concerns me here.

Daniel Cassidy: That's a fair concern and the client shares that it's not it's not an essential part of the project it's more exploratory and we, I walked through them that the waterproofing would would be, you know what you might be a challenge is the highest kind of the high point of the property. So it might be our best option but I did share with him that there are some waterproofing concerns and we'd have to in enlisting a structural engineer to review this, we would be looking for somebody with with some facade and envelope expertise.

Jerome Kerner: Maybe swimming pool, swimming pool expertise.

Daniel Cassidy: Right right. Just to make sure that we weren't having dampness and he was getting a nice dry storage area. You know part of part of the issues they have a whole house that they vacated in the city and they're paying for remote storage unit for those belongings and so we wanted to do this exploratory but it's not it's not a critical to the project, and if the budget for the waterproofing, sump pump, dehumidification whatever whatever is required exceeds what he intends to spend it's one of the first things to be value engineered out.

Janet Andersen: Okay, because I again I was thinking well, you might get a lot more it's a it's a it's a good size garage. So if you didn't have the stairway there you might be able to get more storage in there if that, you know it's just a concern. The other thing I guess I'd like to have some more information about is the, I think we see where the current septic tank is and the seepage area is generally, we look to have a expansion area or an area that could be used if there's a failure of the first place, so I just I don't know if that was part of the original design of the house, and if there isn't a place allocated already, but that might be something to explore, to make sure that we're not going into that into that area or eliminating the ability for them to have a septic expansion area. The other thing I think that again to I could ask John to give his comments, but I know, one of the trees, he was, the CAC mentioned that one of the trees, a rather large oak has to be taken down. I don't think it's really unless you brought the garage much closer to the house, I don't know that you can it can save that tree.

Daniel Cassidy: That's indicated that the previous plan, the demolition site plan.

Janet Andersen: Jerome, I think it's the prior one. Yeah right it's one it's that one that goes the red the red circle one.

Jerome Kerner: This one here.

Janet Andersen: And to Jerome's point about the other big one, you know it might be easier to keep if you don't do a basement, although I don't really I mean you're going to be disturbing that same site anyway and the other question I had is, I think this applicant actually owns the adjacent parcel to the south.

Daniel Cassidy: That's correct.

Janet Andersen: Did, was there any discussion, I know that you know it, it takes away the the you know, basically, the other parcel but if they were to do. I don't know whether there was ever any discussion of combining the parcels and then you could certainly move it move something on to the other property without having to worry about side-yard setbacks or anything.

Daniel Cassidy: Right, it was discussed, but the owner, you know what that would that would sort of that would force the two parcels together into eternity essentially in he's not quite sure what he he wants to do with the adjacent parcel yet.

Janet Andersen: Now that's I, I just wanted if they've explored it and decided not to do it that's fine. I just it's helpful to know that they, you know that that was discussed and decided not to to do.

Daniel Cassidy: There's some you know long-term plans to potentially build a second house there, but whether that ever comes to fruition, whether that is you know for is growing and maturing family or whether that is something that they need to sell off in the future, you know for financial reasons that they don't want to lose that opportunity.

Janet Andersen: No, it makes sense I just I wanted to see if it was discussed at all um. I think the other thing and I noticed that there's a an overhead wire. I think this was one of the things in Jan's memo as well as whether or not you're going to keep that overhead wire, or maybe bury it, you know this, the service to the house as part of it. You know I just I think it's I think it's in the memo. So, again I I would be interested in doing a site walk here and we're going to be down in that corner the woods of town anyway and I was wondering whether or not any whether that would first of all be be possible to do this, perhaps this Saturday, and whether anybody else from the planning board would be interested in in it.

Charlene Indelicato: Yes, I would.

Janet Andersen: So, Daniel do you believe that we would be able to maybe come by since we are now I mean we're going to be at Copia probably nine to at least 9:30 it might be, you know 9:45 or something that we would be able to get there.

Daniel Cassidy: Sure, I would have to, I guess, the question is who needs to be present. I'd have to speak with with the owner and see if the owner was present. If I need to be available, I can certainly be there.

Janet Andersen: I think it would be helpful if there could be sort of a I don't actually think if, as long as we have permission. I don't think anybody really has to be there, it would be helpful to have maybe the corners of the proposed garage staked out, if that's possible.

Daniel Cassidy: I can explore that. I won't be able to, we have not enlisted a civil yet which, to some uh you know Jan's comments we anticipated and in are working on that currently I'm.

Jerome Kerner: What doesn't have to be within a foot, you know we're gonna put I think we're we're so with the accurate.

Janet Andersen: Just sort of an approximate, even if you know....

Daniel Cassidy: I understand I'm just it would not be possible for. I just have to check with the owner, because if he want if he's able to do it, and then, if he's in town and he's able to do it. If he's not back from this business trip yet, and he wants me to do it, and do it would be tricky for me to get up there, and do it in time for you guys in the morning, but not necessarily impossible so I just need to confirm. Who would I follow up with on that.

Jan Johannessen: With the trees being there might be landmarks, it might be easy enough for the board to understand the location just based on those trees.

