

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 995 5303 0216) on Tuesday, September 21, 2021 at 7:30 p.m. The audio recording of this meeting is 210921_001 and the YouTube link is https://www.youtube.com/watch?v=C4ImaK3_r2E

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 23 participants were logged into the Zoom meeting and 4 viewers on YouTube.

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

Janet Andersen: It's 7:30. I'm Janet Andersen and I call to order the Town of Lewisboro Planning Board meeting for Tuesday, September 21, 2021 at 7:30 pm. After a couple in-person meetings, we're back to meeting remotely because, in an emergency session, the state legislature passed a temporary amendment to the open meeting law that will allow municipal boards to meet via tele-conference until January 15, 2022. [noise from another speaker]. Yes, we're going to have to mute some people. And so, the Board the Board agreed to meet via Zoom. At this time, we are live streaming to YouTube on the Lewisboro TV channel to enable viewing by the public. And no one is in our in-person meeting location at 79 Bouton. This meeting is being recorded and we have confirmed that the YouTube feed is active and working. Members of the public can always express their views by mail or email to planning@lewisborogov.com. Ciorsdan Conran, our planning board administrator, has confirmed that the meeting has been duly noticed and legal notice requirements are fulfilled.

And joining me on the Zoom conference from the town of Lewisboro are members of the planning board: Charlene Indelicato, Jerome Kerner, and Greg La Sorsa. Maureen Maguire is absent tonight, but we do have a quorum and thus we can conduct the business of the Board and vote on any matters that come before the board.

If not on yet I expect our planning and wetland consultant Jan Johannessen to join us, but we do have counsel Judson Siebert on right now, and the planning board administrator Ciorsdan Conran is on as well as the CAC chair John Wolff. And, in accordance with the law, we intend to post a recording and transcript of this meeting to the town website. And the Zoom video will also be available on the town's YouTube channel. We do not have a public hearing scheduled for tonight, therefore, we do not expect to take any public comments at this meeting. We ask any applicants that are not currently engaging in dialogue to mute their lines as this helps everyone hear over inevitable background noises. And as we go through this, to ease the recording of our votes, I will poll board members individually. Okay so let's get started.

I'm looking, we do not yet have Jan on quite yet okay.

I. WAIVER OF SITE DEVELOPMENT PLAN PROCEDURE

Cal #07-21PB

(3:10 – 10:04)

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

Elaine and Stuart Feldman, applicants; and Marco Mandra, architect, were present.]

Janet Andersen: The first item on our agenda is a waiver of site development plan procedure Cal #07-21 PB. This is for the Cross River Pharmacy, 890 Route 35, Cross River, New York. This is an application for a change of use.

And I believe, is it. Who is on for the for the applicant is it Louis oop okay Marco I see you and you're muted so.

Elaine and Stuart Feldman: We're here too, so.

Janet Andersen: Good.

Marco Mandra: Hi everybody. Marco Mandra representing Cross River Pharmacy, 890 New York 35. The applicant is proposing a change of use for a new pharmacy. There is no increase in parking, there is adequate parking for this particular site. The space is roughly 1970 square feet, the proposed space will be, excuse me, a pharmacy with a, two, two medical labs in the back, excuse me, two chemical labs in the back, compounding labs, one small office and one existing ADA accessible bathroom. The two new labs will require some sinks, so there will be a small increase in water usage for the site, but other than that the space is pretty much open for products. The signage outside we've, you know, we're going to have the same aesthetic as the rest of the storefronts and everything else outside should be remaining the same. You have the business owners here, Elaine and Stuart who can talk a little bit more about the business and the operations for the compounding labs and the store.

Janet Andersen: I'm not sure that we really need much on that unless you have something you want to say.

Stuart Feldman: No, not really it's just you know it's just that we want to move, we're moving in the store.

Janet Andersen: I did see we got some slightly revised plans that had the vestibule go away, but you know, basically, it was very similar to things that I think we, we have seen before, and we have recently seen something very similar, another change of, well, expansion of Cameron's. I think the things that we need to do, one of them, the referral the Westchester County Planning, Ciorsdan has already taken care of, but we do need as a board to agree to refer this to Westchester County Department of Health, which apparently looks at every change of use, it's not just that you're putting in a couple of sinks. And we also would want to refer this to the Building Inspector so and I guess I'm going to look, this is this, we can do by consensus. So, I'm going to look for people to nod or give me fingers up or something to say yes. Definitely okay, so with that Ciorsdan, we want to both refer this to the Building Inspector and to to the Westchester County Department of Health and thank you for already getting it down to Planning. I see Jan is on I don't know perhaps I'll ask him if there is any, anything else that we need to address on this. He had a memo that was fairly short. And I see both Kellard Sessions and Jan on so I'm not....

Judson Siebert: Sure, I think yeah Jan's having some connection issues.

Janet Andersen: Okay.

Judson Siebert: And then, but I mean. Jan, I would just say you know the the review memo from from Jan is you know, pretty pretty modest in terms of the comments are all pretty pro forma. This is a change of use application in a center that we've had experience with and perhaps we just want to look forward to the October meeting and have some direction for Jan to prepare a resolution.

Janet Andersen: Yeah, I'm comfortable with that. I guess the only other question I'd ask the applicant is whether or not there would be I know they talked about signage over the building, I know there's a sign out front as well, and I assume that they would get listed on that and I don't know whether that, at what point something has to go to ACARC, but we have an ACARC expert with us, Ciorsdan.

Ciorsdan Conran: Is it conforming with the rest of the building standards both the street sign and the fascia sign?

Stuart Feldman: Yeah, yes yeah.

Ciorsdan Conran: The building permit for the sign would be required and it's at the building department's discretion whether they refer it to ACARC.

Janet Andersen: Great. Okay, so with that and I am, go ahead Jerome I see your hand up.

Jerome Kerner: Well, if it's if the zoning in regard to parking has been reviewed and approved, would it be appropriate to make a motion to waive, for a waiver site plan development procedure and authorization for preparation of a resolution?

Judson Siebert: Yes, Jerome typically we handle the waiver and in a resolution that is prepared by you know by Jan's office so okay, if he if you want to authorize that for October, and you know just by again a show of hands, yeah so consensus, you know we can set out to do that.

Janet Andersen: All right, so I'd like to look for consensus to ask Jan to prepare resolution on this matter for October. Yes, okay and yep I see I see thumbs up from the four of members of the board so and so thank you very much.

II. EXTENSION OF TIME REQUEST, CONTINUED

Cal #08-12PB

(10:05 – 12:07)

Petrucelli/Badagliacca, Oscaleta Road, South Salem, NY 10590 Sheet 33B, Block 11157, Lot 46

(Steven Petrucelli and Teresa Badagliacca, owners of record) - Request for a 90-day Extension of Time to resolution granting Preliminary/Final Subdivision Plat, Negative Declaration Under SEQRA, dated October 21, 2014.

[Michael Sirignano, Esq.; was present on behalf of the owners. Ms. Andersen recused herself at 7:39 p.m. and Mr. Kerner chaired the meeting.]

Janet Andersen: Okay, so that, I think that's all we need to do for this, and so we can move on to the next matter, and I am recused so I am about to turn off my my video which I guess is about all I can do to leave the room and ask Jerome to handle this.

Jerome Kerner: Okay, so I will chair this item which is calendar #08-12 PB Petrucelli which is a Request for 90-day extension of time resolution granting Preliminary/Final Subdivision Plat, Negative Declaration Under SEQRA, dated October 21, 2014. So, Michael Sirignano you're here for that.

Michael Sirignano: Yes, good evening first there's a money matter. I understand that there is the escrow is a balance of zero and we owe some money for services that by your consultant, who have already been rendered and not paid, so I want to report that my client is mailing a check into Ciorsdan so that should be taken care of.

Jerome Kerner: Michael I'm gonna interrupt here, but that that was what we were told at the last meeting, and I know it's probably not your, it's out of your hands, but I think, as a matter of policy, we're not going to proceed with any discussion on this matter until, until that money is paid. Well, I'd like to adjourn, suggest return next meeting, unless any board members, has any different feeling on this. Do I hear any negative, Greg, Charlene?

Charlene Indelicato: No.

Jerome Kerner: So, with with that consensus we'll adjourn that matter, Michael, until it's resolved.

Michael Sirignano: Okay we'll see you next month on this.

Jerome Kerner: Thank you very much and concluding that I'll turn it back to Jan[et].

[Due to the lack of quorum, the matter was adjourned to the October 19, 2021 meeting. Ms. Andersen returned to the meeting at 7:42 p.m.]

III. WETLAND PERMIT REVIEW

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

(12:08 – 13:22)

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

[No one was present on behalf of the applicants.]

Janet Andersen: Thank you, and next item on our agenda is a wetland permit review, this is Cal #29-21 WP and number 03-20WV, the Schilke residence, 3 Beaver Pond, South Salem New York and it's an application for remediation of wetlands. This is on as a control date: I don't know if anyone is on for this matter. I'm seeing and hearing, no, no one jumping forward on this. I think what we should do is put it back to the, to the next, to our October meeting again as a control date and...

Judson Siebert: I will, I will I will contact the the applicant and advise them of the October date.

Janet Andersen: Thank you Jud, that would be very helpful. Any other comments on this before we move on.

[The matter was adjourned to the October 19, 2021 meeting.]

Cal #61-20WP, Cal #14-20SW

(13:23 – 27:23)

Adler/Greenwald Residence, 12 East Ridge Road, Waccabuc, NY 10597, Sheet 25, Block 10803 Lot 24 (Karen Adler and Laurence Greenwald, owners of record) - Application for the installation of a pool and bridge reconstruction.

[Karen Adler, owner, was present.]

Janet Andersen: Seeing and hearing nothing we'll move to Cal #61-20 WP Cal #14-20 SW, this is the Adler Greenwald residence at 12 East Ridge Road, Waccabuc, New York, it is the application for installation of a pool and a reconstruction of a bridge. And again, this is a.

Karen Adler: I'm here.

Janet Andersen: Oh good. This is a first-time applicant.

Karen Adler: Hi, my name is Karen Adler, my husband is Larry Greenwald. You might notice that I am in a hospital room, because my husband is in the hospital. Which is related to how important this is to us. I do have a long statement I'm going to read. We bought our home in February of 2020. We love living in Waccabuc, it has made a dramatic difference in my husband's quality of life under very challenging circumstances of blindness and physical limitations. We purchased this house with the belief that on four plus acres we could put a pool. We even had two pool companies come as part of our pre-purchase due diligence to assure us that we would be able to do this. We purchased the house and, because we knew we had to live in a single-level home with easy access to the outdoor patio and anticipating a pool where my husband could exercise. And, the application preparations for the pool and repair of the bridge began in early June. I made several inquiries at the building department asking about additional questions from what was initially asked to the application, including whether we needed to suggest a different location on our property, because I was so so so

concerned about the wetlands issue. It took two months for someone to tell us that we would have to go to the planning board. Our application to the planning board was submitted in early August, and again I asked the same questions about the submission and additional information needed and whether perhaps I should submit along with it an alternative plan. Until yesterday when I called Ciorsdan, who was just wonderfully helpful, I did not even know that there were 18 new questions and requests for extensive additional information. Our wetlands environmental consultant advisor and our advisor on the plan itself have all begun work on answering these requests. But it was not possible for them to get them completed for this evening's meeting.

With regard to the bridge repair, I would like to point out something that I think is really demonstrative of our commitment to the environment and sensitivity to the wetlands issue. The existing bridge footings are in the stream, this is a bridge that was put up by the previous owners and I believe had approval for some improvements. Our proposed improvement will have the set that span no longer in the stream, clearly something we recognized would help the environment and the buffer zone. A pool is essential to my blind and partially disabled husband to enable him to exercise and maintain some level of physical activity for his mobility and health. We have been longtime supporters of environmental causes and are well aware of the importance of protecting the wetlands and maintaining a healthy wetlands buffer. Unfortunately, our entire four plus acres are in the buffer. I have asked and would be amenable to an alternative location somewhere else on our property, but that would still be in the buffer. We have a very large grass lawn that is was put in long before we purchased the house that, of course, is enough in and of itself a disturbance to the buffer. I would be more than willing to return a portion of that to provide more wetlands protection in exchange for being allowed to have the pool and patio, and we'll work with my consultant to present this as part of our submission.

We have already added a drain to dry to a dry well to address the question and concern about any escape of overflow from the pool going into the wetlands. Because I did not receive the detailed comments until yesterday morning. I again want to apologize, that we are unable to provide you with the answers to all of your questions and support of them in the requested plans. However, my consultants have all started work on this and assured me that if you would agree to put in us on the docket for October 19, we will have everything you requested within 10 days, that is by October 1 I know that this is a big ask outside your window of submission but if you would make this exception, it would enable us to do, hopefully approval request to know that we could start work on the pool before the winter freeze. Thank you for your kind and thoughtful consideration of my request.

Janet Andersen: Thank you. I think, I know that, Ms. Adler, I know that this is new to you, but we certainly did not, this is sort of the normal cadence where we have initial review, we we have a the consultant talk about the the memo in case there are any things that are not clear to you and to us. We have the the Board will typically ask some questions or or look at the things and we would ask that you come back on the next month, if you can get the the items in. I believe our submission date for re submission is September 28 and you asked for October 1 and, I I would look to Jan to see whether.

Karen Adler: I I am so sorry my connection went down just as, you were about to ask me something.

Janet Andersen: Okay, and I think our our typical resubmission date is, would be September 28 and you've asked for a couple more days, I would ask Jan if that's, who's the primary person who has to do the review whether that would be.

Jan Johannessen: Under the circumstances,....

Karen Adler: It went away again.

Janet Andersen: We've got to mute somebody hang on.

Karen Adler: Okay it's kinda. Hello.

Janet Andersen: Yeah, go ahead, Jan.

Jan Johannessen: Janet, under the circumstances, I would have no no problem with that.

Jerome Kerner: Janet, Jan, under these circumstances, and the fact that this is clearly, a, or should we say, you know, a pool that serves many functions, including the most important one being therapy. That we, and and also the fact that any place on the site is going to present the same condition, that is, the pool be in the buffer, I'm going to recommend that we go administrative on this and streamline this process and allow Jan to review any of the comment first responses and use his judgment, I wonder what the rest of the Board feels about that.

Janet Andersen: I just have a couple of questions that I think would help me make that decision and one is, it doesn't say, but is this planned to be a chlorine pool or a saltwater pool?

Karen Adler: And we had said salt water, but if you tell me you prefer something else, I'll be, we'll work with you on that.

Janet Andersen: I generally feel that there's a little more concern about any draw downs, or you know overflows when there's salt getting into the environment um, I don't know that, I mean, if this is the health matter than then perhaps that, you know, maybe there's something that can be done to capture the the draw down. I don't know but.

Karen Adler: So, so my consultant said that this dry well um that they're going to provide would address some of that concern, but we would work with you, if chlorine is the better route I I I'm sure we can figure this out. Okay, please.

Janet Andersen: Yeah, yeah either I mean I know there's bromine, and chlorine.

Karen Adler: It was bromine I think that they had looked at.

Jerome Kerner: Typically, Janet there's no draw down, except for backwash you know which is not a significant amount of water, it's just to clear the filter medium, so I don't know.

Jan Johannessen: They they they do draw down the pool below the coping and the tile.

Janet Andersen: For the winter.

Jerome Kerner: Oh yeah but, only in case I mean terms of rain, excessive rain and.

Jan Johannessen: Then during the, before the winter they're going to draw it down before, below the tiles so they don't pop the tiles. In the past, the planning board has asked that, you know in areas of environmental sensitivity that you utilize a chlorinated water, because the salt water doesn't break down and you're discharging it basically to groundwater adjacent to a wetland. The chlorine, you know if you let it sit, let the pool sit for a period of a couple weeks, you know the chlorine dissipates and it's it's gone. So that's that's been the board's take on this preference for chlorine pools for that reason.

Karen Adler: Right, I will commit to you on our resubmission, we will work that through and get that taken care of. If you will help me with this. That's how important this is to us.

Janet Andersen: Okay um I think, I think the other thing that we we saw was some question on mitigation plans and I'm sure that Jan is more than capable of helping with that. So, I guess the the other question I would have is Jan would you feel comfortable if we sent this administratively.

Jan Johannessen: I think of all the choices of where to put the pool I thought the pool location was appropriate, as said, you know it's a constrained lot but there's a, it's an appropriate location in terms of the choices, so there are some things to work out, but nothing that can't be overcome, and I would certainly work with them on an administrative level.

Janet Andersen: Okay, and I guess the only other thing I would ask is that. You look at the question about where the septic expansion area is. So that we're not limiting that, and I don't know what that is, but other than that so I'm hearing that that Jan is willing to take the on administratively and.

Judson Siebert: Jan, I think another step before you do that would be to get his routed to the Building Department, you know just to get a clean bill of health from a building perspective, a Code perspective rather.

Janet Andersen: All right, so from from, so I think we do that by consensus. Yes, so everybody okay with the referral, yes, okay so next is, if there are no, are there any other questions for Ms. Adler.

Karen Adler: Yes, that's my name.

Janet Andersen: Yes, I know but I'm looking to see if anybody else has questions for you. Yes, Charlene?

Charlene Indelicato: The bridge, how do we deal with the bridge or will that be dealt with, with.

Janet Andersen: I believe that can also be done administratively. I think that the thing I hadn't realized, is that I saw putting the concrete down and I was concerned. I didn't realize that that actually is moving the current foundations further away, and I think that was very helpful to hear so. Again, any other questions? So, hearing none, I guess, I would look for motion to put the Adler/Greenwald application administratively.

Jerome Kerner: So moved.

Janet Andersen: Thank you Jerome

Charlene Indelicato: Second.

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

Jerome Kerner: Aye.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: and I also vote yes, so we have agreed to send this administratively. Thank you very much for your time.

Karen Adler: Thank you. Can I just thank you all so much, I can't tell you how much I appreciate your consideration and your generosity, I promise you you'll get everything on by October 1. Thank you.

Janet Andersen: Okay, so. Best of luck.

Karen Adler: Take care. Okay, thank you bye.

Janet Andersen: Okay um. And thank you Jan for your help on that one.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board determined that the review of the Adler/Greenwald Residence, 12 East Ridge Road, Waccabuc for the installation of a pool and bridge reconstruction will be handled administratively by a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: Ms. Maguire.]

Cal #30-20WP, Cal #05-20SW

(27:24 - 47:40)

Stein Residence, 51 Pine Hill Drive, South Salem, NY 10590 Sheet 29B, Block 10540 Lot 75 (William Stein, owner of record) - Application for the construction of a single-family house.

[Brian Hildenbrand, P.E., was present on behalf of the owner.]

Janet Andersen: Our next item on the agenda is the Stein residence, sorry Cal #30-20 WP, Cal #05-20 SW. This is the Stein residence, 51 Pine Hill Drive, South Salem New York. This is an application for the construction of a single-family house and. So, this is a house that's on a driveway, it is a shared driveway. And we have a number of items, let me first see who is on for the applicant.

Brian Hildenbrand: So that would be me if you can hear me.

Janet Andersen: We can hear you. And please state your name for the record.

Brian Hildenbrand: For the record, if you would sure, my name is Brian Hildebrand I am the engineer for the project representing the Stein family and would it be easier if I shared my screen and walk everyone through the plan.

Janet Andersen: Sure briefly.

Brian Hildenbrand: Okay, so 51 Pine Hill Drive is is this vacant lot behind 45 and 49 Pine Hill Drive. These two existing homes actually have an easement over our property. They enter through this driveway there's an existing culvert crossing. So that's all existing, what the plan is is to develop this vacant vacant lot. So here just quick again is there's a survey here's that stream crossing. One neighbor here another little further down they again they have an easement over our property. Here, and just show a little Zoomed in, proposed layout single family house.

Janet Andersen: Excuse me, I don't know, maybe my internet is poor, but I am still stuck on the first.

Jerome Kerner: GIS, GIS, it is rather than you see.

Janet Andersen: Sometimes these things need to be stop sharing and restart.

Brian Hildenbrand: Oh. Okay.

Janet Andersen: I see something now.

Brian Hildenbrand: You see this site plan now. Yes, okay. Do you see the survey now just I wanted to - Yes, okay so just to orient everyone, here's that existing stream, the culvert, existing driveway that's there now, and our vacant our vacant lot beyond. And just quickly, here's the proposal is to develop with a single-family residence with a well, septic, stormwater system, we do have several constraints on this on this lot. Primarily, the the wetland buffer which is, this I'll draw it, it will be shaky, this is the 150-foot wetland buffer. We have an easement in the rear of the property for NYSEG power lines, our typical zoning setbacks. So, it kind of puts us, constrains us into a corner, where we still have to fit a septic system. We are working with the health department, we did soil testing in this area, it is a viable spot outside of the hundred-foot buffer which they require us being outside of. So, we it's going to be a little bit of a balance, I know there are some concerns about us being wholly within the the buffer. So, if there's any wiggle room to slide the house back and slide the driveway back, we can certainly look at those layout options. And just so the septic is planning to go off of the existing driveway in this corner. Our house, our well would have to be down here to meet our setbacks, to the septic. And

then we're proposing stormwater mitigation. The soils down here were very good, they perked very fast, so we plan on either infiltrating or doing some kind of bioretention practice here which will overflow to the wetland. So I mean this is our first time here in front of this board so, I can certainly answer any questions that you guys might have.

Janet Andersen: Okay, maybe I'll ask a question, to start with what, what are the restrictions for the easement in the back? Can anything at all go back there?

Brian Hildenbrand: I, my understanding is that no permanent improvements should be within the power lines, because this way if there's any need for access or maintenance you know, if anything, I don't know the liability of things get damaged or or what. So that was my understanding that you know we could grade within it, but I we weren't going to put any structures or or other permanent improvements.

Janet Andersen: And do they need access across your land or how does that, do they get access along their whole route?