Jerome Kerner: That's true.

Janet Andersen: Yeah because there are a couple of trees that are coming down that we'd be able to see.

Daniel Cassidy: Right there's there's two small ones towards the lake or on a on a stone ridgeline so they don't they don't have good root structure but they're easily identifiable by that the stones that protrude from the from the earth, there.

Janet Andersen: Okay, yeah, you know, again we're just I think at this point we're trying to get a sense of, you know the slopes, the the setting and you know I think we've probably. I think Jerome's comments about the driveway might just kind of think how what's happening with the slope. I think you know and get a view of the brook. This is not, you know it's not a really ornate visit, because I think that it's going to be pretty self evident as we show up there with what we're looking at.

Daniel Cassidy: No, understood, I just want to make sure that we're able to accommodate all your requests. So, I I'm happy to make sure I'm happy to get that you know approximated or staked out for you if, if I can I just have to check with the owner or see if I can do it with my schedule to to get up in the morning yeah I'm actually I'm not not, I'm in the city too so it's.

Janet Andersen: It's it's a haul. I think you know with the with the trees that are there, I think we should be able to figure out what we're looking at, so it will be quite alright, if you can't get there. I think one of the other things that we probably should do is refer this to the Building Inspector, it sounds like you are aware that this may need to go to the the zoning board and that's the way to get it, so I think I'd look for consensus to refer this to the Building Inspector.

Various voices: Yes, okay. Yes, yeah.

Janet Andersen: Great, anything else that we should. Oh, this is a private road I don't know whether the fire department would have any interest in whether or not there's anything they I don't know we typically might do that for a new residence, this is not a new residence, but it's a added added structure. Should should we refer this to the bill to the fire department?

Charlene Indelicato: It's always good to do that.

Janet Andersen: Okay. So let's refer that as well to the fire department. Okay, so. I think that's it is there anything else I I don't see John Wolff on, but if there's anything we missed that the CAC memo had that we should be aware of, you're still muted John.

John Wolff: Um no, I think the major thing I mean you know, we had the typical stuff about making sure that there was a 1:1 on the mitigation and I think the main thing was that tree.

Janet Andersen: Okay, yeah I you know and it's it's good to hear that that discussion that went around them, okay um, so I think what we will plan to do. I know you have the copy of oh, I guess Jan is there any anything specifically on your memo that you want to highlight before we.

Jan Johannessen: I think you hit a lot of it. will be I think they do need to engage a civil engineer to work with them on the on the stormwater management aspects. The wetland mitigation plan will need to be prepared for mitigation of all disturbances within the 150-foot buffer. And I you know happy to discuss that with you happy to meet you in the field, if you want to go over it sometime. You made reference to the master landscaping plan which is fine just be aware, to the extent you're you're planting in the buffer you may need to come back for some level of permitting depending on the extent of work in actuating that landscape plan. Our office will have to witness soil testing for the storm water disturbances. The property is is located within the 100-year FEMA floodplain, the structure itself is not, but the property is therefore flood floodplain development permit's required, that's something that the Building Inspector will assist you with the permit issued by his office. That's kind of that the crux of the comments. We need some some construction details a little bit more information, but as, obviously, as the design unfolds. I'm sure that will be provided in time.

Janet Andersen: And if you do have another submission of plans I, this is just personal now that we don't get now that we don't get hard copies and we're looking at a scale bar would be really helpful so that to look at that. So that when we're looking at the plans that can get some dimensions off of them.

Daniel Cassidy: I can put that on there. I did have some additional follow up questions for Jan, based on the resolutions from Kellard Sessions, but I think that's something that I touch base with post meeting correct.

Jan Johannessen: You can call me, we could have a Zoom or conference call, whatever you like.

Daniel Cassidy: Okay.

Janet Andersen: And I do just one more thing I do tend to check when we get a residential application in to look and see if the if we have a record of the septic having been pumped in the last five years, which is town law and I didn't see it, it doesn't mean that the this, we get this information from the county and the information is not absolutely correct but just kind of a heads up that it, you know it's also something that's helpful to have. Okay.

Daniel Cassidy: We're looking to that we were. Part of engaging a civil was to get a lot more thorough septic analysis of what's what's happening there so.

Jan Johannessen: I was just looking at the fire district boundary line, and this is in the Vista Fire District, the very close to the. It's right there, but it does appear to be in Vista Fire District just for clarification.

Janet Andersen: For that referral okay good.

Daniel Cassidy: Who do I follow up with regarding because I'm gonna speak with the owner, about the Saturday site walk 9:45 great confirm that with.

Janet Andersen: Ciorsdan.

Daniel Cassidy: All right, thank you very much.

Janet Andersen: Thank you. Anything just make sure does anyone have anything further?

Daniel Cassidy: My understanding is just work with Jan and we're looking to we're a little too tight on the April 27th that's not going to happen so we're looking at the next date to pick up Jan's comments, go through that stuff and resubmit for that per those comments correct?

Janet Andersen: Okay, so the quickly so that would be our June 15th meeting and submission would be May 25th.