Brian Hildenbrand: But I've seen in the past that they traverse up the power lines so usually you see, like their their maintenance tracks underneath the lines or they have their little dirt roads. There's nothing too formal in this area, as far as that goes. There's not it's not a huge high-tension line it doesn't seem like, it was just to be safe, we are staying clear of that area. But I know it was brought up in a comment to get the actual language and the deed so we'll, I'm working with the owner to get a formal formal copy of have any restrictions.

Janet Andersen: Yeah, that that would be helpful um but and knowing that you can't have a permanent or, that it sounds like you can't have a permanent structure there, I think, helps us as we, as we look at this. The other question I would have is, would you put, are the plans to put both the septic the primary septic system and the expansion area in that section that you have identified off in the I don't know which corner, it is the south west.

Brian Hildenbrand: Yes, down in the south, because itself, but in this corner, yes, yes, yes. Yes. Okay, so primary and expansion.

Janet Andersen: Great. Okay um do we have any other anyone else have any other comments at this point?

Charlene Indelicato: Has the DOH approved it as of yet?

Brian Hildenbrand: No, we do not have [health department] approval. We are making a formal submission, now that we did the soil testing but it's kind of a parallel track between the town and the county at this point.

Jerome Kerner: So, the the wetland 150-foot buffer line that was the buffer that you pointed to before. The wetland is to the north of that right? So the buffer is to the north, so the entire house is in the in the buffer?

Brian Hildenbrand: Yes, it is.

Janet Andersen: Yeah I mean I, I think, Jan's memo suggested, and I certainly would like an exploration of whether it could sort of shift to what I guess is the south, a little bit more towards the, towards the boundary line a little bit more, and maybe move move the driveway as well and just. And, or else, perhaps as the CAC recommended about it, think about putting a more permeable driveway in. It doesn't look really steep so maybe there's a way if it has to stay that close to the wetland.

Jerome Kerner: Yeah.

Janet Andersen: Maybe, to make it more because it it um, that's pretty close to everything there.

Jerome Kerner: You know I have an observation Janet and it's never come up before in situations where the entire residence is in the buffer, but I think the real concern would be the garage, concrete slab, and possible fluids, whether it's oil, hydraulic fluids from tractors, paint thinners, all sorts of things that we normally restrict if it was a free standing shed, we'd say you gotta have a sign on there, it says, none of that will go on. But here's a case where the garage is here and the driveway and the garage pitching out toward the driveway probably, have all of those potential issues and containment might be difficult because of the garage entry, so I wonder if there's any thought about that if Jan, if you have any suggestions or that's been discussed.

Jan Johannessen: I didn't make that, I did not make that observation in the memo, you know, it is something that the board's discussed in the past. I'm sure Brian, you located the driveway there to maximize sight distance, but if there's any way to move the house towards the, right on the side-yard setback there and run the driveway along the septic, push everything away from the wetland maybe that addresses some of the concerns but.

Brian Hildenbrand: Yeah, we'll look at that.

Jerome Kerner: What about what about pitching the garage to a sort of a depression in the center you know with a catch basin with an oil water separator you know that would have to be maintained and capture the runoff in the garage. Is that a remediation?

Jan Johannessen: Almost better not having a drain in the garage because then you know it gives them the opportunity to wash your car whatever they're going to do, inside and it's I I don't, I guess I don't have that. I guess it depends on each homeowner right and what yeah what they store and, me, I'm not that sensitive to that particular issue because I don't know how much it would happen if they had drainage inside the structure. That might lead to more problems than if there wasn't a drain. But you know it's up to the board, I guess.

Janet Andersen: Yeah so I. I think I would be more comfortable if this was a little further from wetlands somehow but, again, I understand that sight distance might be a limiting factor, but I guess I'd ask first sort of to explore that.

Jan Johannessen: It is a very low use driveway, though.

Jerome Kerner: Oh yeah.

Jan Johannessen: I'm not sure of how significant of an issue it really is but, I'm sure there's some logic to where the driveway's placed but if you can move that driveway a little further away and you might also have some DEP restrictions that may want you to move that driveway a little further away.

Brian Hildenbrand: Okay yeah. We can certainly explore that and one of the other reasons that it is not environmentally based was being sensitive to the neighbor just the way the house is orientated you're almost looking at their rear their back deck here. So rather than having a driveway kind of aimed at their house, which is why we kind of hit the catty-corner, but maybe we can split the difference somehow and like I said balance the septic layout with the sight distance and shift everything as much as possible.

Janet Andersen: Okay, I think I think that's a lot of our concerns. I do know that, well, I guess, I would ask whether anyone has an interest in going and seeing this property and doing a site walk.

Charlene Indelicato: Probably should.

Jerome Kerner: Yeah.

Janet Andersen: Yeah, yeah I mean I like it, so we typically do that the Saturday before our next meeting. In this case, would be October 16. Is that, does that work for people?

Charlene Indelicato: Yep.

Jerome Kerner: Yeah.

Janet Andersen: Okay so would, Brian do you think it would be possible to come out on I guess we usually do this, around nine o'clock on October 16 to take a look at the at the area?

Brian Hildenbrand: Yeah.

Janet Andersen: I'm wondering, since this is a common driveway too, I guess we'll just park along it and if anybody has to go out or in we'll, I don't know exactly how we, how that is typically handled on a on a shared driveway. But we'll pull to the side and hope that people can get around if we parked there and at nine o'clock maybe not too many people are rushing out. Is there one car beyond this, I mean one house beyond this, or two did you say, I think.

Brian Hildenbrand: Just one beyond.

Janet Andersen: Just one, all right, well then. Okay. I think that would be helpful, I think the other thing, there are a couple, one action other that Jan has identified for us, which is to refer it to the building inspector, which I guess, we should do, even though well, it's likely to change.

Judson Siebert: Maybe, perhaps we may perhaps you hold off until after the site walk.

Janet Andersen: Okay, or and until there's a resubmission.

Judson Siebert: Right. It's just that there might be a you know, a reorientation of the of the house, of the driveway, there, Jan did identify that there's an issue about access and the lack of frontage on a public street and the potential for a 280a you know authorization from the town board, but I think all that would be best handled by the Building Inspector in kind of one package, instead of having something go to him now and then to do something revised after the site walk or a potential resubmission.

Jan Johannessen: And I didn't realize. One of the maps Brian showed was, this is actually a flag lot that has frontage on a public road, I didn't pick up on it.

Judson Siebert: Oh.

Janet Andersen: Yeah, it does.

Judson Siebert: I've got it yeah yeah okay.

Jan Johannessen: I didn't focus I didn't I'm sure he submitted this, but I didn't see it, that might not be that might be a non-issue.

Judson Siebert: It may, ultimately, it's the Building Inspector's call, but rather than giving this to the Building Inspector twice, I just think why don't why don't we wait to see what happens if there are any refinements after the site walk.

Jerome Kerner: What, what is the width of that road that currently that's going into the flag lot.

Brian Hildenbrand: Um. I don't know it's it I'm going to guess and say that it's about 10 feet wide, did you mean the existing driveway?

Jerome Kerner: Yeah, that portion right there yeah.

Brian Hildenbrand: It's 10 or 12 feet.

Jerome Kerner: Is that adequate for shared driveway, Jan?

Jan Johannessen: The town has standards for common driveways. How many lots Brian would would this serve? Three lots?

Brian Hildenbrand: Three, this would be the last of the three. Right yeah.

Jan Johannessen: Yeah, we have a sliding scale, depending on the number of lots of served. But we have, we should go back to see what was originally approved that, if there was any standards approved at that time when the subdivision was created. Obviously, the road's in already right, so if that was approved by the planning board as a 12-foot-wide driveway, that's what's what's installed, I would assume that decision's already been made. So, we have to take a look at the record. Good point, though.

Janet Andersen: Yeah. It might be that we would perhaps ask for a little pull off in case something, emergency equipment needed to go by, but I think, if you have driveways off I think people can sort of slide into a driveway too, so I don't I don't really know how urgent that is. All right, um, so we will, we plan a site walk and I think Brian, you know you have the the memo to look at you know you can submit before we come in, before we go on a site walk feel free to do that, and if there's is there anything else, before we move on to the next, go ahead Jerome.

Jerome Kerner: Make it clear, we want the corners of the house and center line of the driveway staked.

Janet Andersen: Okay, yes, so, and if you resubmit you can do it of the resubmitted, of the, of whatever their then current plan is.

Brian Hildenbrand: Oh, okay that'll. I have to see where we're at and how, when we can get a surveyor out there and still make changes. Okay.

Jan Johannessen: Brian you can you can stake the house, it does not to be done by a surveyor.

Jerome Kerner: Right yeah.

Jan Johannessen: Why don't you stake what's proposed so that board could see it and then maybe also stake if you were going to shift the house where that would be just you know offset or something. Maybe side yard setback.

Brian Hildenbrand: Yeah, some reference point okay.

Jan Johannessen: You can do it.

Janet Andersen: Yes, as Jan said, this is not, this doesn't have to be surveyed, it's just to give us a sense of, a sense of where things lay on the land, but it's not where you're going to build.

Brian Hildenbrand: A good all right that got me nervous. Okay, no problem.

Janet Andersen: That's why I guess it's good to bring it up. Okay any any other comments or questions? Okay, and thank you. We'll see you on October 16 and perhaps October 19. Thank you.

Brian Hildenbrand: Thanks everyone and good night.

[The Board reached consensus to schedule site visit for 51 Pine Hill Drive, South Salem on Saturday, October 16, 2021 at 9 a.m.]

Cal #53-21WP

(47:41 - 1:06:07)

Nitta Residence, 10 Lambert Ridge, Cross River, NY 10518, Sheet 17, Block 10533 Lot 443 (Rubina and Satyanarayana Nitta, owners of record) - Application for the installation of a pool.

[Rubina Nitta, owner and Greg Mercurio, landscape architect.]

Janet Andersen: Okay, the next item on our agenda is Cal #53-21 WP. This is the Nitta residence at 10 Lambert Ridge, Cross River, New York and it's an application for the installation of a pool together with a patio. So, I think I saw yes, hi.

Rubina Nitta: I'm the homeowner and Greg Mercurio is the one who's representing me

Janet Andersen: Great. Thank you, thanks. So, Greg perhaps you'd like to introduce this.

Greg Mercurio: Yes, definitely. I'm just sharing a few files right now. So. Let me see where we're at. Okay, I believe these are the sets of plans that you guys have. My name is Greg Mercurio, I'm representing the Nitta residence, and we're proposing a 35 by 16 foot in ground liner pool. We are within the 150-foot wetland buffer. That buffer is this outer arc on the outside of the sheet here. That 150-foot wetland buffer has a majority of the house in it and possibly the majority of the property within it. One of the comments from the CAC was, I'm not sure why, but they were wondering where the 100-foot wetland setback is, and that's this one setback, I just added this to the drawing. The pool is downslope from the wetland area which is on the adjacent property. This adjacent property was permitted a swimming pool about 10 years ago. They installed mitigation plantings and this buffer area right over here. We had Steve Coleman come out to the property and take a look to confirm that the wetlands were, in fact, still wetlands, which he did confirm, and we've included that letter in our application. So that's kind of where we're at right now. We originally had done a plan that was under 5,000 square feet of disturbance, but I believe that, because we're within the buffer we needed to do some stormwater mitigation. And the proposed new rain gardens that we put in and associated grading puts us over that 5,000 square foot threshold now so it's um it's it's kind of challenging because it seems like there's a lot of bumps along this path and we're just trying to mitigate and do the things that we've done the past to be successful, but apparently there's a lot of comments so, I guess I'll kind of leave it at that and we just see what you guys do on this.

Janet Andersen: I do have a couple of questions, I guess, first of all, we don't see this a lot, but I believe that this area is served by a public water supply and a and a public sewer as opposed to septic and I just want to confirm that. Because it's different for us.

Greg Mercurio: Yes, I believe so.

Janet Andersen: Yeah, I saw that they said no, no well or septic system, so the alternative is assuming that there's a sewer. And the other question is if a chlorine or saltwater pool that is, that is being proposed.

Greg Mercurio: Rubina, do you know the...?

Janet Andersen: You're muted.

Rubina Nitta: It's a salt water.

Janet Andersen: Salt water, yeah. Okay, so we we have that continued concern with with any drawdown for salt water.

Jan Johannessen: They said salt water?

Rubina Nitta: Salt water.

Greg Mercurio: The the pool company's not here this evening, but it's a liner pool, they don't have tiles on it. And they've done multiple pools in this area, in Lewisboro and their position is that they don't draw the water down in the pool. I don't know how much of an impact that has on it or not, but that's just that's word on the street from what the pool company says. It's always kind of a point of contention seems like, with the pools, but more so, importantly, obviously within the wetland setback. One of the things is that it is down slope of the wetland, so any runoff associated with this project is not going to be going towards the wetland area which I think is kind of an important consideration.

Jerome Kerner: Absolutely.

Janet Andersen: Yeah, um I guess the, the only thing I would ask, it looks like, on, on this, when you look at the the rain gardens that are put in place now for the, and I really recognize that that's really for the patio runoff. The overflow of that appears to go out to the storm drain in the street, and I was going to ask Jan what what to make of that. I hadn't, again we don't generally see that.

Jan Johannessen: And they typically it's it's not run to the street. To kind of control it on site. If it were to be overflowed to the street drainage system, they would have to demonstrate that there is the same or lesser amount of water going to that drain in the proposed condition than the existing. So, this is a project that's in the New York City watershed, it's over 5,000 square feet of disturbance there's a requirement, it's not a town requirement, it's New York State DEC requirement that you prepare a SWPPP. The town has heightened requirement from water mitigation. And we have a long-standing policy of treating for a 20-year storm event for projects to the size. So that all has to get demonstrated they're proposing to rain gardens but there's additional study and calculations to be provided to demonstrate compliance with the town's regs and the state's regs. Just for the board's understanding this is project is before you, not because of the pool, but because of the size of the patio. The pool itself could be permitted, an administrative permit because it's 50 feet away from the wetland, but when the patio exceeds the threshold for the surface area in the wetland buffer. It's before you for that reason, otherwise it'd be treated administratively.

Jerome Kerner: Right, right.

Jan Johannessen: I do have some questions they did submit a report from Mr. [Stephen] Coleman and indicated that he delineated the wetland and identified the wetland flags, but those don't appear on the plan. So, they should be shown, you know, we had comments about mitigation. The town has a policy of 1:1 mitigation so basically, since all the disturbance is in the wetland buffer you have over 5,000 square feet of disturbance, you need 5,000 more square feet mitigation you're a little short. And the remainder of the comments are really storm water related in compliance with SWPPP.

Jerome Kerner: Hey Jan, how much over 5,000 is the patio, does the patio bring it.

Jan Johannessen: Well, the I think the the the threshold's 500.

Jerome Kerner: 500 right right right right.

Jan Johannessen: I don't know....

Jerome Kerner: What is it?

Jan Johannessen: I don't know the exact calculation; it is not provided but....

Jerome Kerner: Well, I just wondered if the applicant would be willing to reconsider the size of the patio and take it take it under the maximum of 500 and avoid any further planning board involvement and get right to administrative.

Rubina Nitta: Greg, what do you think?

Greg Mercurio: Well, I don't is it a net 500 because there is an existing patio behind the house now.

Jan Johannessen: No, it's proposed, but not including the pool.

Greg Mercurio: Not including the what?

Jan Johannessen: Not including the pool.

Greg Mercurio: Not including the pool. So, if we have a 500 square foot patio now and we propose so, so the total patio size has to be under 500 square feet.

Jan Johannessen: No, it's not a net. If you're proposing a 500 or more square foot patio it's a planning board review, so that they're asking you to reduce the proposed patio to 500 square feet or less, less than 500 square feet.

Greg Mercurio: Yeah, I mean I I could eat I could do that real real quick I just gonna have to kind of run it by my client and see what their thoughts are on it, maybe after I do a revised concept and see what they think about it, but it's definitely possible.

Rubina Nitta: I think I would need, visually need to take a look. Sure, because we already have an existing patio so I didn't even think that that was even in the question.

Jan Johannessen: And it wouldn't negate the need for the mitigation or the stormwater unless you know you reduced it so they are under the 5,000 square feet of land disturbance, but you know you're gonna have to provide the mitigation no matter what, because all the improvements are proposed within the buffer but it would get you, potentially get you out of like the planning board review process.

Greg Mercurio: There were quite a few, I mean I think I'll have to talk to Rubina about that because there's a lot of other like stipulations in the comments Jan that like, you know, getting back to, we would have to get a new survey done for the property, you know we'd have to do, like a tree survey, but we're not proposing to remove any trees and we could put the comments on there so um.

Jan Johannessen: Well, I indicated that you have you're showing the trees so you must have them located, correct?

Greg Mercurio: Yeah, but it's just through my field measurement so it wasn't through a surveyor, you know.

Jan Johannessen: But I think the comments said, provide a tree survey unless you're not removing any trees, then provide a note on the plan that you're not removing any trees, so I'm not asking you for a tree survey unless you remove the trees.

Rubina Nitta: We're not.

Jan Johannessen: The town law requires you to have a tree survey for work within the wetland buffer so. It's right out of the ordinance.

Janet Andersen: So, if there are no trees removed, I mean, I think what we're trying to do is make this simpler.

Greg Mercurio: It says the applicant shall submit an updated existing condition survey, boundary, and two-foot contours signed and sealed by a New York state license land surveyor.

Jan Johannessen: Yes, you didn't provide a survey, so I mean I don't know what this is based off of, but all of our applications come with surveys, you know, it has got to be a survey that's consistent with what's out there.

Greg Mercurio: I understand, but I mean we've submitted a lot of plans. I think it's saying you guys just reviewed the mitigation plan L-3, we did include a survey as a part of our original application and didn't have the contours on it, but it was by a, stamped by a, you know surveyors so.

Jan Johannessen: Where did the contour information come from?

Greg Mercurio: That was coming from Westchester County GIS and think that was noted on the plans.

Jan Johannessen: You've got a lot of drainage going on, so typically we're getting [unclear] surveys. I didn't see a survey, and if you did, was it was submitted with the planning board or with the building department application?

Greg Mercurio: It was definitely part of the building department application.

Jan Johannessen: So, we don't necessarily see what when you submit to the building department.

Greg Mercurio: Okay. Okay, I mean that's something we could include them and kind of take it from here, I suppose.

Janet Andersen: Right, it sounds like perhaps there's some discussion that that Jan and Greg should have on on this to to get it sort of cleared up, I was going to say, and one of the recommendations from Jan was a referral to the building inspector, but if it's going to change again, perhaps this is, although I don't know, does he really look at patio size, I mean what we really, he needs to look at setbacks and and that.

Greg Mercurio: I mean the whole thing too about having to, like you know we, we weren't required to have Steve Coleman go out there, no one stipulated that we have Steve go out there to look at the wetlands. We kind of did that on our own interest, just to see really what was going on with the wetland. So yeah, he went out there, and he put flags, but now it's kind of like another step like now, we have to get a surveyor to come back out there and it's not on Rubina's property, it's on the neighbor's property. Okay.

Jan Johannessen: Steve, he needs to, Steve needs to say something like, hey the wetland that shown on your plan L-1 is consistent with what's in the field. He wrote a report and said, hey I did the delineation, I flagged the wetland, and you know there's there's no reference to anything, so his wetland line can be completely different than what's shown on this drawing there's no, you know he doesn't make reference to this drawing at all.

Greg Mercurio: I understand.

Jan Johannessen: We usually don't have people delineate off-site wetlands and like you said that we didn't ask you to do that, you did that on your own.

Greg Mercurio: That yeah, we're just kind of like you know it was it's a it's a marginal wetland you know, so it was you know, and it was upslope from where our disturbance was so we just, really really just want to confirm that it was actually a wetland I mean that was.

Jan Johannessen: We've had this conversation multiple times. The town doesn't have any sort of threshold for wetland quality or whether it's uphill or downhill. You, you provided a report that showed a wetland or identified that those delineated wasn't shown on any map. So, if Steve wants to say that what was depicted on your drawing here is accurate and that's good.

Greg Mercurio: Okay, cool I appreciate that.

Janet Andersen: Okay, so again, should we submit this as it is to the Building Inspector, or should Jan, should you feel like we should wait for a resubmission.

Jan Johannessen: I would wait. I mean it's not I don't see any issues here I don't think Joe is either, and he might as well he's going to be reviewing in a time of building permit application anyway, so I don't think the applicant's losing any time by having him review the plan that's going to be put forward.

Jerome Kerner: Yeah.

Janet Andersen: So, we agree I'm unclear, should we refer.

Jan Johannessen: I would hold off....

Janet Andersen: Hold off okay.

Jan Johannessen: ...referring it until the plan is going to be revised, we're not losing any time because he's going to do his zoning analysis.

Janet Andersen: Okay um and, I don't know if this is something, that we need, we want to think about doing a site walk for.

Jerome Kerner: I wouldn't.

Janet Andersen: You would not. Yeah, I'm also feeling that this is, you know, this is probably the location it's going to be. I mean it's not like we we have much say on this, so I I also don't feel as much need for a site walk. Any? I can't see everybody, let me look and see if either, Charlene?

Charlene Indelicato: No.

Janet Andersen: Okay Greg, and I saw Greg shaking his head. So, we'll skip over that. So again, our submission date for the next meeting is September 28. If you can update this, you know, and again if, especially if the patio size can get below our threshold, then I guess we don't have a new submission, but it's it's helpful. And I think John, I think we we've covered all the CAC comments on this as well. Okay, so thank you, if you could stop sharing.

Greg Mercurio: Thank you.

Janet Andersen: Great. Anything anything else, before we leave. Okay. Thank you very much.

[The Board reached consensus not to schedule site visit for this matter and to wait for the resubmission before referring the matter to the Building Inspector.]

Cal #62-21WP, Cal #15-21SW

(1:06:09 – 1:33:03)

Stevelman Orchard, 0 Robins Wood Lane, South Salem, NY 10590, Sheet 53, Block 9834, Lot 145 (Paul and Peri Stevelman, owners of record) - Application for an orchard on vacant land.