Daniel Cassidy: So that's that's what we're targeting.

Janet Andersen: Great. Although we will in May, probably do a site walk report, which is just a description of, if we have the site walk then, which is just a description of what we saw so.

Daniel Cassidy: Is there yeah, I guess, we would Ciorsdan let me know if there's something to attend for the next board meeting, anything to submit, any questions.

Janet Andersen: Sure. I, or we could I mean maybe this would be one where we differ the site walk report until June, just to have it, you know correlate so nobody has to attend. We could do that.

Daniel Cassidy: Okay.

Janet Andersen: Okay, thank you.

Daniel Cassidy: Thank you.

[The Board reached consensus to refer the matter to the Building Inspector and Vista Fire Dept. and to tentatively schedule its site walk of 54 Bishop Park Road on Saturday, April 24, 2021 at 9:45 a.m.]

VI. DISCUSSIONS

Town Board to amend Town Code §217-5 – Prohibited, Allowable and Regulated Activities within the wetlands.

(1:23:18 - 1:45:57)

Janet Andersen: All right, the next item on our agenda, we do have some Town Board referrals, the first item was the the Town Board looking to amend the Town Code §217-5 which are prohibited, allowable and regulated activities within the wetlands. This is, apparently because there is a tremendous amount of work going on that and, and these these items are often requested and pretty, it, they tend to be pretty routine and often often approved. So I'm in agreement, I think, in general, with the intent, but I have some, I think the words could be a little bit clearer. So I know Jan you were part of of putting this together, do you want to talk about it, or would you rather have us kind of give our feedback on the language as it's there.

Jan Johannessen: I'm happy to introduce it. I'm just trying to find it to bring it up on my computer here. I think I have it. So yeah the the rate, the reason for the proposed modification is kind of twofold or threefold. Just for your own edification, every application that comes into the Building Department or any activity that a homeowner alerts the Town of is required to fill out an environmental questionnaire form. They pay a \$50 fee so that my office as the wetland consultant can screen the property for wetlands, determine if a wetland permit's required, determine if a stormwater permits required. And you know we probably probably get it, you know couple hundred maybe a few hundred environmental questionnaires, maybe more a year. And a lot of them are for fairly insignificant items. Many, many of them are the removal of underground storage tanks when people go to sell the properties, a lot of them are generators. We get some you know some fences but you know generators, AC condensers, underground storage tank removal probably makes up 90% of environmental questionnaires. Now some of them are in the wetland buffer and some of them aren't. The ones that are in the wetland buffer require wetland permits so after you complete the questionnaire we determine yes, you need a wetland permit they submit the wetland permit application for something like that it's \$150 fee we review the plans we issued the permit, so you can imagine that that takes some time. And it may take from beginning to end 2-3 weeks to go through the process and there's a lot of them and they it's it's a bit overwhelming for the Building Department, for our office and when a wetland permit is necessary for these activities, the conditions associates with the permits are fairly, you know generic right, we asked for soil management, installation of silt fence, compliance with the plan, these type of things. None of them have ever been denied I think I could recall one case where someone was proposing the installation of a propane tank that was unnecessarily close to a wetland and we asked them to move it but nine times out of 10 these activities are taking place very, very close to the existing residence on developed portions of the property. Underground storage tanks are obviously something we want to see removed from the ground and they're also very highly regulated activity by the DEC. So an additional level of oversight from a wetland perspective may not be necessary.

So, we were tasked by the Town Board to come up with a list of items that we would feel comfortable with not regard, not requiring an environment questionnaire form. There's a there's an there's a list in the code right now is basically a list of exempt activities, those are items one through 11 and in the document. That's you know the activity that you can do without inquiring of the Town filling out environmental questionnaire form, it's just allowable by right so we've added to that list four paragraphs, one being the generator, not going in order, but the emergency generators with trenching but not including the installation of underground propane tanks, because that could result in a pretty significant excavation might be something we'd want to see, especially if it's in close proximity to a wetland and but you know, 80% of the generators with probably not not required environments questionnaire form, removal of underground storage tanks, the same thing. I think those two are, in my opinion givens.

12 is regarding sheds. Installation of you know sheds within the buffer so long as you're not removing trees and not doing a lot of grading, you know fairly benign activity, and you know 12 might be one that some language after I spoke to Janet about this, maybe gets tweaked to be a little bit stronger. But its intention is, you know your typical prefab shed you don't want to grab a pad, no tree removal, no grading that that's the intent to allow that without a questionnaire form. We get probably maybe a dozen shed applications in a year it's not a not a high volume but to speed up the process we thought that was a possibility.