Paul and Peri Stevelman, owners; and Louis Fusco and Paul Fusco, landscape architects; were present.]

Janet Andersen: So, the next item on our agenda is Cal #62 - 21 WP, Cal #15 -21 SW, this is the Stevelman Orchard on Robins Wood Lane in in South Salem, New York, and this is an application for an orchard on vacant land.

Paul Stevelman: Hi everyone.

[Multiple voices]: Hi, hello, good evening.

Louis Fusco: Good evening.

Paul Stevelman: I'm Paul Stevelman and Peri Stevelman, we're the homeowners and we're being represented by Louis and Paul Fusco and they're going to provide an overview.

Louis Fusco: Hi hi, I'm Louis Fusco, a landscape architect representing Paul and Peri on this rather unique application that we don't usually see. This is an adjacent building property up [unclear] to the Stevelman's home that they are proposing of the construction of an orchard. They were up before the planning, the zoning board back in July, where they received a special use permit for the installation of an orchard. We did receive some comments from Jan within the last day or two and we've made some adjustments to the plans which we've just recently resubmitted which I can go through, if you permit, I will share the screen and review some of the adjustments that we have made to the site plan.

Janet Andersen: Sure, that would be fine.

Louis Fusco: Everyone see the screen now.

Jerome Kerner: Yeah.

Louis Fusco: Okay, okay um the existing site is a just over one-acre and....

Jerome Kerner: Could you zoom into the site, rather than the rest of the details, that would be helpful? Use the plus sign or plus sign, there you go.

Louis Fusco: Actually, before I I'm going to just show you a couple of photos because I'm sure most people haven't been out at the site, this is just a sight of the conditions of the existing area there's really very little understory on the property at all.

Janet Andersen: We're still seeing your plan, or at least I am.

Louis Fusco: Okay we'll stick with the plan I'm trying to see if I can get the photos. Paul, do you have any help with bringing the photos into the share.

Janet Andersen: Some people have had to stop sharing.

Louis Fusco: Here it is. I got it. Maybe that? I got it, does that help yep okay great. So, this is the existing site, you can see, the Paul and Peri's home in the distance here, where we'll be making connections to the property into for the orchard, so the plan is to clear the wooded site. The fence of their existing wetland is off site which I'll show you on the plan and we're protecting a number of the larger trees that are at the perimeter edge, and this is just a quick shot of the apple orchard at Paul and Peri's existing home.

Jan Johannessen: Hey Paul how old do you think that tree is, just out of curiosity?

Paul Stevelman: That one is probably 12 to 15 years old, but.

Jan Johannessen: Thanks.

Paul Stevelman: Sure.

Louis Fusco: So, so the plan, right now, Paul was pleasant enough to give us a little history of why he how he got into the apple orchard when we've spoken a few times. And he's been a resident for 20 years in your town, he has long roots there and right from the start, they started planting some trees at on his property, and the proposal here is by no means it is not a commercial establishment, its, all of the the apples that they grow are given away at. He deals with a few which Paul can

share a little bit more later with of the different organizations that they donate their trees to, their apples to its for different food banks, there's a Stamford school system, churches, synagogues, and it was wildly approved by the neighbors who are all at the zoning. And there you know we've created a walking path that will enter the property from here, this is a construction access, there will not be any drive or road on the property.

Right now, this is their existing driveway, access to the property for pedestrians and for the homeowner and all will be from this property area. We have some steppingstones and paths that will wind around the orchard area. This diagram over here that you can see, which we can zoom in some more on is actually a diagram of the cut and fill on the property, the. This is our 150-foot wetland buffer, which is the wetland is off site here, we have no grading within that area. The plan that was originally submitted had a pretty much of a constant slope throughout this area. Existing right now there's a ridge line or high point here and another slightly high point here. We're playing off those high points in these two areas and creating little basically will be some stone slab sitting area that a little stone wall sitting wall around it. These areas will be grass mowed lawns we graded down to a rain garden area and low point here, which is basically the natural grade except we have manipulated the grading a little to retain the water in this area. The current runoff in this section runs in this direction, in this direction to the neighbor's property and down to the wetlands here, most of this will be continuing to go into that same direction, however, our improvements are tremendous with regard to the plantings and grading and with the new trees and all added we've now changed the the existing conditions. Right now, it's running over dirt and leaf matter and we've proposed a pretty extensive buffer of wetlands, one of the comments from Jan was to increase the buffer with the neighboring property. We've increased that buffer area and plantings adjacent to that. There will be some evergreen screening and flowering plants and shrubs with that natural buffer area that was maintained. We've increased and all in this area here will be a wildflower meadow around the apple orchards, these large circles are showing the approximately 50 new apple trees. The apple trees will be installed anywhere from some transplants of six inches and plus from his existing orchard on his backyard, to some that'll be bare root, three quarter inch caliper trees.

We are proposing these are like some lawn steps that bring you down this gradual area to the only structure on the site which would be a, basically, a covered open pavilion space, still up in the air right now it's will it be solid covered or pergola space in this area here, these little squares are representing just some vegetable garden garden beds, that would be flowers and garden beds, that would be coordinated with the sitting space here, and this again would be more of a stroll garden, sitting area in this area here. There there's a gate that will be accessible from here, which is really as an opening it's a cul-de-sac road. Their neighbors can stroll, and they would be welcome to come and pick apples and stroll on the property as well. Access from the property, which was one of the comments also from Jan, will be up in this area here and here from the existing driveway. Access for any maintenance and all will be also in that area. A few of the other comments were just regarding the well location. We've located the well as central as possible and here. I'm showing the 100-foot setback oh, the hundred foot well radius here, the neighboring septic is on the far side of their property way outside of the hundred feet. The Stevelmans' setback is also on the opposite side of their property outside of it, and when the well is obviously you know proposed for health department, we will you know show all all required setbacks from any of the neighboring septic, but it seems like we're far and we have the flexibility, since nothing else is being put on the plan.

We've I'm trying to think if there any other comments that - one of the comments was just access and drive, we have the construction access shown on the previous plan here. And that was extended to 50 feet as per Jan's request. We're showing details of the perimeter fence, the perimeter fence on the front, would be a wood panel fence that will match his existing fence. We do have some deer fencing that wraps the rest, the rest of it, of the area. There's an existing stone wall that acts almost as a its own natural buffer barrier at the back end to the property here just, you know, running in this area here. We're saving a number of the larger oak trees in the back property line area and, as we plant our mitigation plantings back in that area as well, trying to think if we've covered.

Jerome Kerner: That's pretty thorough. and say, I have a question Jan, the only reason this is before us is the activity in the wetland area, is that correct, the pathway and.

Jan Johannessen: Yeah, it's a wetland permit like any other. They're over over the disturbance threshold.

Jerome Kerner: Right, well, I want to ask has the applicant considered leaving that area naturalized and just sacrificing a few of the apple trees and pulling the pathways in and not disturbing the wetland. I mean it's a beautiful plan it's a very you know luxurious and like a stroll garden. It's, I've never seen an orchard as, as you know, well laid out, so to speak, but if that's the only reason that is before us, so what about considering.

Paul Stevelman: I thank you for the question and I didn't want to sacrifice a portion of the property that could be used for creating the garden, so I was with I'm very happy to go through the permit process and we've had very productive conversations with Jan. And he's been very open minded about it, so I thought, I would rather go through the process, make everyone very aware of what we're doing and be able to use it, rather than rather than leave it, because right now it's really just, it's dead trees and leaves and very few valuable trees, and I think we can make it a very beautiful productive space, even in that wetland area, and so I would, that's why I'm happy to go through the process, I hope that answers your question.

Jerome Kerner: Well, it does partially and I commend you for you know follow through on your vision, but one of the reasons for the buffer is to maintain biodiversity and to do the, you know, the purification process as water flows down into that wetland area and by creating, by creating mowing and and other activities there, it could, I'm suggesting, and the board may feel differently, but it could be having a deleterious effect, to some extent, on the effectiveness of the buffer. So, we're a little bit at odds with the idea of creating a vision of in a manmade world as opposed to leaving biodiversity to support the wetlands.

Louis Fusco: I think what we're creating here, though, is a lot more biodiversity than what's out there, if you wanted to you know I can pull back those photos. That area is. The amount of diversity there, is absolutely minimal, this is the area that we're talking, that is in the buffer. That's that existing wall and what we're proposing in that area is, you know hundreds of new shrubs, plants and I'll just come back to the plan here. The amount of planting that we're bringing into this whole area and to Paul's uh point, this is that buffer and it does you know take away a good, you know, almost a third of the usable spot space, and if we were to leave leave that in the natural condition without any of the understory or any of the plantings I don't think it's it's by any means, adding to the biodiversity in this area. We're going to have a wildflower meadow under the trees here and a low mow, minimum mow sedges and grasses under the trees in this area and basically just a walking path through it. The path could could adjust, we could, you know, this isn't an essential if you know, if that's the critical point.

Paul Stevelman: It's also very challenging to have large canopy trees near an orchard, because an orchard needs full sun, and so I was hoping, I think, you know i'd like to hear from Jan on whether he's comfortable with the plan, as proposed, because there isn't a lot of biodiversity there now, and I actually think will be creating more biodiversity.

Jan Johannessen: That one tree that you showed a photograph of looked pretty impressive, where is that on the property?

Louis Fusco: That that's back there.

Paul Stevelman: That we're saving it.

Jan Johannessen: I'm overstating?

Paul Stevelman: We're saving it.

Louis Fusco: I was we're saving.

Jan Johannessen: Saving it oh yeah.

Paul Stevelman: Saving. No, you're not overstating, we are saving it.

Louis Fusco: No, I mean it has it's funny when, to be honest with you, Paul like dropped into our office, had heard about some of the work we've been doing here in Pound Ridge, and came in. And we were in a rush to get that first plan to you, and when I went out to the site to meet him after we had submitted the first site plan, I was expecting to see somewhere on the site another one or two trees that I would really be wanting to save and, to be honest with you, the only ones were really at the edge of the buffer here. You know, you can, welcome to walk the site, but as Paul mentioned there's a lot of dead trees or smaller trees, some invasive Norway maples and all. The nicest trees are really at the edge. Some of them need a little bit of care with some storm damage, but you know, but that was the definitely more mature, attractive trees.

Jan Johannessen: Yeah, I mean my my take on, it is, there is no, there is no real understory there. And I think they did a really nice job of providing a plan, particularly in the buffer, that would provide better habitat than is there today and, from what I understand there's, this is a you know, a pretty organic type operation.

Jerome Kerner: Yeah.

Jan Johannessen: You shouldn't worry about where pesticide applications. Well, I felt, you know pretty comfortable so long as they can demonstrate that the rate of runoff isn't increasing, you know, that the coverage type going from forest to, you know, meadow, it does change the rate of run off, so we just want to make sure that we're not increasing flows. I think that could be demonstrated. I'm happy to see the rain garden down below. My main concern when reviewing this was really impacts to the neighbor from a drainage perspective just clearing the site. I know it eventually will be completely vegetated again but that's going to take some time, especially if you're you're planting smaller trees. But I think there's been a lot of work here, and you know my, a lot of my comments appear to be addressed or addressable. The plan is, I'm curious, I'm sorry step in again, but you mentioned the ZBA, have you been to the ZBA already. I thought somebody mentioned in the opening remarks that the the neighbors were, were pleased.

Paul Stevelman: Oh, yes, we were we've been to zoning. Yes in July and the Casinelli family, Helen came and she's the neighbor that's adjacent to the empty lot, they're 100% supportive. I spoke to her today as a matter of fact, she said, tell everyone I'm supportive and, in all, in all conditions it's on the record, because she spoke on the record at the meeting, and so did another one of our neighbors came to the meeting and and. You know we've developed these plans with Helen we've sat down with the Casinellis and gone through with them, and they were very happy actually to have no buffer. But we're happy to include a buffer but they you know they're, they're excited about the plan. And at zoning and it was approved at zoning, and zoning you know they were, they, she came specifically to say she was happy with the project.

Jan Johannessen: So, you have this special permit from the ZBA.

Paul Stevelman: Yeah, we have it, it was, it was signed.

Janet Andersen: So, I think it would be, it would be helpful if you believe your neighbor would be willing to send a quick email or something to document to us, her or their willingness to see this this go forward as designed. And I do want to speak up just a little bit for biodiversity in that, you know, a lot of salamanders and so forth need like 300 feet from a wetland. Maybe I have that wrong, maybe it's 300 yards, but they need a long way from a wetland and they like the the the basically the leaf duff and the undisturbed areas. But that said, I think you probably are increasing things like pollinator sources, pollinator landing zones and so forth by going here so. Bird habitat. So, I do have another question, I think I noticed that you say you have a box for electrical, cable, and water, I guess you need electric to to run the well and but why are you gonna what's cable for, are you're going to have internet, Okay, no, I was thinking internet...

Paul Stevelman: Nope nope nope.

Janet Andersen:for irrigation or something okay. No um, I think. I think know I don't know how we how we do this, even if you are very good about pesticides and their use on the property, a future owner might not be that way, so I don't know how we, if there's a way that we can put in that this is in, I mean obviously if there's some kind of blight there might be a need, but to say that to say that general principles are that it will managed as organically as possible, I don't I don't know about that, but.

Judson Siebert: I I would think that could be handled through you know, a you know, a condition that's crafted either by the board if it retains jurisdiction or by Jan, okay, if this goes administratively. yeah.

Janet Andersen: Okay, uh.

Jan Johannessen: That prohibition already exists in the wetland ordinance and all wetland buffers, right.

Janet Andersen: That's in the buffers, but yeah I don't know.

Jan Johannessen: By a project, you, that could be a condition.

Janet Andersen: Okay, the other thing that I just generally have is and maybe this is a little bit of what Jan addressed before, so I've been picking apples in some pretty hilly terrain and I'm I'm not, I understand that you have to clear the area to put trees in but I'm not quite sure why you need to regrade what appears to be so much of the area. Is that just to make it nicer, or will it actually help the trees, I mean give not I'm not quite sure.

Paul Stevelman: It's because the the portion of the land in the wetlands actually is very nicely graded and doesn't really need grading, but there are other areas that looked like they were excavated for topsoil so there's mountains and valleys that just need to be evened out, that's, it's as simple as that.

Louis Fusco: Yeah, these two areas in particular that Paul can referring to have obviously have had some work done to them at some point and seemed to be a strange contours in here. You know I think the the the gentler slope obviously benefits for the amount of you know, the runoff, of course, would be a slower and slows it down in areas, and I think it was allowing us to create the rain garden in this area as well. But I think that you know we tried to work with the high points in, here is actually going to be a you know peach garden of trees here and a pear trees over in this area, just as a diversity within the the actual orchard.

Janet Andersen: Yes, Jerome.

Jerome Kerner: Yeah, I'm not sure the exact area of this site and what the zoning is, but this could be a residence or it could be, maybe two residences and, if you went it conventionally. I think this is so far superior and if the only reason it's here is the portion that extends into the wetland buffer and if we're okay with the rationale that the diversity is being improved that Jan has substantiated, I would suggest that we don't spend any more time on except to applaud it and say let's go administrative and and not split hairs here I mean it's a lovely plan.

Paul Stevelman: Thank you, thank you very much.

Janet Andersen: All right, so I guess, the first thing I would do is ask Jan if he feels that this is something, I'm looking for you. There you are, if this is something that would be that you're comfortable going administrative on.

Jan Johannessen: I'm comfortable, and especially, while not required they have responded to a lot of the comments already in short notice and I see the plans heading in the right direction and no concerns in that regard.

Janet Andersen: Thank you um that's that's very helpful. I I guess, I would say, one of the things I would would really like, though, on the record is some indication from the neighbor. I mean I'm I'm sure it's on the record in the ZBA, but if we could get just an email or something that would.

Paul Stevelman: So tonight, I can provide an email, but how about if, when the when the minutes are produced, she will be on the record, I think the minutes may, if the minutes reflect her unequivocal support, may I provide that otherwise I could also provide an email and she's happy to do it either way it's it's easy, either way.

Judson Siebert: And that that could simply be part of your referral to Jan is that you delegate to Jan getting some confirmation from the neighbor that the plan is satisfactory.

Paul Stevelman: Great to know.

Janet Andersen: Exactly yeah no problem yeah that's what that's what I meant was that we would ask him, Jan, to do it as part of part of that, because sometimes we do impose some conditions.

Jerome Kerner: I'll make that a motion.

Janet Andersen: I I first, I think we need to refer this to the Building Inspector, I think that was also in the memo so.

Paul Stevelman: I think that was for zoning.

Jan Johannessen: I didn't I didn't realize that it's already received.

Judson Siebert: If it's yeah it's a special permits been issued I'm sorry Jan, yeah I think we've cleared that hurdle.

Janet Andersen: Perfect okay, and then then Jerome, please go ahead.

Jerome Kerner: I make a motion that we refer this for administrative review and approval, with the condition stipulated that the pursuit of a neighbor's letter be included.

Gregory La Sorsa: I'll second that.

Janet Andersen: Thank you Greg, Any further discussion? Right, I'll poll the board. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Charlene?

Charlene Indelicato: Yes.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: And I also agree that we should make this an administrative, have this handled administratively. Thank you again Jan for doing this, and thank you for the applicants for coming in, and I think that's that's all unless there's anything else that anyone wants to bring up.

Louis Fusco: Thank you.

Janet Andersen: Thank you.

Jerome Kerner: We'll be over to pick some apples.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board determined that the review of the installation of the Stevelman Orchard, 0 Robins Wood Lane, South Salem will be handled administratively by a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: Ms. Maguire.]

IV. CORRESPONDENCE

Cal# 6-02PB

(1:33:04 - 1:48:39)

Oakridge Gardens aka Laurel Ridge, 450 Oakridge Common, South Salem, NY 10590, Sheet 49D, Block 9830, Lots 279 & 325 (Smith Ridge Housing, LLC, owner of record) – Request to amend Laurel Ridge’s Resolutions from 2012.

Phil Pine, owner; and Michael Sirignano, Esq.; were present.]

Janet Andersen: Okay, with that, the next item on our agenda is Cal #6-02PB, and this is Oakridge Gardens, also known as Laurel Ridge, 450 Oakridge Commons, South Salem NY 10590. This is a request to amend the Laurel Ridge resolutions from 2012 and I see Michael so.

Michael Sirignano: Yes, evening again. I’m gonna share my screen if I may. Let’s see if I can get to that. Is it coming up on your screen?

Jerome Kerner: White, white.

Janet Andersen: Not on mine but I.

Michael Sirignano: Ok, let me get rid of that. Is that up?

Jerome Kerner: No.

Michael Sirignano: No. Ciorsdan, can you help me on your end, or is this a problem on my end?

Ciorsdan Conran: We allow screen sharing so.

Michael Sirignano: Let me...

Ciorsdan Conran: Green button.

Michael Sirignano: Okay, I got it.

Janet Andersen: Here we are.

Michael Sirignano: Right now. Do I have it now?

Jerome Kerner: Partially.

Michael Sirignano: Is that up now? Okay alright, so this is the site plan, or at least phases one and two, that you approved back in 2012. The total project at Laurel Ridge was 46 multifamily residences. And so what you’re, the upper row here are buildings 1 through 4 which are unit, 19 units. And then the lower row is our buildings five through eight, and those are 17 units. So, phase one and phase two are a total of 36 units, so let me go now to the phase three, which is what we’re here about. Is that up on your screen?

Jerome Kerner: No.

Michael Sirignano: All right, here we go, let me pull that. Stop sharing. How’s that. Is that up now?

Janet Andersen: Yeah.

Michael Sirignano: Beautiful. So, phase three are buildings 9, which is here, 10, and then 11. And the, as I showed you in phase one and two, that's 36 units. Phase three is being built in, not in numerical order, but in reverse order, so building 11 down here, those four units are complete. And then when we add those 4 to the 36 of phases 1 and 2, that's 40. And your original resolution says that when we go for a certificate of occupancy for the 41st unit, which is going to be one of these three units in building 10, that we would have to meet certain conditions that are, that appear SP 56, subdivision a through d, at page 20 on the resolution, and those conditions are kind of related to the site, the site work, the finished coat, the top coat of the paving of the parking area and roadways, landscaping, as built surveying. So it doesn't make sense to do those kind of final finished improvements, while it's still under construction on building number 10 and number 9. So what we're asking is instead of the original stipulation or condition that we can't get our 41st CO until we will do all of this site work, the finishing touches, so to speak, we're asking that you amend your resolution so that it reads we can't pull our 46th or final CO until we do the final finishing touches, so the town and the neighbors are still protected, that we can't get a final CO on a final unit without doing this work. So that's the request. Phil Pine maybe with us remotely to answer any questions, I can't answer.

Phil Pine: I'm here can you hear me. Yes, okay It's Phil Pine Laurel Ridge Development, how is everybody? So any questions I'd be happy to answer.

Janet Andersen: Sure. So, I have to say that um. I wasn't certainly on the board or around at the time, but I'm sure that the board had some reason, at that time, to try to ask for a lot of this to get done before the very final unit was done and and I have to say, one of the ones that occurs to me. Getting a lot of interference or at least I am, and I don't know what that's from.

Jan Johannessen: I'm hearing it too.

Gregory La Sorsa: Yeah, I I'm having a tough time hearing it's really it sounds like a woman's voice that's cutting in on everything.

Janet Andersen: I looked, and I don't see anybody else's.

Gregory La Sorsa: It seems some type of feedback from whoever's talking.