And then 16, construction of a deck, porch or fence accessory to a single family home within the wetland buffer utilizing hand dug posts, providing there's no machinery or grading an excess fill is removed or spread underneath the deck. I wrote this, but I think I would, if I wrote it again, I would recommend removing the word porch because porches typically have roofs and, you know, have 1,000 square foot and closed porch or open porch with the roof in the buffer that has you know run off that should probably be handled in some way or another. So, as opposed to decks which are you know typically porous, you

have the openings in between the boards, the water goes through and nine times out of 10 you're just dealing with some Sonotube footings but that was something I thought could be done without a questionnaire. We could also include a size limitation on the deck, you know if you're all comfortable with that maybe 500 square feet construction of the deck no more than 500 square feet. But I take the porch out of there been further kind of go on. So that that's the idea, it's it's intended to speed things up a bit for the homeowners. Take some pressure off review process and, hopefully, at the same time not have any sort of negative impact, you know, like I said the permits that are issued for these items are pretty generic so there's not a lot of value being added by the permitting process for these items.

Janet Andersen: Yes, Jerome.

Jerome Kerner: Jan, do sheds in special character districts still need to be reviewed, obviously, they have to go before the ACARC.

Jan Johannessen: Yeah, this would be, this is not exempting them from getting a Building Permit. So if you have a shed, a shed under the town building code that's over 80 square feet, you need a building permit and the Building Inspector will screen it for the special character overlay absolutely. Same thing with it, you know all these items required building permits, they're still going to be oversight it's just not it it's just not getting a form from my office.

Gregory La Sorsa: Oh, just so that I understand, so if you're putting up a shed in a wetland, your shed could be 12 by 12 more or less.

Jan Johannessen: Yeah or less.

Janet Andersen: In a in a buffer.

Gregory La Sorsa: In a wetland buffer right but, but you would still need a permit for that.

Jan Johannessen: You need a building permit, but you wouldn't get screen for wetlands if it was in a buffer you wouldn't need a wetland buffer you wouldn't need a wetland permit provided you weren't cutting trees and you weren't grading.

Gregory La Sorsa: We should probably make the sheds 12 by 12 but that's just, that's has nothing to do with you in the build for the building permit I mean you know.

Janet Andersen: Well, yeah.

Gregory La Sorsa: That's that's just an aside.

Jerome Kerner: Anything over 64 square feet.

Gregory La Sorsa: Was I thought it was eight by 10 maybe it's eight by eight, I don't know.

Jan Johannessen: I think it's 80 square feet, eight by 10.

Jerome Kerner: I think it's 64 square feet.

Gregory La Sorsa: Eight by eight, I thought.

Charlene Indelicato: It is because I I put one. I looked at before.

Gregory La Sorsa: It's what? So what do you say it is?

Charlene Indelicato: It's 8 by 8.

Janet Andersen: So I, and I think again the CAC said how many sheds, so I think that I would like to see because I'm also concerned I just again, I think, I'm concerned about clarity that that somebody might take this further I don't want somebody be putting up, you know sheds, multiple sheds, and having you know, goats and chickens and and animals in them because that's prohibited in the wetland buffer so I would like this to change to installation of a shed not exceeding 144 square foot square feet in footprint located and then after saying something about the maximum cut or fill is limited to no more than an increase or decrease of two feet from the elevation of the existing grade you know and limited to the shed location, as opposed to I don't want somebody reading that and saying well if I put in a shed I can regrade my whole backyard. So, it might be clear and it might not. The other thing I would like to say is the shed is subject to the restrictions of the wetland code because that's where the limitations on having animals in the wetland buffer exist.

Gregory La Sorsa: Well, if you say that, then you don't have to say anything else you said. If it's subject to the restrictions of the wetland code, then I mean.

Janet Andersen: That's well that's not yeah but the only other thing is the that's the the use of the shed is subject to the restrictions, the wetland code, but the cut and fill could be at the location of the shed and just a shed instead of sheds.

Gregory La Sorsa: Well, I mean I I don't know too many people putting up multiple shades on their property, but you know. I mean, did we have a restriction against multiple sheds or I mean, could you make an application to put up multiple sheds in your buffer?

Jan Johannessen: You could, they would all require wetland permits.

Gregory La Sorsa: Okay, so, then why, you know why, why are we limiting it to one shed then.

Janet Andersen: My only concern is, if you want something bigger than then 144 square foot you put 3 144 square foot sheds next to each other and you get a 36 by 12 square foot, I don't know.

Gregory La Sorsa: I mean yeah, but you can do that now.

Janet Andersen: You have to come in for a permit. This would be no permit, well chances are, if you came in for something big we.

Gregory La Sorsa: So I mean how many people have multiple shades on their property?

Jerome Kerner: My neighbor does but he put in two 10 by eight by 10s.

Charlene Indelicato: Yeah actually my neighbor does too.

Janet Andersen: I think a lot of people do.

Gregory La Sorsa: I actually don't. I would be again, I mean not that it matters because the Town Board is going to do what they do and they very rarely take our advice, but I would be against putting limitations into this.

Janet Andersen: Any limitations at all, or two, then.

Gregory La Sorsa: I would be against putting in along the lines of what you said, limiting it to one shed if you say many people put multiple sheds into why do we limit it to one shed then.

Janet Andersen: Okay, what about. Oh go ahead Charlene.

Charlene Indelicato: I would agree as to the one shed because it's in the buffer and you can have multiple sheds and it'd be easier and maybe you're right Greg you know, nobody does it. So it shouldn't be a detriment then.

Gregory La Sorsa: I don't understand what you just said, sounds like you said, both things at the same time.

Charlene Indelicato: Well, I was going to.

Gregory La Sorsa: You're agreeing with me or Jan[et]?

Charlene Indelicato: Jan[et].

Gregory La Sorsa: Okay.

Janet Andersen: Okay, so there would be so, what I would look for I guess is to put that and then under the construction of a of a deck or porch or fence leaving out the porch, I would like to say maybe a size limit of 500 square feet, which is a pretty big deck and I think it's also important to say that that should not extend over the wetland itself it shouldn't be cantilevered out over. I can imagine people building a bridge over wetland calling an extension of their deck you know I I just so just to kind of limit it. I really don't think it's going to happen very often that somebody would put a deck out over the wetland, but I think. I would prefer not to to I would prefer to limit that as well.

Charlene Indelicato: Jan, does the building official determine whether it can be hand dug?

Jan Johannessen: Yeah, this in this situation if they want to avoid, they're building a deck and it's in the buffer and they want to avoid the wetland permit they'll have to hand dig it. If they can't and they need a machine, then the exemption goes away, and they would require a wetland permit.

Charlene Indelicato: And the building official would oversee that.

Jan Johannessen: Yeah, I mean it's a it's a little, gray area because I won't be involved right so. Typically a person that's determining if there's a wetland on the property where the wetland line is. The Building Inspector doesn't necessarily have that ability. So if it's I guess if it's if it's not hand dug, then it would have to go through the environmental questionnaire process, and then I would have to...

Charlene Indelicato: But who makes that determination? I mean I the fence, I have no problem with and the porch I agree with you, but the deck it's that hand dug support post and no machine activity that doesn't seem to be able to be supervised.

Janet Andersen: So that's currently a regulated so what happened is that clause was moved from regulated to unregulated.

Jan Johannessen: Yeah right now, the way the law's written is you can get an administrative wetland permit for a deck, not go to the planning board get a permit from my office provided you hand dig the posts and you spread the material excess material underneath the deck. So I lifted that language and used it as part of the exemption and that's how you know that's how it's done. If you want an administrative permit you have to hand dig the posts.

Charlene Indelicato: But you, but it would go to you and your determination in this one, it would make the building official make that decision.

Jan Johannessen: Yeah he would have to make that call I mean by the letter of the law, he would have to put some sort of condition or clarification on the plan and that it's to be hand dug.

Charlene Indelicato: Is that a usual decision that he makes?

Jan Johannessen: It would just be a standard if you don't want to fill out the questionnaire form and you don't want to go through the process you're going to have to commit to hand dug posts if if you're going to drill them are using excavator then you're gonna have to go through the questionnaire process, to see if you're on a buffer and if you are you'll need a wetland permit.

Janet Andersen: So it's basically a condition on the....

Jan Johannessen: I think it's doable, as written it's just another form it's it's something that the Building Inspector has to be cognizant of it's it's...

Charlene Indelicato: Can there be some language that the building official will have to make a notation in the file, or would have to certify that it will be hand dug. Would that be possible?

Jan Johannessen: It's possible, sure.

Charlene Indelicato: That would be my suggestion.

Janet Andersen: So, I guess what I would look for is a if there isn't isn't aren't any other comments I would look for I think I need a motion to to allow me to write this letter to the Town Board, that that includes the recommended changes to number 12 and 16.

Jerome Kerner: So moved.

Jud Siebert: We're talking about we're talking about the changes that Jan[et] went through on 12.

Jerome Kerner: Exactly yeah yeah.

Jud Siebert: And with regard to 16 we're talking about 500 square foot limitation, no extension over wetland, remove the word porch and find language confirming that utilization of hand dug supports will be subject to you know you know.

Janet Andersen: Will be a condition of the building permit.

Jan Johannessen: I'm wondering if it makes sense just because of all the language that's gonna go into 16 if we separate the decks and the fences and do fences as 17 just.

Charlene Indelicato: I'm I'm fine with that.

Jan Johannessen: I'm trying to think of how that's going to be written in it.

Janet Andersen: Yeah and then I think what happens is back under C)1)b where you took the thing we probably need the porch back in there. You see what I mean. Yes, so we probably want to put the porch 14 back in there.

Jan Johannessen: Yeah C)1)b needs to get clarified.

Jerome Kerner: Are you going to delete the word porch, is that correct?

Jud Siebert: No, you would have in C)1)b you would it would you would read porch, accessory to a single family residence comma utilizing hand dug support post comma provided blah, blah, blah.

Janet Andersen: All the following. So that's putting it back under Regulation for the porch and taking the other thing out, so I have a motion to allow me to sign a letter with this kind of language in it can I get a second.

Charlene Indelicato: Second.

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

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: No.

Janet Andersen: Charlene?

Charlene Indelicato: Yes.

Janet Andersen: And I also say yes, so the motion carries and we'll send this letter. Okay, thank you and Greg, I do understand your your concerns. I just think it it helps to kind of clarify things so we don't have discussions in the future, but thank you for your comments

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board authorized the Chair to sign a letter to the Town Board recommending changes to the Wetland Chapter of the Town Code, specifically what activities require the submittal of an environmental questionnaire.

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

Town Board to amend Town Code §220-16 - outdoor restaurant seating shall be permitted through to December 31, 2021.
(1:45:58 - 1:53:09)

Janet Andersen: The second item we have is the Town Board looking to basically the the temporary outdoor dining code that they had put in place expired in December of 2020 and they are looking for us to, they are looking actually to re-extend it and would now have it end in, at the end of 2021. I have no comment on that, I mean I I don't have any problem with it. I guess I'd look for any discussion about this,

but but recommend that we would send a letter to the board saying, you know we're in agreement with that proposal.

Jerome Kerner: Comment.

Janet Andersen: Yeah, Jerome.

Jerome Kerner: It seems to me that the question might be beyond our purview which is how this might affect the overall seating, in other words, if the State goes back to allow indoor seating, would they then be doubling or potentially doubling the size of the capacity, which would affect rest, you know toilets and parking etc. So is there any kind of wording in here that would create some kind of a safety control that and no no way shall additional outdoor seating, you know, extend the total seating beyond a certain number percentage above the....

Janet Andersen: I I don't have in front of me, but I thought, what happened was the total number of seats could not exceed the permitted.

Jerome Kerner: I have it in front of me, but I don't see...it says, shall be in compliance law Westchester County Department of Health and New York State code rules, regulations and guidelines.

Charlene Indelicato: That would settle the toilet issue.

Jerome Kerner: Yes, yeah. But it wouldn't settle the parking issue, if for some reason....

Jud Siebert: The way the Code is drafted, am I muted, is it still contemplates that the planning board is going to have a say, because you have to engage in an expedited review of these applications, you know.

Jerome Kerner: Right, I understand, but.

Jud Siebert: So maybe you know when you when you do so, you know, you do that by, you know by condition on.

Gregory La Sorsa: Well Jud, um when they expect, when they permitted outdoor seating in lieu of indoor seating wasn't their language that addressed what Jerome is talking about.

Jud Siebert: Yeah, I I'm going for it, I thought there had been um.

Gregory La Sorsa: I don't I mean I get Jerome's concerned about that loophole, but I don't think you can you can double the size of your, you're either going to be indoors or outdoors, when you when you expand to outdoor seating I think there's regulation as to how many people you could have if there was like a pre- COVID situation.

Janet Andersen: I know when we've done site plans as a permanent outdoor dining, we have basically said, you take some of your indoor dining and you put it out outside, so the total number of seats does not go up. I.

Jerome Kerner: Right, but it doesn't say that here.

Janet Andersen: I have to say...

Gregory La Sorsa: But what I'm saying Jerome is that is it what the executive orders that permitted this and that concurrently um, you know, and restricted indoor dining I seem to remember that there was some provision for that.

Jerome Kerner: Well then we should refer to that in in this section.

Gregory La Sorsa: Yeah, okay.

Jud Siebert: Why don't we, why don't we indicate that concern in our correspondence to the Town Board.

Janet Andersen: I think that's appropriate that the total number of seats still be covered by the site plan approval.

Jerome Kerner: Yes.

Janet Andersen: To be honest, you know, last year I don't believe we ever saw any of these so to the extent there was outdoor dining, it did not come through us so.

Jerome Kerner: Yeah. Well, I can only think of two restaurants La Vista and Bacio and they have, that was part of their site plan approval. Oh no, Bacio put up a tent as an addition, that's right.

Janet Andersen: Yeah so, but what what they might do this year I don't know but I mean, I think it is intended to give them flexibility, but so okay, so I guess I would look for a motion to allow me to sign a letter to the Town Board saying we support this, but we would like to see a cap on the total number of seats between indoor and outdoor dining that is equal to the the approved site plan seating.

Jerome Kerner: Well, yeah, either that or what Greg was recommending was to refer back to a prior what was that.

Jud Siebert: Executive orders.

Jerome Kerner: Executive order.

Janet Andersen: Yeah, Westchester County, no that that would be the....

Gregory La Sorsa: That would be the Governor.

Janet Andersen: Great.

Jerome Kerner: Yeah, but either way, I would make a motion to notify the Town Board of that concern in that way.

Charlene Indelicato and Gregory La Sorsa: I'll second it.

Janet Andersen: Okay, do we have a second. Any further discussion and I'm not sure who second of that maybe Greg.

Charlene Indelicato: Greg did.

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

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Charlene?

Charlene Indelicato: Yes.

Janet Andersen: And I also say yes, of course, and so I think Jud you, you will draft both of these and we'll get them out. The other thing....

Jud Siebert: I'll work with Jan on the wetland one as well, we'll work together on that.

Janet Andersen: Yup.

Jan Johannessen: Okay good.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board authorized the Chair to sign a letter to the Town Board recommending changes to Town Code §220-16 specifically permitting outdoor restaurant seating through to December 31, 2021.

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

VII. CORRESPONDENCE

Referral from Pound Ridge Planning Board - Haines Residence, 141 Old Church Lane, Pound Ridge, NY 10576 – Application for construction of a deck and second-story addition.
(1:53:10 – 2:02:51)

Janet Andersen: And the next item on the agenda is a referral from the Pound Ridge Planning Board, this is a application for a Haines residence on 141 Old Church Lane in Pound Ridge, New York. It's referred to us because it's close to our boundaries, it looked like a fairly modest change basically interior changes with a small exterior form, I didn't see any issues with it.

What I did see and what I thought was very interesting is that Pound Ridge actually requires applicants to let their neighbors know that this is going on, that an application is going on, and they have to send a not-certified mail or anything but just a certification to the planning board saying I've notified my my neighbors within, you know, 500 feet or 250 feet, whatever it is, as part of the law. I I actually thought that was a very interesting approach, because we tend not to hear sometimes until it goes to a public hearing and sometimes we almost want to go to a public hearing, because we want to make sure the neighbors know and I thought this was a interesting way of making sure that the neighbors know that there's a proposal on the, for a change in the property and it might, if we knew that all the neighbors knew, it might make having something go administrative or waiving a public hearing a lot easier to do. So um, I just wanted to bring that up, I thought it was an interesting approach. I don't know whether it would have to be codified, probably that would be easier to make it a legislative requirement, rather than to say, well, the planning board just wants this, although we do often ask what does the neighbors think. But I think that might be something that would be an idea that that I'd like to hear, you know, your your idea your views about.

Charlene Indelicato: I think when we do waivers I think that would be important and and I think you correct Janet, the best way to do it is legislatively, but I think if we're doing a waiver, I think we can request it, and be well within our rights.

Janet Andersen: Any other thoughts?

Gregory La Sorsa: So, what are we being asked to do here?

Janet Andersen: What the Pound Ridge is asking us to do is whether we have any comments on the Pound Ridge application. And maybe we should handle that first. I didn't I I, I think the right thing, or what I would look for is just writing a letter saying we have no objection to the Haines residence to Pound Ridge.

Gregory La Sorsa: And then the second thing you're saying is more like something that you think we should be doing in Lewisboro.

Janet Andersen: Yeah so let me finish this Jud, do we need to do I need a motion for that or just....

Jud Siebert: So, I guess, my guess, would you want the letter to say you have no objection, or no comments.

Janet Andersen and Jerome Kerner: No comment.

Janet Andersen: Do we need a motion?

Jud Siebert: You're going to be signing a letter on behalf of the planning board, you need authorization to do that.

Janet Andersen: Okay, so I'd look for a motion to authorize me to send a letter to the Pound Ridge Planning Board saying we have no comment on their application.

Charlene Indelicato: I'll make a motion.

Jerome Kerner: Okay, I'll second.

Janet Andersen: Okay, Charlene and then Jerome any further discussion? Okay, Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: And I'm also a favor. Okay, so that motion carries and we'll send that letter. The second thing is, part of this is to say should we send a letter to the town board recommending that they look at adding to the to the planning board legislation, so this might be for site plan and possibly wetland permits

that that the applicant notify their neighbors and certify it to the the planning board, as part of their application process. And when I talked to Jan about this, he said he has been an applicant or has worked with applicants in Pound Ridge so maybe you could talk a little bit about how that works how that has worked.

Jan Johannessen: Yeah. In Pound Ridge, as soon as you make application to the Planning Board or any of their application types, the first submission, the applicant is required to make a mailing notification to the neighbors; it's a one-page form identifying the location of the property, a little description of the proposed action, that it's going to be on a planning board meeting on such and such date, it's sent regular mail and the applicant has to provide an affidavit of mailing to the planning board administrator upon the first meeting. So, I kind of liked it for Lewisboro because for the reasons stated, oftentimes you get into cases where you're thinking about either having a hearing or not or referring a matter administratively to our office and it may make that decision, a little bit easier for you, if neighbors had been notified and they hadn't responded. So, you can think of a couple of cases where, after projects have been referred to our office administratively, you know the neighbors become aware and it becomes a little bit more difficult. So, I kind of like like the idea, obviously, if there's a public hearing, you don't need to do the notification it would really just be for those items that don't require hearings.

Gregory La Sorsa: Is this on tonight's agenda?

Janet Andersen: It only came up because it was part, I noticed it as I looked at the referral from Pound Ridge Planning Board. We could....

Gregory La Sorsa: So, it's a suggestion you made, it's not on our agenda, right?

Janet Andersen: It is not, it's just something.....

Gregory La Sorsa: Okay, so let me ask you another question. I mean, is this within our purview, is this something we should do, is something we have the authority to do? To tell the planning board to pull, to tell the Town Board to just pull ideas out of the air and then tell them we think this is a good idea, why don't you consider this.

Jerome Kerner: Yeah.....

Jud Siebert: You're, you're permitted to if it's a you know, if the board has something they're interested in their permitted to, you know, basically petition the Town Board to take a look or ask the Town Board to look at something or consider something.

Gregory La Sorsa: Because I don't remember the last time we have a did anything like that. I don't think the last eight years.

Jerome Kerner: I don't think we have and it sounds like the the Town Board is looking to simplify and pare things down this would add another layer for applicants to.....

Gregory La Sorsa: And you know and Jan I think it's certainly more qualified than than I am to state the objections of people when they're handling something administratively but I gotta be honest with you, I don't remember anything that we've dealt with where we've passed something, and someone come back and said, I never got a chance to object to this. Now it might happen administratively and, as I said, Jan's going to know that and we're not and I don't really remember people making complaints that there they've been uninformed about issues that have come up before us.

Jerome Kerner: Yeah, and I think we're sensitive to any potential issue.

Gregory La Sorsa: Very sensitive.

Jerome Kerner: It could be an irritant or you know, so why add another layer that.

Charlene Indelicato: I think with a waiver, when we give a waiver that we can ask for those letters. I know it makes me feel more comfortable.

Gregory La Sorsa: And we generally do that.

Jud Siebert: Yeah, we generally do that.

Charlene Indelicato: Okay, I didn't know that.

Janet Andersen: Okay, so maybe our current process is actually we handle this it's just later in the later in the process. I thought it was an interesting interesting thing that came up and I'm willing, sensing the mood of the or the not mood, sensing the advice of the other Planning Board members, I will certainly put that aside. Okay um so, we will send two letters to the Town Board and one to the Pound Ridge Planning Board.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board authorized the Chair to sign a 'no comment,' letter to the Pound Ridge Planning Board regarding the Haines application at 141 Old Church Lane, Pound Ridge.

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

VIII. MINUTES OF March 16, 2021.

(2:02:52 – 2:03:13)

Janet Andersen: The next item on our agenda is approval of the minutes of March 16, 2021.

Jerome Kerner: I move for approval as submitted.

Gregory La Sorsa: Second.

Janet Andersen: Okay, any discussion? I'll poll the board, Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: And I also approve, say vote in favor of approving the minute, so that motion carries.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board approved the minutes of March 16, 2021 as submitted. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: Ms. Maguire.]

IX. ADJOURNMENT

(2:03:14 – 2:04:09)

Janet Andersen: I will remind people that our next meeting date is May 18, 2021. We have arranged for three site walks this coming Saturday, and I will look for a motion to adjourn.

Jerome Kerner: So moved.

Janet Andersen: Thank you, Jerome.

Charlene Indelicato: Second.

Janet Andersen: Any further discussion? Anything I forgot? Okay, all in favor? Sorry, I can't do that I'll poll the board, Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: And me, I also say it's time to adjourn. Thank you all very much.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the meeting was adjourned at 9:34 p.m.]

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

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator

APR 27 2021

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD**

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

**ALLISON AND MATTHEW COVENEY, OWNERS
TRI-STATE SOLAR SERVICES, APPLICANT**

32 QUINCY COURT, GOLDENS BRIDGE, NEW YORK

**Sheet 7I, Block 11127, Lot 32
Cal. # 2-21 P.B.**

April 20, 2021

WHEREAS, Allison and Matthew Coveney (the "Owners") are the record owners of premises located at 32 Quincy Court, Goldens Bridge, New York, that are designated as Sheet 7I, Block 11127, Lot 32 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, the Owners intend to install a solar photovoltaic system on the roof of the residence situated on the Subject Parcel, and application has been made by Tri-State Solar Services, 169 N Rte. 9W, Congers, New York, on the Owners behalf for amended site development plan approval authorizing this installation; and

WHEREAS, because the Subject Parcel is located in 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 for purposes of the roof-mounted solar photovoltaic system installation; and

WHEREAS, the Owners and Applicant 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 authorizing the installation of this solar photovoltaic system; and

WHEREAS, the Applicant and Owners have presented an aerial map of the Subject Parcel and a “Module Spec Sheet” prepared by Illumine I dated November 6, 2020 (Plan SS-1) that depicts the solar module panels to be mounted on the roof of the residence; and

WHEREAS, the Applicant and Owner Allison Coveney appeared before the Planning Board on April 20, 2021 in support of the application; and

WHEREAS, the Applicant and Owner Allison Coveney presented written statements from neighboring property owners concerning the application, as well a photograph of the roof-mounted panels, as installed on the Subject Parcel; and

WHEREAS, the Planning Board obtained guidance from the Town Planning Consultant and the Planning Board Attorney concerning the application on April 20, 2021; and

WHEREAS, the Planning Board has duly 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 duly 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 with regard to this application; and

BE IT FURTHER RESOLVED THAT, the Planning Board grants a revised site development plan to authorize the installation of a solar photovoltaic system on the roof of the residence situated on the Subject Parcel; 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: Charlene Indelicato

The motion was seconded by: Jerome Kerner

The vote was as follows:

JANET ANDERSEN aye

JEROME KERNER aye

GREGORY LASORSA aye

MAUREEN MAGUIRE absent

CHARLENE INDELICATO aye

Janet Andersen^{cc}

Janet Andersen, Chairman

April 20, 2021