Janet Andersen: Okay I'm sorry, so my concern is, I'm going to try to get closer to the mic. My concern is that there, there has been a lot of concern about the water and wastewater, especially the water supply for this group, and one of the conditions is getting the sign off from a number of agencies, including the water and wastewater providers. I am hesitant to extend that, in particular, without knowing why you know, or understanding more about why why the planning board when it when it did approve this originally back in, I think probably before 2012, put those conditions in and I, and I really wonder whether we could maybe rather than, say, so let me, let me go back, I certainly understand why you might say, final top coat on the pavement okay defer that until construction's done, but I am, I am not sure that you can't do some of the site landscaping and get some of the other sign offs that were part of the conditions, so I guess I'm asking whether there could be, whether you need all of the conditions in this to be extended, or whether you can divide that up somewhat, to give me more comfort, especially comfort on the water component of this.

Phil Pine: Okay, so I can add something to this. The water and sewer has already been signed, signed off on. So that all the mains all of that is in. There the, as we go along, we do the landscaping around the building, so that last building, which is building nine, just because we're kind of going backwards here. We won't, we're going to be doing the decks and a lot of the work around that building over the next two months, so you're not going to be able to finish all the landscaping around there and I think I mean Jan and your their office comes out weekly to see where we are with everything so they know that we're finishing the job as we we go on. We're going to have all the landscaping done around building 10 because we can't get COs unless we do that. The work that won't be done is the topping of the road, because we're still going to have some big truck trucks coming in. What we'll have, one of the other concerns normally is there are two

ponds there that take the settlement out of the major you know, out of the lake that that's behind it and nothing gets into that pond until until that that road is actually topped. So that shouldn't be a concern, and what I would love to do, because ultimately we want to finish this job or the units are sold. I would love to come up with a punch list of you know what's needed to actually finish this you know, over the next three to five, I mean love to do it now. And, but as far as water and sewer all of that is done and has been signed off by the health department. And we're in front of the town board now to actually release the escrow for that, because all of that work has been done. So, it's more work related to the work around the building, specifically the last building that's not done, so it's impossible to finish everything around that building and not be able to get COs in building number 10.

Jerome Kerner: So, I actually signed the resolution approving, in 2012. Of course, I was had been on the board for a short time before that, and the review process. Well, that's irrelevant, but I, I can understand where circumstances change as the sequence for development might be modified slightly and, as I think as Phil Pine was just alluding to maybe a punch list of the work that would be remaining and some kind of a assurance for in the form of a bond or, for that minimize or you know for work remains. I would be in favor of modifying the resolution to incorporate that, and you know the works been done to date in a very timely and workman like fashion and it's no reason to believe it wouldn't continue.

Janet Andersen: Okay. Would it be possible, so I think I'm visibly looking for, I printed out a bunch of things, but don't see the actual comments on the resolution, but I do know that.

Jerome Kerner: I have it here, if you want to screen share I have them here.

Janet Andersen: Okay, I know that one of them was the, was the sign offs, including the water and wastewater and that one caught my eye, I wonder if we could extend the other other paragraphs or conditions basically and retain that one or whether that would whether there are items in there that still still are not signed off.

Phil Pine: That's actually been that has been signed off, that's the, I think I'm in front of you right now, also for the return of that bond because that's been signed off by the health department and Kellard's office also was involved with all of that.

Janet Andersen: Right, so if we could say. You know, we'll extend that condition for the other, and I don't know numbers 56, as I said, I'm.

Jerome Kerner: SB 56 yeah.

Janet Andersen: But not, not the one that is the the one with that has water wastewater in it, then.

Michael Sirignano: That's Sub sections c.

Janet Andersen: Yeah subsection c. So maybe so you understand what I'm trying to do I'm trying to say. And I think I think where things have been done let's let's not extend that one, but where other where things still need to be done. And it makes sense, and I do understand some of the landscaping, some of the wetland mitigation, the top coat, you know, maybe even the as built, I mean, I understand that you can't do it as built until you built it. But I would like to exempt the one that are the sign offs because I believe those have been gotten.

Judson Siebert: Yeah, yeah I perhaps the best way to proceed, would be a because it will be given the fact that we've had an original resolution, full resolution from the board, it's been amended, you're going to want a written resolution for purposes of making this change, why don't we take the time between now and the October meeting for a punch list to be developed and if the board's comfortable with that just have Jan and I work together with Phil and with Michael to develop you know the you know, a resolution that kind of satisfies the board's concerns of you know, culling out what you know what what can wait and and keeping in what should be done before the COs are issued.

Jerome Kerner: Exactly.

Janet Andersen: Yes, thank you so um so I guess we do this by consensus we, we ask that this resolution be developed that, that makes sense and identifies this of the items that still need to be done and takes out the items that haven't been. Okay, so I can see aside Greg's agreeing Jerome oh wait where's Charlene. There you are. And I also say yes okay so by consensus, please prepare resolution for our next meeting to address this and handle this sort of that this resolution isn't quite as clean at extensions of the current one doesn't...

Judson Siebert: Yeah, and a punch list of open items will be helpful to move that along.

Jerome Kerner: Essentially, it's it's a deferral of certain work that permits the Building Inspector to go ahead and issue them.

Michael Sirignano: Great, thank you very much. We'll see you on the 19th of October.

Phil Pine: Thank you, everybody. Have a good night.

V. DISCUSSIONS

Cal #24-17WP, Cal #6-17SW

(1:48:40 - 1:59:21)

Grigor/Pasicov Residence, 24 Gilbert Street, South Salem, NY 10590, Sheet 36F, Block 10806, Lot 22 (Stephanie Pasicov, owner of record) – Driveway and parking configuration at newly renovated two-bedroom house.

Alex Grigor and Stephanie Pasicov, owners, were present.]

Janet Andersen: Okay, the next item on our agenda is a discussion of Cal #24 - 17 WP, Cal #6-17 SW, this is the Grigor/Pasicov Residence, 24 Gilbert Street. A driveway and parking configuration at a newly renovated two-bedroom house. So, this is an application that we as a board delegated to Jan to handle. There was a, there was a pretty big change, I think, and so Jan brought it back to us just to take a look at and make sure that we were, or to get our reactions to how it, to this change so. And I see we have Alex Grigor on. And I think it would be helpful to take a look at the plan, I don't know perhaps Jan, if you have it.

Jan Johannessen: Alex, are you prepared to share your screen?

Alex Grigor: Oh, let me unmute the line yes hi yes, thank you um yes, I can share my screen.

Janet Andersen: Oh great.

Alex Gregor: Just as they would just slightly different plan from what was submitted, with just a second wall to try and mitigate the first wall, and I can talk about that in a minute um.

Janet Andersen. Could you speak a little louder? I'm sorry, I'm having trouble hearing

Alex Grigor: Yes, I'm sorry this I if you can hear me, this plan, I'm sorry I just introduce um my wife Stephanie. This plan may just differ ever so slightly from the one you were sent. There's just another wall showing here that the engineer was toying with the idea. I'll address that in a minute, but the big part that we're discussing is this driveway here at the top. And so there is sort of a couple of reasons for introducing us to you guys, if you remember, I can try and pull up the original and can you still see the shared screen of the original part. And so, this is where there was an original parking area in this part here at the top, which....

Jan Johannessen: Alex, we're still seeing your proposed.

Alex Grigor: You're seen the proposed okay i'm not sure well anyway there's if you look on on this one, where it says asphalt drive that there was a there was a large parking area at the top, that was predominantly in town property. And we then took a trip to the town to get special license use and things, and so the, the idea was perhaps if we pull some sort of um parking area just completely into our property, so this sits right on our boundary line here. One of the concerns I think Jan came back to us with with was that the wall was quite large and therefore quite a lot of fill. And we had realized mistakenly that in the plan that you had the gradient was not moving at all, it was 540 all the way in, which, which made a very high parking area within within it and, in fact, what we've just done in this updated one is just try and to drop down the driveway into the property a little more so that the wall comes down a couple of feet, at least, and and stick to the gradient with allowances within the property. So that the reason for that is just so that we're completely in the, within the property where we park our a couple of cars. The other part, why there is it's this sort of loop way as we experienced we experimented every which way with what would we do with a car came in and needed to then turn around to come out again and there were all sorts of fairly large T-type shapes and so on. That proved pretty substantial in terms of both um hardscaping and mitigation and storm water and so on, so this seemed to be the sort of least imposing one that that we could come up with.

Janet Andersen: Great um are there, I see some x's there, but I believe those trees have all already come down.

Alex Grigor: That's right in October of last year. So, this is all over, superimposed on the original site plan that you guys would have been aware of and seen.

Janet Andersen: And is this a asphalt drive or is this gravel?

Alex Grigor: Gravel.

Janet Andersen: Gravel, okay. And and there's, so the wall is inset is is towards your house a little bit more from the driveway itself there from that gravel area?

Alex Grigor: That's right. I think in engineering terms, Jan would understand this better, there's a certain amount where the cars and weight shouldn't be that wouldn't be and there needs to be several feet before the wall.

Janet Andersen: Okay, and then you have stairs coming off of that that will then connect over to that current path, I guess. Perfect okay.

Alex Grigor: That's right, this is, this is still a slight work in progress. It's it's a really so I'm sure you all who walked into the really tricky site. And the slopes are, you know, fairly substantial there so yeah, this is the latest sort of thinking of how to get down on the easiest and least destructive and cost-efficient way, so yeah.

Janet Andersen: And those other those other walls were there before I believe.

Alex Grigor: Sorry, so the original you can actually see when the original wall is still on that plan, some of the building is just going over the corner of it, but. That was essentially the idea was to move it back just off the edge of the house. The wall just above it, which is not in a in a set that you would you are given just before, is to try and mitigate just sort of the substantial height of that wall was I was just trying to lessen it by doing two small ones.

Janet Andersen: Thank you, because that that explains a lot here as we, as we look at it, and I think it's helpful to have the old plan, the prior plan there but it's also leads to me to ask a couple extra questions, just to make sure I'm getting what, what is going on.

Alex Grigor: Yeah, there's a lot going on there, and I should add that there is a buried propane tank that is no longer there.

Janet Andersen: Is that going to get replaced?

Alex Grigor: It was always proposed and agreed on with an original plan with you guys, but we're just not doing it yeah.

Janet Andersen: Anybody have any other questions on this? And so I think if we are in agreement with this what we do is we say we want to have a motion to accept the changes and to have it continue to be administered, to be administered by Jan administratively. I'm saying that wrong, but I think that's the process, so if we are, If we are okay with it and I'm and I'm really grateful to you guys coming in, because I think it's a good change I think it's a change but, but I think it's one that you know, having discussed I'm comfortable seeing go back administratively, if other people are as well, so. Jerome?

Gregory La Sorsa: Um, I think we need a motion. A motion or just consensus. A motion. I'll make I'll make the motion to accept the changes and continue the process administratively.

Janet Andersen: Thanks well said, thank you.

Charlene Indelicato: Second.

Janet Andersen: And that was seconded by Charlene. Any further discussion? Okay I'll poll the board. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: Charlene?

Charlene Indelicato: Yes.

Janet Andersen: Yes, and I also say yes, so thank you, the motion passes and we can have this handled administratively, but I think, I think this is a good change to to have seen and understand, and I thank you for bringing it and and answering questions for us on it.

Alex Grigor: Thank you and nice to see you all again.

Jan Johannessen: We're looking for a final plan.

Alex Grigor: Yes, right yeah so. Designers have it and submit the final.

Jan Johannessen: Design comps on the dry well for the added impervious.

Alex Grigor: The added yes. Yeah, and that's for both you and building department right.

Jan Johannessen: Yes.

Janet Andersen: Thank you very much. And I'm glad to see progress on that too, and I am sure you are too.

Alex Grigor: We learned don't build during a global pandemic. But yes, getting there okay.

[The Board reached consensus that the Grigor/Pasicov wetland permit at 24 Gilbert Street, South Salem could remain administrative.]

Cal #pending

(1:59:22 – 2:05:28)

Wild Oaks Water System Emergency Well, 0 Nash Road, Goldens Bridge, NY 10526, Sheet 7, Block 11137, Lot 124 (American Water Works Company Inc., owner of record) – Activities within a wetland including drilling of replacement well for Well 7, installation of access road and temporary bridge.

Stacy Stiebers (WSP), Rosa Fernandez and Darren Ramone (NY American Water) were present.]

Janet Andersen. Good okay. Thank you, so the next item on our agenda is, is really again a discussion for the Wild Oaks water system emergency well and I'm not sure who is on for that ah, yes. So, this is on Nash Road in Goldens Bridge, New York, 10526. For activities within a wetland, including the drilling of a replacement well and installation of an access road and temporary bridge. So this was an emergency approval, and I think we just want to hear a little bit about what happened and what the next steps are so. I guess Stacy if you could introduce yourself and take over and tell us what's going on.

Stacy Stiebers: I'm Stacy Stiebers, I'm with WSP. We're working with NY American Water. Rosa Fernandez and Darren Ramone from American Water are on the conference as well. We were planning to drill a replacement well on one of the well field parcels at the Wild Oaks water system. The Westchester County Department of Health has requested that New York American water explore options to drill supplemental sources that that water system. The water system has two very small well fields and currently operates two wells on one of those well field parcels. The health department has requested that we drill other sources away from those wells, to avoid interference. New York American owns the second well field parcel that is owned by the treatment plant on Nash Road so we're exploring the drilling of a supplemental well on that parcel there is an existing well and the parcel that is no longer an operation. Before New York American acquired the system that well had lost capacity and was taken out of service. The well is inside a concrete pump house and has a concrete collar around it, which makes it very difficult to do any work on the existing well, so to avoid unnecessary disturbance of having to break down portions of that pump house we're proposing to drill a replacement well on the exterior of it.

Janet Andersen: So, um, as I understand that you have emergency authorization for the digging the well for now, but once you, once you go to get connected or anything you will have to submit an application and the new plan assuming the well is suitable for use and you decide to install install it, put it into service.

Stacy Stiebers: Understood. This initial step will be to drill it and determine if there are sufficient capacity to pursue it further, to connect it so we we are, understand that any any additional plans beyond that would require going to the town.

Janet Andersen: Great. Okay anybody have any questions about this? I did see, you know, that that there were there were some needs to bring truck, truck in water and all that, so I understand that that's a concern and certainly understand why the emergency approval was granted, so if there are no other questions, I want to.... Yes Charlene?

Charlene Indelicato: If it doesn't have sufficient capacity, what would be your next step?

Stacy Stiebers: New York American is evaluating other alternatives there. They're they're looking at they're pursuing other parcels in the area that's more of a longer-term solution to acquire additional lands to drill if this well does not produce sufficient capacity. They're also evaluating another existing well that is on I'll call it Parcel A, which is where the two wells that their current operating currently operating is there's a third well there that they're reviewing the possibility of reconnecting that well. That well has a manganese issue that they're looking at addressing treatment for that's also a longer-term solution. But those are two other options that are on the table, right now, this is the the the quickest option to move forward with immediately if we can find a successful well here to connect, to work on connecting it.

Janet Andersen: Great okay um any other questions from anyone? Right, thank you, I think this is, you know again if we if we have an emergency authorization it just behooves us to understand exactly what it's about, so I really appreciate you coming in and and and and telling us this, and we certainly hope it will be suitable to put in service and that you will be back soon for a permit for that. So, do you know when you will start to or attempt to drill?

Stacy Stiebers: We are waiting for our final permit from the Westchester County Department of Health in order to drill the well. We have reached out to our contact there and are waiting to hear back when that will be issued we're hoping it will be issued within the next couple days. We're also addressing, there's a communications cable on the overhead power line that's hanging a little low so we're working with Comcast and Verizon to get that raised so we can safely bring our equipment in.

Janet Andersen: And there's always something. Okay well, thank you and good luck and we hope to see you soon.

Stacy Stiebers: Okay appreciate your time.

Janet Andersen: Okay, thank you for yours.

Town Board to amend Town Code §220-16(L) – outdoor restaurant seating shall be permitted through to December 31, 2022.

(2:05:29 - 2:10:29)

No one from the Town Board was present.]

Janet Andersen: The next item on the agenda is really the Town Board amending Town Code 220-16(L) which is an outdoor restaurant, it's the outdoor restaurant seating code that was previously passed. It was the permission ends on December 31, 2021, currently, and so this would extend the permissions through December 31, 2022. And I don't believe there's any change at all in the in the language. So, I want to see if anyone has any questions or or items on this. Charlene?

Charlene Indelicato: I had some question to it when it was originally proposed, but I am told, and from what I understand that none of the outdoor dining is on public right of way or or public property therefore there's no insurance requirements that need to be in law and hopefully that's true.

Janet Andersen: Yeah, so I think I think the question was whether we should have the Town mandated as an added insured if this goes, If there's any activity on a on town or

Charlene Indelicato: Right of way.

Janet Andersen: ...or any kind of other right of way property. I think the way that this is written, it says it's for a site plan which would imply that the activity has to take place on the parcel owned by the by the applicant.

Judson Siebert: By the operator right yeah.

Janet Andersen: So, if it, so I think that's sort of. That to put it out on, off of the parcel would require something extra, so I think that's a really good comment, but I think we don't have, it doesn't apply.

Charlene Indelicato: It doesn't apply, no.

Jerome Kerner: I've a question.

Janet Andersen: So, with that - Jerome.

Jerome Kerner: Briefly, so I'm looking for a copy of that, for December, or rather for the previous approval, but is there a provision for restoration? In other words, once this indoor dining condition is relieved, which is why this outdoor dining, and we want the outdoor dining for sure but is there provision for any remediation of the areas that are affected by the by the dining. Like, if for example, I noticed that in some areas they put concrete blocks to protect the tent or seating area, you know will that, will all that, is there provision that for restoration of the ah existing parking? I don't remember. It should be.

Judson Siebert: No there's not, right, that could be a suggestion offered to the Town Board.

Jerome Kerner: And once, once this condition is is alleviated, hopefully sooner rather than later, restoration should be assured.

Janet Andersen: Okay, so that's a good, that is a good point, would you think that, so I think what we need to do is have a motion to authorize a letter to the Town Board that would indicate anything that we want, so I I think what I'm hearing is generally, we agree that this should be extended out through the end of December next year, but we would like it added that at the end of the operation, at the you know, or at the end of permitted outside seating, that the site should be restored to the conditions as indicated in the original site plan.

Jerome Kerner: So, moved.

Janet Andersen: Okay, do we have a second?

Charlene Indelicato: Second.

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

Jerome Kerner: Yes.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: And Greg?

Greg La Sorsa: Yes.

Janet Andersen: I also say yes, so the motion is approved, and I work with Ciorsdan to get that that letter off to the Town Board.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board authorized the Chair to sign a letter to the Town Board with recommendations on how to amend Town Code §220-16(L) to allow outdoor restaurant seating through December 31, 2022. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: Ms. Maguire.]

In-person or virtual meetings

(2:10:30 – 2:12:18)

Janet Andersen: And I think the next item on our agenda is a short one. We tend to make decisions in in our meeting, not not away from them. The discussion is whether we should try to have, to continue with virtual meetings or having in-person meetings. My view is that as long as the, this emergency provision allows us to meet virtually I'd like to meet that way but I just want to make sure that's okay, with all of our important participants here not only board members, but our consultants and of course Ciorsdan so.

Gregory La Sorsa: I think we should move the January 15 meeting up so we could do that virtually too.

Jan Johannessen: Good idea.

Janet Andersen: And what would that take? Well actually hold that thought because we will talk about a calendar at our next meeting.

Judson Siebert: We're talking about dates next month yeah.

Janet Andersen: Yeah, so but I do want people to look at that because February's sort of a tricky one this year, usually quite often we move it, move our meeting from the third week to the fourth week in February, but Presidents' Day and some vacations are a little off this year, so please take a look and see if what will work and we will need to discuss that. So I don't, I don't remember exactly when the January meeting was but I'm actually hoping that the that the legislature will meet again and make a more a more permanent resolution, but yeah, maybe we should look at moving it before January. Okay, so it sounds like everybody's okay with virtual is how I'm taking this and I'm just glad we discussed it in public, so that we could do that.

VI. MINUTES OF August 17, 2021.

(2:12:19 - 2:13:06)

Janet Andersen: Okay, the next item on our agenda, so we have sorry I'm should close that out, so we will meet virtually as long as we can. And look at next next month we'll talk about January. Okay minutes of the August 17 meeting. Jerome?

Jerome Kerner: I move that we approve the minutes as transmitted to us.

Janet Andersen: Okay, do we have a second?

Charlene Indelicato: Come on Greg, second it.

Gregory La Sorsa: I can't. I wasn't there.

Charlene Indelicato: I second it.

Janet Andersen: Right and all in favor. Oh wait, I have to poll I'm sorry. Jerome?

Jerome Kerner: Yes.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Greg?

Greg La Sorsa: I have to abstain.

Janet Andersen: Greg abstains and I also say that they're approved so they're approved.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board approved the minutes of August 17, 2021 as submitted. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner. Abstain: Mr. La Sorsa. Absent: Ms. Maguire.]

VII. NEXT MEETING DATE AND ADJOURNMENT

(2:13:07 – 2:14:31)

Janet Andersen: Our next meeting date will be October oh, before I say that. There is also a planning board education that Ciorsdan has shared with us and can get us all to attend free by Zoom. So, if I think people have already responded to some extent, if they're interested in going. So, if you are, just let her know that you're interested in attending some of the Zooms and we will do that. Okay. So, with that now the next meeting date is October 19, 2021. And, and so I'd look for a motion to adjourn unless there's any other business that someone wants to bring up.

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

Janet Andersen: Thank you Greg.

Jerome Kerner: Second.

Janet Andersen: Thank you Jerome, any discussion? Okay all in favor. Jerome?

Jerome Kerner: Yes.

Janet Andersen: And Greg I saw by hand, and I heard Charlene and I also say yes. So, thank you and happy equinox everyone.

Gregory La Sorsa: It's tomorrow, not today.

Janet Andersen: I know for those who are looking forward to fall - happy day. Thank you all, and we will see you next next month.

Gregory La Sorsa: Okay, good night.

[On a motion made by Mr. La Sorsa, seconded by Mr. Kerner, the meeting was adjourned at 9:44 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: Ms. Maguire.]

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator